

FEMINIST CENSORSHIP LAWS:

1983-1984

“Leading the fight were the radical Feminists, and heading the charge were writer Andrea Dworkin and lawyer Catherine MacKinnon... Dworkin and MacKinnon drafted a model ordinance and proposed it to city councils in Minneapolis and Indianapolis and Bellingham, Washington [where it passed]. The legislation would have allowed a woman who believed herself victimized by pornography to sue bookstore owners for civil damages, and, of course, to have the offending books removed from the shelves.”

William Noble
Bookbanning in America
(Paul S. Eriksson 1990) 276-77

PROVISIONS INCLUDED

“Pornography is the sexually explicit subordination of women, graphically depicted whether in pictures or words...

...women are presented as dehumanized sexual objects...

...women are presented in postures of sexual submission...

...women’s body parts...are exhibited, such that women are reduced to those parts...

...women are presented in scenarios of degradation...shown as... inferior...in a context that makes the condition sexual.

...Speech treating women in the disapproved way--as submissive in matters sexual or as enjoying humiliation--is unlawful *no matter how significant the literary, artistic, or political qualities of the work taken as a whole.*” [italics added]

“The notorious Minneapolis pornography ordinance, drafted by feminist author Andrea Dworkin and law professor Catherine MacKinnon, was passed by a 7-6 vote of the Minneapolis City Council on December 30, 1983. It amended the city’s civil rights ordinance to include pornography as a violation of women’s civil rights, claiming that pornography promotes civil inequality between the sexes, systematic exploitation and subordination based on sex, and acts of aggression, bigotry, and contempt.

Under the Minneapolis ordinance, individuals could file complaints with the Civil Rights Commission seeking damages or an injunction to prevent the production, sale, distribution, or showing of pornography Women could sue the producers of pornography or husbands who forced pornography on them. Even librarians appeared to be subject to penalties if they distributed materials falling within the ordinance’s definition of pornography.... The Minneapolis ordinance was vetoed by the mayor, who feared that it would be struck down as unconstitutional....

The Indianapolis mayor signed [a similar] ordinance into law on May 1, 1984, but an immediate lawsuit caused a federal judge to enjoin the city from enforcing the ordinance. On November 19, the federal district court ruled that ‘pornography,’ as defined in the Indianapolis ordinance, was protected speech, not conduct, as the feminists argued. In declaring the ordinance unconstitutional, the court stated that the state’s interest in prohibiting sexual discrimination did not outweigh an individual’s interest in free speech. The judgment was immediately appealed, but the district court’s ruling was affirmed on August 27, 1985.”

Herbert N. Foerstel
Free Expression and Censorship in America

(Greenwood 1997) 79-81

“On February 24, 1986, the United States Supreme Court held the Indianapolis ordinance unconstitutional.... Others had combined with anti-porn feminists to pass similar laws in Cambridge, Massachusetts, Suffolk County, New York, and other local communities; as a result of the Supreme Court’s action, however, those presumably are dead....

“The danger to literary values comes from the fact that much of the world’s great literature, though not sexually explicit by modern American standards, portrays with approval the subordination, often by force, of women to men (though this is not the same thing as depicting women enjoying that subordination--the particular concern of the feminist opponents of pornography). A notable example is the treatment of Briseis and Chryseis in the *Iliad*. The *Bible* contains many instances of what by contemporary standards is misogyny; so do *Paradise Lost* and *The Taming of the Shrew*, not to mention *Eumenides*--the list is endless’.” (Richard A. Posner, 7th Circuit appellate judge)

Edward de Grazia
*Girls Lean Back Everywhere:
The Law of Obscenity and the Assault on Genius*
(Random House 1992) 614-15

Michael Hollister (2015)