MORE THAN (ONLY) WORDS: THE ENDURING INFLUENCE OF CATHARINE MACKINNON'S ANTIPORNOGRAPHY FEMINISM

by

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Pornography has been a focal point of feminist debate for decades. Catharine MacKinnon spearheaded antipornography feminist campaigns beginning in the 1970s; today, Gail Dines is the leader of antipornography feminism. While extensive scholarship has been conducted in response to MacKinnon, Dines' work has been relatively ignored. In this paper, both women's work is examined within their historical context through description of social and political concerns with regards to pornography and the development of antipornography movements outside of, yet greatly informed by, feminism. This includes conservative antipornography efforts in the political sphere. Given the prevalence of antipornography feminist theory in politics, law, and American society, the work of MacKinnon warrants revisiting to better understand the motivations of Dines. Major texts for analysis include MacKinnon's *Only Words* and *Feminism Unmodified: Discourses on Life and Law*, as well as Dines' *Pornland: How Porn Has Hijacked Our Sexuality*. Emphasis is placed on the rhetorical strategies and ideological approaches to sexuality these antiporngraphy feminists employ in furthering their agenda of ending violence against women through the eradication of pornography. This project contributes to understandings of the development of antipornography feminism from the 20th century to the 21st, and further illuminates the ideologies which drive it.

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Introduction

In the midst of the global COVID-19 pandemic, which has left hundreds of thousands dead and millions more jobless in the United States, sociologist and antipornography feminist Gail Dines continues to stress what she believes to be the pressing "public health crisis": pornography. As people around the U.S. are confined to their homes, online pornography giant PornHub has seen a dramatic increase of viewership compared to their typical 120 million daily visits, with a peak increase of over 24% on March 25. This may be a signifier that people are ascribing to stay-at-home orders, choosing masturbation over risking illness from a sexual partner, or pornography is simply a solution to boredom. However, to Dines, "being locked up at home with a man who watches porn" is what has contributed to increased calls to domestic violence support centers.[1]

In a 2019 interview with Katie Couric, Dines said that "Porn is one of the largest above-ground industries in the world that is trading on misogyny and violence against women."[2] Dines is the author of *Pornland: How the Porn Industry has Hijacked Our Sexuality*, and the president of Culture Reframed, an organization which aims to "address hypersexualized media and pornography as the public health crisis of the digital age."[3] Describing pornography in terms of the harms it supposedly does to

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[1] "Coronavirus Insights," PornHub Insights, accessed May 18, 2020, https://www.pornhub.com/insights/corona-virus; "Coronavirus Update — April 14" PornHub Insights, accessed May 18, 2020, https://www.pornhub.com/insights/coronavirus-update-april-14; Julie Bosman, "Domestic Violence Calls Mount as Restrictions Linger: 'No One Can Leave'," *New York Times* (May 15, 2020), https://www.nytimes.com/2020/05/15/us/domestic-violence-coronavirus.html.

[2] Katie Couric, host, "Is Violent Porn Changing Us?" Next Question with Katie Couric (podcast), September 26, 2019, accessed January 10, 2020, https://www.iheart.com/podcast/302-katie-couric-28008908/episode/is-violent-porn-changing-us-49734733/.

[3] "Our Work," Culture Reframed, accessed May 1, 2020, https://www.culturereframed.org/.

women, and by extension, to the public, is not a novel idea. This rhetoric can be traced back to the antipornography feminist movement of the 1970s and 80s, when movement leader Catharine MacKinnon introduced a new lexicon for antipornography efforts.

There is a long and complicated history of the conflation of sexual violence and pornography, as well as alliances between antipornography radical feminists and conservative politicians to further their own antipornography agendas.[4] The American sexual revolution of the 1960s to the 1980s saw a boom in widely distributed pornography, first in theaters and then by the increased accessibility of the VCR. Along with the spread of pornography came backlash. While conservatives viewed pornography as an attack on traditional morals, some feminists believed pornography to be an inherently sexist institution. Historically, second-wave feminist endeavors against pornography would become known as the antipornography feminist movement, which was spearheaded by women's groups such as Women Against Pornography (WAP) and individuals such as Catharine MacKinnon.

MacKinnon was one of the most influential radical antipornography feminists at this time, who drafted the first local antipornography ordinance proposed in Minneapolis, Minnesota in the early 1980s. While this ordinance was the first of many to be ultimately rejected, her work contributed to discourse surrounding pornography and sexual violence which gained momentum at the time and have maintained to this day.

[4] In this paper, "conservatism" is used to describe the intermingling of moral, religious and political conservatism, grounded in the beliefs of the sanctity of heterosexual marriage, and the approval of sex only within the confines of heterosexual marriage and usually for the sole purpose of procreation.

Purpose of Study

The purpose of this paper is to examine the root of antipornography feminism through the work of Catharine MacKinnon, in order to better understand the ideological basis for antipornography feminist work today. Close analysis of the language employed by MacKinnon will demonstrate the longstanding belief in the link between pornography and violence against women, and I will use this analysis to demonstrate how this connection has been used to further antipornography efforts in the United States. A study of antipornography feminism would be incomplete without also acknowledging both religious and political conservative movements against pornography, as these groups have at many times collaborated with feminists and adopted some of their rhetoric. While it may seem that these two factions, feminism and conservatism, would approach pornography with different ideological perspectives, my analysis will demonstrate that in practice they are not so different. At the heart of it, arguments against pornography are not about attitudes towards media that contains representations of explicit sex; instead, these arguments are about the very nature of sex itself.

In addition to Catharine MacKinnon, who made significant strides in the antipornography feminist movement through introducing radical feminist theory into the legal sphere through local ordinances, I will investigate the work of Gail Dines, who is at the forefront of today's antipornography feminism. Dines herself has pointed out that researchers tend to focus on MacKinnon, and "ignore the last twenty to thirty years of work generated by the rest of us."[5] My research will connect the MacKinnon and

[5] Karen Boyle, ed., *Everyday Pornography* (New York: Routeledge, 2010), Kindle edition, 706.

Dines, with the goal of providing increased understanding of the development of antipornographic feminist theory and its roots in conservative views on sexuality.

I would like to acknowledge that, throughout this investigation, I refer to pornography in terms of its relationship with "men" and "women." This is due to the consistent emphasis on heterosexuality by MacKinnon, Dines, and other antipornography movement leaders.[6] I respond to their claims referencing men and women not to exclude the multitude of identities outside of the gender binary, but to highlight the ways in which antipornography efforts are exclusively cisnheteronormative, and thereby limiting in their approach. My conclusions will actually encourage feminists to pivot away from this approach, and instead look to the ways in which pornography itself, specifically that which is created by and for queer people, can actually disrupt the hegemony of heterosexual, cisnormative, phallocentric sex.

Research Strategy

My methodology will consist of three main sections: first, a historical investigation of political and social antipornography movements in the United States; second, an analysis of the work of Catharine MacKinnon; and finally, an inquiry into the antipornography efforts of Gail Dines.

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[6] In her 1983 Minneapolis ordinance, MacKinnon includes the statement that "Any man or transsexual who alleges injury by pornography in the way women are injured by it shall also have cause of action." While this seems to be an acknowledgement of all genders, their experiences are still defined in the ordinance by the experiences of cisgender women. Dines speaks to pornography's effects on exclusively cisgender boys/men and girls/women, and religious and political conservatives are mostly concerned with protecting the sanctity of marital sex between a man and woman and maintaining the heteronormative family unit. See Donald Downs, *The New Politics of Pornography* (Chicago: University of Chicago Press, 1989).

A contextual inquiry into the history of antipornography efforts in the United States is necessary in understanding the context in which antipornography feminism arose. For this portion of my research I will look at the development of U.S. obscenity law leading up to MacKinnnon's introduction of the Minneapolis ordinance. Independent feminist publications such as *Women: A Journal of Liberation* and *Sojourner* will give me an understanding of the political and cultural climate of the U.S. in the latter half of the 20th century, especially feminist attitudes towards the increased visibility of sexuality in media. Specific focus will be placed on the Minneapolis antipornography ordinance proposed by MacKinnon, and the feminist discourse surrounding this ordinance. This will be an essential step, as cultural and political shifts converged during the 80s; in a post-sexual revolution United States, feminists had fought amongst each other about the so-called revolution's effects and the election of President Ronald Reagan encouraged the rise of the New Right and a reinvigoration of conservative politics. This convergence created the context in which antipornography feminists like MacKinnon could operate and gain political traction.

The second portion of my analysis will delve deeply into MacKinnon's work in order to better understand her ideologies which shaped her proposed antipornography ordinances, as well as her longstanding influence. I will conduct a close reading of two of her published works, *Feminism Unmodified* (1987) and *Only Words* (1993), emphasizing language and word choice as indicators of her ideological perspective. *Feminism Unmodified* is a collection of essays and talks by MacKinnon from over a six-year period, and is a testament to her perspective on feminist legal theory. *Only Words* is essentially a manifesto written by MacKinnon which argues that pornography is an

act of sex discrimination against women, and therefore should not be protected under the First Amendment. These texts are exemplary of her own radical feminist theory.

Finally, I will compare MacKinnon's ideological approach to the work of Gail Dines, as MacKinnon's efforts paved the way for antipornography feminists after her. The main text for analysis will be Dines' 2010 book *Pornland: How Porn Has Hijacked Our Sexuality*, and an interview with Dines in *Everyday Pornography* (2010, ed. Karen Boyle) will also be examined. By close-reading Dines' work within the context of MacKinnon's, I will demonstrate the ways in which antipornography feminism has transformed to fit today's media landscape, albeit with many of the same conservative views of sexuality.

Defining Pornography

Pornography is, arguably, impossible to define; regardless, countless have tried. In 1842, "pornography" appeared in the Oxford English Dictionary as a type of "lower classes of art."[7] Perhaps one of the most famous contemporary definitions came from Supreme Court Justice Potter Stewart in 1954: "I don't know what it is, but I know it when I see it."[8] According to Andrea Dworkin, MacKinnon's key collaborator, "The word *pornography*, derived from the ancient Greek *pornē* and *graphos*, means 'writing about whores' … Contemporary pornography strictly and literally conforms to the word's root meaning: the graphic depiction of vile whores."[9] To Walter Kendrick,

[7] Oxford English Dictionary, "Pornography," accessed January 15, 2020, https://www.oed.com/view/Entry/148012?redirectedFrom=pornography#eid.
[8] Linda Williams, *Hard Core: Power, Pleasure, and the "Frenzy of the Visible"* (Berkeley, CA: University of California Press, 1989), 5.
[9] Andrea Dworkin, *Pornography: Men Possessing Women* (New York: E.P. Dutton, 1979), 200.

pornography is “a concept, a thought structure.”[10] Historian Whitney Strub has succinctly defined it as “anything deemed pornographic by a given authority at a given moment.”[11] Finally, the modern definition offered by the Oxford English Dictionary is: “The explicit description or exhibition of sexual subjects or activity in literature, painting, films, etc., in a manner intended to stimulate erotic rather than aesthetic feelings; printed or visual material containing this.”[12] These varying definitions expose the conflicting understanding of what “counts” as pornography and inherently challenge attempts to upend its very existence. For the purposes of this paper, pornography is both a form of media, as well as the cultural imaginary — the construction and maintenance of meaning — surrounding it.

[10] Walter Kendrick, *The Secret Museum: Pornography in Modern Culture* (Berkeley, CA: University of California Press, 1996), xiii.
[11] Whitney Strub, *Perversion for Profit: The Politics of Pornography and the Rise of the New Right* (New York: Columbia University Press, 2010), 4.
[12] Oxford English Dictionary, “Pornography.”

Antipornography Efforts in the United States

Up until the antipornography feminist movement, pornography was widely considered an issue of morality, not violence against women. American antipornography efforts began as early as the Civil War, when obscene publications distributed amongst soldiers inspired lawmakers' efforts to upend this "threat to men's morals."[13] Anthony Comstock, who "aimed to save young men from their erotic imagination," helped advance the federal Act for the Suppression of Trade in, and Circulation of, Obscene Literature and Articles of Immoral Use. The "Comstock Laws," as they would become known, censored sexually explicit materials across emerging mediums.[14] In 1957, the Supreme Court's decision in *Roth v. United States* established a new standard for obscenity: "To the average person, applying contemporary community standards, the dominant theme of the material taken as a whole appeals to the prurient interests." Under the *Roth* test, anything deemed to have a "social value" could not be obscene, and so the country saw an emergence of "publicly screened, hardcore film[s]."[15] Finally, in 1973, the Court's decision in *Miller v. California* aimed to give states authority over what could or could not be deemed obscene. Under the *Miller* decision, any material can be deemed obscene if it satisfies a three-pronged test:

1. Whether the average person, applying contemporary adult community standards, finds that the matter, taken as a whole, appeals to prurient interests (i.e., an erotic, lascivious, abnormal, unhealthy, degrading, shameful, or morbid interest in nudity, sex, or excretion);

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[13] Judith Giesberg, *Sex and the Civil War: Soldiers, Pornography, and the Making of American Morality* (Chapel Hill, NC: University of North Carolina Press, 2017), Kindle edition, 175.
[14] Ibid., 975, 1525. These emerging mediums ranged from daguerreotypes to woodcuts to "obscene microscopic watch and knife charms."
[15] William E. Brigman, "Politics and the Pornography Wars," *Wide Angle — A Quarterly Journal of Film History Theory Criticism & Practice* 19, no. 3 (1997): 153.

2. Whether the average person, applying contemporary adult community standards, finds that the matter depicts or describes sexual conduct in a patently offensive way (i.e., ultimate sexual acts, normal or perverted, actual or simulated, masturbation, excretory functions, lewd exhibition of the genitals, or sado-masochistic sexual abuse); and
3. Whether a person finds that the matter, taken as a whole, lacks serious literary, artistic, political, or scientific value.[16]

In practice, the Miller test has proven difficult to fulfill, and it is nearly impossible to convict producers of pornography. Consequently, adult businesses thrived.

In the fall of 1983, Catharine MacKinnon and her collaborator Andrea Dworkin introduced an ordinance in Minneapolis, Minnesota which would offer a new legal and rhetorical approach to antipornography efforts. The ordinance described pornography as a direct cause of harm against women and, by extension, a violation of women's civil rights.[17] Pornography was "transformed from a sin to a sociological problem," from an issue of private desires to one of public safety.[18] Although the Minneapolis ordinance was ultimately declared unconstitutional on the basis of prior restraint, others sprung up around the country, many of them spearheaded by conservative legislators.[19]

Antipornography feminists and conservatives are able to come together under the shared perspective that pornography harms women and children. But underneath the guise of concerns for protecting women and children lies the same sexual moralism enforced through pre-MacKinnon antipornography efforts. Examining the premises of MacKinnon's arguments against pornography can offer a clearer understanding of these

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[16] United States Department of Justice, "Citizen's Guide to U.S. Federal Law and Obscenity," updated December 19, 2018, accessed January 13, 2020, https://www.justice.gov/criminal-ceos/citizens-guide-us-federal-law-obscenity.
[17] Catharine MacKinnon and Andrea Dworkin, *In Harm's Way: The Pornography Civil Rights Hearings* (Cambridge, MA: Harvard University Press, 1997), 426.
[18] Christopher M. Finan, "Catharine A. MacKinnon: The Rise of a Feminist Censor, 1983-1993," (New York: Media Coalition, 1993), 13, http://mediacoalition.org/files/Catharine-MacKinnon-report.pdf.
[19] This will be explored further later in this paper, when I examine the aftermath of MacKinnon's efforts. See pages 39-42.

long-standing alliances between feminists and conservatives and the implications they have on attitudes towards sex and sexuality, providing a historical context for contemporary efforts.

Antipornography Feminism: The National Stage

The American sexual revolution saw increased access to contraceptives, legalized abortion, and increasingly positive attitudes towards sex. Despite these apparent gains, some feminists believed the sexual revolution only achieved increased sexual freedom for men, particularly at the expense of women. Historian Roxanne Dunbar wrote in 1969 that "sexual freedom" meant "the freedom for all, i.e. men to have equal access to sex, i.e. women."[20] Many feminists felt that the sexual revolution had not made enough strides towards equality because of persisting sexual double standards. In a 1976 study on sexuality, one respondent noted that "A man who has many lovers is 'sowing his oats'; a woman who has many lovers is a 'prostitute' or 'nymphomaniac.'" Another respondent described the revolution as "male-oriented and anti-woman."[21]

A clear result of the combination of increasingly relaxed attitudes towards sex and court decisions like *Roth v. United States* meant sexually explicit representations emerged across media industries, perhaps best exemplified by the commercial success of *Deep Throat* (1972) and the subsequent emergence of "porno chic." *Deep Throat*, which featured 15 graphic depictions of sex acts, had grossed over $3.2 million as of

[20] Roxanne Dunbar, "'Sexual Liberation': More of the Same Thing," *No More Fun and Games,* no. 3 (November 1969): 49, accessed January 26, 2020, Independent Voices.
[21] Shere Hite, *The Hite Report: A Nationwide Study on Female Sexuality* (New York: Macmillan, 1976), 338, quoted in Carolyn Bronstein, *Battling Pornography: The American Feminist Anti-Pornography Movement; 1976-1986* (New York: Cambridge University Press, 2011), 30.

January 1973.[22] *New York Times* reporter Ralph Blumenthal wrote that the film's "quality, coming along in a time of 'permissiveness,' is apparently enough to persuade a lot of people that there is no harm or shame in indulging their curiosity — and perhaps even their frankly prurient interest."[23] With attendees reportedly including the likes of Johnny Carson and Jack Nicholson, it was not only acceptable to be seen lining up outside of an adult film theater; it was in vogue.

Some feminists saw increased visibility of sexually explicit images as the widespread "sexual exploitation and dehumanization of women into male toys," and that it was a "male counterrevolution" to women's progress.[24] A billboard in Los Angeles advertising the Rolling Stones' 1976 album *Black and Blue* was one of the first images to ignite intense feminist backlash. An image of a bound and bruised woman, spread-eagle over the Stones' record was accompanied by the phrase, "I'm 'Black and Blue' from The Rolling Stones — and I love it!"[25] In response, feminists came together to form the organization Women Against Violence Against Women (WAVAW). WAVAW led a three-year boycott against Warner Communications, holding the belief that the billboard conflated violence with sexual pleasure, and pushing Warner to eventually construct a policy against violent imagery.[26] The persistent advocacy of WAVAW against representations of violence in media would ultimately usher in the feminist antipornography movement.

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[22] Ralph Blumenthal, "Porno chic: 'Hard-core' grows fashionable — and very profitable," *New York Times*, January 1973.
[23] Ibid.
[24] Barbara Burris, "Write On! Excerpts & Ideas 2," *Women: A Journal of Liberation* 1, no. 1 (Fall, 1969): 46, accessed January 26, 2020, Independent Voices.
[25] Bronstein, *Battling Pornography*, 94.
[26] Ibid., 100-123.

WAVAW left pornography out of their agenda intentionally; a guiding principle for the group was to "subsume pornography under violence against women, not the other way around."[27] Members of the organization held that images of violence against women condoned violence, but did not directly cause it. Mass media, such as advertising, was of greater concern to WAVAW than pornography because they believed it had a greater influence on the public. However, not all feminists held this view. The increasingly publicly visible pornography industry inspired new anxieties amongst feminists and the inception of certain antipornography feminist groups, namely Women Against Violence in Pornography and Media (WAVPM), and later Women Against Pornography (WAP).

The emergence of WAVPM brought with it the development of new forms of theorizing about sexual violence against women. Members and proponents of WAVPM viewed pornography as a direct cause of violence against women. As Robin Morgan so famously stated, "Pornography is the theory, rape is the practice."[28] This phrase, which inextricably linked pornography and rape, would become the unofficial slogan of the antipornography feminist movement. Founding member of WAVPM Kathleen Barry argued that feminists did not need data to back up this link: "The causal connections between pornography and sexual violence are perfectly evident… We need only appeal to our own common sense."[29] Under this view, the causal relationship between pornography and rape was an inevitable part of women's lived experiences.

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[27] LA WAVAW, "Words and Phrases and Ideas for Emphasis," n.d., Organizing Principles file, Boston WAVAW Papers, quoted in Bronstein, 125.
[28] Robin Morgan, "Theory and Practice: Pornography and Rape," in *Take Back the Night: Women on Pornography*, ed. Laura Lederer (New York: William Morrow and Company, Inc., 1980), 139.
[29] Kathleen Barry, "Beyond Pornography: From Defensive Politics to Creating a Vision," in *Take Back the Night: Women on Pornography*, ed. Laura Lederer (New York: William Morrow and Company, Inc., 1980), 311.

Yet another feminist antipornography group, Women Against Pornography (WAP), used slide shows as a means of consciousness raising about the supposed link between pornography and violence. Building on slide shows from both WAVAW and WAVPM, the WAP slide show included "images of women in bondage; women as sexual objects; child molestation; and brutal physical violence, such as rape, murder, and mutilation." The slide show was presented at their headquarters in Times Square, as well as at colleges, women's groups, and various organizations on the East Coast, including civic and religious groups.[30] The linking of pornography and sexual violence was made popular by WAVPM and WAP, and introduced into the legal system by Catharine MacKinnon in Minneapolis.

Antipornography Feminism: The Local Stage

Lake Street, a struggling twenty-five block commercial strip in South Minneapolis, was home to nine adult businesses by 1980.[31] These theaters and bookstores emerged amongst neighborhood decline which began in the mid-1960s, and they seemed to be the tipping point for residents. Locals believed adult businesses "displaced needed ones, encouraged prostitution, and attracted patrons from other parts of the city who harassed residents on the sidewalk."[32] Neighborhood efforts against these adult establishments wished not to stop the sales of pornography, but to stop the sales of pornography within their neighborhood. The Powderhorn Park Neighborhood Association formed a Neighborhood Task Force on Pornography, and sessions between

[30] Bronstein, *Battling Pornography*, 216.
[31] Georgina Hickey, "The Geography of Pornography: Neighborhood Feminism and the Battle against 'Dirty Bookstores' in Minneapolis," *Frontiers: A Journal of Women Studies* 32, no. 1 (2011), 128.
[32] Ibid., 130.

neighborhood associations, politicians, and the press saw lobbying for improved zoning laws.

MacKinnon and Dworkin were teaching a course on pornography at the University of Minnesota Law School when the Neighborhood Task Force approached them.[33] Rather than view pornography as a zoning issue, however, MacKinnon and Dworkin saw the very existence of pornography as a violation of women's civil rights. They would introduce a new legal approach to pornography to the Minneapolis City Council, one hailed as "groundbreaking" by antipornography feminists, thereby taking the issue from territorial to rhetorical.[34] The efforts of the South Minneapolis locals formed the foundation for MacKinnon and Dworkin's antipornography efforts on the national stage.

The Minneapolis Ordinance: A Civil Rights Approach

The Minneapolis ordinance demanded a civil rights approach to pornography. In the ordinance, MacKinnon defines pornography as the "sexual subordination of women, graphically depicted, whether in pictures or in words." For material to be subject to civil action, it had to include one or more of nine defined forms of subordination. Some of these included: "women are presented as sexual objects who enjoy pain or humiliation," "women are presented in postures of sexual submission," or "women are presented as whores by nature."[35] Many have identified issues with the vague language of these conditions.[36] In what instances are women presented as sexual objects? What constitutes

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[33] Ibid., 134.
[34] Dorchen Leidholdt, "Feminists Pioneer New Legislation Against Pornography," *Women Against Pornography* (New York), Spring-Summer, 1984, accessed February 7, 2020, Independent Voices.
[35] MacKinnon and Dworkin, *In Harm's Way*, 428.
[36] Downs, *The New Politics of Pornography*, 44; could list a million here?

a posture of sexual submission? The word "whore" is used derogatorily against women; does the presence of the word in legislation not legitimize it? Essentially, the ordinance introduced radical feminist theory into the legal system in a way which prompts more questions than answers.

While the Minneapolis City Council approved MacKinnon's and Dworkin's ordinance, Mayor Donald Fraser vetoed it, declaring the bill unconstitutional.[37] This defeat did not stop MacKinnon; with the help of conservative lawmakers, she would take the ordinance to Indianapolis and beyond.

The Attorney General's Commission on Pornography

At the same time that MacKinnon was mounting an effort against pornography in the name of protecting women, conservatives were intent on attacking the increasingly publicly visible pornography industry. The election of Ronald Reagan in 1980 welcomed in the emergence of the New Right, which organized under "pro-life, pro-family, pro-moral, and pro-American" ideology, and believed Reagan would "restore the sovereignty of heterosexual marriage and motherhood."[38] To the New Right, pornography caused "sodomy and disruption of the family unit, in addition to rape, incest, exploitation and other acts inimical to the public good."[39]

Indianapolis was a historically conservative city, and pornography was a significant issue on politicians' agendas by the late 1970s.[40] When Indianapolis mayor

[37] Finan, "Catharine A. MacKinnon," 6.
[38] Rosalind Pollack Petchesky, "Antiabortion, Antifeminism, and the Rise of the New Right," *Feminist Studies* 7, no. 2 (Summer 1981): 215, accessed Feb. 19, 2020, http://www.jstor.org.libproxy.uoregon.edu/stable/3177522; Bronstein, *Battling Pornography*, 240.
[39] Lisa Duggan, Nan Hunter, and Carole S. Vance, "False Promises: Feminist Antipornography Legislation in the U.S.," in *Women Against Censorship*, ed. Varda Burstyn (Vancouver, BC: Douglas & McIntyre Ltd., 1985), 133.
[40] Downs, *The New Politics of Pornography*, 96.

and Presbyterian minister William Hudnut heard of the Minneapolis ordinance, he "didn't think of it as a measure to promote feminism, but as a weapon in the war on smut."[41] Hudnut enlisted conservative, anti-Equal Rights Amendment republican Beulah Coughenour to bring MacKinnon to Indianapolis to consult on an updated version of the ordinance. Coughenour was tactical in her efforts. She did not also hire Dworkin, who was much too radical to appeal to conservative lawmakers. She also cautiously kept MacKinnon at a distance from Hudnut, acting as a liaison between them, which allowed MacKinnon to claim she had not been in cahoots with conservatives.[42] When the Indianapolis ordinance passed, all republican council members voted in its favor; all democratic council members voted against it. Soon after it was passed in Indianapolis, the ordinance was again deemed to violate the First Amendment, this time by U.S. District Court Judge Sarah Evans Barker.[43] Even so, it marked a unique moment in which conservative and feminist efforts against pornography converged.

The same year MacKinnon's ordinance was introduced in Indianapolis, President Reagan announced the Attorney General's Commission on Pornography, also referred to as the Meese Commission. A similar effort had already been undertaken by a recent administration; the President's Commission on Obscenity and Pornography was established in 1969 under President Lyndon Johnson. In the final report released in 1970, the Commission recommended "eliminating all legal restrictions on use by

[41] Lisa Duggan, "Censorship in the Name of Feminism," in *Caught Looking: Feminism, Censorship and Pornography***,** eds. Kate Ellis, Beth Jaker, Nan D. Hunter, Barbara O'Dair, and Abby Tallmer (Seattle, WA: Real Comet Press, 1988), 64.
[42] Ibid.; E.R. Shipp, "A Feminist Offensive Against Exploitation," *New York Times* (June 10, 1984), accessed March 10, 2020 https://www.nytimes.com/1984/06/10/weekinreview/a-feminist-offensive-against-exploitation.html; Finan, "Catharine A. MacKinnon," 6.
[43] Finan, "Catharine A. MacKinnon," 7.

consenting adults of sexually explicit books, magazines, pictures, and films."[44] President Reagan, under pressure from conservative antipornography groups, rejected the earlier commission's conclusions.[45] In 1985, the Meese Commission, "stacked with conservatives," set out to prove that pornography was a problem.[46]

It did so with the help of antipornography feminists. Women Against Pornography provided a list of potential witnesses who might testify at federal hearings about the ways in which they were personally harmed by pornography, and MacKinnon herself testified before the Commission.[47] Through their participation in the Meese Commission, antipornography feminists demonstrated trust in the federal government to take care of the supposed pornography problem and better provide protections for women. The Commission's report, released in 1986, concluded that men's exposure to pornography caused negative attitudes towards women, and noted that "the civil rights approach, though controversial, is the only legal tool suggested to the Commission which is specifically designed to provide direct relief to the victims" of pornography.[48] While MacKinnon praised the Commission's report as it recommended her own civil rights approach to pornography, others "thought that the Commission had co-opted feminist vocabulary for conventional moralistic purposes, and worried about the use that conservative officials and judges would make of the Commission's condemnation of 'non-violent but degrading pornography.'"[49]

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[44] Downs, *The New Politics of Pornography* 2.
[45] Finan, "Catharine A. MacKinnon," 12.
[46] Ibid, 11.
[47] Paul Brest and Ann Vandenberg, "Politics, Feminism, and the Constitution: The Anti-Pornography Movement in Minneapolis," Stanford Law Review 39, no. 3 (February 1987): 623; Bronstein, *Battling Pornography*, 327.
[48] Brest and Vandenberg, "Politics, Feminism, and the Constitution," 658.
[49] Ibid.

Despite their apparent differences, pornography was an issue on which feminists and conservatives could agree: "For some it endangers the family, for some community, for others the well-being of women… None of them offers a vision of female sexual subjectivity, of female power and joy in the sexual arena."[50] Rather than work towards increased sexual freedoms for women, as many second-wave feminists did, antipornography feminists' alliance with these politicians is evidence of repressive sexual morals.

The "Feminist Sex Wars"

MacKinnon's legal efforts and the emergence of groups like WAP birthed a national feminist antipornography movement. However, their perspective was not the only feminist one. Feminist activists and scholars who would become known as the "pro-sex" or "anti-censorship" feminist faction emerged to oppose antipornography efforts by both feminists and conservatives. The Feminist Anti-Censorship Task Force (FACT) formed in 1984 in direct response to the antipornography movement and soon had chapters across the country.[51] Pro-sex feminists expressed two main concerns regarding the proposed antipornography legislation: first, that it would lead to censorship, and second, that it perpetuated sex-negative rhetoric.

The vague language of the ordinance, pro-sex feminists said, would allow those in power to use it to censor feminist publications. Janice Irvine and Donna Turley of the Boston chapter of FACT argued that the definition of pornography in the proposed ordinance could lead to the seizure of women's health and sexuality books like *Our*

[50] Duggan, "Censorship," in Ellis et al., 68.
[51] Kate Ellis, Barbara O'Dair and Abby Tallmer, "Introduction," in Ellis et al., 4.

Bodies, Ourselves; lesbian and gay media including *Gay Community News* and *Bad Attitude*; and even Andrea Dworkin's own book, *Pornography: Men Possessing Women.*[52] They argued that "the proposed ordinance gives another tool to an already erotophobic state… [it] is the perfect mechanism for the right to further restrict women, define our sexuality, and control our access to information."[53] Antipornography legislation was not just a threat to so-called "violent" pornography; it was a threat to people's freedom to sexual expression.

This threat was not just evident in the ways the legislation might be used to censor pornography, but in the very language of the ordinance itself. Pro-sex feminists argued that the ordinance was inherently sex-negative in its dualistic presumptions of male and female sexuality. As Irvine and Turley wrote, the ordinance "codifies the double standard by its characterization of women as weak and passive victims of sex. The presumption that women need legal protection from men makes it the legal equivalent of a chastity belt."[54] Antipornography legislation dictated what women could and could not find pleasurable, and what was and was not sexually acceptable. Additionally, it painted men as inherently violent. "We want to be safe from attack and abuse, in our private lives and in the public sphere," wrote FACT members Kate Ellis, Barbara O'Dair and Abby Tallmer. "But we don't want that safety at the cost of challenge, risk, exploration and pleasure."[55] The Minneapolis ordinance and other

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[52] A 1992 decision by the Canadian Supreme actually led to the seizure of two of Dworkin's books at the Canadian border because their content "illegally eroticized pain and bondage." See Sarah Scott, "Porn Police: Who Decides What to Ban at the Border," *Montreal Gazette*, April 14, 1993, quoted in Strossen, 237.

[53] Janice Irvine and Donna Turley, "Against the Ordinance," *Sojourner* (Cambridge, MA), September 1985, accessed Feb. 8, 2020, Independent Voices.

[54] Ibid.

[55] Kate Ellis, Barbara O'Dair and Abby Tallmer, "Introduction," in Ellis et al., 4.

legislative efforts inspired by it threatened not only free speech, but the social progress towards sex equality that feminist and queer activists had worked so hard to gain.

Escalating tensions between antipornography and pro-sex feminists led to a period of intense debate known historiographically as the feminist sex wars. Ellis described that "the women's movement has been divided, with a degree of bitterness that shocks both sides."[56] Antipornography feminists were impassioned in their crusades and hostile to any who would oppose them. In 1982, a conference at Barnard College was picketed by members of WAP, who attacked the pro-sex feminist organizers. Flyers distributed by WAP read that the organizers and speakers at the conference "promote sex roles and sadomasochism" and "have joined the straight and gay pedophile organizations in lobbying for an end to laws that protect children from sexual abuse by adults." Pro-sex feminists, too, were critical of their opposition; University of Michigan's Alice Echols denounced the antipornography movement in her morning address, calling them "the equivalent of the antiabortion movement, reinforcing and validating women's traditional conservatism."[57]

In 1985, tensions between antipornography and pro-sex feminists flared once again at an MIT symposium titled "Women and Pornography," which featured speakers and attendees from both sides of the issue. One rousing speaker, addressing pro-sex feminists, said, "To women who claim to care about women, stop your bullshit and get

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[56] Kate Ellis, "I'm Black and Blue from the Rolling Stones and I'm Not Sure How I Feel About It: Pornography and Feminist Imagination," in Ellis et al., 38.

[57] Angela Bonavoglia, "'Tempers flare of sexuality conference," *New Directions for Women* (Dover, NJ), July/August 1982, accessed Feb. 19, 2020, Independent Voices. For more on the Barnard Conference and the accusations made my WAP, see Gayle Rubin, "Blood Under the Bridge: Reflections on 'Thinking Sex,'" *GLQ: A Journal of Lesbian and Gay Studies* 17, no. 1 (2011): 20-27.

on our side or get out of our way."[58] This heat was met with exhaustion. As one writer who witnessed the day wrote, "A woman in the audience summed up the tenor of the day differently. Close to tears, she called out: 'I am so upset… I feel so much anger in this room. And it's not anger against men who are perpetuating [pornography]. It's anger against each other.'"[59] Such fervent discussions of sexuality and violence incited emotion in feminists on both sides of the issue, and among those who fell somewhere in between.

Perhaps this was the result of an overwhelmingly negative approach to pornography — one focused on sexual violence and the social subjugation of women. "Something was missing from all this discussion of the production and consumption of sexually explicit material," FACT member Paula Webster noted. "What about encouraging an honest dialogue about *our* sexual imagination?"[60]

[58] Barbara Beckwith, "'Women and Pornography' Symposium," *Sojourner* (Cambridge, MA), November 1985, accessed Feb. 10, 2020, Independent Voices.
[59] Ibid.
[60] Paula Webster, "Pornography and Pleasure," in Ellis et al., 30.

Catharine MacKinnon's Antipornography Feminism

As noted previously, the language of the Minneapolis ordinance prompts many questions, but offers few answers for them. Luckily, MacKinnon has penned many accounts of her theoretical approach which is reflected in the ordinance. While the ordinance itself was significant in prompting a national movement against pornography, what is more important than the legislation itself is the philosophy which informs it, as it contributed to more widespread cultural understandings of pornography. Through close analysis of MacKinnon's works, including *Only Words* and *Feminism Unmodified*, her influential theoretical approach to pornography can be better understood.

Pornography as Action

Originally a collection of lectures, *Only Words* is essentially MacKinnon's statement of principles of pornography. In its opening, she offers visceral descriptions of rape and abuse of women. She argues that the invention of the camera allowed for the documentation of these abuses, and the images are reused and redistributed for men's pleasure. "What he felt as he watched you," she writes, "is always being done again and lived again and felt again through the pictures—your violation his arousal, your torture his pleasure." Rather than act as evidence of rape, the images are proof of women's consent to the abuse. As "literature of your experience," the images are "a sign for sex, sex itself."[61] Through this thinking, MacKinnon establishes pornography as an act, rather than speech. It is both an act of abuse itself, and the acts of abuse inspired by it. All of these actions have kept women silent, and therefore contribute to their

[61] Catharine MacKinnon, *Only Words* (Cambridge, MA: Harvard University Press, 1993), 4.

subservient role in society. She thereby disputes the protection of pornography as speech under the First Amendment; a theoretical approach that she uniquely tried to turn into law through the Minneapolis ordinance.

MacKinnon writes that because pornography is treated as a form of speech in the eyes of the law, it cannot "*do* anything bad except offend." There is an exchange of ideas between creator and consumer, and both are protected under the First Amendment.[62] But in MacKinnon's eyes, pornography *does* quite a bit. "On the consumption end, it is not the ideas in pornography that assault women: men do, men who are made, changed, and impelled by it."[63] Frances Ferguson has identified that MacKinnon's connection between pornography and action (rape) is so pervasive, it is "as if there were no escape from the lockstep of the trajectory projected by an image one has seen." Ferguson describes this as an "especially narrow version of behaviorist psychology."[64] MacKinnon prescribes behaviorism specifically to male sexuality.

She does this by placing an importance on the implication that men will have a physiological response to pornography. To her, pornography itself is part of a sex act when men masturbate to it: "An erection is neither a thought nor a feeling, but behavior."[65] It is the presence of an erection that allows men to experience an act simply by viewing it; it turns pornography from images into action. To illustrate this, MacKinnon offers this hypothetical:

> "Suppose that the sexually explicit has a content element: it contains a penis ramming into a vagina. Does that mean that a picture of this conveys the idea of a penis ramming into a vagina, or does the viewer

[62] Ibid., 11. Emphasis in the original.
[63] Ibid., 15.
[64] Frances Ferguson, "Pornography: The Theory," *Critical Inquiry* 21, no. 3 (1995): 678-79.
[65] MacKinnon, *Only Words*, 16.

> see and experience a penis ramming into a vagina? … When he then goes and rams his penis into a woman's vagina, is that because he has an idea, or because he has an erection?"[66]

Pornography is therefore not simply a communication of ideas, it is an action in and of itself. Harm to women is done not just through the production of pornography, but through the very act of consuming pornography and the presumed act of masturbation while consuming it; further, harm to women is done through the action it inspires. MacKinnon writes that "Pornography does not simply express or interpret experience; it substitutes for it."[67] Her emphasis on male action reinforces the normative idea of men as actors and women as passive recipients of that action. But pornography is an action, she argues, and therefore it should not be legally protected as speech.

MacKinnon problematically blurs the lines between observation and action. She writes that, "In the visual materials, they [men] experience this *being done* by watching it *being done*."[68] Under her understanding, to watch a film in which someone gets shot is to experience getting shot, or to experience shooting the gun. Watching this film would so strongly compel the viewer that they would go out and shoot someone. But MacKinnon argues, "In mainstream media, violence is done through special effects; in pornography, women shown being beaten and tortured report being beaten and tortured."[69] Watching pornography is therefore different than watching a violent film because the action in pornography is "real," and consuming it presumably includes action (masturbation). It is this physiological response which makes pornography especially harmful; but do "passive" viewers of a film not also have a physiological

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[66] MacKinnon, *Only Words*, 24. This example also illustrates MacKinnon's deliberate use of incendiary rhetoric, demonstrated here through her repeated use of the word "ramming."
[67] Ibid., 25.
[68] Ibid., 17.
[69] Ibid., 27.

response to violence (increased heart rate, sweaty palms, feelings of anxiety)? To MacKinnon, sexual arousal is so powerful it transforms pornography from a medium to an experience.

Pornography as Reality

MacKinnon differentiates between violence in mainstream media and pornography because "in mainstream media, violence is done through special effects." She implies that women are somehow safe in industries where special effects are used and unsafe in industries where they are not, but provides no real proof of this assertion. MacKinnon even recognizes that in the making of pornography certain "effects" are sometimes used: "the sex acts have to be … stopped and restarted, positioned and repositioned, the come shot often executed by another actor entirely."[70] Despite these ways in which pornography does not recreate "real sex," MacKinnon's assertion that pornography is an act of sex itself allows her to dismiss the elements of fantasy.

MacKinnon elaborates on this idea — that pornography is "real" — by disputing the idea that it is only representation. "The most elite denial of the harm is the one that holds that pornography is 'representation,' when a representation is a nonreality."[71] MacKinnon invokes a longstanding debate of pornography's status as representation versus reality. The California Supreme Court's decision in *CA v Freeman* (1989) prescribed a delineation between representation and reality to law. The court decided that if a producer is paying someone to be an actor, it is not prostitution, which remains illegal in the majority of the country. What the actor is doing is a performance — it's not real. MacKinnon would argue that performances in pornography, meant to represent

[70] MacKinnon, *Only Words*, 27.
[71] Ibid, 28.

sex, are in fact real sex because the sex is not simulated. But what is real sex? And what constitutes performance?

These questions of authenticity can be applied even to nonsexual situations. Every day people get up and put on a certain outfit and walk a certain way and behave a certain way, either as means of conforming to society, attracting a partner, surviving the day, or self-expression. Regardless, people are all performing in one way or another. It is natural for this performance to seep into the way people have sex. In this way, all sex, not just the sex in pornography, is somewhat performative.

Men as Actors and Women as Acted Upon

James McHugh wrote in a 1994 review of *Only Words* that the book fails to offer a clear definition of pornography. This is a trend across MacKinnon's work, including the Minneapolis ordinance. Rather than bother with defining pornography, as McHugh points out, MacKinnon "appears to rely upon the easier, though unsatisfying, premise that all expressions of a sexual nature which involve women promote an image (and thus the reality) of the general dominance of women by men."[72] Under patriarchy, men have a superior role to women. But the fact that some types of pornography do perpetuate sexism is a reflection of patriarchy, not the cause of it. To imply that any sexual image involving women promotes that sexism blames women for participating in the society in which they live. But MacKinnon would argue that sexism in pornography has more to do with the nature of sex itself than the culture we live in, as made evident in her behaviorist approach to sexuality.

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[72] James McHugh, "Pornography and Power — Catharine A. MacKinnon: Only Words. (Cambridge, MA: Harvard University Press, 1993. Pp.vi, 152. $14.95.)," *The Review of Politics* 56, no. 3 (1994): 596.

MacKinnon justifies her behaviorist approach to male sexuality through a single testimony from a single man, who was on death row for murdering a young woman and raping her corpse, and admitted that "from looking at girly books and watching girly shows I would want to go rape somebody."[73] Just as MacKinnon repeatedly used Linda Marchiano's testimony as a representative of every woman in the pornography industry, so too does this man's testimony function as an example for every male consumer. It is treated as an inevitability: "Sooner or later, in one way or another, the consumers want to live out the pornography further… Sooner or later, in one way or another, they do."[74] The implication that pornography is directly linked to sexual violence suggests that men are incapable of controlling themselves and only able to react to the images they see with violence. She writes, "The physical response to pornography is nearly a universal male reaction, whether they like or agree with what the materials say or not."[75] Pornography, therefore, acts as both catharsis for and instigator of men's inherently violent sexual desires. MacKinnon's perception that men cannot prevent themselves from committing rape is especially concerning; it is the same rhetoric used to blame victims of assault for their rapists' actions.

MacKinnon takes an equally limiting perspective towards female sexuality. In Susan Fraiman's review of *Only Words*, she writes that despite agreeing with some of MacKinnon's assertions, she takes issue with her sweeping generalizations of pornography and the industry. "Linda Marchiano, who has testified she was raped for the filming of *Deep Throat*, is taken to stand for all sex workers; the snuff film, its horror obvious but actual existence doubtful, is taken to stand for all pornography."

[73] MacKinnon, *Only Words*, 18.
[74] Ibid., 19.
[75] Ibid., 37.

Fraiman points out that MacKinnon's rigid understandings of pornography and the women in it left no room for the existence of sexually explicit images that were not made through force or supposedly ended in murder.[76] Additionally, MacKinnon writes that "force is so often needed to make other women perform the sex that consumers come to want as a result of viewing [pornography]."[77] In compiling testimonies for the hearings on the Minneapolis ordinance, MacKinnon encountered many women who were coerced into recreating acts their partners saw in pornography. Their experiences should not be dismissed; should we, then, not dismiss the experiences of women who consented to participating, who wanted to participate?

That's not to diminish the experiences of women coerced into sex; in fact, it's to do quite the opposite. By diminishing women's propensity for sexual agency and claiming all sex acts are acts of abuse, MacKinnon effectively normalizes abuse. In *Feminism Unmodified*, a collection of speeches given by MacKinnon between 1981 and 1986, she again returns to the story of Linda Marchiano, who testified she was coerced into making *Deep Throat*. She writes that "a lot of women know that what Linda says is true but are not willing to face it."[78] It is true many are unwilling to face the reality of abuse, yet MacKinnon is equally unwilling to face the idea that some women experience sexual desire, and even more unwilling to accept that some women might desire to be put in positions which she calls subordinating.

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[76] Susan Fraiman, "Catharine MacKinnon and the Feminist Porn Debates (Book Review)," *American Quarterly* 74, no. 4 (1995), 746. MacKinnon places an emphasis on snuff films multiple times in her book, despite the lack of evidence that such films exist. See Eithne Johnson and Eric Schaefer, "Soft Core/Hard Gore: Snuff as a Crisis in Meaning," *Journal of Film and Video* 45, no. 2/3 (Summer-Fall 1993), 40-59.

[77] MacKinnon, *Only Words*, 21.

[78] Catharine MacKinnon, *Feminism Unmodified: Discourses on Life and Law* (Cambridge, MA: Harvard University Press, 1987), 11.

Power, Gender, and Pleasure

Women's sexual agency and pleasure are defined by MacKinnon in terms of the structures of gender and power in place under patriarchy. It is true that men have power over women, and the mere existence of the gender binary solidifies this hierarchy. As MacKinnon writes, "The idea of the gender difference helps keep the reality of male dominance in place." At the same time, however, MacKinnon herself reinforces the gender difference which keeps male dominance in place: the active, aggressive male and the acted-upon, passive female. She writes, "Pornography makes inequality into sex, which makes it enjoyable, and into gender, which makes it seem natural."[79] Gender difference is placed into a hierarchy under patriarchy. This seeps so deeply into our understandings of gender it infects the way we think about sex itself, and MacKinnon argues that this hierarchy is reinforced in sex through roles of dominance and submission. "Dominance, principally by men, and submission, principally by women, will be the ruling code through which sexual pleasure is experienced."[80] Again, her understanding is tied to behaviorism: men are naturally aggressive beings who only experience sexual pleasure through the subordination of women. Her statements, phrased as facts, fail to acknowledge other forms of sexuality that can and do exist outside of the dominant male/submissive female sexual norm.

Like other MacKinnon critics, Ferguson points out that to MacKinnon, "sexuality simply enacted hierarchy and inequality every time it got down to acts."[81] Under MacKinnon's philosophy, all sexual acts reinforce the gender hierarchy which puts men above others. In asserting this, she implies a hierarchy of sexual acts

[79] MacKinnon, Feminism Unmodified, 3.
[80] Ibid., 7.
[81] Ferguson, "Pornography: The Theory," 683.

themselves — some are subjugating to women and therefore disdainful, and positions in which women are not submissive are preferred. However, she never asserts which positions would be preferred, only points to sex itself as an act of male supremacy.

MacKinnon writes that the "twin icons of male supremacy" are "sex and speech."[82] Once again, she asserts that sex itself is inherently male, and therefore harmful to women. Her conflation of sex with harm is clear in her discussion of sexual abuse under the subheading "Sexuality." While some theorize sexual abuse and harassment to be exercises of power and not sexuality, MacKinnon argues that "violence is sex when it is practiced as sex." But does power have to be gendered, simply because genders have been given power? "Feminism is built on believing women's accounts of sexual use and abuse by men."[83] Certainly, we must believe women who share their experiences of assault. But feminism can, at the same time, be built on believing women's accounts of sexual pleasure.

"Postures of Sexual Submission"

One of the nine ways in which pornography is defined as subordinating to women in the Minneapolis ordinance was that "women are presented in postures of sexual submission or sexual servility, including by inviting penetration."[84] The question of which postures count as being of sexual submission or servility is left to the courts, and the notion that inviting penetration is subordinating is predicated on the idea that women are inherently subordinate to men. Rather than critique the phallocentricity of heterosexual encounters, MacKinnon demonizes women's desires. For example, again

[82] MacKinnon, *Feminism Unmodified*, 7.
[83] Ibid., 5-6.
[84] MacKinnon and Dworkin, *In Harm's Way*, 428

referring to Marchiano's performance in *Deep Throat*, she writes, "It is important that she personally loved taking a penis to the bottom of her throat, as if women really are like that."[85] MacKinnon places a hierarchy on sexual acts: those which put women in "submissive" positions and are therefore disdainful and unwanted by all women, and those which don't paint women in a subservient light and therefore are "acceptable." Rather than offer any examples of what egalitarian sex could look like, MacKinnon instead focuses on what sex should *not* look like. As pointed out by Linda Williams, "Are feminists to declare themselves against representations of fellatio, against being on their knees during sex, against anything other than absolutely egalitarian forms of mutual love and affection? Indeed, what forms of sex *are* egalitarian?"[86] In this instance, it seems as though MacKinnon's criticisms of pornography are not just about pornography, but about sex itself.

Consent, Choice, and Capitalism

MacKinnon's understanding of consent is especially concerning, as it compares women's ability to consent with minors' inability to consent. She comments on child pornography, and that the harm of child pornography is recognized by the American legal system because its consumption and possession is punishable by law. But MacKinnon questions why the harm of pornography towards women is not also recognized. "Sex pictures are legally considered sex acts, based on what, in my terms, is abuse due to the fact of inequality between children and adults," she writes. "For seeing the pictures as tantamount to acts, how, other than that sexuality socially defines

[85] MacKinnon, *Feminism Unmodified*, 3.
[86] Williams, *Hard Core*, 25. Emphasis in original.

women, is inequality among adults different?"[87] In asking this question, MacKinnon asserts that the inequality between men and women is the equal to the inequality between adults and children. Women are therefore infantilized; they are equal to children in terms of their ability to consent to sex. As Fraiman notes**,** "MacKinnon has argued that women, like children, cannot consent to posing for pornography since they are unequal parties to the transaction; yet no heterosex is purely consensual by this definition, and, unequal as women may be, I would want to insist that when women say 'yes,' unlike children, they mean 'yes.'" MacKinnon's repeated insistence that women are incapable of consent is infantilizing and effectively removes any possibility for female sexual agency and pleasure.

MacKinnon's approach is predicated on the notion that women cannot actually consent to participating in the industry, and are all victims. As she writes in *Only Words*, "Pornography is done to women." To MacKinnon, pornography, and therefore sex, is an action done to women, not something they can actively participate in. This is also made clear in her assertion that the exchange of money in the making of pornography is the only motivator for women's participation in the industry. If no physical or psychological coercion is used, "Money is the medium of force and provides the cover of consent."[88] Expanding on the idea of choice under capitalism, she writes: "This is a bourgeois culture, which cherished that belief that individuals freely act."[89] Under this thinking, however, the issue is not pornography, but the underlying motivator of capitalism. Under capitalism, performers must demand to be paid for their services; but if they didn't have to demand money, that doesn't mean pornography

[87] MacKinnon, *Feminism Unmodified*, 36.
[88] MacKinnon, *Only Words*, 28, 39.
[89] MacKinnon, *Feminism Unmodified*, 11.

wouldn't exist. In fact, without money as a prime motivator, the pornography industry may look much more appealing: a place where people fully choose to participate in the creation of sexual media as a form of exploration, exhibitionism, or simply doing what they love most — having sex. "Women do not want to be pornography," MacKinnon writes. But the number of women who have enthusiastically contributed to the industry prove otherwise.

In *Feminism Unmodified*, MacKinnon employs a quote from Nawal El Saadawi's novel *Woman at Point Zero*, which tells the story of a woman who, after experiencing much powerlessness in her life at the hands of men, turned to prostitution as a means of gaining ownership over her own life. Prostitution allowed this woman to be in charge of her own finances and choose her sexual partners, rather than be subject to the control of an abusive husband. MacKinnon's use of this quote is evidence of her failure to recognize the combined structures of capitalism and patriarchy as cause for the subjugation of women. Instead, she points at pornography.

The State's Failure

In both *Only Words and Feminism Unmodified*, MacKinnon criticizes the law for failing to protect women and bring pornographers to justice. She writes, "The utter failure of this state to do anything effective about it—with the extremely elastic obscenity standard in its hands and all of its power at its disposal—should suggest that this theory of the state is lacking."[90] If pornography is abuse and the state protects pornography, the state is failing to protect women. MacKinnon specifically ridicules the three-prong obscenity test still in effect today, both for the need to prove that the

[90] MacKinnon, *Feminism Unmodified*, 4.

material “appeals to prurient interest” and “lacks serious literary, artistic, political, or scientific value.”[91] She argues that these are linked, again pointing at men’s arousal. The value placed on pornography *is* an erection, or prurience: “Never underestimate the power of an erection, these days termed ‘entertainment,’ to give a thing value.”[92] MacKinnon says that the obscenity test fails because juries and police would not be willing to admit that more violent pornography is arousing to them; thereby justifying violence as not being obscene, and contributing to the creation of more violent pornography.

MacKinnon justifies her civil rights approach in attacking the obscenity test. “These days,” she argues, “Censorship occurs less through explicit state policy than through official and unofficial privileges of powerful groups and viewpoints.”[93] But that’s exactly what she’s acting as: the powerful “feminist” voice that speaks for all women and their viewpoints. Through MacKinnon’s efforts she pushes her own agenda, dominates discourse, and creates a hierarchy of sexual acts, assuming all women would agree. Understanding MacKinnon’s rhetorical and theoretical approach to pornography is essential in discerning the development of antiporngraphy feminism and, by extension, all antipornography efforts.

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[91] United States Department of Justice, “Citizen’s Guide to U.S. Federal Law and Obscenity.”
[92] MacKinnon, *Only Words*, 88.
[93] Ibid., 77.

Pornography: A Public Safety Issue

MacKinnon took her theoretical approach to pornography with her from Minneapolis to Indianapolis, and to her involvement in the Meese Commission. But it was after the Commission that radical feminist influence in the antipornography movement would dissipate, for a time. As pointed out by Nancy Whittier, "Outcomes [of the Commission] reflected conservative rather than feminist goals. Most congressional hearings continued to take child sexual exploitation as the primary context in which pornography was discussed and included no feminist leaders, organizations, or frames."[94] MacKinnon criticized the Commission's findings, noting that it "did not focus on questions about gender" and "did its best to eliminate 'violence' from its materials."[95] Issues of gender and violence were at the heart of antipornography feminists' concerns, but the Commission rejected these. With the Commission's findings in mind, Congress instead "considered legislation to restrict pornography in new media and children's access to it," and feminist activists "shifted to other issues related to sexual violence and commercial sex, such as sexual harassment, rape, prostitution, domestic violence, and human trafficking."[96] MacKinnon herself went on to pursue a career in academia, having finally had success in the courts in 1986 when the Supreme Court supported the view that sexual harassment was a form of sex discrimination, an idea that she advanced.

Thanks to MacKinnon's and her supporters' efforts, pornography remained in the political limelight. States responded to the Commission's recommendations for

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[94] Nancy Whittier, *Frenemies: Feminists, Conservatives, and Sexual Violence* (New York: Oxford University Press, 2018), 68.
[95] MacKinnon, *Feminism Unmodified*, 264n8.
[96] Whittier, *Frenemies*, 5, 52.

increased penalties for selling obscene material with more bills introduced year after year. Conservative antipornography groups such as the National Federation for Decency (later renamed the American Family Association) grew support based on the traditional values of "virginity, monogamy and the patriarchal family." As Executive Director of the National Coalition Against Pornography Rev. Jerry Kirk wrote:

> "Pornography is not a conservative or liberal issue. It is an issue for everyone who cares about the well-being of children, women, men and families. For some, it is a religious issue. For others, it is a moral issue. But for everyone, pornography is a public safety issue: the safety of our children from sexual abuse and molestation, or women from rape and degradation and our families from disease and disintegration." [97]

Despite his attempt to paint pornography as a universal issue, it is clear that Kirk and his constituents led their antipornography efforts with a specific moral agenda of protecting the heteronormative family unit.

Right-wing women's groups emerged with a similar moralism, although they didn't identify themselves with the feminist antipornography movement. Concerned Women for America (CWA), a group with evangelical roots formed in 1979, adopted pornography as a principle focus in the 1990s. Much like antipornography feminists, CWA held the belief that "pornography is directly correlated with incidents of violence against women."[98] Along with this belief, the group's position as a women's group and a conservative group placed it at a unique intersection of ideologies, the path for which was paved by radical feminists like MacKinnon. As Ronnee Schreiber writes, "Since they [the CWA] claim to be speaking as and for women, they not only aim to mobilize people around conservative politics, but seek to specifically rally women to stand with

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[97] Finan, "Catharine A. MacKinnon," 12-14.
[98] Ronnee Schreiber, *Righting Feminism: Conservative Women and American Politics* (New York: Oxford University Press, 2008), 65.

them."[99] In their intense lobbying and strong pushes for policies, CWA framed policy goals "in terms of women's interests," which "reflects its conservative ideology about gendered norms but also stems from a desire to establish credibility as a women's organization."[100] By working with conservative legislators to further their own agenda, conservative women's groups were thereby legitimized as the voice of all women, much like MacKinnon before them.

That's not to say that antipornography feminists gave up the fight forever. The book *Not For Sale: Feminists Resisting Prostitution and Pornography*, published in 2004, is evidence that feminists with antipornography agendas remained active in activism and academia past the 1990s. "There are now at least two generations of feminists who clearly understand the damage of prostitution and pornography to all women's safety and civil status," the book boasts. Through its publication, its authors aimed to "draw new energy to the movement" and call attention to "a whole new generation of feminists who are resisting the sex industry."[101] The authors explicitly build upon the theories established by MacKinnon and other prevalent antipornography feminists, and the book is evidence that antipornography feminism had in no way disseminated, albeit without the same political fervor seen at the height of the so-called "sex wars." Still, the same ideologies which fueled the movement then remain even today, although reformulated to fit the current media landscape.

Today, the legacies of antipornography feminism and conservative efforts against pornography persist. Gail Dines is arguably the leader of 21st century

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[99] Schreiber, *Righting Feminism*, 5.
[100] Ibid., 64.
[101] Christine Stark and Rebecca Whisnant, Not for Sale: Feminists Resisting Prostitution and Pornography (North Melbourne: Spinifex Press, 2005), xi-xiii.

antipornography feminism; as the founder and president of Culture Reframed, Dines and her constituents "create tools, in this digital age, to help you [parents] raise kids who are porn-resilient and resistant."[102] She has lectured at colleges around the world, offering feminist analysis of pornographic material; written for a variety of media publications about the "public health crisis" that is pornography; and consulted government agencies in the US, UK, Norway, Iceland and Canada.

In 2016, the Republican Party added a statement on pornography to their platform: "Pornography, with its harmful effects, especially on children, has become a public health crisis that is destroying the lives of millions."[103] Even though the emphasis is placed on children, the concept of harm caused by pornography was made popular by MacKinnon. And as of May 2019, over a dozen states have followed suit in declaring pornography a "public health crisis."[104] Gail Dines has praised Republican legislators' antipornography efforts in these states, as her own organization, Culture Reframed, places an emphasis on pornography's negative effects on boys and girls and their development into sexually active young men and women.[105] Dines' support of these Republican efforts exposes that the coalescence of feminism and conservatism remains.

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[102] "Our Work," Culture Reframed.
[103] John Barrasso, Mary Fallin, and Virginia Foxx, ed., *Republican Platform 2016*, Committee on Arrangements for the 2016 Republican Party National Convention, 40, accessed January 23, 2020, https://prod-cdn-static.gop.com/media/documents/DRAFT_12_FINAL%5B1%5D-ben_1468872234.pdf.
[104] Kristin Lam, "States call pornography a public health crisis; porn industry decries 'fear mongering,'" *USA Today*, May 9, 2019, accessed May 1, 2020, https://www.usatoday.com/story/news/nation/2019/05/09/pornography-public-health-crisis-states-adopt-measures-against-porn/1159001001/.
[105] Gail Dines, "Is porn immoral? That doesn't matter: It's a public health crisis," *Washington Post*, April 8, 2016, accessed May 1, 2020, https://www.washingtonpost.com/posteverything/wp/2016/04/08/is-porn-immoral-that-doesnt-matter-its-a-public-health-crisis/.

Gail Dines' "Pro-sex," Antipornography Feminism

Gail Dines is a self-proclaimed antipornography, pro-sex feminist. The combination of these labels immediately paints Dines as having a more nuanced view on pornography than the antipornography feminists before her. As previously examined, the "feminist sex wars" of the late 20th century split feminism in half, between those considered antipornography and therefore anti-sex, and an anticensorship, pro-sex faction. Dines is critical of this dichotomy; in her 2010 book *Pornland: How Porn Has Hijacked Our Sexuality,* she writes:

> "What if you are a feminist who is pro-sex in the real sense of the word, pro that wonderful, fun, and deliciously creative force that bathes the body in delight and pleasure, and what you are actually against is porn sex? A kind of sex that is debased, dehumanized, formulaic, and generic, a kind of sex based not on individual fantasy, play, or imagination, but one that is the result of an industrial product created by those who get excited not by bodily contact but by market penetration and profits."[106]

At first glance, it appears that Dines has removed herself from the perspective held by Catharine MacKinnon and other prominent antipornography feminists active during the sex wars. Dines comments on "bodily delight and pleasure" and "individual fantasy, play or imagination," taking what appears to be a much more sex-positive stance than those who spearheaded antipornography feminism.

However, as evident in the quote above, it's clear that Dines is pro-sex only about specific types of sex. While MacKinnon didn't seem to be in favor of any type of sex, insinuating many times that all sex was simply an act of abuse, Dines is only in favor of what she considers to be sex "in the real sense of the word." But what is sex in the real sense of the word? Unlike MacKinnon, who argued that pornography was real

[106] Gail Dines, *Pornland: How Porn Has Hijacked Our Sexuality* (Boston, MA: Beacon Press, 2010), Kindle edition, 45.

sex, and real sex was abuse, Dines' argument is based on the idea that pornography is not real sex, and cannot be real sex. In *Pornland*, Dines ultimately fails to provide a definition of "real sex." Instead, as in many of her other written works, she relies on a specific genre of pornography as the definition of all pornography and "porn sex," which is then used to define what real sex is not, rather than what real sex is. In this way, she repeats MacKinnon's tendencies to create a hierarchy of sexual acts based on the notion of what could or could not be considered degrading towards women.

Reproducing and Redistributing Pornography

Dines' own work pulls directly from that of antipornography feminists before her, specifically through the use of slide shows. Dines, along with Rebecca Whisnant (co-editor of *Not for Sale*), launched her antipornography slide show in 2007 at Wheelock College in Boston, and has since taken it to colleges across the country and even abroad. The slide show is also available for parents and sex educators through Culture Reframed. Dines cites Women Against Pornography's 1980s slide show as direct inspiration: "It shifted the way I thought about men, masculinity and sexual violence because it showed me, in stark detail, how porn users think about women."[107] WAP's slide show was critiqued as an attack on sex itself more than a commentary on violence, as the images WAP claimed to demonstrate violence could be contested.[108] Dines seems to have embraced this approach, as the images she uses and acts she describes are violent in her opinion.

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[107] Karen Boyle, ed., *Everyday Pornography* (New York: Routeledge, 2010), Kindle edition, 415-418.
[108] Gay rights activist John D'Emilio, pro-sex feminist Paula Webster, and radical feminist journalist Lindsy Van Gelder are among those who critiqued the images used in WAP's slideshow. See Bronstein, *Battling Pornography*, 217-218.

Dines argues that her use of explicit images and descriptions are essential in making her argument, and yet her descriptions recreate the very acts she claims are violent and exploitative. Just as MacKinnon constantly returned to the abuse of Linda Marchiano, using it as a tool for political gain, Dines uses images which she claim show women being exploited over and over again in her slide shows. Whisnant, her collaborator, said the slide show cannot exist without these images, and that "I hope we have succeeded in treating the women with respect and dignity."[109] But how can reusing these images and distributing them across the globe without their consent or payment for the work they produced be considered treating them with respect?

Love and Intimacy

Dines places an importance on the concepts of love and intimacy when distinguishing between "porn sex" and "real sex." She writes, "Missing from porn is anything that looks or feels remotely like intimacy and connection, the two ingredients that make sex interesting and exciting in the real world."[110] By claiming real sex is defined by emotional connection and intimacy, Dines perpetuates a conservative view of sexuality which places importance on love, and by extension, marriage and family.

In describing "porn sex" as the "destruction of intimacy," Dines harkens back to feminist distinctions between "pornography" and "erotica" during the feminist sex wars.[111] As described by Carolyn Bronstein:

> "For [Gloria] Steinem, writing in *Ms.* in 1978, erotica was rooted in ''eros' or passionate love, and thus in the idea of positive choice, free will, the yearning for a particular person.' Pornography, on the other

[109] Boyle, Everyday Pornography, 456.
[110] Dines, Pornland, 1661.
[111] Ibid., 156.

> hand, 'begins with a root 'porno,' meaning 'prostitution' or 'female captives,' thus letting us know that the subject is not mutual love… but domination and violence.' These distinctions may have seemed clear on paper, but it proved difficult to achieve consensus on many images."[112]

Like MacKinnon before her, Dines' distinction between "porn sex" and "real sex" creates a hierarchy of sexual acts which she considers acceptable versus unacceptable for women to engage in. However, unlike some second-wave antipornography feminists who pushed for erotica over pornography, Dines seems more concerned with the existence of any type of sexual imagery, and women's engagement in any form of sex without "love" or "intimacy," both of which she offers no definition.

Dines writes that through using pornography, a person's authentic sexuality "is replaced by a generic porn sexuality limited in creativity and lacking any sense of love, respect, or connection to another human being."[113] Mutual respect between sexual partners should exist no matter their circumstances, but when coupled with concepts of love and intimacy, Dines suggests that respect, and therefore real sex, cannot exist outside of these bounds. For Dines, women who engage in sex outside of these bounds — through anonymous sex or non-procreative sex, for example — are in no way liberated, but instead are actively participating in and contributing to women's oppression.

More of Dines' perspective on women's sexuality can be found in her commentary on SlutWalk, a yearly, worldwide demonstration started by Amber Rose in an effort to end rape culture, specifically victim-blaming and slut-shaming. Dines' interpretation is that "The organisers claim that celebrating the word 'slut', and promoting sluttishness in general, will help women achieve full autonomy over their

[112] Bronstein, *Battling Pornography,* 216.
[113] Dines, *Pornland*, 68.

sexuality. But the focus on 'reclaiming' the word slut fails to address the real issue," which she says is the "madonna/whore" complex.[114] In fact, it is that very complex that SlutWalk aims to point a finger to; the same complex that puts women's sexuality into boxes and creates the concept of the "slut." Dines writes that "Encouraging women to be even more 'sluttish' will not change this ugly reality," the ugly reality being rape culture. But the purpose of SlutWalk is not to encourage women to behave "sluttishly," but to combat the fact that women's sexuality is labeled as such. Dines' distain for the SlutWalk is centered in a regressive sexuality which prohibits women from finding sexual autonomy through ascribing to what is considered "sluttishness," through dress, behavior, or otherwise.

Blame it on the Sex Workers

While MacKinnon's disdain for sex workers, specifically women in the pornography industry, was shrouded in complex radical feminist theory, Dines' disdain for women's participation in "porn culture" is much more apparent. First, although she acknowledges that the pornography industry is dominated by men, as in any other media industry, she makes a point of attacking women in the industry. In one instance, she explains confronting pornography performer and producer Nina Hartley at the AVN Adult Entertainment Expo in 2008:

> "I opened the interview by saying, 'The radical feminist analysis of porn was correct. It has gotten much more violent over the years. I was right

[114] Gail Dines, "This is not liberation: Women need to take to the streets to condemn violence, but not for the right to be called 'slut'," *The Guardian* (May 9, 2011), https://link-gale-com.libproxy.uoregon.edu/apps/doc/A255888794/AONE?u=euge94201&sid=AONE&xid=c4c34c68.

> and you were wrong, and you won and I lost, because look around you: everything that we said was going to happen is happening.'"[115]

Dines placing blame on Hartley specifically is astounding, as Hartley has used her stature in the industry in especially positive ways. Her website, Nina.com, features "instructional sex videos teaching consumers how to engage in practices like anal sex, bondage, and group sex in more responsible ways."[116] Dines has specifically pointed at these acts as being degrading towards women, and yet, Hartley has attempted to use her platform as a means of educating all sexes in how to engage in these acts safely with enthusiastic partners. It is clear that, no matter sex workers' attempts to better the industry, Dines hold an unfavorable opinion of women in the pornography industry. While MacKinnon couldn't conceptualize that women might have an enthusiastic desire to participate in pornography, Dines acknowledges their participation and denounces them for it, no matter how they participate in it.

Further, she points at the pornography industry, and specifically the women in it, for their negative influence on young women. In *Pornland*, she writes:

> "Whether it be thongs peeping out of low-slung jeans, revealing their 'tramp stamp,' their waxed pubic area, or their desire to give the best blow job ever to the latest hookup, young women and girls, it seems, are increasingly celebrating their 'empowering' sexual freedom by trying to look and act the part of a porn star."[117]

Unlike MacKinnon before her, Dines recognizes the significant influence of mainstream media on women. She writes a scathing analysis of popular culture as preying on women's insecurities and creating an idea of the ideal woman; this would be a strong critique if pornography and the women in it weren't always the point of blame. She

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[115] *Everyday Pornography*, Kindle location 713.
[116] Margaret Grebowicz, *Why Internet Porn Matters*, 117.
[117] Pornland, Kindle location 87.

continually returns to the image of the "porn star" — the "hypersexualized, young, thin, toned, hairless, and, in many cases, surgically enhanced woman with a come-hither look on her face."[118] While this image may well be perpetuated as the ideal throughout mainstream media, she offers no evidence for this image having come from the women in pornography. At the same time, as in the quote above, Dines demonizes young women for navigating the complex relationship between this ideal image and their own sense of self through dress and behavior: "their low slung jeans… their desire to give the best blow job ever to their latest hookup."[119]

Dines' critique brings up the complicated question of choice. Do women choose to wear certain styles or to have specific desires, or are these ideas placed on them by the culture we live in? While cultural ideals are pervasive, one would like to think that women still hold within themselves the power to choose which behaviors they prefer. Dines employs a strong feminist analysis of the capitalist construction of femininity: women are fed images of what the ideal woman looks like, and are told that in order to achieve this image, they must spend money on the products which can help them achieve it. In this way, Dines recognizes the compounding influence of patriarchy and capitalism on the development of young women. Yet, at the same time, she demonizes them for the ways in which they navigate these structures as they develop into their sense of self. Dines criticizes "the tattoo on the lower back, the pierced belly button, the low-cut top that shows cleavage, the high heels that contort our calves, and the pouting glossed lips."[120] Can women not be aware and even critical of the signifiers of the "ideal" woman, and not at the same time enjoy some of the aesthetics? Under Dines'

[118] Dines, *Pornland*, 2256.
[119] Ibid., 87.
[120] Dines, *Pornland*, 2270.

thinking, any woman wearing high heels is ascribing to the "porn star image," an image which she finds disdainful.

While Dines' acknowledgement of capitalism is far beyond that of MacKinnon, she too employs the rhetoric of rape culture in her analysis. "Teachers, including elementary school teachers, often complain that their female students look more like they are going to a party than coming to school."[121] The sexism inherent in school dress codes is more widely understood today than earlier in the 21st century, but even before the publication of *Pornland*, feminists were beginning to recognize it. Dress codes have been imposed on young women and girls in high school, middle school, and even elementary school which argue that certain ways of dressing are "distracting" to their male peers and even teachers.[122] Rather than question why teachers might complain about young women dressing the way they do, Dines complains about certain styles of clothing, and turns to women in pornography as the point of blame.

In addition to critiquing young women's dress, Dines chastises their sexual behavior: "their desire to give the best blow job ever to their latest hookup" is attributed to the influence of pornography.[123] Studies demonstrate a discrepancy in pleasure between heterosexual men and women — most widely known as "the orgasm gap" — but is the solution to this discouraging women for seeking out ways to make their

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[121] Ibid., 2274.
[122] For scholarship on school dress codes, see Rouhollah Aghasaleh, "Oppressive Curriculum: Sexist, Racist, Classist, and Homophobic Practice of Dress Codes in Schooling," *Journal of African American Studies* 22, no. 1 (2018), 94+, *Gale Academic OneFile* (accessed May 16, 2020); Shauna Pomerantz, "Cleavage in a Tank Top: Bodily Prohibition and the Discourses of School Dress Codes," *Alberta Journal of Educational Research* 53, no. 4 (Jan. 2007), 373-386; Emilie Zaslow, "Girls, power and style: social and emotional experiences of the clothed body," *Girlhood Studies*: *An Interdisciplinary Journal* 2, no. 1 (2009), 112+, *Gale Academic OneFile* (accessed May 16, 2020).
[123] Dines, *Pornland*, 87.

partners feel good?[124] Like MacKinnon, Dines appears to take issue with the idea that a woman might want to perform oral sex with a man, rather than encourage mutual pleasure between partners. If Dines is "pro-sex" as she says, "pro that… creative force that bathes the body in delight and pleasure," surely she would encourage pleasure found even in acts that may not result in orgasm for both parties.[125] Giving pleasure can be just as pleasurable as receiving it; in that way, to give pleasure is to receive it.

Dines' tendency to critique young women's exploration of their sexuality through dress, desire and behavior is predicated on the notion that women in pornography have actively contributed to the construction of the ideal woman by recreating it through their performances. "Some groups have celebrated this hypersexualization as empowering for women," she writes, "But I argue that this is pseudo-empowerment since it is a poor substitute for what real power looks like—economic, social, sexual, and political equality that give women power to control those institutions that affect our lives."[126] At the same time, however, Dines argues that pornography is an institution that affects our lives. Why not encourage sex-working women to find economic, social, sexual, and political equality within their field? To Dines, sexuality in any sense of the word — dress, desire, behavior, and especially pornography — cannot be a source of empowerment for women.

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[124] For more on the orgasm gap and differences among heterosexual, gay, lesbian, and bisexual men and women, see David A. Frederick, H. Kate St John, Justin R. Garcia, and Elisabeth A. Lloyd, "Differences in Orgasm Frequency among Gay, Lesbian, Bisexual, and Heterosexual Men and Women in a U.S. National Sample," *Archives of Sexual Behavior* 47, no. 1 (01, 2018), 273-288. http://dx.doi.org.libproxy.uoregon.edu/10.1007/s10508-017-0939-z

[125] Dines, *Pornland*, 45.

[126] Ibid., 386-389.

Resilience and Resistance

Because Dines' definition of pornography is so limited, she encourages people not to seek out positive representations of sexuality, but instead pushes for "resistance," a term muddled with sexual shame. The object of her organization, Culture Reframed, is to "create tools, in this digital age, to help you [parents] raise kids who are porn-resilient and resistant."[127] But why build resilience and resistance, not literacy? The words "resilience" and "resistance" imply the desire to instill in younger generations the notion that all pornography is bad. In *Pornland,* Dines shares how she spoke to her teenage son about pornography: "I told him that as he was getting older, he would most likely come across some porn, and he had a choice to look or not to look. I said that should he decide to use porn, then he was going to hand over his sexuality… to someone else."[128] Dines suggests that viewing pornography is to rid oneself of all sexual agency; pornography is so powerful that it supersedes any other factor that contributes to young people's sexual development. While pornography, like any other form of media, can certainly influence young people, it is reductive to claim it is the only influence. If young people were to denounce pornography entirely, they would ignore the power that Dines insists pornography has.

One aspect of Dines' approach to pornography is agreeable: sex educators, and even parents, should be having candid conversations with young people about sex and pornography. The difficult part is the question of how these conversations should go. Sexologist Christian Graugaard argues, "Instead of having sex education be boring and technical, where you roll a condom onto a cucumber, I'd rather have us educate our

[127] "Our Work," Culture Reframed.
[128] Dines, *Pornland*, 72.

children to be critical consumers who see porn with… reflection."[129] We should be talking about the fact that in a 2010 content analysis of 304 of the most popular pornographic scenes online, 88% of them contained physical violence, 94% of which was directed towards women.[130] But we should also be talking about the fact that violence to one woman is not violence to another, and thus we should be encouraging discussions of enthusiastic consent and sexual desire between partners. And we should be talking about the positive uses of pornography — the educational, the therapeutic, the pleasurable uses.[131] We should also be encouraging viewership of ethically-made, even feminist pornography, something Gail Dines, like MacKinnon before her, believes doesn't exist.[132] Pornography is transgressive by nature, in its shameless presentation of the innumerable possibilities of sex. But rather than attempt to help young people navigate the current media landscape and their own natural sexual desires, Culture Reframed aims to keep them away from it, and away from something central to the human experience — sexuality.

Pornography: Not a One-Trick Pony

Dines claims that when she is speaking about pornography, she is only referencing a specific genre; "gonzo," which she says "depicts hard-core, body-punishing sex in which women are demeaned and debased."[133] Throughout her work

[129] Tom Porter, "Denmark: Professor Christian Graugaard Calls for Pornography to Be Shown in Schools," *International Business Times*, March 5, 2015.
[130] Ana J. Bridges, Robert Wosnitzer, Erica Scharrer, Chyng Sun, and Rachael Liberman, "Aggression and Sexual Behavior in Best-Selling Pornography Videos: A Content Analysis Update," *Violence Against Women* 16, no. 10 (2010): 1065-085. It is important to note that the authors of this study acknowledge the difficulty of defining "violence."
[131] For more on this, see Mary Ann Watson and Randyl D. Smith, "Positive Porn: Educational, Medical, and Clinical Uses," *American Journal of Sexuality Education* 7, no. 2 (2012): 122-145.
[132] Gail Dines, "Home Invasion by the Porn Industry: A Facebook Live Discussion with Dr. Gail Dines," posted by Culture Reframed, 4:10, May 6, 2020, https://www.culturereframed.org/gail-dines-live-chat/.
[133] Dines, *Pornland*, 56.

and especially that of Culture Reframed, she uses her definition of "gonzo" to stand in for all pornography. "Don't tell me that's the only sex we can think of as a society," she writes.[134] The reality is that it isn't the only sex we can think of, and the innumerable subgenres of pornography that Dines ignores are evidence of that. Therefore, as MacKinnon did before her, she defines pornography using sweeping generalizations, and offers only those examples which serve her agenda of upending the viewing of all pornography, not just that which perpetuates sexism.

In fact, gonzo is more of a filmmaking style than a subgenre which "depicts hard-core, body-punishing sex," as Dines describes. Film scholars Enrico Biasin and Federico Zecca identified that as a "low-budget response" to expensive productions dominating the pornography market, gonzo "takes advantage of the video's expressive potential, which it uses in nearly ontological terms as a means to give veracity to its representation of sexual reality."[135] Gonzo maximizes visibility, and sex acts make up the large majority of the film's runtime. Biasin and Zecca argue that gonzo places an emphasis on performers' athleticism, and this has contributed to "the proliferation of new sexual practices… frequently of fetishist origin."[136] In insisting that the performers in gonzo are "demeaned and debased," Dines condemns the increased visibility of certain sexual practices.

People in the pornography industry have acknowledged the extremities to which performers have been pushed given the overwhelming demand for and oversaturation of the market in the age of the internet. Pornography has pivoted away from the studio-

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[134] Boyle, *Everyday Pornography*, 630.
[135] Enrico Biasin and Federico Zecca, "Contemporary Audiovisual Pornography: Branding Strategy and Gonzo Film Style," Cinéma & Cie 9, no. 12 (Spring 2009): 139.
[136] Ibid., 143-144.

based model of production and distribution towards one which favors amateur content, and low-budget gonzo films. Erotic photographer Holly Randall, who was named one of the most influential women in the adult industry by AVN magazine in 2013, acknowledged that "In the attempt to one-up the last guy, scenarios that I couldn't even dream up become, well, somewhat normal."[137] Yet Dines' focus on pornography as "body-punishing" ignores that while diversification of the industry can and does contribute to creation of content that may be considered violent, it can and does also contribute to the creation of pornography which diverges from our hegemonic idea of sex in creative, arguably beneficial, ways.

Like MacKinnon before her, Dines points to violent pornography as causing the perpetuation of sexism, not that violence in pornography is a result of sexism. She ignores the fact that other subgenres of pornography in which violence against women is not enacted are equally as accessible, and the accessibility of this type of pornography might actually combat the appeal of what is more violent. While it is often noted that consistent pornography use can lead to desensitization, leading the viewer to seek out more "extreme" content, to claim that this is the only trajectory is to claim that viewers are incapable of critical examination of pornographic content. In this way, Dines is just as limiting to the sexual creativity of viewers of pornography as she claims the creators of gonzo are.

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[137] Holly Randall, "Pushing the Envelope," XBIZ, October 25, 2008, http://www.xbiz.com/articles/100930, quoted in Dines, *Pornland*, 243.

Conclusion: For the Destruction of The Sex Hierarchy

In her infamous piece "Thinking Sex," Gayle Rubin describes various political movements against the erotic in recent American history. At the end of the 19th century, new media allowed for the increased production and distribution of erotica; the 1950s saw the establishment of gay rights organizations, Alfred Kinsey's publications, and a surge of lesbian literature; and the sexual revolution of the 1960s and 70s welcomed increasingly liberal perspectives on sex. Each of these was met with equal, if not more forceful, repressive reactionary politics. Writing in 1984, Rubin notes, "The sexual system is shifting once again, and we are seeing many symptoms of its change."[138]

So too are we seeing shifts in the sexual system today, and so too will we see it again. New media allow for increased visibility of certain sexual preferences to all with access to that media, and access is ever-expanding. Each evolution of "pornography" — from lewd books passed between soldiers during the Civil War to prurient videos just a few finger-taps away on any smartphone — welcomes new discourse on sex in the political, legal, and social realms. The sad reality of each of these instances is that the same repressive sexual ideology undercuts every attempt toward more permissive sexual freedoms. As noted throughout this paper, Catharine MacKinnon and Gail Dines each, in their own ways, created sexual hierarchies through their antipornography feminism; thereby making their approaches not about pornography, but at their core, about sex. Rubin's theoretical approach to sexual hierarchies provides a framework for which to better understand the continuation of this phenomena.

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[138] Gayle Rubin, "Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality," in *Culture, Society, and Sexuality: A Reader*, ed. Richard G. Parker and Peter Aggleton (London: UCL Press, 1998): 171.

The Sex Hierarchy

Rubin's evaluation of the sex hierarchy includes two aspects: first, a sexual values system, in which certain preferences and behaviors are valued over others; and second, the need to delineate "good" versus "bad" sex, or the "arguments… conducted over 'where to draw the line,' and to determine what other activities, if any, may be crossed over into acceptability."[139] The values system is best described by Rubin herself:

> "According to this system, sexuality that is 'good', 'normal', and 'natural' should ideally be heterosexual, marital, monogamous, reproductive, and non-commercial… It should not involve pornography, fetish objects, sex toys of any sort, or roles other than male and female. Any sex that violates these rules is 'bad', 'abnormal', or 'unnatural'. Bad sex may be homosexual, unmarried, promiscuous, non-procreative, or commercial."

The sexual values system exists almost covertly, as part of our collective cultural understanding of acceptable versus unacceptable sex, while the "need to draw and maintain an imaginary line between good and bad sex" is overtly practiced through political, legal, and social systems. Walter Kendrick describes this as "the urge to regulate the behavior of those who seem to threaten the social order."[140] In introducing radical antipornography feminist theory to the legal system by alliances with conservative policymakers, MacKinnon maintained the traditional sexual values system by demonizing sex itself; to her, as pointed out by Frances Ferguson, "sexuality simply enacted hierarchy and inequality every time it got down to acts."[141] Every possible sex act is therefore defined by, and ascribes to, the sexual hierarchy. Dines, in addition to praising conservative antipornography efforts in the political and legal spheres,

[139] Rubin, "Thinking Sex," 152.
[140] Kendrick, *The Secret Museum*, 235.
[141] Ferguson, "Pornography: The Theory," 683.

encourages the perpetuation of the sexual hierarchy through social means, as her organization, Culture Reframed, is mainly targeted towards parents.[142] Parents, to Dines, are meant teach children the difference between "real sex" and "porn sex." Sex which is "real" is sex which is "good" — heterosexual, monogamous, loving, and intimate — and "porn" sex is sex which is "bad" — queer, promiscuous, kinky, and commercial. And, as Rubin notes, no "bad" sex is afforded moral complexity, while "good" sex is:

> "For instance, heterosexual encounters may be sublime or disgusting, free or forced, healing or destructive, romantic or mercenary. As long as it does not violate other rules, heterosexuality is acknowledged to exhibit the full range of human experience. In contrast, all sex acts on the bad side of the line are considered utterly repulsive and devoid of all emotional nuance. The further from the line a sex act is, the more it is depicted as a uniformly bad experience."[143]

Both MacKinnon, in her dismissal of all sex as abuse, and Dines, in her ousting of sex outside of love and intimacy, therefore fail to acknowledge the abundancies of human sexuality and the myriad of experiences possible within that range.

Dominance, Submission, and Violence

Many scholars have responded to the work of MacKinnon and Dines by debating their claims on the amount of violence in pornography, insisting it is exaggerated. But any content analysis of pornography is contingent to the fact that in any form of media, the definitions of both sex and violence are equally dependent on how they are depicted and how the viewer receives them. In watching a typical Hollywood romantic comedy, a queer person could see a heterosexual sex scene and not recognize it as the sex they have, and thus judge it as a poor representation of sex. At

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[142] Culture Reframed, "Anti-Porn Legislation," last updated April 18, 2019, accessed May 11, 2020, https://www.culturereframed.org/category/anti-porn-legislation/.
[143] Rubin, "Thinking Sex," 152.

the same time, any heterosexual person watching a pornographic, lesbian sadomasochism scene could not recognize it as the sex they prefer, and judge it as a representation of degradation.

Sexual sadomasochism was at the forefront of feminist debate during the sex wars, and provides a concrete example of the lack of moral complexity given to "bad" sex acts, as Rubin describes. To MacKinnon, to defend lesbian sadomasochism was to defend abuse; it "would sacrifice all women's ability to walk down the street in safety for the freedom to torture a woman in the privacy of one's basement without fear of intervention… when that use and abuse is found pleasurable it is called sex and therefore deified, when it is done in private it is called consensual and thereby exonerated."[144] This assumes that sexual sadomasochism can only be *called* consensual, assumedly by perpetrators in defense of acts of abuse, but not actually be consensual in practice. At the same time, many lesbian sadomasochists who opposed antipornography feminism claimed a "moral monopoly on sadomasochism," because it was "only allowable between lesbian feminists."[145] Both of these perspectives are limiting in their sexual scope; either no one can participate in sexual sadomasochism, or only lesbian feminists can. Thus, the sexual hierarchy is maintained based on sexual identity.

In *Pornland*, Dines' commentary on sadism is confined to scenes which feature power imbalances between performers' characters, such as employer and employee.[146] She writes, "The [porn] sites that fit the sadism definition fall within the gonzo genre, I argue, because the acts the women endure are sadistic… these females… are portrayed

[144] MacKinnon, Feminism Unmodified, 15.
[145] Marie France, "Sadomasochism and Feminism," Feminist Review, no. 16 (Summer, 1984), 36-37.
[146] Dines, *Pornland*, 3168.

as wanting it as rough and hard as all other women in gonzo porn."[147] If, to Dines, sadism is "gonzo," and "gonzo" is representative of all pornography, then pornography is on the "bad" side of the sexual acceptability line. Nowhere in *Pornland* is masochism mentioned; instead, women are only "portrayed" in pornography as wanting "rough" sex — they'd never want it in "real" sex. Thus, Dines can reject the possibility of consensual sexual sadomasochism because half of the equation is missing.

However, practitioners of sexual sadomasochism insist it is, in fact, grounded in consent. The phrase, "safe, sane, and consensual" has been fundamental in BDSM (bondage and discipline, dominance and submission, sadism and masochism) communities since the 1980s, and more recently, "risk aware consensual kink" serves as the community's mantra.[148] Additionally, the relationship — daresay, the presence of intimacy — between partners is by some "considered fundamental, as it gave meaning to the sexual practice."[149] Power discrepancies are acknowledged and can even be subverted in practice. The assumption that those who engage in sexual sadomasochism are sexually deviant is grounded in conservative ideology; the assumption that they are all perpetrators or victims of harm lacks serious evidence. Thus, it acts as a clear example of the sexual hierarchy at work — sadomasochism is stigmatized by antipornography feminists and, by extension, the public, as a deviance from the norm, or "good" sex.

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[147] Ibid., 3133-3137.
[148] Ofer Parchev and Darren Langdridge, "BDSM under security: Radical resistance via contingent subjectivities," *Sexualities* 21, no. 1 (2018), 194; Meg Barker, "Consent is a grey area? A comparison of understandings of consent in *Fifty Shades of Grey* and on the BDSM blogosphere," *Sexualities* 16, no. 8 (2013), 896.
[149] Elena Faccio, Claudia Casini, and Sabrina Cipolletta. "Forbidden Games: The Construction of Sexuality and Sexual Pleasure by BDSM 'players'," *Culture, Health & Sexuality* 16, no. 7 (2014), 752.

Feminists have attempted to explain sexual sadomasochism as rebellion against convention, a recreation of patriarchal power structures, a Freudian phenomenon, or a paraphilic disorder, among other analyses.[150] The common thread of all of these is the need to explain this particular sexual preference. And yet, the same scrutiny is not afforded to heteronormative, conventional sex. With Rubin's theory of sexual hierarchies in mind, if we are to question sexuality, we must question it in all its forms. If we are to ask, why would a woman consensually participate in sadomasochism, we must also ask, why would a woman consensually participate in "vanilla" sex? I propose an answer for both, which is much simpler but somehow much more radical in the spheres of feminism, sexuality studies, and even psychology: maybe, it just feels good. As Rubin puts it, "In Western culture, sex is taken all too seriously."[151] Perhaps, less scrutiny and more permissibility are the answer to the sexual hierarchy.

All this is not to say that sexual sadomasochism is always engaged in consensually, but that it, like all forms of "bad" sex, should be afforded the same nuance given to conventional, "good" sex. Either can be weaponized; both can be enjoyable. Anyone should be able to refuse any form of sex; at the same time, people and their partners should be free to consent to the sex they desire. Philosopher Timo Airaksinen has identified the infiltration of conservative sexual ideology into everyday life through the labelling of BDSM as "deviant":

> "This strategy has Biblical roots: To call a desire a sin is to label it as something against the religious canon; the next step is to metonymically relate 'sin' to 'immorality'; and a sectarian condemnation turns into a universalizable moral judgment. In this way, sin becomes applicable to everyday social life achieving in the process an extra-religious moralistic

[150] France, Sadomasochism and Feminism, 37-42.
[151] Rubin, "Thinking Sex," 171.

> meaning that also seems to justify its use. Sin extends its halo into the fields of morality and the law. This happens to perversion and, to a lesser degree, to paraphilia as well."[152]

Through their political, legal, and social efforts, MacKinnon and Dines have equally welcomed the labelling of sexuality as "sin" into these systems. Rather than advocate for circumstances in which women feel safe to say no, both MacKinnon's and Dines' feminism instead assumes women would always say no, simply confining women to the "good" side of the sexual hierarchy — the heterosexual, marital, reproductive — by demonizing any deviation from it. It is that confinement, that lack of choice, which contributes to women's subjugation.

Pornography and Feminism: What's a Woman to Do?

In 2011, Gayle Rubin revisited her 1984 essay "Thinking Sex," in which she introduced the theoretical approach to sexual hierarchies outlined above. "Much of my concern in these areas," she writes, "is a result of having grown up in the 1950s, when it was hazardous to be a sexually active female teenager… I had to contend with my share of unwanted sex, but I also encountered many barriers to sex I wanted."[153] While this statement was written in reference to her comments on sex and children, it can be applied to women of any age, and at any time. Women live at the intersections of oppression; a complex set of systems, namely cisheteropatriarchy, combined with forces of classism, racism, and capitalism, all of which impose upon them different expectations of sex, while at the same time shaming their sexual desire. To reduce women, and by extension their sexualities, to mere labels is to recreate the same

[152] Timo Airaksinen, "The Language of Pain: A Philosophical Study of BDSM," *SAGE Open* 8, no. 2 (2018), 6.
[153] Rubin, "Blood Under the Bridge: Reflections on 'Thinking Sex,'" 39.

devaluation caused by these systems. Women in pornography are more than their sexuality; feminists are more than their fight against pornography.

Just a few weeks before the submission of this paper, Dines said, “I don’t see how you can actually be a feminist and be pro-porn. The two simply don’t go together. You have to make a decision. Either you’re a feminist, or you’re pro-porn. You can’t be both.”[154] There’s no denying that misogyny, racism, and other forms of exploitation exist in some pornography. And yet when these run rampant in, for example, Hollywood, we do not call for the total eradication of the film industry — instead, we call on the people in power in that industry to encourage and implement change. As upsetting as some may find this to be, pornography is going nowhere. But I reject the notion that this should leave feminists hopeless, or even that it should encourage them to be the ones to guide the regulation of the industry. For pornography, in all its pleasures and pitfalls, all its celebrations and limitations of sex, is about much more than the subjugation of women. In our shared goal of eliminating sexism, we must be careful not to demonize sex itself.

In reflecting on “Thinking Sex,” Rubin writes,

> “I wanted to move the discussion of sexual politics beyond single issues and single constituencies, from women and lesbians and gay men to analyses that could incorporate and address with more intricacy the cross-identifications and multiple subject positions that most of us occupy. I continue to believe that our best political hopes for the future lie in finding common ground and building coalitions based on mutual respect and appreciation of differences and that the best intellectual work is able to accommodate complexity, treasure nuance, and resist the temptations of dogma and oversimplification.”[155]

[154] Gail Dines, “Home Invasion by the Porn Industry.”
[155] Rubin, “Blood Under the Bridge,” 40.

True feminism, in the pursuit of the equality of all peoples, embraces this intersectionality of existence, this convoluted cacophony of experience. It does not attack women, or anyone, for seeking out, watching, or participating in acts that they, as autonomous beings capable of consent, desire — even within the bounds of our overwhelmingly cisheteropatriarchal world.

Catharine MacKinnon's influence remains strong in that antipornography feminism continues to be based in the demonization of sexuality, rather than the condemnation of violence. In the end, arguments against pornography which use sweeping generalizations are not about pornography, or explicit representations of sex, at all, but about the very nature of sex itself. Through the theoretical approaches of both Catharine MacKinnon and Gail Dines, sexual acts exist on a hierarchical system ranking from least to most degrading towards women. And rather than encourage a culture which embraces safe sexual exploration and thereby allowing women the freedom to make their own decisions about what is degrading, pleasurable, or otherwise, these antipornography feminists call for a regressive sexual ideology, and let their own opinion speak for all women. And their word is law.

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