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SPEAKING FOR OURSELVES*

ANN LEWIS**

This conference has been very useful, especially because it reminds us of a historical perspective in which we see the anti-pornography movement as the latest in a series of attempts to use women's anxiety and women's energy to adopt socially restrictive laws.¹ We also learn from history and practice that although such laws would affect society as a whole, women wind up disproportionately restricted.² We have seen these dynamics before. This particular movement of moral reform, however, is especially troubling because the wellspring seems to be on the campus, a place we like to think of as a breeding ground for new liberal ideas. It is on the campus where censorship—an idea that is deeply reactionary—is emerging as the newest *progressive* idea.³ This is new and disturbing.

I would like to suggest some reasons why censorship seems to have emerged as a feminist goal. First, attacking pornography is easier than tackling other issues on the feminist agenda that appear much more complicated. Most feminist issues deal with the economy and with the fact that women continue to be, after twenty years of the women's movement, economically vulnerable. I like to say that women are the miner's canary of the American economy—the first to feel the ill winds. We are paid less for the work we do;⁴ we are penalized for carrying

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1. See Lisa Duggan, *An Historical Overview*, 38 N.Y.L. SCH. L. REV. 25, 29-30 (1993).

2. See *id.* at 32-33.

3. See generally Sarah Crichton, *Sexual Correctness: Has It Gone Too Far?*, NEWSWEEK, Oct. 25, 1993, at 52 (discussing colleges' attempts to legislate sexual correctness); Garry Wills, *In Praise of Censure*, TIME, July 31, 1989, at 71 (stating that the "rules being considered on college campuses to punish students for making racist and other defamatory remarks go beyond social and commercial pressure to actual legal muzzling").

4. See generally OFFICE OF INFORMATION AND PUBLIC AFFAIRS, U.S. DEP'T OF LABOR, EARNINGS OF WAGE AND SALARY OF WORKERS: FOURTH QUARTER 1993, at 1 (1994) (reporting that "[w]omen who usually worked full-time had median earnings of \$400 per week, 76.9% of the \$520 median for men"); OFFICE OF INFORMATION AND PUBLIC AFFAIRS, U.S. DEPT. OF LABOR, EARNINGS OF WAGE AND SALARY OF WORKERS: FOURTH QUARTER 1993, at 1 (1994) (reporting that full-time working women earned 23.9% less than men); U.S. BUREAU OF THE CENSUS, STATISTICAL ABSTRACT

family responsibilities;⁵ and we are more likely to be poor in our old age.⁶ Achieving economic equality in a society undergoing economic restructuring is complicated. It's easy to know what we want to do; it's hard to know where to begin.

In contrast, the anti-pornography movement represents what seems to be a simple idea. Here's one that we can solve, we are told, simply by taking the appropriate legal steps. And taking legal action is so much simpler than trying to combat economic forces. In one fell swoop we can solve the problem of violence against women; we can end the degradation of women; *we can make women equal*. That simplicity is a large part of its appeal.

A second aspect of the argument's appeal is the widespread fear of violence that now permeates our society. Wendy Kaminer has spoken about the fear of rape, the fear of violent crime, and the extent to which women realize it has caused a change in our lives.⁷ We change the way we go out at night. We change the directions we take. Whether you look at the statistics on rape or on domestic violence, there seem to be assaults on women everywhere we turn.⁸ We are concerned, and we are looking

OF THE UNITED STATES: 1993, at 466-67 (113th ed. 1993) (compiling comparative statistics from 1970 through 1991 and noting that in 1991 the median income for men was \$20,469 compared with \$10,476 for women).

5. See, e.g., Deborah L. Rhode, *Perspectives on Professional Women*, 40 STAN. L. REV. 1163, 1170 (1988) (asserting that women who attempt to combine a career with marriage and motherhood face opposition from the professional community).

6. See generally 135 CONG. REC. S347 (daily ed. Jan. 3, 1989) (statement of Sen. Cranston) (stating that women are more likely than men to be dependent on Social Security and to live below the poverty line); Liz Doup, *The Retirement Gap*, MIAMI HERALD, Dec. 1, 1992, at E1 (discussing congressional reports showing that older women are 70% more likely to spend their retirement in poverty than men).

7. See Wendy Kaminer, *Toward Safety, Equality & Freedom*, 38 N.Y.L. SCH. L. REV. 115, 118-19 (1993) (stating that the anti-censorship movement needs to be sensitive to the fear of sexual violence and its appeal as a motivating factor); see also Wendy Kaminer, *Feminism's Identity Crisis*, ATLANTIC, Oct. 1993, at 51 (suggesting that women have joined the anti-pornography movement to fight fear of rape and sexual violence).

8. See generally *Domestic Violence: Terrorism in the Home: Hearing Before the Subcomm. on Children, Family, Drugs and Alcoholism of the Senate Comm. on Labor and Human Resources*, 101st Cong., 2d Sess. (1990). According to national statistics and FBI reports, a woman in the United States is battered once every 15 seconds, and 30% of all female homicide victims are killed by their husbands or boyfriends. *Id.* at 3 (opening statement of Sen. Dan Coats). In addition, the FBI reports that a forcible rape occurred, on average, once every five minutes in the United States during 1992. FEDERAL BUREAU OF INVESTIGATION, U.S. DEP'T OF JUSTICE, UNIFORM CRIME REPORTS FOR THE UNITED STATES 4 (1992); Lori Heise, *The Global War Against*

for ways to fight back and contain. Again, the anti-pornography movement offers a relatively simple answer to a difficult, complicated question. Maybe we can't control the spread of guns, or the extent of violent crime, but at least we could do this.

A third ingredient has emerged in the last few years, and that is the determination by the right wing to stay in politics, organize for a long term, and organize at the state and local level.⁹ So, our campus progressives have an enthusiastic, well-funded partner. We see a phenomenon like the Christian Coalition that gives us "stealth" candidates who boast that they fly below radar.¹⁰ If you're flying below radar, it's only for one reason: you know that the more people see of you, the less they will like you. These groups, including the Christian Coalition and the American Family Association, that work at state and local levels are using sex, or fear of sex, as an organizing principle.¹¹ It is no coincidence that the people who are gathering signatures to put anti-gay-rights ordinances on the ballot are also supporting anti-pornography ordinances in state and local legislatures.¹² These organizations are less

Women, WASH. POST, April 9, 1989, at B1 (explaining that violence against women may be the most pervasive yet least recognized human-rights issue in the world); George Lardner, Jr., *I in 3 Say They Have Seen Domestic Violence*, WASH. POST, April 20, 1993, at A7 (reporting on the results of a nationwide survey of domestic violence in which 33% of Americans said they have witnessed a man beating his wife or girlfriend and 14% say it had happened to them).

9. See Kirk Victor, *No Free Ride*, NAT'L J., Nov. 19, 1988, at 2940, 2941-43 (explaining that the conservative movement must be organized on the state and local levels to be successful at the federal level).

10. See Daniel Schorr, *Rise of the Religious Right*, NEW LEADER, Sept. 21, 1992, at 4 (referring to comments made by Robert Reed, Executive Director of the Christian Coalition, that much of the Coalition's success is the result of grass-roots organizing and avoiding national attention).

11. See, e.g., *Are Gay Rights A Civil Right?*; *David Caton Says No, and He Wants Florida Voters to Close the Debate Forever*, ORLANDO SENTINEL, July 18, 1993, at 8 (reporting on the efforts of the American Family Association to lobby state legislatures against gay rights, pornography, and abortion rights); Susan Yoachum & David Tuller, *Conservative Christian Blocs Thriving Nationwide*, S.F. CHRON., Sept. 13, 1993, at A1 (discussing the grass-roots efforts of the conservative Christian movement, led by the Christian Coalition, to crusade against abortion rights, gay rights, pornography, and sex education in schools).

12. See, e.g., *Gay-Rights Foes Organizing Ohio Ballot Bill*, CINCINNATI POST, Aug. 22, 1992, at 5A (describing the efforts of an Ohio anti-pornography group to launch a ballot initiative for an anti-gay-rights amendment to the state constitution); Anne V. Hull, *A Tireless Mission Against Gays*, ST. PETERSBURG TIMES, Oct. 19, 1992, at 1A (noting that Florida's American Family Association broadened its focus from battling nude dance clubs and pornographic magazines to gathering the signatures necessary to schedule a

interested in making policy change than in mobilizing activity. Each time they do battle—win or lose—they gain signatures, they gain volunteers, they gain precinct captains.¹³ They are in this for the long haul, and they are smart enough to recognize the political opportunities in this kind of coalition.

If these are the dynamics, we are left with a strategic question: How do those of us who oppose censorship move from being reactive to proactive? How do we take the initiative? This debate is in danger of being one-sided. We need to begin a plan of action.

First, of course, we must join the debate—vigorously, vocally, and effectively. That is what Leanne Katz of the National Coalition Against Censorship has been doing so well. That is what the Working Group on Women, Censorship and “Pornography” must do. The people working for the anti-pornography ordinances are the same people who fought against the ERA, who fight against safe and legal abortion, but then claim they’re not anti-women. And to prove it, they say they have women allies—feminist allies. We cannot allow the language and values of feminism to be co-opted by the pro-censorship focus. Women must be identified on the national level as feminists speaking out against censorship, especially when it is undertaken in the name of feminism.

As a second step, we must carry this debate to the state and local levels. My ears really perked up when I heard that a porn-victim-compensation bill was introduced and fought in California¹⁴ because, in my experience, American culture and American politics start west and travel east. For those of you on the east coast who still think that New York is where it all begins, I would remind you that California brought us the property-tax revolt, Ronald Reagan, and hot tubs. A few years later, New York had them all. Things that start in California cannot be

referendum to repeal Tampa’s gay-rights ordinance); Abraham Kwok, 3 *Incumbents*, 15 *Hopeful Scramble for 4 Seats*, ARIZ. REPUBLIC, Oct. 3, 1993, at B4 (discussing the impact of small groups, such as Americans For Decency and the National Family Legal Foundation, which crusade against pornography and gay-rights issues in local elections).

13. See, e.g., Mark Nollinger, *The New Crusaders—The Christian Right Storms California’s Political Bastions*, CAL. J., Jan. 1, 1993, at 6, 8 (discussing the successes of the Christian right’s strategy to recruit volunteers, register voters, and get people to the polls).

14. See Cal. A.B. 490, 1993-94 Reg. Sess. (1993). The bill would have allowed a victim of a criminal sexual assault, or their estate or guardian, to sue a “producer, distributor, exhibitor, disseminator or seller. . . of obscene matter, child pornography or harmful matter. . .” *Id.* § 1(a)(1)-(3). To recover, a person would have had to show that they were a victim of a sexual assault, and that the pornographic material was the proximate cause of the assault. *Id.* § 1(b). The bill failed in the Assembly Committee on the Judiciary and has not been reintroduced. LEXIS Bill Track. Rpt., available in Legis. Library, Catrek File.

ignored; within the course of a year they move eastward. Keep your eye on the legislation.

Now, what is our strategic goal? That is, what are we organizing to do? I would suggest that our single largest goal should be to empower women to speak for themselves on this issue. I assume that most women, given their choices, will agree that censorship is a bad idea. We've all had experience with being told what we can say or write or think, and we don't like it. But it is quite another thing to step forward in your own community to speak against censorship and risk being labeled a defender of pornography or violence. So long as the debate is framed in these terms, most women will stay away. Our message, therefore, must be one that is credible within *and* without, one that goes beyond our own organizations to reach other women. We cannot just speak to ourselves. We have to deliver messages that work for us, but that also work for the great undecided. I also think that our message must be communicated with language that is *inclusive, concrete, and feminist based*. To be inclusive, it must bring people in, not drive them away. To be concrete, the language must be specific, not abstract; and to be feminist based, it must convey our values.

Here is an example of how I might frame our message (and keep in mind, because I do television, my idea of a message is something that can be conveyed in twenty seconds): "I'm against censorship because I don't believe we should allow government agencies to tell women, or men, how we should think or write about our lives, including our sex lives. I don't think those kinds of laws are good for anybody, and I know they are bad for women." I'm not suggesting that these are perfect sentences, but I am saying that this is one way I would like to see us get into the debate.

To this end, we should learn from the pro-choice movement and how it lost the initial battle of framing the debate. For a long time we were being pushed backwards on choice, largely because the issue was being framed in terms of the fetus.¹⁵ The debate initially raged as if there were no women involved. I had the sense that there were all these little fetuses out there being carried, as someone said, "in Tupperware," perhaps.¹⁶ It was not until we brought women's lives back into the picture—women's

15. See generally Karen Tumulty, *The Molding of a Pro-Choice Advocate*, L.A. TIMES, Nov. 10, 1989, at E1 (discussing the pro-choice movement and its initial failure to define the abortion debate to its advantage).

16. Nanette Falkenberg of the National Abortion Rights Action League (NARAL) posed the question, "Do you think the fetus is housed in a Tupperware jar?" to a reporter who persistently had focused on the fetus, not the woman. See Ellen Goodman, *The Momentum Against Abortion*, WASH. POST, Feb. 2, 1985, at A19.

faces, women's values—that we could even up the debate.¹⁷ I think the message that ultimately tipped the balance in favor of the pro-choice movement and that allowed us to reach out and talk to people who were previously unsure about where they stood, was the wonderful question: "Who decides?"¹⁸ The question raised so many others: Who is going to make those decisions about you, your lives, and your family? Are you going to make them, or are you going to let other people—government, more powerful people—make them?

When framed this way, Americans generally will want to make those decisions themselves. I don't think they want to give those decisions away. The pornography issue is no different. We should ask Americans: Who has the power to decide? Who will have the power to decide what the rest of us can read, write, and draw? Who has the power to tell us what we should or should not think? When we frame the question in that way, people begin to listen; they understand what is at stake.

I know, it is hardly necessary to preach the need for action to the people in this room. However, I remember someone asking what would happen if this were one of Rev. Donald Wildmon's meetings?¹⁹ If it were, we would not leave without instructions to write a letter. We would have received clear and concrete instructions: get on the phone, write a letter, *do something*. For us, however, it is not yet so easy. We don't have the single letter. And this is not necessarily an audience that would mechanically write as instructed. You would want some input into what it was that you were going to say.

Perhaps, instead, we can simply say that we will leave this meeting determined to take action. We can—and we must—engage in this debate as feminists committed to real equality, making better the lives of women and men—not by giving others the power to censor what we can read—but by keeping the power to think and speak for ourselves. We can frame messages about the issue that clearly convey what is at stake. We have just as much determination as when we arrived at this conference, and we are just as committed to fighting for the causes we believe in. What we have

17. See generally Tumulty, *supra* note 15, at E1 (suggesting that the pro-choice movement regained lost ground by framing the abortion-rights issue as one of government intrusion into women's private lives).

18. See generally Carol Matlack, *Abortion Wars*, NAT'L J., Mar. 16, 1991, at 630, 631 (discussing NARAL President Kate Michelman's opinion that the words "who decides" mainstreamed the abortion-rights issue).

19. Reverend Wildmon of Tupelo, Mississippi, has stated that fighting pornography brought him more attention, more publicity, and a lot more money, than preaching the word of God. See Frank Reuven, *On Television: One More Season*, NEW LEADER, July 12, 1993, at 20.

done here, in this short time, is to begin to develop the strategy that will enable us to carry out our mission.

