Visiting Professor Wages Legal War on Pornography and Sexism

The conviction in Catharine MacKinnon's voice leaves little doubt that if she has anything to do with it, pornography will someday be illegal in this country.

"We expect to win," MacKinnon said. "We actually will win legally, eventually. But I think, as always with major forms of social change, there will be a legal, political, and social level to it."

MacKinnon played a major legal role, with feminist author Andrea Dworkin, in efforts to establish antipornography ordinances in Minneapolis and Indianapolis. The ordinances defined pornography as sex discrimination and, therefore, as a violation of women's civil rights. Although both were passed by the respective city councils, the mayor vetoed the Minneapolis ordinance and the Supreme Court allowed to stand a lower court judgment that said the Indianapolis ordinance was contrary to freedom of speech.

MacKinnon's antipornography efforts, along with her precedent-setting legal work in the 1970s in sexual harassment, have earned her national recognition as an attorney, feminist, and activist.

She was a visiting professor at the Law School during the winter quarter and taught the course "Sex Discrimination." The lines of those waiting to speak to her outside her Law School office indicate that she is a popular teacher with students, and the feeling is evidently mutual.

"The students here are wonderful," said MacKinnon. "I have to say they are the best students I have ever had in every way. They are well-prepared, responsive, thoughtful, articulate, and diverse, with a wide range of views. They are creative, concerned and extremely intelligent."

MacKinnon earns praise, as well, from other legal scholars. "She is American legal feminism," said Mary Becker, Professor of Law at the University of Chicago. "Anyone doing anything in terms of legal feminism is either doing something not very good or is doing something that is derivative of MacKinnon. She has set the framework and the agenda."

Besides the Indianapolis and Minneapolis ordinances, MacKinnon has also been involved in such celebrated struggles as the case of Michelle Vinson, a black woman raped over a period of several years by a superior at work. MacKinnon wrote the Supreme Court brief that established sexual harassment as sex discrimination in a unanimous decision in her case.

MacKinnon's writings, including her provocative review of Jane Mansbridge's "Why We Lost the ERA" in the Spring 1987 issue of the University of Chicago Law Review, result in responses ranging from hearty endorsement to vehement disagreement, even among other feminists. Her most recent book, Feminism Unmodified, represents an "attempt to create a theory for women that is on women's own terms and not a subsidiary theory of pre-existing theories," she said.

"It seems to me that the feminisms we are currently in receipt of, although they all contain an authentic feminist impulse, are subsidiary theories of liberalism or socialism. They are basically liberalism or Marxism applied to women. I am saying that is not the same thing as feminism, without modification. In other words, not liberal feminism, not socialist feminism, but plain feminism—feminism on its own terms: feminism unmodified."

The book, a collection of speeches MacKinnon gave from 1981 to 1986, argues that gender as a system is a social construct, central to which is male dominance and violence. Pornography, MacKinnon's book argues, is key to women's subordination because it eroticizes male dominance, making it seem somehow natural. MacKinnon also criticizes liberal feminism for urging a type of equality that has been defined in male terms and is "antithetical to what women have learned and gained."

Many supposed gains for women—argued under this concept of equality—have actually benefited only selected women whose situations are most like those of men, and men themselves, MacKinnon said.

"My work has a lot of elements that combine to produce varying responses," she said. "There is a deep methodological critique and there is an activist posture. By the methodological critique, people feel like I'm pulling the rug out from under them. In terms of the activist posture, they feel that my relationship to the world and the reality of my work in the world is some kind of reproach to them."

"I think probably more important, however, is the substance that my work treats, and in particular, the critique of male dominance and male violence." MacKinnon added. "The idea is that sexual violence is systemic and not exceptional, and that those things that men like to think of as marginal, like pornography, are in fact central to a system that has privileged them and in which they participate on a daily basis and from which they benefit."

Cass Sunstein, Professor of Law, believes that, in years to come, MacKinnon will be seen as one of the most important legal scholars of this period.

"She reminds me a lot of New Deal proponents who were protesting the treatment of workers or of civil right activists during the '60s protesting the treatment of blacks," he said. "What they were saying, in retrospect, seems kind of obvious. At the time, much of what they were saying seemed radical. MacKinnon is in this tradition."