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POSTMODERNITY AND THE PORNOGRAPHY DEBATE*

KATE ELLIS**

The last time I spoke to the National Coalition Against Censorship, I discussed John Milton's *Paradise Lost*¹ and *Areopagitica*.² Given in 1644, Milton's speech was an early landmark in liberal theory.³ Although proud to be a Puritan,⁴ Milton astutely observed that, "[i]f we think to regulat Printing, thereby to [regulate] manners, we must regulat all recreations and pastimes, all that is delightfull to man."⁵ He would want to remind Tipper Gore,⁶ "[n]o musick must be heard, . . . but what is grave and *Dorick*."⁷ And then "[t]here must be licencing [of] dancers, that no gesture, motion, or deportment be taught our youth but what by their allowance shall be thought honest."⁸ Milton's claim that censorship contributes "primely to the discouragement of all learning, and the stop of [t]ruth, not only by the disexercising [of] our abilities in what we know already, but by hindering and cropping the discovery that might bee yet

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1. JOHN MILTON, *PARADISE LOST* (Edward Le Comte ed., Mentor Books 1961) (1667).

2. John Milton, *Areopagitica; A Speech of Mr. John Milton for the Liberty of Unlicenc'd Printing, to the Parliament of England* (Edward Arber ed., 1868) (1644), reprinted in *AREOPAGITICA* 29 (Albert Saifer 1972) (1868) [hereinafter *Areopagitica*].

3. *Id.*; see 4 THE SOURCE BOOK 1851-52 (1926).

4. See 4 THE SOURCE BOOK, *supra* note 3, at 1852 (noting Milton's lifelong support of the Puritans, and his conviction that the "spirit of Puritanism [would] finally triumph").

5. *Areopagitica*, *supra* note 2, at 50.

6. In 1985, Tipper Gore, wife of Vice President (and then-Senator) Albert Gore, founded Parents Music Resource Center (PMRC), an organization that advocates placing warning labels on record albums containing sexually explicit or violent lyrics. In addition to her work with PMRC, Gore's 1987 book instructed parents on how to raise children in today's moral climate. TIPPER GORE, *RAISING PG KIDS IN AN X-RATED SOCIETY* (1987). Although she contends that PMRC merely provides parents with information and guidance on musical selections for their children, commentators, both within and without the music industry, believe that PMRC advocates censorship, and is, therefore, a danger to First Amendment rights. See, e.g., Dave Leshner, *Will Tipper Gore's Values Strike Home?*, L.A. TIMES, July 15, 1992, at A11; Richard Stengel, *Sex Busters*, TIME, July 21, 1986, at 21.

7. *Areopagitica*, *supra* note 2, at 50.

8. *Id.*

further made"⁹ is still, I believe, the organizing idea that brings us together today.

Yet as we find ourselves in the midst of a "cultural war," to use the term of our opponents,¹⁰ that is every bit as intense—if not as costly in lives—as the one that was waged in Milton's day,¹¹ it is hard to imagine that we can simply "[l]et [truth] and Falsehood grapple"¹² as Milton suggested, so certain was he that "who ever knew Truth put to the wors, in a free and open encounter."¹³ In the world we live in now, talk of "a free and open encounter" has the same hollow sound as "the free market,"¹⁴ and the idea that a unitary Truth—with a capital letter *T*—would emerge from an encounter of competing ideas has been questioned by the same folks who have exposed the mythical or ideological nature of the free market.¹⁵ Milton is still correct in his analysis of the ways in which licensing printing as a mode of social regulation leads only to the need for more licensing.¹⁶ But we who

9. *Id.* at 34.

10. See David Hinckley, *Pop Culture Experiences Censor-round*, DAILY NEWS (N.Y.), Jan. 2, 1994, at 14-15 (noting that during the 1992 Republican convention, political conservative Patrick J. Buchanan urged the "launching of a cultural holy war"); see also Elizabeth Shogren & Douglas Frantz, *Political, Religious Right Lead School Book Ban Efforts*, L.A. TIMES, Sept. 2, 1993, at A14 (quoting University of Virginia Professor of Sociology James D. Hunter that the "issue of censorship has escalated into a 'cultural war' between the religious right and liberals").

11. See THOMAS PITT TASWELL-LANGMEAD, ENGLISH CONSTITUTIONAL HISTORY 594-96 (Philip A. Ashworth ed., 6th ed. 1992) (1867) (explaining that in the 1600s those responsible for printing unlicensed works were punished severely—authors and printers were hanged, quartered, mutilated, and imprisoned—causing Milton to give his freedom of press speech, *Areopagitica*); see also Edward Arber, *Introduction to Areopagitica*, *supra* note 2, at 4-5 (noting the extensive controversy that arose in England in Milton's day from the introduction and use of the printing press).

12. *Areopagitica*, *supra* note 2, at 74.

13. *Id.*

14. See generally JOHN K. GALBRAITH, THE CULTURE OF CONTENTMENT 51-64 (1992) (arguing that the glorified free-market, capitalist system has a vicious tendency to turn on itself and destroy the very institutions that serve as the foundation for the system).

15. See RICHARD S. RANDALL, FREEDOM AND TABOO: PORNOGRAPHY AND THE POLITICS OF A SELF DIVIDED 152 (1989).

16. See *Areopagitica*, *supra* note 2, at 53-54, 58.

oppose censorship are on much less certain ground than he was when we discuss the positive side of freely circulating images and ideas in print.¹⁷

What result when commercially driven ideas and images circulate? Our opponents, who have no problem with "free trade" in the domain of finance,¹⁸ tell us that when the drive for profit mixes with human sexuality, the result is an evil, socially disruptive force that impels sexy advertising into public spaces, and topless bars into nice neighborhoods—a kind of reverse Midas touch.¹⁹ The contamination next spreads into the private sphere, where it destroys the family by giving the young sexes permission to *do* what they should not even be *thinking* about doing, as well as by inflaming the proclivities of men (but not women) after they reach adulthood.²⁰ There is an interesting switch here concerning adult women, whose dangerous curiosity has been replaced, in anti-pornography

17. Whereas Milton's struggle for freedom, and uncensored printing and publication, was considered "noble," and he freely utilized religion as support for the free exchange of ideas, today's battle against censorship of pornography is more uncertain. See 4 THE SOURCE BOOK, *supra* note 3, at 1851. Anti-censorship feminists, although recognizing that pornography may depict women as subordinate, believe that any suppression of the right to freely express ideas, including pornography, ultimately harms women because censorship suppresses the forum available to challenge the images and ideas generated by such a depiction. See MARJORIE HEINS, SEX, SIN, AND BLASPHEMY: A GUIDE TO AMERICA'S CENSORSHIP WARS 147 (1993). In addition, because the issue of pornography is politically charged, it is an essential component of the democratic debate. *Id.*

18. Anti-pornography feminists such as Andrea Dworkin and Catharine MacKinnon have become allied politically with conservative groups in their fight to ban pornography. See HEINS, *supra* note 17, at 159, 162 (describing the alliance between feminists and the religious right). In general, conservative groups support the premise that government should not interfere in the business arena—that the market should control. See generally CONRAD P. WALIGORSKI, THE POLITICAL THEORY OF CONSERVATIVE ECONOMISTS 152-84 (1990) (discussing the role of government in conservative economic theory).

19. See, e.g., ANDREA DWORKIN, PORNOGRAPHY: MEN POSSESSING WOMEN 20-21 (1989):

Money has an extreme sexual component. . . . Money is primary in the acquisition of sex and sex is primary in the making of money: it is tied into every industry through advertising (this car will bring you women, see that slinky thing draped over the hood), or items are eroticized in and of themselves because of what they cost. In the realm of money, sex and women are the same commodity.

Id.

20. See, e.g., H. Patricia Hynes, *Pornography and Pollution: An Environmental Analogy*, in PORNOGRAPHY: WOMEN, VIOLENCE & CIVIL LIBERTIES 384, 389 (Catherine Itzin ed., 1992) ("Men and boys who read pornography become inured to the repulsion of rape and degradation of women; pornography legitimates their doing in their private life what they see done to women in videos, movies and magazines.").

discourse, by a response of revulsion and terror in the face of what pornography *teaches* through force and the threat of violence.²¹

This slippage in female development is due, not to the loss of self-confidence that Carol Gilligan noticed in adolescent girls she studied,²² but rather to the strain on an ideology of female empowerment when it becomes part of the larger discourse of the religious right.²³ Alliances and coalitions act like any other relationship, with ideology and belief systems of the stronger unit bleeding visibly into the weaker partner's terrain.²⁴ Because feminists need allies, the issue of how we relate to mainstream belief systems has always been central to discussions of practice both in the feminist movement and on the left.²⁵ Feminist arguments have focused on strategic pros and cons of joining forces with liberals.²⁶ The choice by part of the feminist movement to join with the right in targeting liberals is thus not only ironic, but alarming.²⁷

21. See HEINS, *supra* note 17, at 157 (discussing Catharine MacKinnon and Andrea Dworkin's position that pornography "is a major source and cause of women's oppression," is "inherently coercive and degrading," molds the attitudes and actions of men, and discriminates against women).

22. See LYN M. BROWN & CAROL GILLIGAN, *MEETING AT THE CROSSROADS: WOMEN'S PSYCHOLOGY AND GIRLS' DEVELOPMENT* (1992).

23. See, e.g., Nadine Strossen, *A Feminist Critique of "The" Feminist Critique of Pornography*, 79 VA. L. REV. 1099, 1163, 1165 (1993) (arguing that the "Dworkin-MacKinnon movement . . . deprive[s] women of information important to developing their own sense of sexual and gender-role identity" and "relegat[es] women to traditional sexual and gender roles").

24. Even MacKinnon concedes that within alliances the "speech of the powerful impresses its view upon the world," concealing the speech of the powerless so that their protest will be inaudible. See CATHARINE A. MACKINNON, *TOWARD A FEMINIST THEORY OF THE STATE* 205 (1989); CATHARINE A. MACKINNON, *FEMINISM UNMODIFIED* 155 (1987).

25. See, e.g., GINETTE CASTRO, *AMERICAN FEMINISM: A CONTEMPORARY HISTORY* (Elizabeth Loverde-Bagwell trans., New York University Press 1990) (1984) (tracing the development of American feminism and arguing for reconciliation between feminists and non-feminists).

26. Compare CHARLOTTE BUNCH, *Beyond Eüher/Or: Nonaligned Feminism*, in *PASSIONATE POLITICS* 46 (1986) (suggesting that the women's movement should reassess its alliance with the left) with ROSEMARIE TONG, *FEMINIST THOUGHT* 1-2 (1989) (noting that many "feminist theorists are able to identify their approach as essentially liberal").

27. See Kate Ellis, *Lights, Camera, Sex*, N.Y. TIMES, Sept. 16, 1990, § 7, at 31 (Book Review) (stating that feminists and civil libertarians both strongly opposed the alignment of the right-wing of the feminist movement with religious conservatives in their attempt to ban pornography); Lisa Duggan et al., *False Promises: Feminist Antipornography Legislation in the U.S.*, in *WOMEN AGAINST CENSORSHIP* 130, 133 (Varda Burstyn ed., 1985) *reprinted in* 38 N.Y.L. SCH. L. REV. 133, 135-36 (1993)

So what to do? The religious right is organized and wealthy.²⁸ The feminist anti-censorship forces are neither. This conference is called "The Sex Panic," and it is tempting to respond to the religious right in kind. When Operation Rescue²⁹ announced plans to attend the 1992 Democratic Convention in New York,³⁰ thousands of people were trained in clinic defense in anticipation.³¹ We practiced being yelled at by Operation Rescue—first yelling back and then standing silently. The point of the exercise was to experience the power of silence, coupled with an almost military discipline. Yet in the heat of the moment, we yelled back. I would like to suggest a way to respond to the pro-censorship religious right and its feminist allies that avoids the demonization of our opponents, an avenue of reply that so marred the wonderful work of clinic defense.

(noting the irony "that a feminist position on pornography incorporates most of the myths about sexuality that feminism has struggled to displace").

28. The largest organization of the religious right, the Christian Coalition, for example, has 750 local chapters and an annual budget of \$8-10 million. See Anthony Lewis, *Tax-Exempt Politics?*, N.Y. TIMES, Nov. 30, 1992, at A15; Robert Sullivan, *An Army of the Faithful*, N.Y. TIMES, Apr. 25, 1993, § 6, at 33. See also Stephen J. Gould, *The Production, Marketing, and Consumption of Sexually Explicit Material in Our Sexually Conflicted Society: A Public Policy Dilemma*, 11 J. PUB. POL'Y & MARKETING 135, 139 (1992) (discussing the conservative anti-pornography movement as a mature social movement with a long history in the United States going back to the early 1800s).

29. Operation Rescue, a pro-life organization founded by Randall Terry, protests abortion by occupying and ransacking abortion clinics. SUSAN FALUDI, *BACKLASH* 401 (1991).

30. During the Democratic National Convention in July 1992, Operation Rescue planned to attack and disrupt New York abortion clinics. Kevin Sack, *Protester Thrusts Fetus at a Surprised Clinton*, N.Y. TIMES, July 15, 1992, at A11. At one point a member of Operation Rescue shoved a fetus in a plastic container at Democratic presidential candidate Bill Clinton. *Id.*

31. More than 5000 men and women participated in the New York Clinic Defense Task Force, which was coordinated during the 1992 Democratic convention by the Feminist Majority to counter actions against New York abortion clinics planned by Operation Rescue supporters. Catherine S. Manegold, *No More Nice Girls: In Angry Doves, Radical Feminists Just Want to Have Impact*, N.Y. TIMES, July 12, 1992, § 1, at 25, 31.

One way to view the organized opposition to Judy Blume's novels³² in school libraries, or the Rainbow Curriculum and its associated school-based evils,³³ is to look at ancient anti-literacy movements. There is a fascinating scene involving writing in a recent Canadian movie, *The Black Robe*.³⁴ The movie features a French priest who becomes a missionary to the Huron Indians to impress his companions with the wonderful opportunities available to them if they convert. While writing in his journal one day, he sees a chance to accomplish his task. When the chief of the tribe asks him what he is doing, he asks the chief to tell him something that he, the missionary, could not know. The chief recounts an event from his past and the missionary writes it down. The missionary shows the transcription to his young French assistant, who has not been part of the conversation, and asks him to read it aloud. As the young man reads, the Hurons believe that magic has occurred. The chief's thoughts have leapt from his mind to the mind of a stranger *invisibly*, or so they think.

One can interpret some of the heat of those who favor "licensing" as a desire to return to a pre-literate culture, where knowledge, it is said, can only be transmitted through face-to-face contact.³⁵ The Catholic church certainly was more powerful before people began to read,³⁶ and slave narratives are by no means the only accounts of literacy as a subversive force.³⁷ Opponents of sex education want to relegate the transmission of knowledge on specific subjects (sex in particular) to a circle called "the

32. Many parents, librarians, book reviewers, and conservative groups have fought for removal of novels written by Judy Blume, including *Blubber*, challenged because of its "obscene" language, and *Forever*, challenged because parents believed it provided students with too much information about sex. See Betsy Brown, *Reading Banned Books*, N.Y. TIMES, Sept. 20, 1987, § 11WC, at 3; Karen C. Krause, *'Forever' Isn't Too Long; It's Too Steamy*, CHI. TRIB., Mar. 1, 1993, § NW, at 1. See also Judy Blume, *Is Puberty a Dirty Word?*, 38 N.Y.L. SCH. L. REV. 37 (1993).

33. The Rainbow Curriculum is a teaching guide prepared and proposed by the staff of Joseph Fernandez, former chancellor of the New York City Board of Education, to include sex education in New York City's public schools' curricula. See Sam Dillon, *New York Fight Shifts to Elections for Local School Boards*, N.Y. TIMES, Feb. 17, 1993, at A1, A13.

34. THE BLACK ROBE (Vidmark Entertainment 1991).

35. See Arber, *supra* note 11, at 4-5 (explaining that because ministers feared losing their power, they sought to stop the spread of the printing press).

36. See *id.* at 5.

37. See *id.*

family."³⁸ What keeps the family together is its power to delimit this transmission of face-to-face knowledge,³⁹ and those who seek to take that power away are destroying the family.⁴⁰ Of course, limiting knowledge in this way is impossible, even by regulating, as one might, television and other sources of information.⁴¹ Progressive parents try to regulate violence, while conservative parents focus on sexuality. Progressive parents forced *Little Black Sambo*⁴² out of circulation;⁴³ conservatives have other targets.⁴⁴

Despite numerous studies supporting either side of the argument over media input and its effects, we neither know how to track ideas that leap from mind to mind,⁴⁵ nor do we know what percentage of these ideas

38. See, e.g., Nomi M. Stolzenberg, "He Drew a Circle that Shut Me Out": Assimilation, Indoctrination, and the Paradox of a Liberal Education, 106 HARV. L. REV. 581, 583, 614 (1993) (noting that many fundamentalists argue that teaching diverse viewpoints threatens the survival of their culture and families' ability to teach children values).

39. See *id.* at 588 (citing *Mozert v. Hawkins County Bd. of Educ.*, 827 F.2d 1058 (6th Cir. 1987), *cert. denied*, 484 U.S. 1966 (1988), in which seven fundamentalist families alleged a violation of their free exercise of religion when the school system exposed their children to ways of life contrary to that of their parents).

40. See *id.*

41. See generally FURIO COLOMBO, *GOD IN AMERICA: RELIGION AND POLITICS IN THE UNITED STATES 68-70* (Kristin Jarratt trans., 1984) (discussing the desire of many fundamentalists to regulate education and children's television viewing).

42. HELEN BANNERMAN, *LITTLE BLACK SAMBO* (Platt & Munk Publishers 1972) (1898).

43. In one such instance, *Little Black Sambo* was removed from the open shelves of the Lincoln, Nebraska, school system in 1964 after complaints about its inherent racism. See JONATHAN GREEN, *THE ENCYCLOPEDIA OF CENSORSHIP 173* (1990). For an argument that *Little Black Sambo* is not racist, see Lloyd R. Cohen, *A Different Black Voice in Legal Scholarship*, 37 N.Y.L. SCH. L. REV. 301, 316-20 (1991).

44. Among the books conservative groups have fought to remove from school classrooms and libraries are J.D. Salinger's *The Catcher in the Rye* and John Steinbeck's *Of Mice and Men* because of their profanity, and William Shakespeare's *Romeo and Juliet* because of its sexual content. See Michael Reynolds, *Censors Stepping Up Drive on Witchcraft*, L.A. TIMES, Dec. 2, 1990, at A10; Keith B. Richburg, *Censorship of Textbooks Increased Last Year, Group Reports*, WASH. POST, Aug. 15, 1985, at A13.

45. There have been at least 2500 studies worldwide on the link between violence and the mass media. Some studies have found that increased aggressiveness results from exposure to violence in the media, while others have found no causal link; still others indicate that aggressiveness actually declined after such exposure. Jonathan L. Freedman, *Effect of Television Violence on Aggressiveness*, 96 PSYCHOL. BULL. 227, 229, 243 (1984). See generally Frederick Schauer, *Causation Theory and the Causes of Social Violence*, 1987 AM. B. FOUND. RES. J. 737 (cautioning that confusion is bound to arise

come from face-to-face interactions as opposed to more impersonal media.⁴⁶ We do not even know how input relates to output in face-to-face interactions.⁴⁷ As adults, we know that we picked up ideas and beliefs from our parents that our parents had no idea they were transmitting, and we should also know that our children are *learning* things from us that we do not realize we are *teaching* them.⁴⁸ We are all concerned by violence. Although nothing in my experience or reading convinces me that violence is engendered by visual or written media,⁴⁹ I am persuaded that it is engendered by cruelty and pain.⁵⁰ This brings me back to Milton. For while we can heal pain and try to prevent cruelty, we cannot regulate these perils out of existence. To do so, we would have to "regulat all recreations and pastimes, [and] all that is delightfull to man"⁵¹ in order to ensure that pain does not sneak across the line that society has drawn to insulate happiness from hurt.

Yet, even Milton argued that some regulation was necessary, and I suspect that most of us in this room agree. More speech rather than less speech is a good rule of thumb, but sometimes we may want different speech—replacing one billboard or poster with another, removing a *Tilted*

from any attempt to determine the link between exposure to pornographic materials and sexual violence).

46. See generally Judith Becker & Robert M. Stein, *Is Sexual Erotica Associated With Sexual Deviance in Adolescent Males?*, 14 INT'L J.L. & PSYCHIATRY 85 (1991) (indicating that sociologists have not conclusively determined whether sexual deviance is caused by exposure to pornography or in-person experiences).

47. See, e.g., Peter Bryant, *Parents, Children, and Cognitive Development*, in SOCIAL RELATIONSHIPS AND COGNITIVE DEVELOPMENT 239 (Robert A. Hinde et al. eds., 1985) (noting that it is "when one tries empirically to establish that there is a definite link between these two things—the interactions between parent and child and that child's intellectual development—that one begins to see what the difficulties are").

48. See *id.* (explaining that there are "things that parents do together with their child which in the long run have a far-reaching effect on the child's understanding of his environment, and yet are done not to foster the child's intellectual growth"); see also Renzo Vianello & Maria L. Marin, *Children's Understanding of Death*, 46 EARLY CHILD DEV. & CARE 97, 100 (1989) (finding that children as young as three can understand the concept of death by observing their parents, without the benefit of their parents' explanation).

49. See generally UNDERSTANDING AND PREVENTING VIOLENCE at x, xi (Albert J. Reiss, Jr. & Jeffrey A. Roth eds., 1993) (stating that studies concerning the role of mass media in causing violent behavior report conflicting evidence and findings of little, if any, impact).

50. See generally Carol Howard, *A Background of Anger*, PSYCHOL. TODAY, Sept. 1985, at 16, 17 (describing a study that found that children who were exposed to angry exchanges by adults later displayed aggressive behavior).

51. *Areopagitica*, *supra* note 2, at 50.

Arc.⁵² After all, a general opposition to censorship does not inhibit one from working with others to alter the public environment. We want *less* censorship; we draw the line, I suspect, at racist and sexist texts. The difference between us and our opponents, however, is much less manageable. Our opponents in this battle for hearts and minds feel solid ground under their feet. They claim to know the truth, the only truth. Our vision, on the other hand, has an equally sturdy foundation in our respect for differences. We believe it cannot be any other way.

We cannot fight in the usual way; we cannot reconstitute our claims on the solid ground of our opponents. We need a model for political action that allows us to use plural truths that are situated and unstable rather than eternal and transcendent. I do not have a blueprint for this model. In my *tai chi* classes, however, which I have been taking ever since I watched Bill Moyers' programs on healing and the mind,⁵³ I have been investigating the possibility of unbalancing one's opponent without force or resistance by turning the strength of an opponent, who looks superior, against (him or) her. I have also noticed how our new president, Bill Clinton, never seems to lose his balance. In Eastern martial arts, non-resistance is not the same as sitting still. Apparently, it requires years of training.

Quite recently, I realized the extent to which I had moved away from the only way I had known, for most of my life, to think about politics. I was watching the hearings on the mass deaths at Waco⁵⁴ and listening to Representative John Conyers, Jr., one of the few consistent black faces in Congress over the years and a speaker in the mid-1970s at the first

52. *Tilted Arc* was a 77-ton, 120-foot-long steel sculpture that was highly criticized following its 1981 erection in Federal Plaza in lower Manhattan. After a lengthy court battle, the sculpture was removed because it was viewed by many of the workers and residents of the area as an aesthetically displeasing eyesore. See David W. Dunlap, *Moving Day Arrives for Disputed Sculpture*, N.Y. TIMES, Mar. 11, 1989, at 29.

53. Bill Moyers hosted a five-part television series in the spring of 1993, *Healing and the Mind* (PBS television broadcast, spring 1993). The series dealt with the relationship between the human mind and illness, and explored alternative treatments to many medical maladies. See also BILL MOYERS, *HEALING AND THE MIND* (Betty S. Flowers & David Grubin eds., 1993); *Mind Over Malady*, TIME, Mar. 1, 1993, at 44.

54. In February 1993, federal agents attempted to execute a search warrant on a Texas compound belonging to a religious sect known as the Branch Davidians. See Sam H. Verhovek, *Scores Die as Cult Compound is Set Afire After F.B.I. Sends in Tanks With Tear Gas*, N.Y. TIMES, Apr. 20, 1993, at A1, A20. Four agents were killed in the raid, and a 51-day siege of the compound began. On April 19, the Federal Bureau of Investigation assaulted the compound. In response, members set the compound on fire, causing 86 members of the group to perish. The episode was heavily criticized by those who felt that the government had been too quick to abandon negotiations and too eager to use force. See *id.*

graduation of Livingston College—a pocket of radical pedagogy where I had been hired *because* I was on the left, or, in other words, a political ally. Conyers let Attorney General Janet Reno have it, calling the FBI operation “a disgrace,”⁵⁵ telling her she had done the right thing by offering to resign, and announcing righteously that he was one member of Congress who would not “rationalize the death of two dozen children.”⁵⁶ What startled me was the extent to which I would have agreed with his mode of operation twenty years ago—the FBI was the domestic arm of the American empire and killing a few of them was a harbinger of what my friends and I were looking forward to: the revolution.

Janet Reno did not say everything I would have wanted her to say. But she admitted on television, in front of politicians looking to gain points by being hostile, that she had acted without knowing everything, and may discover, upon learning more, that she should have acted otherwise.⁵⁷ She defended her choice and the beliefs that led her to act the way she did.⁵⁸ Unlike President Bush when he sent troops into the Gulf War,⁵⁹ she did not speak as if her truth was *the truth*, case closed, or as if people who disagreed with her lacked virtue or patriotism. In comparison to Ed Meese,⁶⁰ or to any other Attorney General I can think of, one has to say that, although it is not the difference between night and day, something *is* happening here. I will call it a new political paradigm, and say that I see it as a source of hope for us as we look toward the long battle ahead, a battle not so much between censorship and its absolute

55. *Events Surrounding the Branch Davidian Cult Standoff in Waco, Texas: Hearings Before the House Judiciary Committee*, 103d Cong., 1st Sess. (1993) (statement of Representative John Conyers, Jr.).

56. *Id.*

57. See Nancy Gibbs, *Paths to the Inferno*, TIME, May 3, 1993, at 39, 41.

58. See Stephen Labaton, *Bentsen Signals Official's Ouster Over Initial Raid on Cult in Texas*, N.Y. TIMES, Apr. 29, 1993, at A1, A18 (noting that Reno defended her actions in light of the four federal agents who were killed in the original assault).

59. In his State of the Union message of February 1991, just prior to the beginning of ground warfare against Iraq, President Bush described Operation Desert Storm as morally correct, and cast the battle as one of good against evil. See John Dart, *Episcopalian Bush Opens Religious Counteroffensive For a 'Just War'*, L.A. TIMES, Feb. 2, 1991, at F16.

60. Edwin Meese generated considerable controversy during his brief tenure as Attorney General under President Ronald Reagan. See CORNELL W. CLAYTON, *THE POLITICS OF JUSTICE: THE ATTORNEY GENERAL AND THE MAKING OF LEGAL POLICY* 6, 154, 155 (1992). Under his leadership, the Justice Department refused to prosecute cases that came under statutes which Meese opposed, and Meese's attacks on the Supreme Court were so vehement that several justices responded to his criticisms in public. See generally *id.*

opposite, but between our social agendas and those we do not want to live under.

