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## Pornography is a Civil Rights Issue for Women

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## **PORNOGRAPHY IS A CIVIL RIGHTS ISSUE FOR WOMEN†**

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Andrea Dworkin\*

My name is Andrea Dworkin. I am a citizen of the United States, and in this country where I live, every year millions and millions of pictures are being made of women with our legs spread. We are called beaver, we are called pussy, our genitals are tied up, they are pasted, makeup is put on them to make them pop out of a page at a male viewer. Millions and millions of pictures are made of us in postures of submission and sexual access so that our vaginas are exposed for penetration, our anuses are exposed for penetration, our throats are used as if they are genitals for penetration. In this country where I live as a citizen real rapes are on film and are being sold in the marketplace. And the major motif of pornography as a form of entertainment is that women are raped and violated and humiliated until we discover that we like it and at that point we ask for more.

In this country where I live as a citizen, women are penetrated by animals and objects for public entertainment, women are urinated on and defecated on, women and girls are used interchangeably so that grown women are made up to look like five- or six-year-old children surrounded by toys, presented in mainstream pornographic publications for anal penetration. There are magazines in which adult women are presented with their pubic areas shaved so that they resemble children.

In this country where I live, there is a trafficking in pornography that exploits mentally and physically disabled women, women who are maimed; there is amputee pornography, a trade in women who have been maimed in that way, as if that is a

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† This Article is a transcript of Andrea Dworkin's testimony before the Attorney General's Commission on Pornography, during its hearings at the United States Court of International Trade in New York City, Jan. 22, 1986. It has been edited only by the author for clarity. Copyright © 1986 Andrea Dworkin.

\* Radical feminist writer and activist. Her books include *PORNOGRAPHY: MEN POSSESSING WOMEN* (Perigee 1981), *RIGHT-WING WOMEN* (Perigee 1983), *INTERCOURSE* (The Free Press 1987), and the novel *ICE AND FIRE* (Weidenfeld & Nicolson 1987). She is co-author with Catharine A. MacKinnon of civil rights legislation recognizing pornography as sex discrimination.

sexual fetish for men. In this country where I live, there is a trade in racism as a form of sexual pleasure, so that the plantation is presented as a form of sexual gratification for the black woman slave who asks please to be abused, please to be raped, please to be hurt. Black skin is presented as if it is a female genital, and all the violence and the abuse and the humiliation that is in general directed against female genitals is directed against the black skin of women in pornography. Asian women in this country where I live are tied from trees and hung from ceilings and hung from doorways as a form of public entertainment. There is a concentration camp pornography in this country where I live, where the concentration camp and the atrocities that occurred there are presented as existing for the sexual pleasure of the victim, of the woman, who orgasms to the real abuses that occurred, not very long ago in history.

In the country where I live as a citizen, there is a pornography of the humiliation of women where every single way of humiliating a human being is taken to be a form of sexual pleasure for the viewer and for the victim; where women are covered in filth, including feces, including mud, including paint, including blood, including semen; where women are tortured for the sexual pleasure of those who watch and those who do the torture, where women are murdered for the sexual pleasure of murdering women, and this material exists because it is fun, because it is entertainment, because it is a form of pleasure, and there are those who say it is a form of freedom.

Certainly it is freedom for those who do it. Certainly it is freedom for those who use it as entertainment, but we are also asked to believe that it is freedom for those to whom it is done.

Then this entertainment is taken, and it is used on other women, women who aren't in the pornography, to force those women into prostitution, to make them imitate the acts in the pornography. The women in the pornography, sixty-five to seventy percent of them we believe, are victims of incest or child sexual abuse. They are poor women; they are not women who have opportunities in this society. They are frequently runaways who are picked up by pimps and exploited. They are frequently raped, the rapes are filmed, they are kept in prostitution by blackmail. The pornography is used on prostitutes by johns who are expected to replicate the sexual acts in the pornography, no matter how damaging it is.

Pornography is used in rape—to plan it, to execute it, to choreograph it, to engender the excitement to commit the act. Pornography is used in gang rape against women. We see an in-

crease since the release of *Deep Throat* in throat rape—where women show up in emergency rooms because men believe they can penetrate, deep-thrust, to the bottom of a woman's throat. We see increasing use of all elements of pornography in battery, which is the most commonly committed violent crime in this country, including the rape of women by animals, including maiming, including heavy bondage, including outright torture.

We have seen in the last eight years an increase in the use of cameras in rapes. And those rapes are filmed and then they are put on the marketplace and they are protected speech—they are real rapes.

We see a use of pornography in the harassment of women on jobs, especially in nontraditional jobs, in the harassment of women in education, to create terror and compliance in the home, which as you know is the most dangerous place for women in this society, where more violence is committed against women than anywhere else. We see pornography used to create harassment of women and children in neighborhoods that are saturated with pornography, where people come from other parts of the city and then prey on the populations of people who live in those neighborhoods, and that increases physical attack and verbal assault.

We see pornography having introduced a profit motive into rape. We see that filmed rapes are protected speech. We see the centrality of pornography in serial murders. There *are* snuff films. We see boys imitating pornography. We see the average age of rapists going down. We are beginning to see gang rapes in elementary schools committed by elementary school age boys imitating pornography.

We see sexual assault after death where frequently the pornography is the motive for the murder because the man believes that he will get a particular kind of sexual pleasure having sex with a woman after she is dead.

We see a major trade in women, we see the torture of women as a form of entertainment, and we see women also suffering the injury of objectification—that is to say we are dehumanized. We are treated as if we are subhuman, and that is a precondition for violence against us.

I live in a country where if you film any act of humiliation or torture, and if the victim is a woman, the film is both entertainment and it is protected speech. Now that tells me something about what it means to be a woman citizen in this country and the meaning of being second-class.

When your rape is entertainment, your worthlessness is absolute. You have reached the nadir of social worthlessness. The civil impact of pornography on women is staggering. It keeps us socially silent, it keeps us socially compliant, it keeps us afraid in neighborhoods; and it creates a vast hopelessness for women, a vast despair. One lives inside a nightmare of sexual abuse that is both actual and potential, and you have the great joy of knowing that your nightmare is someone else's freedom and someone else's fun.

Now, a great deal has happened in this country to legitimize pornography in the last ten to fifteen years. There are people who are responsible for the fact that pornography is now a legitimate form of public entertainment.

Number one, the lobby of lawyers who work for the pornographers; the fact that the pornographers pay lawyers big bucks to fight for them, not just in the courts, but in public, in the public dialogue; the fact that lawyers interpret constitutional principles in light of the profit interest of the pornographers.

Number two, the collusion of the American Civil Liberties Union with the pornographers, which includes taking money from them. It includes using buildings that pornographers own and not paying rent, it includes using pornography in benefits to raise money. It includes not only defending them in court but also doing publicity for them, including organizing events for them, as the Hugh Hefner First Amendment Awards is organized by ACLU people for *Playboy*. It includes publishing in their magazines. It includes deriving great pride and economic benefit from working privately for the pornographers, while publicly pretending to be a disinterested advocate of civil liberties and free speech.

I want you to contrast the behavior of the ACLU in relation to the pornographers with their activities in relation to the Klan and the Nazis. The ACLU pretends to understand that they are all equally pernicious. But do ACLU people publish in the Klan newsletter? No. Do they go to Nazi social events? No. Do they go to cocktail parties at Nazi headquarters? No, they don't, at least not yet.

Finally, they have colluded in this sense, that they have convinced many of us that the standard for speech is what I would call a repulsion standard. That is to say we find the most repulsive person in the society and we defend them. I say we find the most powerless people in this society, and we defend *them*. That's the way we increase rights of speech in this society.

A third group that colludes to legitimize pornography are publishers and the so-called legitimate media. They pretend to believe that under this system of law there is a first amendment that is indivisible and absolute, which it has never been.

As you know, the first amendment protects speech that has already been expressed from state interference. That means it protects those who own media. There is no affirmative responsibility to open communications to those who are powerless in the society at large.

As a result, the owners of media, the newspapers, the TV networks, are comfortable with having women's bodies defined as the speech of pimps, because they are protecting their rights to profit as owners, and they think that that is what the first amendment is for.

I am ashamed to say that people in my profession, writers, have also colluded with the pornographers. We provide their so-called socially redeeming value, and they wrap the tortured bodies of women in the work that we do.

Fourth, politicians have colluded with the pornographers in municipalities all over this country. They do it in these ways:

Zoning laws do not keep pornography out of cities. They are an official legal permission to traffic in pornography. And as a result politicians are able to denounce pornography moralistically while protecting it through zoning laws.

Zoning laws impose pornography on poor neighborhoods, on working-class neighborhoods, on neighborhoods where people of color live, and all of those people have to deal with the increase in crime, the terrible harassment, the degradation of the quality of life in their neighborhoods, and the politicians get to protect the property values of the rich. There is an equal protection issue here: why the state makes some people pay so other people can profit.

But that issue has never been raised. We have never been able to sue a city under the equal protection theory, because lawyers are on the other side. Lawyers belong primarily to pornographers, and the people who live in these neighborhoods that are saturated with pornography are powerless people. They don't even have power in their own municipalities.

In addition, what pornographers do in municipalities is that they buy land that is targeted for development by cities. They hold that land hostage. They develop political power through negotiating around that land. They make huge profits, and they get influence in local city governments.

Five, not finally but next to the last, a great colluder with the pornographers was the last presidential Commission on Obscenity and Pornography. They were very effective in legitimizing pornography in this country. They appeared to be looking for a proverbial ax murderer who would watch pornography and within twenty-four or forty-eight hours go out and kill someone in a horrible and clear way. The country is saturated with pornography, and saturated with violence against women, and saturated with the interfacing of the two. And the Commission didn't find it.

None of the scientific research that they relied on to come to their conclusions is worth anything today. It's all invalid. I ask you to take seriously the fact that society does not exist in a laboratory, that we are talking about real things that happen to real people, and that's what we are asking you to take some responsibility for.

Finally, the ultimate colluders in the legitimizing of pornography, of course, are the consumers. In 1979 we had a \$4 billion-a-year industry in this country. By 1985 it was an \$8 billion-a-year industry. Those consumers include men in all walks of life: lawyers, politicians, writers, professors, owners of media, police, doctors, maybe even commissioners on presidential commissions. No one really knows, do they?

And no matter where we look, we can't find the consumers. But what we learn is the meaning of first-class citizenship, and the meaning of first-class citizenship is that you can use your authority as men and as professionals to protect pornography both by developing arguments to protect it and by using real social and economic power to protect it.

And as a result of all of this, the harm to women remains invisible; even though we have the bodies, the harm to women remains invisible. Underlying the invisibility of this harm is an assumption that what is done to women is natural, that even if a woman is forced to do something, somehow it falls within the sphere of her natural responsibilities as a woman. When the same things are done to boys, those things are perceived as an outrage. They are called unnatural.

But if you force a woman to do something that she was born to do, then the violence to her is not perceived as a real violation of her.

In addition, the harm to women of pornography is invisible because most sexual abuse still occurs in private, even though we have this photographic documentation of it, called the pornography industry.

Women are extremely isolated, women don't have credibility, women are not believed by people who make social policy.

In addition, the harm of pornography remains invisible because women have been historically excluded from the protections of the Constitution; and as a result, the violations of our human rights, when they don't occur the same way violations to men occur, have not been recognized or taken seriously, and we do not have remedies for them under law.

In addition, pornography is invisible in its harm to women because women are poorer than men and many of the women exploited in pornography are very poor, many of them are illiterate, and also because there is a great deal of female compliance with brutality, and the compliance is based on fear, it's based on powerlessness and it is based on a reaction to the very real violence of the pornographers.

Finally, the harm is invisible because of the smile, because women are made to smile, women aren't just made to do the sex acts. We are made to smile while we do them.

So you will find in pornography women penetrating themselves with swords or daggers, and you will see the smile. You will see things that cannot be done to a human being and that are done to men only in political circumstances of torture, and you will see a woman forced to smile.

And this smile will be believed, and the injury to her as a human being, to her body and to her heart and to her soul, will not be believed.

Now, we have been told that we have an argument here about speech, not about women being hurt. And yet the emblem of that argument is a woman bound and gagged and we are supposed to believe that that is speech. Who is that speech for? We have women being tortured and we are told that that is somebody's speech? Whose speech is it? It's the speech of a pimp, it is not the speech of a woman. The only words we hear in pornography from women are that women want to be hurt, ask to be hurt, like to be raped, get sexual pleasure from sexual violence; and even when a woman is covered in filth, we are supposed to believe that her speech is that she likes it and she wants more of it.

The reality for women in this society is that pornography creates silence for women. The pornographers silence women. Our bodies are their language. Their speech is made out of our exploitation, our subservience, our injury and our pain, and they can't say anything without hurting us, and when you protect them, you protect only their right to exploit and hurt us.

Pornography is a civil rights issue for women because pornography sexualizes inequality, because it turns women into subhuman creatures.

Pornography is a civil rights issue for women because it is the systematic exploitation of a group of people because of a condition of birth. Pornography creates bigotry and hostility and aggression towards all women, targets all women, without exception.

Pornography is the suppression of us through sexual exploitation and abuse, so that we have no real means to achieve civil equality; and the issue here is simple, it is not complex. People are being hurt, and you can help them or you can help those who are hurting them. We need civil rights legislation, legislation that recognizes pornography as a violation of the civil rights of women.

We need it because civil rights legislation recognizes the fact that the harm here is to human beings. We need that recognition. We need civil rights legislation because it puts the power to act in the hands of the people who have been forced into pornographized powerlessness, and that's a special kind of powerlessness, that's a powerlessness that is supposed to be a form of sexual pleasure.

We need civil rights legislation because only those to whom it has happened know what has happened. They are the people who are the experts. They have the knowledge. They know what has happened, how it's happened; only they can really articulate, from beginning to end, the reality of pornography as a human rights injury. We need civil rights legislation because it gives us something back after what the pornographers have taken from us.

The motivation to fight back keeps people alive. People need it for their dignity, for their ability to continue to exist as citizens in a country that needs their creativity and needs their presence and needs the existence that has been taken from them by the pornographers. We need civil rights legislation because, as social policy, it says to a population of people that they have human worth, that this society recognizes that they have human worth.

We need it because it's the only legislative remedy thus far that is drawn narrowly enough to confront the human rights issues for people who are being exploited and discriminated against, without becoming an instrument of police power to suppress real expression.

We need the civil rights legislation because the process of civil discovery is a very important one, and it will give us a great deal of information for potential criminal prosecutions, against organized crime, against pornographers, and I ask you to look at the example of the Southern Poverty Law Center and their Klanwatch Project, which has used civil suits to get criminal indictments against the Klan.

Finally, we need civil rights legislation because the only really dirty word in this society is the word "women," and a civil rights approach says that this society repudiates the brutalization of women.

We are against obscenity laws. We don't want them. I want you to understand why, whether you end up agreeing or not.

Number one, the pornographers use obscenity laws as part of their formula for making pornography. All they need to do is to provide some literary, artistic, political, or scientific value and they can hang women from the rafters. As long as they manage to meet that formula, it doesn't matter what they do to women.

And in the old days, when obscenity laws were still being enforced, in many places—for instance the most sadomasochistic pornography—the genitals were always covered because if the genitals were always covered, that wouldn't kick off a police prosecution.

Number two, the use of the prurient interest standard—however that standard is construed in this new era, when the Supreme Court has taken two synonyms, "lasciviousness" and "lust," and said that they mean different things, which is mind-boggling in and of itself. Whatever prurient interest is construed to mean, the reaction of jurors to material—whether they are supposed to be aroused or whether they are not allowed to be aroused, whatever the instructions of the court—has nothing to do with the objective reality of what is happening to women in pornography.

The third reason that obscenity law cannot work for us is: what do community standards mean in a society when violence against women is pandemic, when according to the FBI a woman is battered every eighteen seconds and it's the most commonly committed violent crime in the country? What would community standards have meant in the segregated South? What would community standards have meant as we approached the atrocity of Nazi Germany? What are community standards in a society where women are persecuted for being women and pornography is a form of political persecution?

Obscenity laws are also woman-hating in their construction. Their basic presumption is that it's women's bodies that are dirty. The standards of obscenity law don't acknowledge the reality of the technology. They were drawn up in a society where obscenity was construed to be essentially writing and drawing; and now what we have is mass production in a way that real people are being hurt, and the consumption of real people by a real technology, and obscenity laws are not adequate to that reality.

Finally, obscenity laws, at the discretion of police and prosecutors, will keep obscenity out of the public view, but it remains available to men in private. It remains available to individual men, it remains available to all-male groups; and whenever it is used, it still creates bigotry, hostility, and aggression towards all women. It's still used in sexual abuse as part of sexual abuse. It's still made through coercion, through blackmail, and through exploitation.

I am going to ask you to do several things. The first thing I am going to ask you to do is listen to women who want to talk to you about what has happened to them. Please listen to them. They know, they know how this works. You are asking people to speculate; they know, it has happened to them.

I am going to ask you to make these recommendations. The first recommendation I would like you to make is to have the Justice Department instruct law-enforcement agencies to keep records of the use of pornography in violent crimes, especially in rape and battery, in incest and child abuse, in murder, including sexual assault after death, to take note of those murders that are committed for sexual reasons. They should keep track, for instance, of suicides of teenage boys, and the place of pornography in those suicides. They should keep track of both the use of pornography before and during the commission of a violent crime and the presence of pornography at a violent crime.

I want to say that a lot of the information that we have about this, what we are calling a correlation, doesn't come from law-enforcement officials; it comes from the testimony of sex offenders. That's how we know that pornography is meaningful in the commission of sexual offenses. Have the FBI report that information in the Uniform Crime Reports, so that we begin to get some real standard here.

Number two, get pornography out of all federal prisons. It's like sending dynamite to terrorists. Those people have committed violent crimes against women. They consume pornography. They come back out on the street. The recidivism rate is unbe-

lievable, not to mention that prison is a rape-saturated society. What about the rights of those men who are being raped in prisons, and the relationship of pornography to the rapes of them?

No one should be sentenced to a life of hell being raped in a prison. You can do something about it by getting the pornography out of prisons.

Number three, enforce laws against pimping and pandering against pornographers. Pandering is paying for sex to make pornography of it. A panderer is any person who procures another person for the purposes of prostitution. This law has been enforced against pornographers in California. Prosecute the makers of pornography under pimping and pandering laws.

Number four, make it a Justice Department priority to enforce RICO [the Racketeer Influenced and Corrupt Organizations Act] against the pornography industry. Racketeering activity means, as you know, any act or even a threat involving murder, kidnapping, extortion, any trafficking in coerced women—which for reasons that are incomprehensible to me is still called white slaving, although the women are Asian, the women are black, all kinds of women are still being trafficked in in this way. This is how pornographers do their business, both in relation to women and in relation to distributing their product.

RICO, if it were enforced against the industry, could do a great deal toward breaking the industry up.

Number five, please recommend that federal civil rights legislation recognizing pornography as a virulent and vicious form of sex discrimination be passed, that it be a civil law. It can be a separate act or it can be amended as a separate title under the 1964 Civil Rights Act. We want the equal protection principle of the fourteenth amendment to apply to women. This is the way to do it. We want a definition of pornography that is based on the reality of pornography, which is that it is the act of sexual subordination of women. The causes of action need to include trafficking, coercion, forcing pornography on a person, and assault or physical injury due to a specific piece of pornography.

I also want to ask you to consider—to consider—creating a criminal conspiracy provision under the civil rights law, such that conspiring to deprive a person of their civil rights by coercing them into pornography is a crime, and that conspiring to traffic in pornography is conspiring to deprive women of our civil rights.

Finally, I would like to ask you to think about pornography in the context of international law. We have claims to make. Women have claims to make under international law.

Pornographers violate the rights of women under internationally recognized principles of law. The Universal Declaration of Human Rights says that everyone has the right to life, liberty, and security of person, that no one shall be subjected to torture or to cruel, inhuman, or degrading treatment or punishment, that everyone has the right to recognition everywhere as a person before the law.

It also says that no one shall be held in slavery or servitude, that slavery and the slave trade shall be prohibited in all their forms, and in international law the trafficking in women has long been recognized as a form of slave trading.

President Carter signed, and I am asking you to recommend that Congress ratify, the United Nations Convention on the Elimination of All Forms of Discrimination Against Women, which includes the following article, article 6: "State Parties shall take all appropriate measures, including legislation, to suppress all forms of traffic in women and exploitation and prostitution of women." That gives the United States Government an affirmative obligation to act against the traffic in women. This is an international problem and it requires in part an international solution.

I am also asking you to acknowledge the international reality of this—this is a human rights issue—for a very personal reason, which is that my grandparents came here, Jews fleeing from Russia, Jews fleeing from Hungary. Those who did not come to this country were all killed, either in pogroms or by the Nazis. They came here for me. I live here, and I live in a country where women are tortured as a form of public entertainment and for profit, and that torture is upheld as a state-protected right. Now, that is unbearable.

I am here asking the simplest thing. I am saying hurt people need remedies, not platitudes, not laws that you know already don't work; people excluded from constitutional protections need equality. People silenced by exploitation and brutality need real speech, not to be told that when they are hung from meat hooks, that is their speech. Nobody in this country who has been working to do anything about pornography, no woman who has spoken out against it, is going to go backwards, is going to forget what she has learned, is going to forget that she has rights that aren't being acknowledged in this country. And there are lots of people in this country, I am happy to say, who want to live in a kind world, not a cruel world, and they will not accept the hatred of women as good, wholesome, American fun; they won't accept the hatred of women and the rape of women

as anybody's idea of freedom. They won't accept the torture of women as a civil liberty.

I am asking you to help the exploited, not the exploiters. You have a tremendous opportunity here. I am asking you as individuals to have the courage, because I think it's what you will need, to actually be willing yourselves to go and cut that woman down and untie her hands and take the gag out of her mouth, and to do something, to risk something, for her freedom.

