

Radical Feminism in Political Action: The Minneapolis Pornography Ordinance Teaching Note

Teaching Uses

This case is intended for graduate students in public policy, law, and women's studies. Its primary purpose is to prompt a discussion about the relationship between First Amendment rights and the rights of women within the realm of violent pornography. Ideas about how to address pornography are often confined to the area of academic feminist theory, and this case is intended to bring the issue of pornography into a public policy framework.

This case is also relevant for a discussion of power in local government, including the relationship between City Council members and the mayor. Because mayoral power and authority can vary by city, this case is also appropriate for discussing the relationship and power struggles between different branches of city government. Additionally, this case can be used to discuss the obligations of local government, particularly the mayor, to consider issues of constitutionality and legal viability when putting forth and recommending citywide legislation. Due to the unusual circumstances of how the ordinance developed, this case is also applicable to a discussion about grassroots advocacy.

Case Objectives

After reading and discussing the case, students will be able to do the following:

- Identify the circumstances in Minneapolis that led to the creation of the ordinance
- Identify the groups of people who supported and helped to create the ordinance and identify those who opposed the ordinance
- Explain the differences between liberal feminists and radical feminists, in terms of how these two groups view pornography
- Identify which of these frameworks Catharine MacKinnon and Andrea Dworkin were drawing upon while writing the ordinance
- Develop a general description and understanding of the climate and structure of Minneapolis politics
- Describe how the U.S. Supreme Court has defined pornography, and how that definition has changed

Emily Warren wrote this case for the Center on Women and Public Policy in 2004-2005 as part of a graduate course on case studies on women and public policy. The Center on Women and Public Policy provided supporting funds. © Center on Women and Public Policy 2005.

- Assess the advantages and disadvantages to creating zoning laws to keep pornography out of neighborhoods
- Explain the contents of the ordinance and the elements of the ordinance that made it controversial
- Critique the strengths and weaknesses of the language of the Minneapolis pornography ordinance
- Identify the process that Mayor Fraser used to veto the pornography ordinance

Key Issues/ Student Take-aways

1. No one single feminist position exists on pornography; feminists disagree.
2. When making a decision about new legislation, mayors must address concerns other than potential political consequences.

Discussion Questions

1. How do the ideas of radical and liberal feminism differ from each other? How does one's feminist ideology affect how he/she feels about pornography?
2. How has the definition of obscenity changed over the years? How does this definition affect local access to pornography?
3. When one is trying to protect the rights of women, other people's existing rights (such as the First Amendment) can often be in tension. How does one choose between First Amendment protection and protecting women? Does there have to be a compromise?
4. What justification did Don Fraser give for vetoing the original pornography ordinance? Are there other factors that he should have considered?
5. What, if anything, do you think Fraser's veto says about his feminism? Can one be a strong feminist and still support the rights of pornographers?
6. Are there other ways to control pornography that are less controversial than the pornography ordinance, but more effective than zoning laws? Are there other approaches that MacKinnon and Dworkin could have employed?
7. In the original ordinance that they authored, MacKinnon and Dworkin used a controversial new definition of pornography. What do you think about their definition? How do you think it would be accepted today?
8. How did the local politics of Minneapolis affect the ordinance's success and failure?

Theoretical Links

1. Liberal and Radical Feminism
2. Grassroots Advocacy
3. First Amendment rights

4. Obscenity and pornography

Methodology

This case was written as coursework for PA 8690: Advanced Case Studies in Women and Public Policy, at the Humphrey Institute of Public Affairs, under the guidance of Professor Sally J. Kenney. The author relied mainly on newspaper sources to reconstruct events. The author also utilized book sources and conducted several personal interviews with those involved in the ordinance proceedings.

Suggestions for Further Reading

Downs, Donald A. 1989. *The New Politics of Pornography*. Chicago: University of Chicago Press.

Dworkin, Andrea. 1981. *Pornography: Men Possessing Women*. New York: Putnam.

MacKinnon, Catharine A. 1989. *Toward a Feminist Theory of the State*. Cambridge, MA: Harvard University Press.

Steinem, Gloria. 1983. *Outrageous Acts and Everyday Rebellions*. New York: New American Library.

Bibliography

Allen, Martha S. 1983. "Council Passes Pornography Ordinance." *Minneapolis Star and Tribune*, December 31, B1.

_____. 1984. "Five Women Urge Council to Override Veto on Porn Issue." *Minneapolis Star and Tribune*, July 26, A1.

Berger, Ronald J., Searles, Patricia, & Cottle, Charles E. 1991. *Feminism and Pornography*. New York: Praeger.

Brest, Paul and Vandenberg, Anne. 1987. "Politics, Feminism, and the Constitution: The Anti-pornography Movement in Minneapolis." *Stanford Law Review*, 39(3): 607-661.

Dawson, Jim. 1986. "Court Rejects Anti-porn Law Similar to One Vetoed Here." *Minneapolis Star and Tribune*, February 25, 1.

Downs, Donald A. 1989. *The New Politics of Pornography*. Chicago: University of Chicago Press.

Ferris J. Alexander and U.S. Video Inc., v. The City of Minneapolis, 4-81-337 (1982).

Fraser, Arvonne. Personal Communication. 23 November, 2004.

Fraser, Don. Personal Communication. 23 November, 2004.

Harkey, Jeanne. 1984. "Minneapolis Porn Ordinance." *Off our Backs*, 14(2): 1-2.

Hudnut v. American Booksellers Association Inc, 475 U.S. 1001 (1986).

- Kimball, Joe. 1984. "Head of State MCLU asks Fraser to Veto Pornography Law." *Minneapolis Star and Tribune*, January 2, 1.
- MacKinnon, Catharine A. 1989. *Toward a Feminist Theory of the State*. Cambridge: Harvard University Press.
- _____ and Andrea Dworkin. 1997. *In Harm's Way: The Pornography Civil Rights Hearings*. Cambridge: Harvard University Press.
- Miller v. California*, 413 U.S. 15 (1973).
- Monsour, Theresa. 1984. "Proposed Anti-porn Rule Called Cynicism in Action." *Minneapolis Star and Tribune*, May 15, 1.
- Mosedale, Mike. 2003. "The Porn Warrior at Rest." *City Pages*, March 12, 11-12.
- O'Brien, Kathleen. Personal Communication. 27 January, 2005.
- Shaffer, David. 1984. "Mayor Fraser Vetoes Anti-porn Ordinance." *St. Paul Dispatch and Pioneer Press*, January 4, A1.
- Smith, Dinitia. 1993. "Love is Strange." *New York Magazine*, March 22, 36-43.
- Sporre, Stuart. 1984. *Compilation of Material Relating to the Minneapolis Pornography Ordinance*.
- Steinem, Gloria. 1983. *Outrageous Acts and Everyday Rebellions*. New York: New American Library.