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Decrying censorship of pornography

The president of the ACLU takes issue with a model law that was created by two feminists.



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Nadine Strossen's "Defending Pornography" is an appeal to feminists and civil libertarians.

DEFENDING PORNOGRAPHY Free Speech, Sex, and the Fight for Women's Rights

By Nadine Strossen
Scribner. 320 pp. \$22

Reviewed by Vance Lehmkuhl

A palpable passion characterizes Nadine Strossen's writing in *Defending Pornography* — a passion not for pornography but for free speech.

In the press kit that accompanies review copies of the book, Strossen admits choosing the title's in-your-face defiance instead of the blander accuracy of something like *Defending Sexually Explicit Expression*. Even

more appropriate, however, would be *Attacking Censorship*, because the book works much more convincingly as an attack than a defense.

Strossen, president of the American Civil Liberties Union, takes aim at a model law drafted by feminist writers Catherine MacKinnon and Andrea Dworkin — legislation that is, in Strossen's view, equivalent to wholesale government censorship. MacKinnon and her anti-pornography efforts are not unknown, but the complexity of obscenity law and legal language in general has kept this debate somewhat esoteric for most Americans. Strossen takes the proposal apart piece by piece to show, with forceful case histories, where and how it contradicts the First Amendment.

More urgently, she makes the case that MacKinnon and Dworkin can no longer be dismissed or humored as academic theorists. The law they've written has moved from ivory towers to real-life courtrooms, and will, Strossen asserts, continue into our own bedrooms if unchecked. Even though many of the points that Strossen makes have been made by other books (notably, the anthology *Women Against Censorship*), *Defending Pornography* is an important wake-up call to feminists and civil libertarians alike: This deeply flawed

See **PORNOGRAPHY** on M4

Vance Lehmkuhl is a Philadelphia writer, musician and cartoonist who is working on a book about consumerism and pornography.

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Books

Protect pornography, ACLU chief argues

PORNOGRAPHY from M1 "MacDworkin" (Strossen's term) proposal is now being considered and implemented to an alarming degree in various communities in America, as well as abroad.

"Under the model law drafted by Dworkin and MacKinnon, anyone could bring a lawsuit that could lead ultimately to a court order prohibiting the production, sale, exhibition, or distribution of pornographic works," Strossen writes. "In addition, individuals who claimed that they had been injured by pornography could seek damages."

What makes the increasing clout of MacDworkinism so alarming is its cynical alliance of radical feminism with religious fundamentalism, swelling the appeal of legal measures that invite misinterpretation and outright abuse by the state. In a naive quest to defeat an indirect oppressor of women (pornography), the MacDworkin model of anti-pornography legislation spurs other, more direct oppression of women, especially feminists, Strossen writes. Since Canada adopted a law in 1992 that incorporates the MacDworkin principles, two of Dworkin's own books have been seized by Canadian customs as pornography. Strossen details the disastrous economic effects of the law on small bookstores in Canada, most of them feminist or gay and lesbian. And she makes the case that similar laws, when enacted in the United States, are not only unconstitutional but futile; the laws go both too far and not far enough. The same could be said, to a lesser extent, of Strossen's pro-pornography argument.

Strossen shows how the issue of pornography is related to certain issues involving governmental control, such as in sexual harassment cases and funding for the National Endowment for the Arts. But she doesn't go far enough — there's no mention of other relevant "civil liberties" issues in which the rights of the individual and those of the community collide, such as regulation by

the Federal Communications Commission of the airwaves; zoning; child abuse; and advertisements for addictive products. Such comparisons could give a legitimate richness to Strossen's discourse, a richness that she instead seeks by venturing into a culturally based defense of the merits of pornography itself.

Here she's going too far — not because pornography has no merit, but because it seems to be outside the realm of Strossen's expertise. In a chapter entitled "Positive Aspects of Pornographic Imagery," she drops her battle-scarred skepticism for an idealistic, gee-whiz approach, generalizing from lesbian and gay pornography to exonerate the mainstream (notoriously homophobic) pornography industry.

And though she stresses the feminist basis of her argument, Strossen's selection of sources and voices suggests a lack either of research or of assurance in her critique. She repeatedly cites and builds on newer "post-feminist" writers such as Katie Roiphe, Sallie Tisdale, Cathy Young and Marcia Pally (along with "men's rights activist Jack Kammer" and various Playboy articles). Established feminist thinkers such as Alice Walker, Robin Morgan, Susan Brownmiller and Marilyn French are dismissed with a single line apiece; others who have written or edited influential works on pornography, including Gloria Steinem, Susan Griffin, Kathleen Barry and Laura Lederer, are absent.

It's not that the newer writers don't have valuable perspectives, but that old-guard voices seem to be excluded for political reasons. To consider anti-pornography critiques from moderate feminists would undercut the equation that Strossen draws between the concepts *anti-pornography* and *pro-censorship*. Indeed, she says that "the feminist anti-pornography movement will inevitably suppress ... works that have broad-ranging artistic and political value." Such a statement might be true if its subject were

DEFENDING PORNO GRAPHY

FREE SPEECH, SEX, AND THE
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In her book, *Nadine Strossen fears the suppression of "works that have broad-ranging artistic and political value."*

"MacDworkinites," but, as it stands, it is a distortion of the actual "feminist anti-pornography movement," a large contingent of which stresses that pornography must be attacked by other means than censorship. For all her talk about airing multiple viewpoints, Strossen seems to behave censorially here, banning valuable, relevant ideas from people with whom she may disagree.

Certainly a writer is free to choose her most sympathetic sources, but the omission of such essential voices weakens Strossen's analysis. Her cultural defense, in contrast to the rest of the book, is scattershot and ahistoric, grasping at often mutually contradictory opinions. This is unfortunate, for the step that Strossen attempts is a welcome one, expanding the scope of discussion beyond the traditional polarity of "free-speech liberals" versus "fundamentalist reactionaries."

Even if *Defending Pornography* fails to fully live up to its title, however, it's a vital contribution, a lucid and timely polemic against well-intentioned collusion. In the great American debate over sexual expression, it's heartening to have a writer as committed and passionate as Strossen leading the attack against repression. Someone else, though, should handle the defense.