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ANTI-PORN FEMINISM V. FEMINIST ART:
NOTES ON THE CENSORSHIP OF
*PORN'IM'AGE'RY: PICTURING PROSTITUTES**

CAROL JACOBSEN**

I enter a plea of innocence for all those incarcerated for prostitution and cheer on all those who have the courage to speak out on their own behalf.

Margo St. James¹

The history of prostitution is itself a history of censorship. Stigmatized and criminalized, women who work in prostitution rarely have been granted lawful access to public space or voice. This account of the censorship of *Porn'im'age'ry: Picturing Prostitutes* documents an incident in which anti-pornography feminists assumed the mantle of censor, targeting not only prostitutes themselves but even feminist art that contains their dissenting voices or oppositional views. The fact that efforts to ban this particular exhibit ultimately did not succeed marks a significant victory for prostitutes' rights, feminist art, and anti-censorship feminism.²

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** Feminist artist and curator of *Porn'im'age'ry: Picturing Prostitutes*.

1. Margo St. James, *Preface* to A VINDICATION OF THE RIGHTS OF WHORES, at xvii, xx (Gail Pheterson ed., 1989).

2. For the prostitutes' rights position, see *id.*; SEX WORK: WRITINGS BY WOMEN IN THE SEX INDUSTRY (Frédérique Delacoste & Priscilla Alexander eds., 1987); Julie Pearl, *The Highest Paying Customers: America's Cities and the Costs of Prostitution Control*, 38 HASTINGS L.J. 760 (1987).

For the feminist anti-censorship position, see CAUGHT LOOKING: FEMINISM, PORNOGRAPHY AND CENSORSHIP (Kate Ellis et al. eds., 1992) [hereinafter CAUGHT LOOKING]; GAIL CHESTER & JULIENNE DICKEY, FEMINISM AND CENSORSHIP: THE CURRENT DEBATE (1988); PLEASURE AND DANGER: EXPLORING FEMALE SEXUALITY (Carole S. Vance ed., 1992); SEX EXPOSED: SEXUALITY AND THE PORNOGRAPHY DEBATE (Lynne Segal & Mary McIntosh eds., 1993); WOMEN AGAINST CENSORSHIP (Varda Burstyn ed., 1985); Amicus Brief of the Feminist Anti-Censorship Taskforce, *American Booksellers Ass'n v. Hudnut*, 771 F.2d 323 (7th Cir. 1985) (No. 84-3147), reprinted in Nan D. Hunter & Sylvia A. Law, *Brief Amici Curiae of Feminist Anti-Censorship Taskforce, et al.*, in *American Booksellers Association v. Hudnut*, 21 MICH. J.L. REFORM 69 (1987/1988).

For feminist anti-censorship views on art, see Carol Jacobsen, *Redefining Censorship: A Feminist View*, ART J., Winter 1991, at 42; C. Carr, *The Endangered Artist List*, VILLAGE VOICE, Aug. 21, 1990, at 84; C. Carr, *The War on Art: Sexual*

In the fall of 1992, the University of Michigan installed *Porn'im'age'ry: Picturing Prostitutes*, an exhibition of visual art in video and photography presenting sex workers' opinions about their work. Commissioned by the Michigan Law School in connection with the conference "Prostitution: From Academia to Activism," the exhibit was held to launch the new *Michigan Journal of Gender & Law* (the *Journal*). Works by seven artists were invited: *Foxy/Angelina*, a photo-text essay by Paula Allen; *Portrait of a Sexual Evolutionary*, a videotape by Veronica Vera; *Outlaw Poverty, Not Prostitutes*, a videotape by Carol Leigh (a.k.a. Scarlot Harlot); *The Salt Mines*, a videotape by Carlos Aparicio and Susanna Aikin; *My Own Private Seattle* and *Transvestite Prostitutes*, videotapes by Randy Barbato; and *Street Sex*, my own video installation. Two of the artists are also sex workers. All are prostitutes' rights activists. Individually and collectively, the art in the exhibit represented a strong feminist statement in favor of the decriminalization and destigmatization of prostitution.

The censorship began on the opening morning when a group of law students, acting on a complaint presented by Michigan Law Professor Catharine MacKinnon, dismantled the exhibit by removing five of the videotapes, sight unseen.³ I was upset when I discovered that the tapes were missing the following day, but when I was told that the works had been deliberately removed because they were "pornographic," my initial objections were surpassed by disbelief and a growing regret that I had been persuaded to participate in the event at all.

I had declined the invitation at first, citing my disagreement with MacKinnon's views on pornography and prostitution. In my view, her claim that pornography and prostitution are the core causes of women's

Politics of Censorship, VILLAGE VOICE, June 5, 1990, at 25; Connie Samaras, *Look Who's Talking*, ARTFORUM, Nov. 1991, at 102; Carole S. Vance, *Feminist Fundamentalism—Women Against Images*, 80 ART AM. 35 (1993).

For the anti-pornography feminist position, see ANDREA DWORKIN, *PORNOGRAPHY: MEN POSSESSING WOMEN* (1981); CATHARINE A. MACKINNON, *ONLY WORDS* (1993); *THE SEXUAL LIBERALS AND THE ATTACK ON FEMINISM*, at x-xi (Dorchen Leidholdt & Janice G. Raymond eds., 1990); Catharine A. MacKinnon, *Pornography, Civil Rights, and Speech*, 20 HARV. C.R.-C.L. L. REV. 1 (1985).

3. See Reed Johnson, *Sex, Laws and Videotape*, DET. NEWS, Dec. 7, 1992, at 1E, 2E (reporting that Catharine MacKinnon relayed complaints from other speakers about the content of the tapes to a law student, and quoting Marjorie Heins, the director of the ACLU's Arts Censorship Project, as saying that Catharine MacKinnon was "clearly involved in the decision" by putting pressure on the students); Tamar Lewin, *Furor on Exhibit at Law School Splits Feminists*, N.Y. TIMES, Nov. 13, 1992, at B16 (reporting that MacKinnon said that, although she was not involved in the decision to pull the video, she supported the students' actions).

oppression⁴ disregards the institutionalized sexism that pervades every aspect of our society. I was also reluctant to participate because of an anti-porn/prostitute feminist position, which envisions sex workers as suffering from "false consciousness" as a result of their histories of abuse and poverty, and concludes, therefore, that they should not be permitted to speak for themselves.⁵ Law student organizers, however, pursued me with phone calls, an invitation to lunch, and assurances that a range of perspectives would be presented at the conference. On that basis, I agreed to exhibit my work and curate works by other artists.

When I heard that Andrea Dworkin was an invited speaker, I contacted the organizers to discuss withdrawing. They admitted that the conference had developed into an anti-pornography forum, but insisted that the presence of the exhibit was particularly important because it would provide the only dissenting view to MacKinnon's. Unfortunately, I was not given critical information that would have affected my decision to participate. For example, I was not told until the exhibit was completely installed that MacKinnon herself had been instrumental in securing funding from the law school for both the conference and the *Journal*,⁶ and that she would, therefore, influence speaker selection. Furthermore, I was not aware that the base honorarium paid to each speaker was approximately five times the amount paid to the artists.

In good faith, I agreed that it was important to present the prostitutes' views contained in the exhibit to the feminist legal and academic communities that would be attending the conference. Just as MacKinnon and Dworkin do not speak for all feminists, neither do they speak for all prostitutes. Most prostitutes, whether organized or independent, actively reject identifying with the archetypal victim that MacKinnon and Dworkin construct for them:⁷ the abused, repentant, "prostituted woman" in need

4. See CATHARINE A. MACKINNON, *TOWARD A FEMINIST THEORY OF THE STATE* 113 (1989).

5. See generally St. James, *supra* note 1, at xvii-xx.

6. See Johnson, *supra* note 3, at 1E (reporting that the law school and the *Journal* "sponsored the conference to the tune of \$14,000"). But see Catharine A. MacKinnon, *Misleading Account of Videotape Dispute*, N.Y. TIMES, Dec. 12, 1992, at 22 (letter to the editor) (denying that she was a "moving force" behind the *Journal* sponsoring the conference).

7. For example, Tracy Quan, a working prostitute and advocate for prostitutes' rights, has said:

To understand why it has so often been assumed that prostitution is a choice made out of desperation, and not just a choice, the role of the victim in feminist thinking should be considered. . . . A victim, an oppressed person is *virtuous*—without blame or responsibility. Women, including prostitutes,—all adults—are capable of making terrible choices, but feminism has often been a

of "saving" through protectionist laws.⁸ Rather, they work from the perspective that women as individuals should have the freedom to decide the issues that affect their own bodies.⁹ They argue for abolishing the laws against prostitution, demand basic human rights and better working conditions, and make distinctions between force and free will and between children and adult women.¹⁰

I was never told which of the five tapes was objected to (although by now, it is safe to say that it was Veronica Vera's video, *Portrait of a Sexual Evolutionary*).¹¹ In fact, none of the conference organizers and only one of the speakers ever viewed the videotapes until months after their removal¹²; not the students who removed them, nor MacKinnon who condemned them,¹³ nor Dworkin who told students she felt harassed by such "pornography,"¹⁴ nor University of Michigan Law School Dean

refuge for women from the messy implications of adult behavior. . . .
Accordingly, if a prostitute is a victim of male domination . . . feminists may pity her while professional whores would ostracize her.

The Vox Fights, VOX, Winter 1991, at 28, 31.

8. See MacKinnon, *supra* note 2, at 32-34 (arguing in support of anti-pornography ordinances that she has proposed on the grounds that pornography is used to coerce women into prostitution); see also DWORKIN, *supra* note 2, at 200 (stating that the word *pornography*, translated from the ancient Greek, means "[t]he graphic depiction of women as vile whores," and that the meaning has not changed).

9. See, e.g., *The Vox Fights*, *supra* note 7, at 32 (arguing that prostitutes further the cause of women's independence and that the ability to control their sexuality is the key to that independence).

10. For a detailed discussion of specific positions on prostitution by sex workers and sex workers' groups, see SEX WORK, *supra* note 2; see also PONY (Prostitutes of New York) Prostitutes vs. Law Students at U. of Michigan (Nov. 17, 1992) (news release, on file with the *New York Law School Law Review*), responding to the removal of the Jacobsen exhibit and calling for the repeal of all anti-prostitution laws.

11. See Johnson, *supra* note 3, at 1E (describing the contents of the 26-minute video as footage of Vera's 1984 testimony during hearings on anti-pornography laws before the Senate Judiciary Subcommittee combined with snippets of her having sex with groups of men and women).

12. John Stoltenberg, a New York-based writer and conference speaker, said he "stumbled upon" a room containing a video cassette recorder, television, and tape of Veronica Vera's work. See Johnson, *supra* note 3, at 2E. After watching the tape, he informed MacKinnon that he was surprised at the contents of the tape in light of the description of the conference. See *id.*; see also Marjorie Heins, *A Public University's Response to Students' Removal of an Art Exhibit*, 38 N.Y.L. SCH. L. REV. 201 (1993).

13. See Lewin, *supra* note 3, at B16 (quoting MacKinnon as saying, "I haven't seen [the tapes that were removed]").

14. See Laura Fraser, *Hear No Evil . . .*, S.F. WKLY., Nov. 11, 1992 at 11.

Lee Bollinger who sent unauthorized copies of the heisted tapes to others so they might determine whether they were art or pornography.¹⁵

When I insisted that the exhibit remain intact, I was asked to announce that I would accept all responsibility for it. Instead, I announced that if conference organizers wished to censor any part of the exhibit again, they would have to censor the entire exhibit.

A little more than an hour later, they did censor again. After finding the video monitor unplugged, I started it up and went into a panel at the conference. Meanwhile, an ad hoc meeting was being held in the back of the auditorium. The meeting included MacKinnon, Dworkin, Evelina Giobbe,¹⁶ and a group of law students. Shortly afterward, I was called out of the panel and told by six law students to dismantle the entire exhibit.

The reason given for this decision had a distinct anti-pornography ring. According to the students, several persons had accused the exhibit of "threatening their safety."¹⁷ I argued that the exhibit was protected by the First Amendment, that the rationale was a trumped-up excuse to censor opposing views, and that it was ludicrous to suggest that the exhibit threatened anyone in the law school, especially because it was nearly a

15. See Johnson, *supra* note 3, at 4E (reporting that Dean Bollinger said that he had no interest in seeing the tapes and was relying on the judgment of others in distributing the copies).

16. Evelina Giobbe, the only (former) prostitute speaker at the conference, is a member of both Women Against Pornography (WAP) and Women Hurt in Systems of Prostitution Engaged in Revolt (WHISPER). For the WHISPER position on prostitution, see Sara Wynter (a/k/a Evelina Giobbe), *Whisper: Women Hurt in Systems of Prostitution Engaged in Revolt*, in *SEX WORK*, *supra* note 2, at 266.

17. See Erin Einhorn, *Law Journal Censors Video, Citing Pornographic Content*, MICH. DAILY, Nov. 2, 1992, at 1 (reporting on the events). The "threatening-the-safety" charge is based on the idea that pornography is a tool of unbridled and violent male sexual power, that heterosexual sex is coercion, and that all pornography is "by nature" sexist. See generally DWORKIN, *supra* note 2, at 24 (stating that the primary theme of pornography is male power, and in order to achieve that power, the female sex is degraded); CATHARINE A. MACKINNON, *Introduction to FEMINISM UNMODIFIED 3* (1987) (asserting that pornography promotes male dominance and inequality between the sexes).

However, many feminists do not subscribe to this position, emphasizing that there is no evidence to support the simplistic cause-and-effect view of pornography as violence, and, further, that it is dangerous to let individuals who rape or assault off the hook by accepting the argument that pornography (or *The Bible*, or television, or Twinkies) made them do it. They argue that the stereotypical pornography industry is no more sexist than, say, the bridal industry, the fashion industry, or the diet industry. They point out that regulating pornography goes hand-in-hand with measures that proscribe sex education in the schools, the availability of abortion, and the free expression and visibility of feminist and other marginalized cultures. For a more in-depth account of this position, see *CAUGHT LOOKING*, *supra* note 2.

block away in the Michigan Union. They replied that the decision had been made and would be announced in the auditorium immediately. I then was told that I could not speak—even from the audience—for fear that I “might ruin Andrea Dworkin’s speech.” When the announcement was made, I stood up and stated, “Censorship is not the answer here,” and was booed and shouted down. I left, took down the exhibit, and called the campus newspaper.¹⁸

As a feminist and artist who has been producing politically explicit work for nearly two decades, I have been forced to accept the fact that confronting censorship comes with the territory. I have tried negotiating, as well as compromising with censors for the sake of other artists, non-profit groups fearful of losing funds, or curators concerned about the viewing public. Ultimately, I regretted those concessions every time. The results were consistent and ominous: self- and other collateral forms of censorship ensued. Arguments for the “public good” invariably masked the real purpose of social control.¹⁹

By the time this incident occurred, I no longer could knowingly jeopardize freedom of expression for any reason. I was not willing to let censorship pass unchallenged at a university, let alone at a law school. Nevertheless, the very real dilemma for women artists is this: Whenever we have faced overt acts of suppression against our work, we have inevitably turned to find walls of indifference surrounding us. If we fought the censorship, it was not only a lonely battle, but one which cost us dearly for our trouble. The stories of career boosts and media-blitz celebrity apply only to male artists; women’s stories are most often case histories of professional leprosy.²⁰

After nearly a week of unreturned calls, I was finally able to inform Dean Bollinger of the incident. Despite extensive outreach efforts, the silence among faculty members at the University of Michigan goes on to

18. See Einhorn, *supra* note 17, at 2.

19. See Carol Jacobsen, *Censorship: A Look at the Suppression of Art*, DET. FOCUS Q., Fall 1989, at 5.

20. See Jacobsen, *supra* note 2, at 44 (documenting job losses and other professional, as well as personal, costs, and concluding that female artists have been subjected to the “full, unmitigated forces of censorship that can be exercised over both the artist and her art”).

this day.²¹ Fortunately, the silence ended at the boundaries of the Ann Arbor campus.²²

By the end of the first week, Marjorie Heins, Director of the Arts Censorship Project at the American Civil Liberties Union (ACLU), and Robert Carbeck of the local ACLU, had agreed to represent the artists. We also received immediate and long term support from Leanne Katz of the National Coalition Against Censorship; David Mendoza and Joy Silverman of the National Campaign for Freedom of Expression; Ann Snitow, Barbara Kerr, Nan Hunter, and other members of the Feminist Anti-Censorship Task Force (FACT/NY), which issued press releases, mobilized support, and gave us lots of things to do in our fight against the censorship. Within a few weeks, Dean Bollinger flew to New York, ostensibly to negotiate with Heins, but instead insisted on downplaying the event and trying to convince the ACLU that it should not take the case. Although Dean Bollinger publicly proclaimed he was willing to negotiate, privately he resisted.

What is important to note about this controversy for those of us in the anti-censorship feminist movement is that the strong, national response to the plight of *Porn'im'age'ry: Picturing Prostitutes* signals a shift in the historical pattern of censorship involving women artists. An eclectic coalition of feminists, artists, sex workers, academics, lawyers, and activists publicized our situation and brought pressure to bear on the law school. This had an extraordinary impact on the artists' ability to fight back. In turn, the battle generated a national dialogue on the insidious problem of censorship in academia and underscored the consequences to women's free expressions issuing from the anti-pornography theories of MacKinnon and Dworkin.²³ It is worth listing here some of the key elements that influenced this battle and ultimately brought about its successful outcome. Hopefully, these will be relevant for other women

21. The remarkable exception was Art Professor Joanne Leonard, who, with other local feminists, helped me form the Feminist Anti-Censorship Task Force of Michigan (FACT/MI).

22. See, e.g., *Editorials*, NEW ART EXAMINER, Feb. 1993, at 7; Liza Mundy, *The New Critics*, LINGUA FRANCA, Sept./Oct. 1993, at 26, 27-29; Vance, *supra* note 2, at 35.

23. See, e.g., Vance, *supra* note 2, at 37 (concluding that the answers to questions, which the censorship at the University of Michigan forced society to address, lie in "expansion, not closure, and in increasing women's power and autonomy in art as well as sex"). The event also inspired The New School for Social Research in New York to sponsor a seminar entitled *Feminist Artists: Sexual Imagery Confronts P.C. Porn*, on June 10, 1993. It was moderated by Barbara Pollack, and speakers included Marjorie Heins; Jan Augikos, an art critic and historian; Marilyn Minter, a visual artist; and Shu Lea Cheang, a visual artist.

artists faced with censorship and for the larger, sex-radical feminist movement.

1. This was not an isolated incident. It occurred within the context of an ongoing war on culture, which began in the early years of the Reagan Administration, hitting the visual arts on a national scale in 1989. When the National Endowment for the Arts (NEA) came under attack in Congress, the arts community had to organize for its own self-defense.²⁴ The fact that Holly Hughes and Karen Finley—one an out-lesbian and the other a non-housebroken feminist and both members of the “NEA 4”²⁵—were able to advance a feminist-friendly atmosphere within the arts network because of their own similar oppositions to censorship, has at last changed the impossible odds stacked against women artists.²⁶ Following

24. For overviews of the NEA battles, see MARJORIE HEINS, *SEX, SIN AND BLASPHEMY: A GUIDE TO AMERICA'S CENSORSHIP WARS* 117-36 (1993); Carr, *The War on Art*, *supra* note 2, at 25-30; Elizabeth Hess, *Backing Down: Behind Closed Doors at the NEA*, *VILLAGE VOICE*, Sept. 24, 1991, at 37; Carole S. Vance, *Misunderstanding Obscenity*, 78 *ART AM.* 49 (1990); Carole S. Vance, *The War on Culture*, 77 *ART AM.* 39 (1989); NEWSLETTER (National Ass'n of Artists' Orgs., Wash., D.C.), July 1990, at 1 (on file with the *New York Law School Law Review*).

25. The NEA rejected grants for four performance artists whose acts included strong sexual content. See Barbara Gamarekian, *Arts Agency Denies 4 Grants Suggested by Advisory Panel*, *N.Y. TIMES*, June 30, 1990, at 1. The artists, Karen Finley, John Fleck, Holly Hughes, and Tim Miller, had received NEA grants in the past, and approval for the 1990 grants was recommended by the agency's theater review panel. See *id.* These artists have been dubbed the “NEA 4.” NEWSLETTER, *supra* note 24, at 1.

26. For brief statements by the “NEA 4” about the rejection of their grants, see NEWSLETTER, *supra* note 24, at 1. For political, cultural, and social analyses of the ensuing argument between the NEA and the artist community, see Carr, *The War on Art*, *supra* note 2, at 26 (describing and analyzing anti-pornography activists' attacks on the NEA and arguments for increased censorship of art they typically define as “the river of swill,” “stinking foul-smelling garbage,” and “a polluted culture, left to fester and stink”); Hess, *supra* note 24, at 37 (suggesting that NEA documents reveal that the decision not to fund the “NEA 4” was made based on politics rather than artistic merit because the documents contain statements by council members concerned about a backlash if the controversial art were funded); Holly Hughes, *Artists Bash Back: Holly Hughes Exposes the NEA*, *HIGH PERFORMANCE*, Fall 1990, at 22-23 (complaining that art produced by the “NEA 4” was subjected to rigorous peer review by a newly formed NEA panel and accusing the NEA of catering to the “white-straight-male” concept of art promoted by Sen. Jesse Helms and televangelist Pat Robertson); Vance, *Misunderstanding Obscenity*, *supra* note 24, at 49-55 (criticizing 1989 legislation giving NEA panels authority to deny funding for artists whose art “may be considered obscene,” and urging the art community to view the regulation and its loose definition as “right-wing pressure tactics that have no legal status or force”); Vance, *The War on Culture*, *supra* note 24, at 39-45 (noting that fundamentalists and conservatives, who previously had attacked popular culture through institutional and bureaucratic channels,

in their footsteps, the artists of *Porn'im'age'ry* found support from numerous art groups, including the College Art Association, the National Association of Artists' Organizations, People for the American Way, Franklin Furnace and others.

2. The groundwork that anti-censorship feminists have laid over the past decade was critical. This was not the first time I had called upon the Feminist Anti-Censorship Task Force when I was being censored. No More Nice Girls, Feminists for Free Expression, and other feminist groups and individuals understood that censorship can only be fought openly and vocally, and they did so on our behalf. Carole Vance wrote a definitive article on this case for *Art in America*.²⁷ Elizabeth Hess called for a "fax attack" on Dean Bollinger in her *Village Voice* column.²⁸ Barbara Pollack organized a panel for The New School for Social Research. The Women's Action Coalition (WAC) organized petition drives.

3. The writings and efforts to organize by sex workers and sex-work activists, which recently brought the prostitutes' rights struggle to the public eye, had inspired the works in this exhibit. Groups such as Prostitutes of New York (PONY), Call Off Your Old Tired Ethics (COYOTE), the National Task Force on Prostitution (NTFP), the International Committee on Prostitutes' Rights (ICPR), the Sex Workers Action Coalition (SWAC), the California Prostitution Education Project (CAL PEP), and other sex workers all fought for the reinstatement of the exhibit. Feminists, especially those outside the prostitutes' rights movement, need to do a great deal more to change the illegal status of women working in prostitution.

4. The artists' decision to fight as a united front was crucial. Financially, the battle was a terrible burden on all of us. But we were determined to see the exhibit reinstated, this time *inside* the law school, in conjunction with an anti-censorship feminist forum. The goals of our fight were to send a warning message to academia about censoring dissenting views, especially those based on sex, race, class, and other differences. We wanted to issue an encouraging message to an embattled arts community about the need to keep fighting censorship; we wanted to communicate to other feminists what had happened to us, demonstrating the consequences of the MacKinnon/Dworkin anti-pornography theory; and we wanted to challenge the laws that penalize women for sex work.

have begun "mass-based symbolic mobilizations," using provocative symbols as a centerpiece of their attacks against the NEA and high culture).

27. Vance, *supra* note 2.

28. See Elizabeth Hess, *Wong Benevolent Association*, *VILLAGE VOICE*, Jan. 26, 1993, at 82.

5. Steady progress was made on the front line by the FACT group in Michigan, which held weekly strategy meetings. Annette Wilson became the coordinator for the reinstallation, and Kathy Constantinides, Julie Steiner, Peg Lourie, Joanne Leonard, Carol Novak, Barbara Miller, Carol Taft, Pi Benio, Paula Rabinowitz, Rachel Charson, Sid Sharma, Dianne Miller, and others never gave up. The exhibit could not have been reinstalled without the herculean efforts of this group, which did virtually all of the publicizing, logistics, physical, and other labor, when the law school reneged on its commitments in connection with the settlement agreement. Members of the group also guarded the exhibit which had been under threat and then had been broken into the night before it was re-opened.²⁹

6. This case became an important battle to many veterans of the sex and culture wars because it involved the first known incident in which MacKinnon and Dworkin were directly implicated in the censorship of an art exhibit. As leaders of the anti-pornography feminist movement, their involvement also served to publicize the event. Although MacKinnon has denied making the decision to censor, she has acknowledged presenting the pornography complaint to the students, expressing her views about the harms inflicted by pornography in the ad hoc discussion with students

29. In accordance with the settlement agreement, including an addendum written by Dean Bollinger, the university agreed *inter alia*: (1) to reinstall the exhibit, and pay all costs of preparation, publicity, installation, and staff; (2) to invite the artists to attend the opening and make public statements; (3) to hold a public forum in conjunction with the reinstallation, inviting Carol Jacobsen to help plan and participate as a speaker; (4) to pay the artists \$3000 in settlement of all claims. See Settlement Agreement, Mar. 1993 (signed by Dean Bollinger, Vice President and Chief Financial Officer for the Regents of the University of Michigan, Farris W. Womack, and Carol Jacobsen) (on file with the *New York Law School Law Review*).

Despite the settlement agreement and the fact that the artists were paid the \$3000 (against a total of more than \$10,000 in expenses) and were permitted to reinstall the exhibit, we were forced to pay for preparation, coordination, and most of the installation and staffing costs. Realizing that there was no publicity going out, we also had to prepare and pay for that. The law school finally mailed out a flyer less than a week before the event, but it arrived too late and contained no information about the art. Because of threats made against the exhibit, the artists organized dozens of monitors, and following the break-in we had to take even more precautions to protect the work. Despite repeated billings, the law school refused to reimburse the artists for anything, to pay me an honorarium for speaking, to keep any of the original commitments to speakers, or to invite any of the artists to the opening. Nevertheless, the artists attended at their own expense, and over a thousand people attended the two day reinstallation.

about closing the exhibit, and supporting their decision to censor it.³⁰ Her threats to sue the ACLU for libel³¹ added intimidation.

7. Although the bigotry and commercialism of the mainstream media are primary reasons for the existence of alternative media art such as that contained in *Porn'im'age'ry*, the press was a major player in getting the exhibit reinstalled.³² Under the weight of widespread and ongoing publicity, the law school could not ignore what had happened.

8. The case of *Porn'im'age'ry: Picturing Prostitutes* brought numerous new alliances and coalitions together in support for the exhibit, bringing visibility to cultural issues of freedom of expression, prostitutes' rights, and the formerly forbidden, no-woman's land between art and pornography. Although many artists, feminists, and writers have long understood that there are no clear divisions between the two, this case brought that understanding to a wider audience, serving to unite disparate communities that each have a stake in creating an open, heterodox culture.

9. I cannot fail to acknowledge our debt to the years of struggle by veteran women artists who have long paid too high a price for fighting censorship alone or in small groups. They have been ridiculed and written off, have lost jobs, job opportunities, funding, exhibits and lectures, and have incurred untold personal costs. Many women deserve recognition for their groundbreaking work in art and against censorship, including Martha Wilson, Carolee Schneemann, Anita Steckel, Howardena Pindell, Jacqueline Livingston, Paulette Nenner, Hannah Wilke, Ana Mendieta, Rachel Rosenthal, Faith Ringgold, and Clarissa Sligh. Several of these women actively joined our battle.³³

Despite a stunning barrage of roadblocks, denials, broken agreements, veiled threats, cover-ups, and retaliatory assaults launched from every corner of the law school, the artists, together with our army of activists, won our fight to reinstall *Porn'im'age'ry: Picturing Prostitutes* exactly one year after it was initially censored. Although Catharine MacKinnon, Dean Bollinger, and the law students each complained about all the "bad press" they were getting and blamed the artists for bringing the censorship on ourselves, their tactics only backfired, exposing their unwillingness to open the dialogue and discuss the issues in a public, educational forum with the artists and other informed speakers. Dean Bollinger's symposium was not what had been agreed to orally or in writing when the artists signed the settlement agreement. Instead, invitations to speakers were

30. See *supra* notes 3, 13 and accompanying text.

31. See Johnson, *supra* note 3, at 4E (reporting that MacKinnon has considered suing the ACLU for libel because she said it falsely stated that she was responsible for removing the video series).

32. See *supra* notes 22-23 and accompanying text.

33. See Jacobsen, *supra* note 2, at 46.

cancelled, specific panels and subjects relating to the feminist, race, and class dimensions of censorship were withdrawn or recast to support a conservative position, and the dangers of censorship occurring in an institution of higher learning were never addressed (except by the artists' attorney, Marjorie Heins).³⁴ Perhaps most frustrating of all was the fact that although the entire series of events (from the original conference to the reinstallation a year later) was inspired by the issue of prostitution, the law school flatly refused to invite a single sex worker to speak at any sponsored event! Tellingly, when challenged on the bad faith shown by the law school and asked by a member of the audience why he *did* permit the artists to reinstall, Dean Bollinger replied, "Because I was faced with a lawsuit."

Five of the artists attended the re-opening of *Porn'im'age'ry* at their own expense and held an uproariously successful Speak-Out. When Dean Bollinger attempted to take some credit for the crowded event, we announced that we were being neither sponsored nor introduced by the law school. We concluded the Speak-Out with acts of sexual, civil disobedience when Carole Leigh—flanked by faded, cracking oil portraits of the law school's founding fathers—offered her sexual services from the lecture hall's stage. It was at once a claiming of her freedom of expression and her sexual rights; but it was also a call for an end to the injustice that criminalizes thousands of women for prostitution every day.

34. See Heins, *supra* note 12, at 213-23.