NEW YORK LAW SCHOOL

NYLS Law Review

Volume 38
Issue 1 *Volume XXXVIII, Numbers 1-4, 1993*

Article 21

January 1993

MORE DANGER, MORE PLEASURE: A DECADE AFTER THE BARNARD SEXUALITY CONFERENCE

Carole S. Vance

MORE DANGER, MORE PLEASURE: A DECADE AFTER THE BARNARD SEXUALITY CONFERENCE*

CAROLE S. VANCE**

Ten years later, the phrase "pleasure and danger" remains resonant and provocative in describing women's sexual situation. First used in the letter I wrote inviting women to join the year-long study group that planned the 1982 Barnard sexuality conference,[1] the phrase expresses the ambivalent and contradictory extremes women experience in negotiating sexuality. Sexual pleasure—though now more imaginable and available for women than at the end of the nineteenth century—is still complicated and frightening in a culture that is deeply hostile to both women and sex. For women to experience autonomous desire and act in ways that give them sexual pleasure in a society that would nurture and protect their delights is at the same time our culture's worst nightmare and feminism's best fantasy. Best fantasy, because it would mean that feminism had succeeded in empowering women and making the world safe for us. Daily events, depressingly filled with violence, punishment, backlash, and male rage that unerringly target women's sexuality, however, make clear that this fantasy, no matter how vivid and compelling, is far from realized. In the presence of such counterforces to women's pleasure, developing a politics of sexuality is far from simple.

The concept of "pleasure and danger" was designed to speak to that complexity. At the individual level, the concept explains the mix of fear and excitement that women often feel when they approach sexuality. At the group level, it speaks to the differences among women who, depending on personal history and experience, may want to stress safety or adventure at various times in their lives. Here, the concept is intended to offer a

---

** Research Scientist at the Columbia School of Public Health. I am very grateful to Ann Snitow, Gayle Rubin, and Frances Doughty, without whose conversations, encouragement, and generosity this article would not have been written. I would like to acknowledge Nan Hunter and Lisa Duggan who contributed in many ways, along with Sharon Thompson and Jonathan Katz. Thanks also to Barbara Kerr, Kate Ellis, Allan Bérubé, Frances Goldin, David Schwartz, Gilbert Zicklin, and the members of the Feminist Anti-Censorship Taskforce. Thanks to Ginny Iliff, Sara Dunn, and Karen Holden at Pandora, and to Debra Pelto for editorial assistance.

A more diffuse but no less enduring debt is owed to colleagues in feminist and other sex radical communities for conversations, activism, and friendship that span more than a decade.

1. HANNAH ALDERFER ET AL., DIARY OF A CONFERENCE ON SEXUALITY 1 (1982).

generous framework for understanding differences. It suggests that women's relationships to sexuality will be diverse, not singular, and that any feminist program that requires uniformity in women's responses is dishonest and oppressive.

At the level of theory, the concept speaks most powerfully to a necessary feminist strategy on sexual matters: simultaneously to reduce the dangers women face and to expand the possibilities, opportunities, and permissions for pleasure that are open to them. Any strategy that focuses exclusively or predominantly on one goal while ignoring the other will fail. To encourage a mindless expansion of sexual options, without critiquing the sexist structure in which sexuality is enacted or reducing the dangers women face, only exposes women to more danger. This defect has always been obvious to most feminists, and for this reason it has never been a serious or attractive strategic option. More appealing to some feminists, in both the nineteenth and twentieth centuries, is the single-minded concentration on eliminating sexual danger. An exclusive focus on danger, however, is just as perilous. It makes women's actual experience with pleasure invisible, overstates danger until it monopolizes the entire frame, positions women solely as victims, and fails to empower our movement with women's curiosity, desire, adventure, and success. The notion that women cannot explore sexuality until danger is first eliminated is a strategic dead end.

The second wave of feminism knew this, and its sexual strategies in the late 1960s and most of the 1970s embodied a feisty mix of the outrageous and the practical. Women demanded better birth control and abortion on demand, while savaging ideologies of love and romance that left them infantile and desperate. They protested against rape and the ubiquitous blaming of women for men's violence, and they fought back in the legislatures, the courts, and the street. They laid claim to a new language of their bodily desire, rejecting the idea that sex is something that is done to women. They rejected the prescriptive orgasm (vaginal, during penetration only) in favor of an explosion of clitoral and other pleasures. They agitated for lesbian rights, producing lyrical descriptions of women loving each other in ways that were not only nurturing but electric and juicy. They ridiculed and protested patriarchal sex advice books, meat-market beauty pageants, and male-dominated gynecology. Feminists set up alternative clinics and self-help networks, which empowered women with sexual knowledge and care. Their educational tools included vibrators, Betty Dodson's *Liberating Masturbation*,[2] and *Our Bodies, Ourselves*.[3] Motivating all these actions was a passionate

2. BETTY DODSON, LIBERATING MASTURBATION: A MEDITATION ON SELF LOVE (1974).

3. BOSTON WOMEN'S HEALTH COLLECTIVE, OUR BODIES, OURSELVES (1973).

commitment to women's sexual freedom—a freedom we had not seen or known yet but which we were determined to think through and make possible.[4]

Threads of increasing sexual pleasure and reducing danger wove through this tapestry of political action, pulled always by conversations inside and outside consciousness-raising (CR) groups devoted to women's sexual hopes, fears, and desires. Rage, violation, abandon, orgasm, merging, disappointment, jealousy, tangles of body parts, sensory pleasures, fear of dissolution, competition, transcendence—we surprised even ourselves. This was never a closed conversation, but one that continually evolved—as one opening door leads to other doors that, in turn, might also be opened and passed through.

By the time the planning group met in 1981, however, the expansive discussions and activities that had characterized second-wave feminism since the late 1960s had begun to narrow. The climate—both theoretical and political—for exploring and expanding women's sexuality had undergone a sea change, as Ann Snitow persuasively argues, as the backlash against women's equality gathered force.[5] The passage of the Hyde Amendment,[6] which prohibited Medicaid-funded abortions for poor women,[7] and the growing electoral and legislative successes of fundamentalist and conservative groups culminating in the election of

---

4. For a sense of the diversity of feminist thinking and activism about sexuality during the beginning of second-wave feminism, see VIVIAN GORNICK & BARBARA K. MORAN, WOMAN IN SEXIST SOCIETY (1971); ROBIN MORGAN, SISTERHOOD IS POWERFUL (1970); ANNE KOEDT ET AL., RADICAL FEMINISM (1973). *See also* ALICE ECHOLS, DARING TO BE BAD: RADICAL FEMINISM IN AMERICA, 1967-1975, at 287-91, and bibliographic sources 360-84 (1989). Echols has persuasively argued that the seeds of what would later become full-fledged political differences were present in the original mix of ideas, actions, and writings that emerged in the heat of the early days. *Id.* at 289-90.

5. Ann Snitow, *Retrenchment Versus Transformation: The Politics of the Antipornography Movement*, *in* WOMEN AGAINST CENSORSHIP 107-120 (Varda Burstyn ed., 1985); *also in* CAUGHT LOOKING: FEMINISM, PORNOGRAPHY AND CENSORSHIP 10-17 (Kate Ellis et al. eds., 1986) [hereinafter CAUGHT LOOKING].

6. Act of 1979, Pub. L. No. 96-123, § 109, 93 Stat. 923, 926 (1979).

7. The Hyde Amendment has been attached annually to appropriations bills since 1979. *Id.* The most recent version prohibits federal Medicaid funds for abortions "except when it is made known to the Federal entity or official to which funds are appropriated under this Act that such procedure is necessary to save the life of the mother or that the pregnancy is the result of an act of rape or incest." Department of Labor Appropriations Act of 1994, Pub. L. No. 103-112, § 509, 107 Stat. 1082 (1993). The Supreme Court upheld the constitutionality of the amendment against an argument that it violated the Due Process Clause of the Fifth Amendment and the Free Exercise Clause of the First Amendment. *See* Harris v. McRae, 448 U.S. 297 (1980).

Ronald Reagan signaled that the feminist effort was being seriously contested and, in some cases, set back. Sexuality—teen sex, abortion, gay and lesbian rights—was the right's symbolic epicenter for a host of gender and family issues. Amidst growing threat, it was not surprising that expectations of pleasure had begun to seem politically less possible, even less plausible.

Within feminism, too, the agenda on sexuality had narrowed. The ferocious right-wing attack left many feminists anxious, frightened, and disheartened. A common unease about sexuality was exacerbated by conservative charges that women's sexual pleasure was selfish, anti-social, and dangerous; pointing to conservative pressures, some feminists were relieved to jettison sexual issues. Others thought it was just strategic for feminism to adopt a responsible and sober public face. In a climate in which women's right to abortion was being reframed as murder, these feminists thought that rhetoric about privacy and women's health was more respectable and less risky than the language of women's sexual freedom.[8] But by adopting this strategy, feminists inadvertently strengthened the fundamentalist and conservative framework, for which sexuality was illegitimate and discrediting.

The agenda was further narrowed by the anti-porn movement. Initially, most feminists could agree with the contention that pornography was often sexist. Before long, however, it became clear that the claims and characterizations of anti-porn groups were grandiose and overstated. No longer an organic part of commercial media and images, which had often presented women in demeaning, trivializing, and sexist ways, pornography, in their monolithic account, became monstrous in ways that mainstream TV, *Good Housekeeping*, or the Bible could never be. Sexism in sex, or in its proxy, sexually explicit material, was apparently worse than sexism anywhere else. Pornography was now the central engine of women's oppression, the major socializer of men, and the chief agent of violence against women. Its tentacles reached everywhere. The existence of a hyperbolically described multi-million-dollar pornography industry called for a single-issue protest campaign and eradication in a way that the multi-million-dollar bridal industry did not.

The anti-pornography slide show, chief organizing device of the anti-porn movement, also constricted the sexual climate.[9] Ironically billed as an eye-opening exposure to the "truth" about pornography, slide shows

---

8. *See, e.g.*, ELLEN WILLIS, *Putting Women Back in the Abortion Debate*, *in* NO MORE NICE GIRLS: COUNTERCULTURAL ESSAYS 75 (1992).

9. For early accounts of the slide show, see Paula Webster, *Pornography and Pleasure*, HERESIES #12: THE SEX ISSUE 48-51 (Heresies Collective 1981) (*reprinted in* CAUGHT LOOKING, *supra* note 5, at 30-35), and John D'Emilio, *Women Against Pornography*, CHRISTOPHER STREET, May 1980, at 19-26.

presented rapid-fire sexual images, accompanied by an authoritative narrative that told female viewers what the imagery meant. The slide show was the antithesis of a CR discussion, which more often than not invited and listened respectfully to each woman's response, rejected premature judgment, and valued contradictory and complicated accounts. Instead, the slide show's narrative erased the diversity of female subjectivity, advancing in its place the fiction that women's view of sexual imagery was singular and united. In addition, much like a Right to Life slide show, the anti-porn slide show achieved its considerable emotional impact through visual manipulation and decontextualization, supplemented by highly unrepresentative images and dubious facts. In this overheated atmosphere, sexuality itself became demonized, as almost all representations of sexuality were "degrading to women." Although at this early moment most anti-porn critics disavowed state censorship as a way to control pornography, the atmosphere they created and prospered in already contained many elements that were censorious and stifling.

The growth of the anti-porn movement during a period of right-wing ascendancy, in which battles over sex, law and policy were often included in the backlash against feminism, presented many ironic contrasts. In a climate where it was increasingly dangerous for feminists to speak about women's desire, the anti-porn movement provided a seemingly unimpeachable platform of moral outrage from which to speak out about sexuality. Female desire, although theoretically acknowledged as possible in a utopian future, remained an ethereal and remote presence, never embarrassing or personally implicating anti-porn leaders. Despite their involvement in deploying sexual images, few anti-porn leaders ever mounted an exhibition of the much-vaunted "erotica" (i.e., good, feminist imagery), thus sparing both the moral contamination sexual images bring and the inevitable encounter with women's unruly and unpredictable responses to all but the most sanitized sexual imagery. Ironically, in a culture where it was increasingly costly for feminists to present erotic images or speak in an erotic language, only the anti-pornography movement could publicly revel in the most graphic sexual images and lurid sexual language, all acceptable because their purpose was condemnation. What was needed most—a complex and nuanced discussion of sexuality—was pared down to a critique of pornography, as if all of women's experience could be found there, or as if female viewers even agreed about the meaning of what they saw.[10] But the fantasy that violence against women is located in objectionable sexual material rather than being part of the deep cell structure of every institution in our culture did strike some feminists as hopelessly naïve, as did the suggestion that the excision of the sexually explicit would solve the problem.

---

10. *See, e.g.*, ALDERFER, *supra* note 1.

Alarmed by the ways that the feminist agenda on sexuality had been constricted, the planners of the Barnard Conference decided to refocus on what seemed to be the central questions, even paradoxes, of the times: How could feminism at one time reduce the sexual danger women faced and expand women's sexual pleasure, without sacrificing women's accounts of either one? How could we formulate a shared vision that made space for diversity? In the face of a right-wing program of shame and punishment, how could we identify the ways that women had been humiliated through sex, without seeming to affirm that sexuality was intrinsically humiliating? Most importantly, how could we support the continuing evolution of a sexual conversation, language, and analysis beyond these tentative steps? Planned by a diverse group of twenty-nine feminists—activists, writers, and academics—who came together as virtual strangers and met for almost one year in intense study-group discussions, the conference was marked by the group's commitment to exploration. The free-flowing conversations—challenging, passionately engaged, often moving, always surprising—were to be shared with conference-goers in the publication *Diary of a Conference on Sexuality*,[11] which was intended to be distributed on the day of the conference. The conference format—papers, workshops, visuals, and poetry readings—covered an ambitious range of topics, including body image, childhood sexuality, nineteenth- and twentieth-century feminist theory and activism, disability, race, representation and subjectivity, class, teen girls, self-help books and advice manuals, sexual preference, differences among women, psychoanalysis, sex theory, abortion and fundamentalist campaigns, political organizing, correct and incorrect sexuality, eroticism and the taboo, sexual boundaries, and sex and money. We hoped that a framework that recognized what often seemed to be contradictory impulses in feminist history and women's lives would alleviate the need for a forced choice between pleasure and danger, as well as provide an inclusive ground for understanding difference.

That hope was dashed in the week before the conference, when anti-pornography feminists rained telephone calls on Barnard College officials and trustees, as well as on prominent local feminists, complaining that the conference was promoting anti-feminist views and had been taken over by "sexual perverts." Lunatic as these claims were, they had a galvanizing effect on the representatives of a sexually conservative women's college, and they illustrate the consequences of calling in outside authorities to squelch differences of opinion and politics among feminists. A full-scale sexual panic was under way, an episode in which irrational fears about

11. *Id.*

sexuality are mobilized by the effective use of alarming symbols.[12] Within days, Ellen V. Fuller, President of Barnard, led an interrogation of the staff of the women's center, scrutinized the program, and—alarmed at the possible reactions of donors to sexual topics and images—confiscated all copies of the *Diary*.

The panic intensified on April 24, 1982, the day of the conference, and in the weeks to follow.[13] Protesters from Women Against Pornography greeted the over 800 registrants at the entrance to the sold-out conference, distributing a two-page leaflet that charged that the conference promoted "anti-feminist sexuality."[14] The leaflet contained shockingly scurrilous attacks on individual feminists by name, and specified their (real or imagined) objectionable sexual practices. Although McCarthyite, these tactics were devastatingly effective, causing lasting pain and damage to the women named. Some feminists decried these tactics, but the fact that the people who had deployed them were not totally discredited guaranteed that they would be repeated. The principle was established: Zealotry and unprincipled behavior were acceptable in the service of "protecting" women.

The leaflet gave birth to a "phantom" conference that was devoted to three issues—sado-masochism, pornography, and butch-femme roles among lesbians. This conference labeled anyone who questioned the anti-porn viewpoint analysis an "anti-feminist." Accounts of the phantom conference were also circulated in hostile publications.[15] Far exceeding the bounds of advocacy journalism, its opinion-filled reportage ignored most of the conference's papers, workshops, and speakers, representing what transpired there only in sensationalistic terms. This coverage exemplified the way in which the leaflet had served as a template for subsequent reaction to the conference.

---

12. Sex panics, characteristic of English-speaking countries in the past 150 years, mobilize fears of social pollution in an attempt to draw firm boundaries between legitimate and deviant individuals and forms of sexuality. *See, e.g.*, JEFFREY WEEKS, SEX, POLITICS, AND SOCIETY: THE REGULATION OF SEXUALITY SINCE 1800 (1981); JUDITH WALKOWITZ, PROSTITUTION AND VICTORIAN SOCIETY: WOMEN, CLASS, AND THE STATE (1980); JOHN D'EMILIO & ESTELLE FREEDMAN, INTIMATE MATTERS: A HISTORY OF SEXUALITY IN AMERICA (1988).

13. *See* Carole S. Vance, *Epilogue, in* PLEASURE AND DANGER: EXPLORING FEMALE SEXUALITY (Carole S. Vance ed., Pandora Press 2d ed. 1992) (giving an account of the reaction to the conference and its ramifications).

14. *See id.* at 431-39 (describing the events surrounding the controversy over the conference).

15. *See, e.g., Towards a Politics of Sexuality: Barnard College's Ninth Scholar and the Feminist Conference*, OFF OUR BACKS, vol. xii, number 6, June 1982.

The conference itself turned out to be a vigorous intellectual and political intervention. Its themes reverberated for many years, and, to the probable chagrin of Barnard officials (and despite their efforts to suppress publication of the *Diary* and excise all references to Barnard from it), it was arguably the most famous and influential of all the Scholar and Feminist conferences. Most dramatically, the conference represents the moment when the dominance of the anti-porn analysis from 1977-1982 came to an end. For many feminists on the East Coast, it signaled the beginning of the sex wars—the impassioned, contentious, and (to many) disturbing debates over sexuality that continued until at least 1986.[16]

What were these debates about? And why were they often debates, not discussions?[17] It is customary now for observers to look back at the sex debates and bemoan the unfortunate polarization that occurred, as if both sides had been equally extreme and unreasonable. The proposition of the conference, however, was unassailably balanced and inclusive: a feminist politics of sexuality must address both pleasure and danger. That such a modest proposition was depicted as a mindless, hedonistic extravaganza doubling as an attack on feminism, and was greeted with boundary drawing and scapegoating by anti-porn feminist leaders, illustrates the displacement and mischaracterization that have consistently marred the sex debates. The tone of the debates—which had already been set in earlier West-Coast controversies—was amplified by the attack on the Barnard conference, and it was continued, in the years that followed, by the scorched-earth policy of prominent anti-pornography feminists, whose followers deserved better leadership than they received.

The common conceptualization that the sex debates had two "sides," dichotomized by opposing positions (pro- or anti-pornography, or pro- or anti-sex, for example) is erroneous, a fallout of the phantom conference effect. In many respects, the two factions were far from equivalent, and efforts to portray them as mirror images of each other did considerable damage to the discussion. At the simplest level, anti-porn feminists had a clear name, which was self-chosen, and a purpose that could be succinctly summarized: to eliminate pornography. Their critics had a different objective—to initiate a more expansive agenda on sexuality—that was not so easily labeled or expressed in slogans. Were they pro-

16. In fact, the opening salvos of the sex wars occurred in San Francisco as early as 1977-1979, although East-Coast feminists are often unaware of this history. *See, e.g.*, Pat Califia, *A Personal View of the History of the Lesbian S/M Community and Movement in San Fransisco*, *in* COMING TO POWER: WRITINGS AND GRAPHICS ON LESBIAN S/M 243-281 (Samois ed., 2d ed. 1982). Thanks to Gayle Rubin for conversations on this point.

17. We might also ask why these rifts were perceived as more distressing than others about race, class, and sexual preference.

pornography feminists, as their enemies charged? Hardly. Although they rejected anti-pornography analysis as exaggerated and dangerous, they agreed that pornography was often sexist.

Were they pro-sex feminists? Some reluctantly acceded to the term after it had become common shorthand, but others rejected it as a gross oversimplification of their position. (These others also rejected the implied disparagement of anti-porn feminists encapsulated in the term anti-sex,[18] showing a delicacy of concern that was rarely reciprocated.) Some called themselves anti-anti-pornography feminists, but that label—aside from its convolution—scarcely reflected the full scope of their concerns about sexuality. Perhaps the term feminist sex radical does the least violence to their project, as long as radical is understood to mean "less a matter of what you do, and more a matter of what you are willing to think, entertain, and question."[19] Despite this lack of symmetry, academic authors—often from a safe distance—used the figure of mirror-image polarities to claim a seemingly neutral vantage point from which to describe a middle path for reasonable people. This vantage point, frequently illusory, depended on a two-step maneuver that mischaracterized feminist sex radicals as extremists and at the same time appropriated much of what they actually said.

Beyond these labels, the sides differed in more important ways. Feminist sex radicals were, above all, committed to keeping the sexuality conversation open, avoiding premature closure. Sexuality was too complex, individual, and contradictory, too cross-cut by multiple identities, to be served by simple generalizations that inadvertently lead to proscription and silencing. Their challenge was to combine activism that improved women's situation with a skepticism and inquiry that made continued discovery possible. Feminist sex radicals also differed in tactics: Although they argued that the anti-pornography analysis was misguided and dangerous, they did not label its authors "not feminists," as was so often done to them.[20] They never attempted to expel anyone from the

---

18. *See* Carole S. Vance & Ann Barr Snitow, *Toward a Conversation About Sex and Feminism: A Modest Proposal*, 10 SIGNS, Fall 1984, at 126.

19. Carole S. Vance, *Pleasure and Danger: Toward a Politics of Sexuality*, *in* PLEASURE AND DANGER, *supra* note 13, at 23.

20. Catharine MacKinnon, at a 1987 conference organized by Women Against Pornography, criticized the Feminist Anti-Censorship Taskforce (FACT)—(a group whose amicus brief in the case challenging the Indianapolis anti-pornography ordinance was signed by such women as Betty Friedan, Adrienne Rich, and Rita Mae Brown)—by stating: "The labor movement had its scabs, the slavery movement had its Uncle Toms, and we have FACT." In another speech, MacKinnon was quoted as dismissing her feminist opponents as "house niggers who sided with their masters." *See* Pete Hamill, *Women on the Verge of a Legal Breakdown*, PLAYBOY, Jan. 1993, at 186; *see also*

movement, or believed that their views defined the borders of acceptable feminist opinion; they didn't categorically refuse to debate feminists with differing views. For most of the sex debates, feminist sex radicals were engaged in an uphill struggle.

The debates often focused explicitly on the anti-pornography movement's fetishized Big Three—pornography, sadomasochism (SM), and butch-femme roles.[21] For feminist sex radicals, this was a reductive and hysteria-producing frame, but the continual attacks on sexual images, practices, and individuals made discussion of these issues vital, if sometimes frustratingly reactive. Layered into these discussions, of course, were central questions—how do social relations shape sexuality? What is the relationship between fantasy and behavior? How does power inform sexuality? Can women consent to sex in a patriarchal culture? Yet the obsessive and inexplicable fascination with minority sexual practices seemed to offer a distanced way to discuss questions that, posed differently, might have hit uncomfortably close to home. Examination of the supposed rigidity and limitations of butch-femme roles and the place of difference in erotic attraction spoke to heterosexual feminists, not just lesbians, although discussions rarely made the link. Similarly, detailed, often voyeuristic examination of the symbolism and construction of SM sexual behavior seemed to fill the silence in which no one else was talking about their own sexual practices. Unfortunately, the least privileged sexual groups were made to bear the brunt and take the risks in what should have been a conversation in which risk and revelation were shared.

Discussions of the sex wars and the Barnard conference frequently fail to do justice to the women who suffered the most from personal and professional attacks. This was not just a theoretical or academic discussion. Feminists suffered ostracism, lost colleagues, friends and opportunities, and still carry the weight of the seemingly distanced and benign euphemism for stigma, "too controversial."[22] Their intervention at the height of anti-pornography sentiment was valuable and courageous,

---

Nadine Strossen, *A Feminist Critique of "The" Feminist Critique of Pornography*, 79 VA. L. REV. 1099, 1107 n.23 (citing other divisive and exclusionary pronouncements by feminist anti-pornography leaders).

21. *See generally* Dorothy Allison, *Public Silence, Private Terror*, *in* PLEASURE AND DANGER, *supra* note 13, at 111-12 [hereinafter *Public Silence*]. In addition to avidly attacking pornography, anti-pornography feminists have waged attacks on those feminists with "politically incorrect" sexual orientations. These "politically incorrect" sexual orientations include sadomasochism and butch-femme.

22. Despite Andrea Dworkin's not-infrequent lament that she has been silenced because of her views (a puzzling assertion, given her many books in print), the culture still provides a special place of reward for those who attack sexuality.

and their contributions often offered what Joan Nestle calls women's "deepest texts"[23]—their own lives.

By the end of 1983, the introduction of a model anti-pornography ordinance in Minneapolis[24] signaled that the sexuality debates had entered a second, more dangerous stage. During the same period that the anti-porn perspective became increasingly contested within feminism, anti-pornography leaders began to look to the state for enforcement of their analysis and to non-feminist constituencies for support. The same leaders who deployed the term "not feminist" as a great insult seemed now to have few reservations about their new allies and audiences. The sex debates continued within feminism, now more—though not exclusively—focused on the wisdom of such ordinances, while a second front had opened as feminist thinkers about sexuality began to address legislators, voters, and the general public.

The ordinance, written as an amendment to existing civil rights law, defined pornography as a form of sex discrimination.[25] It permitted

---

23. Joan Nestle, *The Fem Question*, *in* PLEASURE AND DANGER, *supra* note 13, at 239.

24. *See* Minneapolis, Minn., Ordinance (Dec. 30, 1983; July 13, 1984) (amending MINNEAPOLIS, MINN., CODE OF ORDINANCES tit. 7, ch. 139); Minneapolis, Minn., Ordinance (Dec 30, 1983; July 13, 1984) (amending MINNEAPOLIS, MINN., CODE OF ORDINANCES tit. 7, ch. 141). The two ordinances were passed twice by the city council but vetoed by the mayor, Donald Fraser, each time. Chapters 139 and 141 of the Minneapolis, Minn., Code of Ordinances, as amended by the two ordinances, will be collectively referred to hereinafter as the "Minneapolis Ordinance." *See also Indiana Porn*, WASH. POST, May 12, 1984, at A14 (editorial praising the veto of the Minneapolis anti-pornography statute).

25. Minneapolis Ordinance, *supra* note 24, § 3.

> (gg) Pornography. Pornography is a form of discrimination on the basis of sex.
>
> (1) Pornography is the sexually explicit subordination of women, graphically depicted, whether in pictures or in words, that also includes one or more of the following:
>
> (i) women are presented dehumanized as sexual objects, things or commodities; or
>
> (ii) women are presented as sexual objects who enjoy pain or humiliation; or
>
> (iii) women are presented as sexual objects who experience sexual pleasure in being raped; or
>
> (iv) women are presented as sexual objects tied up or cut up or mutilated or bruised or physically hurt; or
>
> (v) women are presented in postures of sexual submission; or
>
> (vi) women's body parts—including but not limited to vaginas, breasts, and buttocks—are exhibited, such that women are reduced to those parts; or

individuals to bring lawsuits for economic damages and the removal of sexually explicit material.[26] Authored by Andrea Dworkin, a long-time critic of pornography, and Catharine MacKinnon, a legal scholar and relative newcomer to the sex debates, the ordinance proposed a broad definition of sexual material to be controlled.[27] It proscribed books, magazines, movies, art, and videos that depicted "the sexually explicit subordination of women, graphically depicted, whether in pictures or words," including women "in postures of sexual submission," "as whores by nature," or "being penetrated by objects."[28] Supporters claimed that the ordinance constituted a novel approach to restricting sexually explicit material; it differed from criminal obscenity law, which they uniformly denounced as anti-sexual, moralistic, anti-woman, and anti-gay. In fact, the reach of the ordinance would be much greater than obscenity law, and although its proponents liked to claim that such suits would be in the hands of women, these cases would be processed through the state apparatus of judges and juries not known for their sympathy for feminism.

(vii) women are presented as whores by nature; or
(viii) women are presented as being penetrated by objects or animals; or
(ix) women are presented in scenarios of degradation, injury, abasement, torture, shown as filthy or inferior, bleeding, bruised, or hurt in a context that makes these conditions sexual.

(2) The use of men, children or transsexuals in the place of women in (1)(i-ix) above is pornography . . . .

Id.

26. *Id.* § 4(m) ("[a]ny person . . . who is coerced, intimidated, or fraudulently induced . . . into performing for pornography shall have a claim against the maker(s), seller(s), exhibitor(s) or distributor(s) of said pornography which may date from any appearance or sale of any product(s) of such performance(s), for damages and for the elimination of the products of the performance(s) from the public view."); *id.* § 4(o) ("[a]ny [person] who is assaulted . . . in a way that is directly caused by specific pornography has a claim for damages against the perpetrator(s), maker(s), distributor(s), seller(s), and/or exhibitor(s), and for an injunction against the specific pornography's further exhibition, distribution, or sale.").

27. For arguments and analyses in favor of the ordinance, see, e.g., ANDREA DWORKIN & CATHARINE A. MACKINNON, PORNOGRAPHY AND CIVIL RIGHTS: A NEW DAY FOR WOMEN'S EQUALITY (1988); Andrea Dworkin, *Against the Male Flood: Censorship, Pornography, and Equality*, 8 HARV. WOMEN'S L.J. 1 (1985); Catharine A. MacKinnon, *Pornography, Civil Rights, and Speech*, 20 HARV. C.R.-C.L. L. REV. 1 (1985).

28. Minneapolis Ordinance, *supra* note 24, § 3.

Advocates vociferously insisted that their ordinance did not constitute censorship.[29] Here, they seemed to believe that censorship meant seizure only *before* publication, but not at any other time. The ordinance did, in fact, permit the removal of books and images from public sale and view, if they fell within the definition of pornography that was provided.[30] Far from targeting sexually violent material, as was claimed, however, the language of the ordinance, as well as arguments in its favor, revealed a widely cast net that also included images that were sexist and, finally, merely sexual. The evident permeability of the boundaries between violence, sexism, and sex not only reflected the subjectivity of each viewer's judgment but also echoed the culture's suspicion that sexuality itself was dangerous, that its depiction did violence to the viewer as well as to the social fabric. Far from novel, the premises of the ordinance were very familiar.[31] For this reason, feminist critics warned that vague and open-ended language like "degradation" and "subordination" would prove inviting to groups traditionally interested in controlling sexual materials.

The progress of the ordinance confirmed these fears almost immediately, as versions were introduced in various localities (including Indianapolis, Ind.,[32] Suffolk County, N.Y.,[33] Cambridge, Mass.,[34] and

---

29. *See, e.g.*, CATHARINE A. MACKINNON, *Francis Biddle's Sister: Pornography, Civil Rights, and Speech*, *in* FEMINISM UNMODIFIED 163, 177 (1987) ("To focus what our law is, I will say what it is not. It is not a prior restraint. It does not go to possession. It does not turn on offensiveness . . . . I will also not . . . defend the ordinance from views that have never been law, such as First Amendment absolutism.").

30. Minneapolis Ordinance, *supra* note 24, § 3.

31. For an extended analysis and critique of the ordinance, see Lisa Duggan et al., *False Promises: Feminist Antipornography Legislation in the U.S.*, *in* WOMEN AGAINST CENSORSHIP, *supra* note 5, *reprinted in* 38 N.Y.L. SCH. L. REV. 133 [hereinafter *False Promises*] and CAUGHT LOOKING, *supra* note 5, at 72-88.

32. In 1984, the City-County Council of the City of Indianapolis and of Marion County, Indiana, passed, 24-3, with two abstentions, an ordinance making pornography a violation of women's civil rights. The ordinance, as amended, made unlawful certain "discriminatory practices" including the production, sale, exhibition, or distribution of pornography, coercion into pornographic performance, forcing pornography on another person and assaulting or physically attacking another person "in a way that is directly caused by specific pornography." Indianapolis, Ind., Ordinance 35 § 2(g) (1984) (amending INDIANAPOLIS, IND., ORDINANCE 24 (1984)). *See generally* Indianapolis and Marion County, Ind., General Ordinance No. 24, 1984 (Apr. 23, 1984) (amending INDIANAPOLIS AND MARION COUNTY, IND., CODE ch. 16, §§ 16-1 to -28); Indianapolis and Marion County, Ind., General Ordinance No. 35, 1984 (June 11, 1984) (further amending INDIANAPOLIS AND MARION COUNTY, IND., CODE ch. 16, §§ 16-1, -3, -16, -17, -26, & -27). Chapter 16 of the Indianapolis and Marion County, Ind., Code, as amended by one or both of these two ordinances, will be referred to hereinafter as the

Bellingham, Wash.[35]). Although the bill's support in Minneapolis came

---

"Indianapolis Ordinance."

> The amending ordinance defined pornography as:
> the graphic sexually explicit subordination of women, whether in pictures or in words, that also includes one or more of the following:
> (1) Women are presented as sexual objects who enjoy pain or humiliation; or
> (2) Women are presented as sexual objects who experience sexual pleasure in being raped; or
> (3) Women are presented as sexual objects tied up or cut up or mutilated or bruised or physically hurt, or as dismembered or truncated or fragmented or severed into body parts; or
> (4) Women are being penetrated by objects or animals; or
> (5) Women are presented in scenarios of degradation, injury, abasement, torture, shown as filthy or inferior, bleeding, bruised, or hurt in a context that makes these conditions sexual; presented in postures or positions of sexual submission, servility, or display; or
> (6) Women are presented as sexual objects for domination, conquest, violation, exploitation, possession, or use, or through postures or positions of servility or submission or display.

Id. § 2(q).

The law was immediately challenged by bookstores, trade associations and a cable television station. *See* E.R. Shipp, *Civil Rights Law Against Pornography Is Challenged*, N.Y. TIMES, May 15, 1984, at A14. The law was eventually found unconstitutional by the Supreme Court when it let stand a lower court ruling in *American Booksellers Ass'n v. Hudnut*, 475 U.S. 1001 (1986), *aff'g* 771 F.2d 323 (7th Cir. 1985).

33. *See Suffolk Officials Vote Down Bill on Pornography*, N.Y. TIMES, Dec. 27, 1984, at B4 (reporting on the narrow defeat of a bill similar to the MacKinnon-Dworkin ordinance in the Suffolk County legislature).

34. In 1985, voters in Cambridge, Massachusetts, defeated, 13,081 to 9,419, a proposed law providing that "sex discrimination through pornography" consists of either engaging in "(1) [c]oercing a person into pornography; (2) [p]roducing, selling, exhibiting or distributing pornography; (3) [f]orcing pornography on a person; [or] (4) [a]ssaulting a person in a way that is directly caused by pornography." The proposal defined pornography as:

> the graphic sexually explicit subordination of women through pictures and/or words that also includes one or more of the following, among others: women are presented dehumanized as sexual objects, enjoying pain or humiliation or rape, tortured or maimed, penetrated by objects or animals, or in postures of sexual submission, servility or display. The use of men, children or transsexuals in the place of women also constitutes pornography.

Question #3: Law Proposed by Initiative Petition, Specimen Ballot, City of Cambridge, Nov. 5, 1985 (on file with the *New York Law School Law Review*). *See also* Paul Hirshon, *Antismut Law Looks Dead in Cambridge*, BOSTON GLOBE, Nov. 10, 1985, at 33 (discussing the measure's disapproval in the municipal referendum).

from progressive and feminist communities,[36] in every other locality moral conservatives and fundamentalists provided the majority—and sometimes virtually all—of its backing. In Indianapolis, traditional anti-smut groups, frustrated by their inability to eliminate pornography through zoning and obscenity law, imported the ordinance from Minneapolis; a conservative legislator with an anti-ERA, anti-gay rights record hired Catharine MacKinnon as a consultant to craft a local version of the bill.[37] In Suffolk County, N.Y., the ordinance was introduced by council member Michael D'Andre, whose goal was to protect women and "restore them to what ladies used to be."[38] The rightward turn was unmistakable.

Galvanized by the large turnout of Bible-carrying fundamentalists at the Suffolk hearing, New York area feminists started the Feminist Anti-Censorship Taskforce (FACT) to educate other feminists about the dangers of the bill.[39] FACT chapters sprang up in many cities where the

---

35. In 1988, voters in Bellingham, Washington, passed an initiative making it unlawful "sex discrimination" to coerce another into pornography, to produce, sell, exhibit, or distribute pornography, to force pornography on a person, to assault or physically attack another person in a way caused by specific pornography, to defame any person through the unauthorized use in pornography of their name, likeness or "recognizable personal evocation." The initiative defined pornography as "the graphic sexually explicit subordination of women through pictures and/or words." It then tracked word for word the Minneapolis ordinance in its further description and definition of "pornographic" representations. Bellingham Initiative 1C, *reprinted in* Margaret A. Baldwin, *Pornography and the Traffic in Women*, 1 YALE J.L. & FEMINISM 111, app. at 154-57 (1989). *See also supra* note 25 (wording of the Minneapolis ordinance).

In 1986, the Supreme Court had held a substantively identical law unconstitutional after it was passed by the Indianapolis City Council . *See* American Booksellers Ass'n v. Hudnut, 475 U.S. 1001 (1986), *aff'g* 771 F.2d 323 (7th Cir. 1985). Because of this decision, the Bellingham City Council voted on Aug. 8, 1988 not to validate the signatures on the initiative because of its unconstitutionality. Relying on *Hudnut*, a federal court in Seattle struck down the Bellingham ordinance, ruling in an unpublished decision that it was unconstitutionally vague and overbroad. Village Books et al. v. City of Bellingham, No. 88-CV-1470 (D. Wash. filed Nov. 23, 1988) (granting summary judgment for plaintiffs and invalidating the ordinance). *See Anti-Porn Law Axed in Federal Ruling*, SEATTLE TIMES, Feb. 10, 1989, at E1.

36. *See False Promises*, 38 N.Y.L. SCH. L. REV., *supra* note 31, at 137.

37. *See* Lisa Duggan, *Censorship in the Name of Feminism*, VILLAGE VOICE, Oct. 16, 1984, at 11 (*reprinted in* CAUGHT LOOKING, *supra* note 5, at 62-69).

38. Lisa Duggan & Ann Snitow, *Porn Law is About Images, Not Power*, N.Y. NEWSDAY, Sept. 26, 1984, at 65.

39. *See* Nan D. Hunter & Sylvia A. Law, *Brief Amici Curiae of Feminist Anti-Censorship Taskforce et al., in* American Booksellers Association v. Hudnut, 21 U. MICH. J.L. REF. 79 (1988) [hereinafter *F.A.C.T.*].

ordinance was introduced, helping to defeat it.[40] The bill was enacted into law only in Indianapolis,[41] where it was soon challenged as unconstitutional by a coalition of publishers and booksellers.[42] FACT filed an amicus brief, signed by over 200 prominent feminists, including Betty Friedan, Adrienne Rich, and Kate Millett.[43] (Anti-pornography feminists promptly denounced FACT and its allies as "sexual liberals" and "libertarians."[44] The tactic finally backfired, however, as more and more women who had spent their entire adult lifetimes in the feminist movement began to appear on the enemies' list.) The brief put forward specifically feminist objections to Indianapolis-style ordinances, namely that restricting sexual speech and imagery would ultimately hurt women and was a poor substitute for effective steps to reduce violence and promote equality.[45] In 1986, the Supreme Court let stand a lower court's determination that the ordinance violated the First Amendment.[46]

The promulgation of the ordinance and the raging arguments that ensued altered the course of the feminist sex debates in several ways. Many feminists who remained sympathetic to the anti-pornography analysis for several years after Barnard now drew the line at supporting more government control of sexual expression; Anthony Comstock, the zealous anti-obscenity crusader, and Margaret Sanger, the birth control advocate who was persecuted in his campaigns, remained vivid figures in their memory, and they had no confidence that government censorship would benefit women. Others had been sobered by the years of disagreement about sexual images; if feminists didn't even agree about the meaning or effect of such images, why turn the decision over to the state? In retrospect, anti-pornography leaders' unwavering support for Indianapolis-style ordinances was probably a tactical mistake within

---

40. *See id.*

41. *See* Shipp, *supra* note 32, at A14.

42. *See* American Booksellers Ass'n v. Hudnut, 771 F.2d 323 (7th Cir. 1985), *aff'd*, 475 U.S. 1001 (1986) (holding the Indianapolis pornography ordinance unconstitutional).

43. *See F.A.C.T.*, *supra* note 39.

44. *See generally* THE SEXUAL LIBERALS AND THE ATTACK ON FEMINISM (Dorchen Leidholdt & Janice G. Raymond eds., 1990). Ann Snitow has noted the irony here: At the height of conservative and fundamentalist ascendancy during Ronald Reagan's administration, anti-pornography feminists chose "liberal" as their most devastating epithet. Feminist sex radicals, however, were almost never liberals or libertarians in terms of their political philosophy or analysis and rejected these terms, whether used by anti-porn feminists or thoughtless bystanders, as an attempt to misrepresent their intentions and positions. (Author's conversation with Ann Snitow.)

45. *See F.A.C.T.*, *supra* note 39, at 128-32.

46. American Booksellers Ass'n v. Hudnut, 475 U.S. 1001 (1986), *aff'g* 771 F.2d 323 (7th Cir. 1985).

feminism. They effectively abandoned a multifaceted approach of education and persuasion, which had aroused considerable sympathy, in favor of single-minded advocacy. They took an irreversible step toward censorship and lost credibility for their alliances—witting and unwitting—with moral conservatives. Once the ordinance was declared unconstitutional, a return to earlier, broader strategies seemed to elude them. A single-issue campaign had now become irrevocably committed to a single tactic.

Within feminism, the ordinance also served to narrow the discussion about sexuality even further as pornography became the central, sometimes exclusive topic. Debates raged over the meaning and harm of pornography, the effect of new laws, and the dangers of state regulation, eclipsing the expansion of women's pleasure or even the simple recognition of sexuality as the rich, complex social behavior that it is.[47] As the dialogue moved outside feminist audiences, it was increasingly shaped by mainstream considerations. Earlier flash points—like butch-femme—virtually disappeared, because they had no salience for the general public or did not mesh with preexisting legal mechanisms to regulate sex. (SM, however, remained a hardy staple of the discussion, a demon of anti-pornography feminism that had been successfully mainstreamed as "proof" of pornography's violence.) The space for exploration and personal inquiry became smaller. Many feminists wearied of the arguments, which were both volatile and predictable. In addition, as the discussion spread into a broader public arena, the underlying commitment to empowering women could no longer be assumed.

Although the ordinance failed as a strategy within feminism, it proved to be a brilliant tactic for mainstreaming anti-pornography goals and rhetoric while linking them within preexisting state regulatory systems. Legislative deliberations popularized feminist anti-pornography arguments, with media coverage misleadingly suggesting that all feminists opposed pornography and that feminist sexual politics could be reduced to the elimination of pornography. This flattened account of feminism suited the mainstream and was more comfortably assimilated than the challenging, open-ended, anxiety-producing questions that characterize feminism's more indigenous conversations. Traditional anti-pornography groups were introduced to feminist anti-porn arguments and how they might be useful in advancing their own moral programs.

---

47. *See generally Public Silence*, *supra* note 21, at 113. "Instead of speaking out in favor of sex, most feminists seem to avoid this discussion in any way possible. It is too dangerous, too painful, too hopeless . . . . It is easier to dismiss any discussion of sexuality as irrelevant or divisive than to have to look at all the different ways we have denied and dismissed each other." *Id.*

The 1985-86 Attorney General's Commission on Pornography[48]—better known as the Meese Commission—is emblematic of the right wing's appropriation of anti-pornography feminism. Appointed during Ronald Reagan's second term to find "new ways to control the problem of pornography,"[49] the Commission's unswerving support for aggressive enforcement of obscenity law bore the indelible stamp of the right-wing constituency that had brought the panel into existence.[50] Its influence was also evident in the frankly stated belief of many commissioners, witnesses, and staff members that pornography leads to immorality, lust, and sin.[51] Making no pretense at genuine fact-finding, the panel resorted to tightly controlled witness lists, irregular procedures, and other methods that were widely criticized for their obvious bias.[52] Commission members and staff, however, intuited that an unabashedly conservative position would appear archaic, moralistic, and unpersuasive to the general public. So the panel creatively experimented with updating and modernizing their traditional rhetoric, borrowing most successfully from anti-pornography feminism.[53]

To the extent that the world views and underlying ideologies of anti-pornography feminism differ from those of moral conservatives, the Commission's experiment at merging or overlaying these discourses would seem far from simple. The co-opting of anti-pornography feminism was both implausible and brilliantly executed. Implausible, because conservative members of the Commission, like the administration that had

---

48. *See* U.S. DEP'T OF JUSTICE, ATTORNEY GEN.'S COMM'N ON PORNOGRAPHY, FINAL REPORT (1986) [hereinafter FINAL REPORT].

49. *See id.* at 1957. The Commission's scope included the exploration of "possible roles and initiatives that the Department of Justice and agencies of local, state, and federal government could pursue in controlling, consistent with constitutional guarantees, the production and distribution of pornography." *Id.* at 216.

50. *See id.* For a summary of the Commission's proceedings and findings, see Carole S. Vance, *The Meese Commission on the Road*, NATION, Aug. 2/9, 1986, at 65, 76-82.

51. *See* FINAL REPORT, *supra* note 48, at 51 (statement of Commissioner Park Elliott Dietz that "I, for one, have no hesitation in condemning nearly every specimen of pornography that we have examined in the course of our deliberations as tasteless, offensive, lewd and indecent. According to my values, these materials are themselves immoral . . . ."); *see also id.* at 77 (statement of Commissioner James Dobson saying, "[f]or a certain percentage of men, the use of pornographic material is addictive and progressive. Like the addiction to drugs, alcohol or food, those who are hooked on sex become obsessed by their need. It fills their world, night and day.").

52. *See* BARRY LYNN, POLLUTING THE CENSORSHIP DEBATE: A SUMMARY AND CRITIQUE OF THE ATTORNEY GENERAL'S COMMISSION ON PORNOGRAPHY (1986) (providing a detailed critique of procedural irregularities).

53. *See* Vance, *supra* note 50.

appointed them, made their deep hostility to feminism unmistakably clear. During their deliberations, for instance, conservative panelists consistently opposed proposals that feminists universally support, such as sex education or school-based programs to inform children about sexual abuse.[54] The conservatives contended that such instruction prompts children to make hysterical and unwarranted accusations against male relatives.[55] They also rejected the recommendations of feminist prostitutes' rights groups, preferring increased arrest and punishment for female prostitutes (though not for their male customers).[56] During the course of the hearings, conservative and fundamentalist witnesses made clear that they regarded the feminist movement as a major cause of family breakdown and other social ills. Feminists advocated divorce, abortion, birth control, day care, sexual permissiveness, lesbian and gay rights, and working mothers—all undesirable developments that diminished the importance of marriage, family, and male authority in the eyes of these witnesses. Most audaciously, moral conservatives premiered their novel argument that sexual abuse and violence against women are caused by feminism.[57]

Despite these deep conflicts, the Commission cleverly and selectively used anti-pornography feminist terms and concepts as well as witnesses to their own advantage, helped not infrequently by anti-porn leaders and groups themselves. Anti-pornography feminist witnesses testified before the Commission, casting their experiences of incest, childhood sexual abuse, rape, and coercion in terms of harms caused by pornography. These witnesses, of course, did not voice complaints about divorce, masturbation, or homosexuality, which gave them no cause for protest, but they failed to comment on the great divide that separated their complaints from those of the fundamentalist witnesses and victims, a divide dwarfed only by the even larger distance between their respective political programs. Indeed, in their testimony, some prominent anti-pornography feminists were willing to understate their beliefs; they frequently avoided mentioning their support for those cranky feminist demands so offensive to conservative ears. Only one feminist anti-pornography group refused to tailor its testimony to please the conservative panelists; this group of

---

54. *See* Carole S. Vance, *Negotiating Sex and Gender in the Attorney General's Commission on Pornography*, *in* UNCERTAIN TERMS: NEGOTIATING GENDER IN AMERICAN CULTURE 118-34 (Faye Ginsburg & Anna L. Tsing eds., 1990) (providing a more detailed account of the relationship between the Meese Commission and anti-pornography feminism).

55. *See* Christia Gibbons, *Panel Delays Proposal Backing Sex Education*, ARIZ. REP., Mar. 2, 1986, at B2.

56. For the Commission's endorsement of criminal sanctions against prostitutes (overwhelmingly female), see FINAL REPORT, *supra* note 48, at 888-95.

57. *See* Vance, *supra* note 50.

women attacked the Reagan administration for its savage cutbacks on programs and services for women. Their testimony was soon cut off on grounds of inadequate time,[58] although other anti-pornography groups and spokespersons, including Andrea Dworkin, Catharine MacKinnon, and Women Against Pornography (New York) were permitted to testify at great length.[59]

In the hearings, the notion that pornography "degrades" women proved to be a particularly helpful unifying term, appearing in fundamentalist as well as anti-pornography feminist testimony. By the second public hearing, "degrading" had become a true crossover term—used by moral majoritarians, vice cops and prosecutors, and anti-pornography feminists alike. Speakers didn't notice, or chose not to, that the term "degradation" had very different meanings in each community. For anti-porn feminists, pornography "degrades" women when it puts men's pleasure first or suggests that women's lot in life is to serve men.[60] For fundamentalists, "degrading" was usually applied to all images of sexual behavior that might be considered immoral, since in their view immorality degraded the individual and society. "Degrading" was freely applied to visual images that portray homosexuality, masturbation, and even consensual heterosexual sex. A variety of anti-pornography feminist terms—"degrading," "violence against women," and "offensive to women"—were eagerly adopted by the panel and proved particularly useful in giving it and its findings the gloss of modernity and some semblance of concern with human rights.

It is startling to realize how many of the Meese Commission's techniques were borrowed from anti-pornography feminist groups and mainstreamed. Not surprisingly, the panel, as well as the many anti-vice groups that appeared before it, often deployed slide shows, using highly selective and unrepresentative images to manipulate the audience and create an emotional climate that made dissent difficult.[61] Its voice-over,

---

58. *See* Testimony of Feminists Against Pornography (Washington, D.C.), transcript, public hearing, June 20, 1985.

59. *See* Vance, *supra* note 50, at 79-80.

60. *See, e.g.*, CATHARINE A. MACKINNON, TOWARD A FEMINIST THEORY OF THE STATE 209 ("In a feminist perspective, pornography dehumanizes women in a culturally specific and empirically descriptive . . . sense . . . . In the same act, pornography dispossesses women of the same power of which it possesses men: the power of sexual, hence gender, definition . . . . In pornography, women exist for the end of male pleasure.").

61. *See* Carole S. Vance, *The Pleasures of Looking: The Attorney General's Commission on Pornography Versus Visual Images*, *in* THE CRITICAL IMAGE: ESSAYS ON CONTEMPORARY PHOTOGRAPHY 38-55 (Carol Squiers ed., 1990) (providing a detailed account of the Commission's use of visual imagery).

too, attempted to erase individual subjectivity and induce guilt, although the monologic voice became increasingly patriarchal. The panelists shared a literal interpretive frame and freely used SM imagery to prove that pornography was violent. Indeed, the Commission successfully popularized the anti-porn feminist conceptual invention "violent pornography," a category entirely coterminous with SM imagery, as the most heinous and indefensible type of pornography. The panel relied on victim testimony, and preferred anecdotal accounts to social science data.[62]

Although the Commission eagerly assimilated the rhetoric of anti-pornography feminists, it decisively rejected their remedies. Conservative members pronounced the testimony of Andrea Dworkin "eloquent" and "moving" and insisted on including her statement in the final report, a special treatment given to no other witness.[63] Yet anti-pornography feminists had argued against obscenity laws, recommending instead Indianapolis-style ordinances,[64] and the Commission never seriously entertained the idea that obscenity laws should be repealed and replaced by these new laws. Given its conservative constituency and agenda, it couldn't have.

The Commission's report summarily rejected Indianapolis-style ordinances.[65] Such laws had been "properly held unconstitutional" by the Supreme Court decision, the panel agreed, because they infringed on speech protected by the First Amendment.[66] But the panel cleverly, if disingenuously, argued that traditional obscenity laws could be used against violent and degrading material in a manner "largely consistent with

---

62. For an account of the Commission's use of andectotal evidence, see Vance, *supra* note 50.

63. *See* FINAL REPORT, *supra* note 48, at 769-72. *See also id.* at 52 (statement of Commissioner Park Elliott Dietz that "[w]hen Andrea Dworkin challenged us to find the courage to 'go and cut that woman down and untie her hands and take the gag out of her mouth, and to do something, to risk something, for her freedom,' I cried. And I still cry at that image, even as I write . . . ."); *see also id.* at 77 (Commissioner James Dobson commenting "[h]ow could any of us, having heard Andrea Dworkin's moving testimony, turn a deaf ear to her protest?").

64. *See* Indianapolis Ordinance, *supra* note 32; *see also* Lois P. Sheinfeld, *Banning Porn: The New Censorship*, NATION, Sept. 8, 1984, at 174 (discussing the MacKinnon-Dworkin faction's goal of banning various "pornographic" media under the banner of civil rights).

65. *See* FINAL REPORT, *supra* note 48, at 391-96.

66. *Id. See also* American Booksellers Ass'n v. Hudnut, 475 U.S. 1001 (1986), *aff'g* 771 F.2d 323 (7th Cir. 1985) (finding the Indianapolis pornography statute unconstitutional).

what this ordinance attempts to do."[67] Herein lies the Meese Commission's most significant political and legal intervention: putting into wide circulation the notion that obscenity law dating from the nineteenth century can serve the cause of women's rights and feminism at the end of the twentieth.

This ending would seem to constitute a major defeat for anti-pornography feminists. But unlike social scientists who protested loudly over the Commission's misuse of their testimony, anti-pornography feminists have never acknowledged the panel's distortion. Instead, they commended the panel for recognizing the harm of pornography and continued to denounce obscenity law,[68] without ever coming to grips with the panel's commitment to it. Even more startling were MacKinnon and Dworkin's statements to the press that the Commission "has recommended to Congress the civil rights legislation women have sought,"[69] as well as this comment by Dorchen Leidholdt, founder of Women Against Pornography: "I'm not embarrassed at being in agreement with Ed Meese."[70] Over the course of the hearings, each group strategized how best to use the other. However, the vast resources of the federal government, combined with a strong fundamentalist movement, made it almost inevitable that the Commission would benefit far more in this exchange than anti-pornography feminists. What these feminists thought they would achieve through the Commission remains a mystery: Did they maintain the fantasy that they would triumph, or had the end—eliminating pornography—come to outweigh the means? One can only conclude that the anti-pornography leaders were either naïve or complicit. Neither possibility inspires confidence or admiration.

By the time the Commission released its final recommendations in 1986, the sexuality debates had undergone a major transformation. With the ordinance dead, the furious debates about sexuality within feminism—or at least the truncated versions that the ordinance had

---

67. *See* FINAL REPORT, *supra* note 48, at 394.

68. Women Against Pornography, Press Release following the publication of the Meese Commission's *Final Report* and recommendations, July 9, 1986, New York. (On file with the *New York Law School Law Review.*)

69. Statement of Catharine A. MacKinnon and Andrea Dworkin, distributed at July 9, 1986 press conference. (On file with the *New York Law School Law Review.*) This statement was clearly untrue, since the Commission specifically rejected the civil rights ordinance recommended by anti-pornography feminist leaders. In what might be construed as a play on the word "civil" as well as a sop to anti-pornography feminists, the panel recommended that obscenity laws be further strengthened by adding civil damages to the existing criminal penalties.

70. David Firestone, *Battle Joined by Reluctant Allies*, N.Y. NEWSDAY, July 10, 1986, at 5.

spawned in the past few years—died down. The original questions about women's sexual agency, however, were by no means resolved or even explored, and they reappear now, in altered but recognizable forms, in discussions about AIDS, sexual harassment, queer theory, reproductive rights, and women's daily experience. Outside feminism, fundamentalist and conservative campaigns against obscenity and pornography have gathered force, as the Commission's rhetorical modernizations breathed new life into national anti-smut organizations and grass-roots groups. Terms and concepts appropriated from anti-pornography feminism rapidly diffused within the right-wing; by now, rank and file members of moral groups, not just their leaders, have mastered the sound bite that pornography "degrades women" and contributes to an "inequality" that they otherwise favor. Many of the panel's ninety-two recommendations for new and stricter controls on sexual content[71]—though first dismissed as fantastic and laughable—have passed into law,[72] leading to an upsurge in obscenity prosecutions and a climate inimical to sexual expression.[73] The panel explored how the great bulk of sexual expression—which is not obscene and thus is protected speech—could be restricted, even though the available legal machinery banned only obscenity. The Commission provided a new weapon in a broad campaign to reform culture by introducing the right-wing usage of the word "pornography" for any depiction or description of sexuality that they regarded as immoral.

---

71. *See* FINAL REPORT, *supra* note 48, at 433-58.

72. Legislation resulting from the Commission's recommendations include the Child Protection and Obscenity Enforcement Act signed into law by President Reagan on November 18, 1988 as part of the mammoth Anti-Drug Abuse Act, Pub. L.No. 100-690, 102 Stat. 4485 (1988). Primarily a weapon against child pornography, the Act included a record keeping provision, sec. 7513 of 18 U.S.C. § 2257, that required producers of pornographic materials to maintain records of every performer who participated in the depiction of sexual conduct. Further, anyone who reproduced such images had to personally contact the model and re-verify their age and identity. The law was found an unconstitutional burden on free speech in *American Library Ass'n v. Thornburgh*, 713 F. Supp. 469 (D.D.C. 1989). A revised version of the Act was also declared unconstitutional in *American Library Ass'n v. Barr*, 794 F. Supp. 412 (D.D.C. 1992). *See also* Pornography Victims' Compensation Act, S. 1226, 101st Cong., 1st Sess. § 2(a) (1989) (utilizing Commission findings to outline the purpose of the Act); ABOVE THE LAW: THE JUSTICE DEPARTMENT'S WAR ON THE FIRST AMENDMENT (Arts Censorship Project, American Civil Liberties Union, 1991) [hereinafter ABOVE THE LAW] (explaining that "[d]espite the many deficiencies of the Commission's approach, its 92 recommendations led to extensive changes in federal legislation . . . .").

73. *See* FINAL REPORT, *supra* note 48, at 433-458 (providing a complete list of the panel's recommendations); *see also* ABOVE THE LAW, *supra* note 72 (providing an account of the upsurge in prosecutions).

Within three short years, the techniques and arguments honed in the Meese Commission were instrumental in the launching of a previously unimaginable effort to attack the National Endowment for the Arts (NEA). Relentlessly assailed by the triumphant Reagan administration in the early 1980s, the agency—and its policy of free expression in the art it funded—was vigorously defended by Congress, the art world, and the public. Efforts to eliminate the agency, slash its budget, and control politically objectionable content largely failed.[74] Beginning in 1989, however, moral conservative and fundamentalist groups discovered a more powerful avenue of attack: the strategy of add sex and stir. Conservative critics charged that photographs by Andres Serrano and Robert Mapplethorpe and, later, performance pieces by feminist, gay, and lesbian artists were "obscene" and "pornographic."[75] A large-scale sex panic was under way, as angry senators and fundamentalist ministers conducted their own prime-time versions of slide shows, waiving aloft decontextualized photographs or citing snatches of dialogue, which they denounced as "degrading" or "sexually explicit."[76] Angry constituents flooded their representatives' offices with letters denouncing the allegedly obscene art works, which they had never seen, demanding content restrictions or the agency's elimination. Opportunistic politicians rode the wave, while arts supporters grew terrorized and dispirited.

In this war on culture, sexual images figured prominently, both as highly condensed statements of moral concern and as powerful spurs to emotion and action. The sensational media coverage, however, did little

---

74. *See* Carole S. Vance, *Reagan's Revenge: Restructuring the NEA*, ART AM., Nov. 1990, at 49. *See also* Philip Brookman & Debra Singer, *Chronology*, *in* CULTURE WARS 331, 336-42 (Richard Bolton ed., 1992) (reporting various legislative attempts, between 1985 and 1989, to cut the NEA's budget and control its grant-making process, and the defeat of those attempts).

75. *See, e.g.*, 135 CONG. REC. S8807 (daily ed. July 26, 1989) (statement of Sen. Helms) (describing the exhibition "Robert Mapplethorpe: The Perfect Moment" as "explicit homo-erotic pornography and child obscenity"); Judith Reisman, *Promoting Child Abuse as Art*, WASH. TIMES, July 7, 1989, *reprinted in* CULTURE WARS, *supra* note 74, at 56 (presenting Mapplethorpe's photograph "Honey, 1976" as an example of child pornography accepted by the arts community); American Family Association, press release, July 25, 1989, *reprinted in* CULTURE WARS, *supra* note 74, at 71 (referring to Serrano's and Mapplethorpe's photographs as "pornographic").

76. *See* Kim Masters, *'Decency' Legislation Challenged*, WASH. POST, Mar. 19, 1991, at C2 (reporting that the Rev. Donald E. Wildmon, a fundamentalist minister and leader of the Mississippi-based American Family Association, labeled as "sexually explicit" the art of performance artist Holly Hughes); 135 CONG. REC. S8807, *supra* note 75 (statement of Sen. Helms) (referring to Mapplethorpe's work as "sick art" and Serrano's as "blasphemy"). *See also* Carole S. Vance, *The War on Culture*, ART AM., Sept. 1989, at 39.

to reveal the symbolic manipulations that were instrumental in the panic. Typical sleights of hand were at work: even occasional nudity or mere reference to homosexuality were deemed "sexually explicit," while any representation involving sex or gender innovation was "pornography." Soon, Congress required that recipients of NEA grants sign loyalty oaths, promising not to produce art work that "might be considered obscene."[77] This legislation and its by-product, the endlessly repeated oxymoron "obscene art," ignored the current definition of obscenity, which states that any work with artistic merit cannot be judged obscene.[78] Mistakenly believing that the boundary between sexuality and obscenity was endlessly permeable, artists and administrators began to impose even more stringent standards for self-censorship. The literal and singular interpretations of art works offered by fulminating ministers and senators worked to erase the diversity of viewers and meanings, effectively establishing a fictive unity of opinion among decent citizens. Indeed, the creation of the "outraged taxpayer" denied the existence of a large number of citizens—feminists, gays and lesbians, sadomasochists—who might have welcomed the use of tax dollars for images which acknowledged their existence, having taken the phrase "no taxation without representation" to heart.[79] The sex panic surrounding the NEA was an effort to make not just particular images, but entire topics and constituencies, invisible and disempowered.

The fundamentalist attack on art images and the NEA must be recognized as part of a systematic and comprehensive campaign to reform culture. The objective, as in the more common attacks on popular

---

77. Pub. L. No. 101-121, § 304(a), 103 Stat. 701, 741 (1989). The amendment to the appropriation bill for the Department of the Interior and related agencies prohibited funds "to promote, disseminate, or produce materials which in the judgments of the National Endowment of the Arts or the National Endowment for the Humanities may be considered obscene. . . ." *Id.* This provision was found unconstitutional by one federal court in *Bella Lewitsky Dance Found. v. Frohnmayer*, 754 F. Supp. 774 (C.D. Cal. 1991), but expired after the 1990 fiscal year anyway. *See* Karen De Witt, *New Fiscal Year Ends Anti-Obscenity Pledge*, N.Y. TIMES, Oct. 31, 1990, at C16.

78. The definition of the constitutionally permissible test for what is "obscene" is found in *Miller v. California*, 413 U.S. 15 (1973). According to *Miller*, material is obscene if it meets all three of the following conditions:

> (a) whether "the average person, applying contemporary community standards" would find that the work, taken as a whole, appeals to the prurient interest;
> (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and
> (c) whether the work, taken as a whole, lacks serious literary, artistic, political or scientific value.

Id. at 24 (citations omitted).

79. Thanks to Gayle Rubin for this observation.

culture—rap and rock music, movies, MTV—is to restore traditional social arrangements and reduce diversity, especially gender diversity. That for the first time, mass-based symbolic mobilizations were directed with great success at previously untouchable fine art and high culture demonstrates the power of newly crafted discourses about pornography and sexual imagery to reach political objectives that were unachievable by other means. It is interesting to note that during the NEA controversy, the explicit theme of "degrading to women" dropped entirely out of view. Once moral conservative groups had successfully modernized their language, they could use terms like "degrading" and "pornographic" without further reference to women's exploitation to attack more customary targets, like homosexuality, non-marital sex, and sexually rebellious women.[80]

Thus, between 1982 and 1992, a series of moves brought the subject of pornography from inside feminism—where it was only one strand in a complex, multilayered discourse about sexuality—into mainstream politics, where it is being used by conservative groups as a major weapon to overturn feminist gains. What began as an internally-contested feminist strategy about sexual imagery, first linked up with law and the state through the introduction of the Indianapolis ordinance. The ordinance failed as a legal remedy, but the Meese Commission appropriated anti-pornography feminist rhetoric to modernize a traditional anti-obscenity agenda and put it into wide circulation outside feminism. The panel also introduced the idea that obscenity law could improve women's rights and explored imaginative ways in which a wide range of sexually-explicit material—pornography, not just obscenity—could be restricted. Cultural crusades, such as that against the NEA, took the next step by employing the techniques of sex panic and visual manipulation that had been shaped in anti-pornography battles and by extending the pejorative terms "pornography" and "obscenity" to many forms of gender and sexual protest and innovation.

The story is by no means finished. Recent episodes demonstrate the speed and agility with which these appropriations concerning sexual imagery and women continue to move around the culture, even the world. From the outrage women felt about the Anita Hill-Clarence Thomas hearings, for example, came a number of political initiatives—for more

---

80. *See* Cindy Carr, *War on Art*, VILLAGE VOICE, June 5, 1990, at 25; Holly Hughes & Richard Elovich, *Homophobia at the NEA*, N.Y. TIMES, July 28, 1990. Feminist performance artists like Holly Hughes and Karen Finley were among the central targets of fundamentalist attacks for the duration of the anti-NEA campaign. The silence of anti-pornography feminists on the NEA controversy is deafening and troubling. No major figure offered public support to feminist artists under attack, or in any way attempted to show their disapproval of the use of terms like "degrading" or "pornographic" in relation to their work.

women in the Senate[81] and for more effective ways to penalize discrimination and harassment in the workplace.[82] Ironically, the conservative senators who tried to minimize Hill's accusations and to discredit her by misogynist sexual innuendo—as a woman caught in the grip of sexual fantasy, erotomania, or prudish standards—soon tried in the post-hearing surge of women's activism to position themselves as sincere foes of sexual harassment. Did their legislative proposals speak to more effective investigation of harassment or more certain penalties for it? No. Instead, the senators offered up the Pornography Victims' Compensation Act,[83] an extraordinary measure heavily endorsed by morality groups that would shift the responsibility for sex crimes from rapists to publishers and distributors, holding them liable for violent acts allegedly "caused" by reading or viewing sexual books and images.[84] Such a response would have been unthinkable a decade ago; it would have been immediately decried as a transparent effort to revive the myth that men aren't really responsible for rape ("porn made me do it").

Meanwhile, anti-pornography feminists in the United States are attempting to export their analysis to other countries,[85] particularly those with less-developed guarantees of free speech, and to various agencies of the United Nations.[86] Recently, in *R. v. Butler*,[87] the Canadian Supreme Court rejected a challenge to obscenity law and upheld a statute dating

---

81. *See* Hilary de Vries, *All the Rage*, L.A. TIMES, Oct. 21, 1990, at 3.

82. *See* Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1099 (codified at 42 U.S.C. § 1981(a), (b) (Nov. 21, 1991)) (allowing for the first time compensatory and punitive damages awards of up to $300,000 in sex discrimination suits). *See also* Jill Smolowe, *Anita Hill's Legacy*, TIME, Oct. 19, 1992, at 56 (describing the aftermath of the Thomas-Hill hearings).

83. *See* S. 1226, 101st Cong., 1st Sess. (1989); *see also* S. 1521, 102d Cong., 1st Sess. (1991).

84. S. 1226, 101st Cong., 1st Sess. §2(b), §3(a) (1989). For a more extensive discussion of the bill, see Carole S. Vance, *New Threat to Sexual Expression: The Pornography Victims' Compensation Act*, SIECUS REPORT, Feb.-Mar. 1992, at 20.

85. *See, e.g.*, Michelle Landsberg, *Canada: An Antipornography Breakthrough in the Law*, MS., May-June 1992, at 14-15 (explaining how Catharine MacKinnon and Andrea Dworkin helped form the basis of the Women's Legal Education and Action Fund's argument, used in the Canadian courts, that obscenity should be defined by the "harm it does to women's pursuit of equality").

86. *See* Mandy Merck, *From Minneapolis to Westminster*, *in* SEX EXPOSED: SEXUALITY AND THE PORNOGRAPHY DEBATE 50 (Lynne Segal & Mary McIntosh eds., 1992).

87. [1992] 1 S.C.R. 351 (Can.).

from 1959.[88] The Court's decision was notable for the seamless way it blended older statutory language, which defined obscenity as "the undue exploitation of sex," that is, material which tended to corrupt public morals, with newer definitions involving "degradation and dehumanization," particularly of women. The Court found these arguments entirely compatible. Unbelievably, *Ms.* magazine pronounced this development "a stunning victory" for Canadian feminists.[89] But one of the first targets of post-*Butler* pornography prosecutions was the lesbian-feminist erotic magazine, *Bad Attitude*.[90]

This narrative of the past decade, which tracks the vicissitudes by which a politics of sexuality narrowed to a politics of pornography, necessarily seems to replicate the very truncation that it criticizes. In fact—and luckily—there have been a number of attempts to resist this narrowing, although these efforts have had to run the gauntlet of hostile responses. It would be wonderful to think that the Barnard conference helped inaugurate some of the upstream efforts to continue the broader discussion of sexuality, even in this period of shutdown and repression. In the last ten years, academic researchers, organizers in sexual minority and sex workers' communities, erotic artists and writers, AIDS activists, and safe sex educators have built up a steadily-growing, serious body of work, theory, and activism, though their resistance to narrowing sex politics has hardly gained the mainstream currency that anti-pornography feminism managed to acquire at the height of its popularity. Nevertheless, in the face of constriction and, sometimes, directly in response to it, pleasure is making headway. The explosion of scholarly interest in sexuality—in cultural studies, queer theory, multiculturalism, and lesbian and gay studies—has provided homes for these conversations. The tendency of these sexuality discourses to become encapsulated within arcane jargon and professional privilege has been tempered by the urgency of grass-roots organizing and political struggles. The proliferation of creative and energetic responses runs the gamut—from sex theory to activist groups to sexual play spaces. All share a recognition of sexuality's complexity, the multiplicity of identities, the danger of prescription—and a fierce determination to make the world safe for women's bodies and pleasures.

Ten years ago at the Barnard conference, writer Dorothy Allison asked, Where is the safe space feminists have made for sex? Now, as

---

88. *Id. See also Ruling Paves Way for Child Pornography Bill, Minister Says*, TORONTO GLOBE AND MAIL, Feb. 28, 1992, at A1; *Top Court Upholds Law on Obscenity*, TORONTO STAR, Feb. 28, 1992 at A1, 30.

89. *See* Landsberg, *supra* note 85, at 14-15.

90. Camilla Gibb, *Project P Targets Lesbian Porn*, QUOTA, May 1992; *News in Brief—Canada*, ADVOCATE, June 2, 1992, at 27.

then, the safety we want has many dimensions. We want a safe space to think and speak within our own movement about experiences that are exhilarating and fearful; to explore desire in all its forms; to be welcomed without having to be the same; to celebrate pleasure as well as hurt, confusion, and damage. We want the safety to fantasize and explore, as well as to theorize, sexuality. We want safe places to walk and work and live, an end to governments and laws that see women's sexuality as an invitation and justification for abuse, or demand renunciation of sexuality as the price for protection. We want a safe space where no woman is forced to choose between pleasure and safety.

Ten years later, the lesson of the conference remains simple: There is no safe space unless we make one.