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# ARGUMENTATION & ADVOCACY

## CONTESTING PORNOGRAPHY: TERMINISTIC CATHARSIS AND DEFINITIONAL ARGUMENT

Catherine Helen Palczewski\*

The 1980s bore witness to an interesting and confounding development in the ongoing debate over what constituted pornography. The traditional liberal vs. conservative disagreement was supplemented by competing feminist voices, voices that both defended and critiqued pornography.<sup>1</sup> Most of the debate centered around a civil rights ordinance written for the Minneapolis city council by Catharine A. MacKinnon, now a

professor of law at the University of Michigan, and Andrea Dworkin, author and feminist activist. The Ordinance defined pornography as the "graphic sexually explicit subordination of women through pictures and/or words . . ." and it created standing to sue in civil court for women (and men, children, and transsexuals used in the place of women) who had experienced discrimination as a result of the traffic in pornography, who had been coerced into pornographic performances, who had pornography forced on them, or who had been assaulted as a result of pornography (Dworkin and MacKinnon 134).

The sustained disagreement over what constitutes the celebratory expression of sexuality and what represents the graphic, sexually explicit subordination of women marks the pornography controversy as one to which argumentation scholars should attend. In fact, even with the 1986 legal pronouncement that the MacKinnon and Dworkin Civil Rights Ordinance did not pass constitutional muster, the controversy over the feminist critique of pornography continues. In 1995, ACLU President Nadine Strossen published *Defending Pornography* and Canadian feminist Wendy McElroy published *A Woman's Right to Pornography*. In 1997, noted U.S. feminist

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<sup>1</sup> In many ways, the feminist critiques and defenses of pornography made clear the lines of disagreement between feminists concerning the pleasures and dangers of sexuality. The importance of the feminist critique of pornography became clear at the 1982 Barnard Conference, "Towards a Politics of Sexuality" where a deep division developed between feminists concerning what to do about, and how to view, pornography (Ryan 114). The division stemmed from an inquiry into the pleasure and danger involved in sexuality, as well as the powers of desire (Vance; Snitow et al.). In many ways, Leidholdt and Raymond's *The Sexual Liberals and the Attack on Feminism* can be read as a response to defenses of pornography represented by the conference.

theorist Judith Butler published *Excitable Speech* and MacKinnon and Dworkin published *In Harm's Way: The Pornography Civil Rights Hearings*. In 1998, Gail Dines et al. published *Pornography: The Production and Consumption of Inequality* and Jane Juffer published *At Home With Pornography*. In 2000, Drucilla Cornell published an edited collection, *Pornography and Feminism*.

The pornography controversy is a complex one, spanning personal, technical and public argument (see Goodnight) as it invokes social, moral, legal, and ethical claims. It also raises interesting theoretical questions about the way personal testimony operates in public argument (see Palczewski "Survivor" and "Public"). Prior to all of these considerations, however, is how the controversy is distinguished by the primary role played by definitional argument. Ultimately, the controversy was and is over the definition of pornography (Kendrick xiii-xiv and 31; Hawkins and Zimring chapter 2; Duggan, Hunter and Vance 133-43; McElroy chapter 2; Strossen chapter 6; Dworkin and MacKinnon). Legislative and administrative action is "inseparable from . . . defin[ing] what [pornography] meant – since the justice and effectiveness of any law depend on the precision with which its object is identified" (Kendrick 215).

The centrality of definition makes sense, given that "‘observations’ are but implications of the particular terminology in terms of which the observations are made" (Burke, *Language* 46). Names select, reflect, and deflect "reality" (Burke, *Language* 46). Thus, definitional argument is a constant, if implicit, part of persuasion insofar as "the process of convincing requires not only that a given policy be accepted but also that a given vocabulary (or set of understandings) be integrated into the public repertoire" (Condit 6). In this case, once a definition of pornography has been accepted, a particular course of action follows. If pornography is obscenity, then criminal sanctions should be

imposed against all those involved in its production and use. If pornography is expression, then it should be encouraged in a society that values free expression. If pornography is the subordination of women, then civil sanctions should be applied against those who harm the women; the women involved in pornography's production are not criminals, but one of the people harmed by a discriminatory act. Accordingly, before any other type of analysis of the pornography controversy may be completed, a clear understanding of the dynamics of the definitional controversy is required. What, exactly, have MacKinnon and Dworkin done to destabilize the term's meaning and how have they used its ambiguity to open space for an alternative analysis of pornography?

In many ways, MacKinnon and Dworkin's work extends the second wave feminist critique of pornography, which focused on how it intensified the power imbalance between men and women.<sup>2</sup> Laura Lederer, editor of the influential collection *Take Back the Night*, distinguished this feminist critique of pornography from traditional obscenity analysis, arguing:

Until recently there have been only two sides to the pornography issue: the conservative approach, which argues that pornography is immoral because it exposes the human body; and the liberal approach, which presents pornography as just one more aspect of our ever-expanding human sexuality. [*Take Back the Night*] presents a third and feminist perspective: That pornography is the ideology of a culture which promotes and condones rape, woman-battering, and other crimes of violence against women. (19–20)

This critique of pornography was operationalized with the proposal of the Ordinance.

<sup>2</sup> For examples of the early critique and its evolution, see Susan Brownmiller's 1975 *Against Our Will*; Andrea Dworkin's 1974 *Woman Hating*, 1976 *Our Blood*, and 1979 *Pornography*; Robin Morgan's 1980 "Theory and Practice: Pornography and Rape"; and Gloria Steinem's 1976 "Pornography—Not Sex But the Obscene Use of Power" and 1980 "Erotica and Pornography: A Clear and Present Difference".

The Ordinance twice was adopted by the Minneapolis city council as an amendment to the Minneapolis Code of Ordinances relating to Civil Rights and twice was vetoed by the mayor. Later, Indianapolis adopted the Ordinance as an amendment to the civil rights law of the city of Indianapolis and Marion County and it was signed by the mayor. The District Court of Appeals for Indianapolis eventually declared it unconstitutional on First Amendment grounds (*American Booksellers Assn. v. Hudnut*) and the legal future of the law was resolved in 1986 when the Supreme Court denied a petition for a rehearing of the *Hudnut* case (*Hudnut v. ABA*).

This essay focuses on the debates over the MacKinnon-Dworkin Anti-Pornography Ordinance to explore one instance of definitional argument: the attempt to effect a redefinition. Accordingly, I hope to add to the growing body of argumentation scholarship on definitional argument. David Zarefsky's keynote at the 1997 Alta Conference on Argumentation recognizes the importance of definitional argument insofar as "[d]efinitions . . . are fundamental units of argument" (4). He concludes that argument scholars need to "understand the role of defining and redefining situations, creating and modifying frames, at both the micro- and the macro-levels" (9) in order to understand the "argumentative moves that are involved" (7).

As part of this attention to the role of definition in argument, many have provided case studies of the effect of definitional argument on the progress of a dispute.<sup>3</sup> Perhaps the most comprehensive theory provided for the effect of definition on argument is J. Robert Cox's 1981 essay, "Argument and the 'Definition of the Situation.'" In this essay,

Cox posits: "(1) actors' definitions of the situation (DS) emerge in their symbolic interaction with their environment; and (2) these definitions function in identifiable ways as context-specific 'rules' for actors' judgments and actions" (197). Cox's essay focuses on the second of these two roles of definitional argument. My interest is related to the first element Cox noted, how "actors' definitions of the situation . . . emerge in their symbolic interaction with their environment," and how those definitions are contested. By analyzing in detail how one argument over definition was operationalized and resisted, I hope to do more than merely indicate *that* a definitional shift occurred. Instead, I offer one theory of *how* a definitional shift can be advocated.

Other studies have explored the mechanics of how definitional argument occurs. Schiappa's 1993 essay, "Arguing About Definitions," explores the way definitional argument can function through the process of dissociation. Much like Schiappa's essay, I seek to contribute an analysis of how a definitional shift actually occurs on the micro-level (as opposed to looking at the macro-level effects of the proposed definition) through terministic catharsis, a concept introduced by Kenneth Burke in his 1962 "What are the Signs of What" essay (*Language* 367). I argue that definitional shifts can occur when ambiguity is created within a term as a result of rhetors' simultaneous deployment of a term in multiple locations of the Burkean pentad, thus stretching the term to encompass more.

Definition is a central concern of Burke's in *The Grammar of Motives* and my hope is that this essay can demonstrate the utility of the pentad not only for discerning motive, but also for tracking the genesis of the condition of ambiguity that enables terministic catharsis. Burke recognizes that "[d]efinition itself is a symbolic act . . ." (*Language* 44). Thus, it is understandable why "a Dramatistic approach to the analysis of language starts

<sup>3</sup> See Broda-Bahm; Depoe; Dionosopoulos & Crable; McGee; Olson; Schiappa "Dissociation" and "Toward"; Titsworth; Walton; and Zarefsky et al. In addition to these analyses of definitional argument, there also exists a body of literature on argument *from* definition, an issue that is not the focus of this essay.

with problems of terministic catharsis" (Burke, *Language* 367).

Using Burke's critical matrix of the pentad as a framework, I argue that advocates for a definitional shift created the possibility for a "terministic catharsis" by simultaneously locating pornography in multiple locations on the pentad, highlighting its act/agent/agency functions. As described by Burke,

a Dramatistic approach to the analysis of language starts with problems of terministic catharsis (which is another word for "rebirth," transcendence, transubstantiation, or simply for "transformation" in the sense of the technically developmental, as when a major term is found somehow to have moved on, and thus to have in effect changed its nature either by adding new meanings to its old nature, or by yielding place to some other term that henceforth takes over its functions wholly or in part). (*Language* 367)

In using Burke, my argument is not that terministic catharsis through pentadic ambiguity is the only way to understand definitional argument. Instead, I posit that recognizing pentadic ambiguity through multiplicity enables a critic to identify the condition of ambiguity that Burke argues is necessary to enable transformation of a term's meaning. "[I]n fact," Burke explains, "without such areas, transformation would be impossible" (*Grammar* xix). Pentadic multiplicity provides an example of "resources of ambiguity," ambiguity being the area in which "transformations take place" (xix).

This pentadic multiplicity is distinct from Burke's notion of ratios in the sense that even though ratios recognize the consubstantiality of all elements insofar as they share in the substance of the act, my approach argues for a form of transubstantiality, where one concept actually becomes multiple elements of the pentad. Although Burke recognizes that the same item or concept may be located in multiple locations of the pentad, his example is of different people locating the body in different pentadic locations – not a single rhetor simultaneously locating an item in multiple locations (*Grammar* xx).

Additionally, I would argue pentadic multiplicity is not a simple instance of strong ratios. The issue is not that the scene *contains* the act (*Grammar* 3), or that one element *determines* (15) another, but that a single item *is* others. In fact, Burke argues that the act-agent ratio is one that is a "temporal or sequential relationship" (16). The fact that MacKinnon and Dworkin seem to simultaneously locate pornography as act, agent, and agency would belie the existence of a traditional ratio.

Finally, my argument does not seek to make a judgment about the correctness of the regulation of sexually explicit, violent, and/or sexist materials.<sup>4</sup> Clearly, a wealth of interesting rhetorical and argumentative features appear in the pornography controversy, the analysis of which are beyond the scope of this essay.

Given the focus of this essay, I first establish that the history of the contests over pornography identify it as an area ripe for terministic catharsis, where the term, on a number of occasions, "is found somehow to have moved on." The rest of the essay then focuses on the most recent of those transformations, comparing MacKinnon and Dworkin's argument for a redefinition to feminists' possessive and liberals' resistances to that move. As indicated above, I argue that MacKinnon and Dworkin's approach shifts the definitional grounds from traditional emphases on purpose-effect to an understanding of pornography as an act-agent-agency that constructs a scene. The ACLU and rep-

<sup>4</sup> For analyses of pornography as a form of sex discrimination, see Brownmiller: Diamond; Dines; Dworkin *Woman, Our Blood, Pornography*, "Pornography is a Civil Rights Issue," and "Pornography"; Itzen; Leidholdt & Raymond; MacKinnon *Feminism, "Pornography," Toward*; Morgan; Pollard; Russell; Steinam "Pornography"; and Sunstein. For critiques of the MacKinnon and Dworkin position, see Burstyn; Butler; Christensen; Duggan et al.; FACT; Juffer; McElroy; Meyer; Segal & McIntosh; Snitow et al.; Strossen *Defending* and "A Feminist"; Vance. For critical analyses of the controversy, see Chancer; Downs; Gubar & Hoff; Hawkins & Zimring; Hoff; Hunt; Kendrick; Palczewski "Public" and "Survivor".

representatives from the Feminist Anti-Censorship Taskforce (FACT) resist this move by maintaining an understanding of pornography as purpose.

### IDENTIFYING A DEFINITIONAL SHIFT

One way to establish that a definitional shift has occurred is to identify an example of terministic catharsis. Constructing a history of pornography's terministic catharsis is no easy task given that "[l]ittle of a chronological nature has been written about pornography that attempts to explain how it passed from obscurity in ancient times into a contemporary mass phenomenon without acquiring either a history or a legal definition" (Hoff 17). In fact, historian Joan Hoff argues "there is no truly synthetic, interpretive history of pornography or eroticism" (17). Fortunately, such a history is being constructed (see Hunt). And, it may be that the term's equivocality is precisely what distinguishes its history.

Prior to the nineteenth century, "[p]ornography did not constitute a wholly separate and distinct category of written or visual representation" (Hunt 9-10). Isolated sexually explicit pictures did not appear; instead, such images were presented in conjunction with critiques of religious and political authorities (Hunt 10). An understanding of pornography developed out of this "messy, two-way, push and pull between the intention of authors, artists and engravers to test the boundaries of the 'decent' and the aim of the ecclesiastical and secular police to regulate it" (Hunt 10). Lynn Hunt, editor of *The Invention of Pornography*, argues: "Although desire, sensuality, eroticism and even the explicit depiction of sexual organs can be found in many, if not all, times and places, pornography as a legal and artistic category seems to be an especially Western idea with a specific chronology and geography" (10). Part of this chronology is debate over its

definition: "Pornography was not a given; it was defined over time and by the conflicts between writers, artists and engravers on the one side and spies, policemen, clergymen and state officials on the other" (Hunt 11).

In the 1970's, feminist voices entered into this push and pull to make it an even messier, three-way contest. Evolving from earlier works, the understanding of pornography as more than sexually expressive speech was solidified by Dworkin and MacKinnon's work on pornography and sexual harassment. In 1979, Andrea Dworkin published *Pornography: Men Possessing Women* and Catharine MacKinnon published *The Sexual Harassment of Working Women*. This timely convergence provided MacKinnon and Dworkin the vocabulary to describe pornography as sex discrimination. Dworkin provided a detailed description of pornography and MacKinnon discussed the way sexual harassment violates women's civil rights.

Dworkin's *Pornography* moves beyond describing pornography as "the root cause" of discrimination and instead describes it as harmful per se:

The valuation of women's sexuality in pornography is objective and real because women are so regarded and so valued. The force depicted in pornography is objective and real because force is so used against women. The debasing of women depicted in pornography and intrinsic to it is objective and real in that women are so debased. The uses of women depicted in pornography are objective and real because women are so used. The women used in pornography are used in pornography. The definition of women articulated systematically and consistently in pornography is objective and real in that real women exist within and must live with constant reference to the boundaries of this definition. (200-1)

In this passage, the active nature of pornography becomes evident. No longer a reflection of sexism and violence against women, pornography now embodies, records, constructs, and is revealed as, violence.

MacKinnon's *The Sexual Harassment of Working Women* provides a vocabulary to discuss sexual harassment as something other

than an individual act of volition or a lapse of manners. She demonstrates that sexuality is a mechanism to express power in the workplace. Like Dworkin, she reframes "choices" regarding private behavior as actually socially driven and sanctioned. Although the tools for their critique of pornography were developed in the separate works, they would not be put together until the mid-1980s.

One way to identify the emergence of a terministic shift is to recognize when a rhetor has relocated a term within the pentad or simultaneously employed it as more than one element of the pentad. In this instance, pornography's meaning is contested by layering its location within the pentad. Pro-Ordinance advocates simultaneously focused on pornography as act, agency, and agent. MacKinnon and Dworkin did not follow typical grammatical patterns where the other elements of the pentad are deduced from one primary element. Rather, by focusing on action oriented elements of the pentad, they proactively attacked the characterization of pornography that previously located it in purpose and as passive. Hawkins and Zimring react to this strategy by remarking: "in choosing this strategy of definition . . . [MacKinnon and Dworkin] are doing so deliberately in order to focus attention on aspects of that problem they regard as important and neglected" (154). In contrast, anti-Ordinance advocates saw pornography as purpose (as expressive) or as agency (as a tool or effect and not a cause).

A Burkean perspective on this controversy would recognize that the act of definition is implicit, and constant, in language use. One not only defines situations, but also objects, words, and ideas. I find interesting what happens when these implicit processes become the explicit subject of public argument. When operating in the public realm, rhetors speak in a tongue that is relatively common; many meanings are shared and it is from this common set of meanings that

decisions emerge. With definitional argument, however, the entire decision-making process is bracketed while the definition is debated.

A distinction between definition and redefinition is important at this point. Offering definitions where none exist, or none are clear, means dialectical engagement is less likely; clear ground for a contest is not evident. In contrast, for redefinition to occur, engagement with existing meanings is necessary. The full details of this attempt at redefinition, and the response to it, follow.

### **"PORNOGRAPHY" AND (RE-)DEFINITIONAL ARGUMENT**

Women's movements, in initiating a critique of male definitions of sexuality, gender, and violence, created a discursive space for redirecting the argument about pornography and, hence, provided the grounds for a new definition. MacKinnon and Dworkin, in individual and joint rhetorical acts, expanded on this by challenging prevailing definitions of pornography.

This portion of the essay undertakes a pentadic analysis of the redefinition offered by MacKinnon and Dworkin. First, I examine MacKinnon and Dworkin's writings and speeches, focusing on their co-authored book, *Pornography & Civil Rights*, Dworkin's testimony to the Meese Commission, and three speeches by MacKinnon: "Not A Moral Issue" (delivered in 1983 to the Morality Colloquium at the University of Minnesota and to the National Conference on Women and the Law), "Francis Biddle's Sister: Pornography, Civil Rights, and Speech" (delivered as the 1984 Francis Biddle Memorial Lecture at Harvard Law School), and "On Collaboration" (delivered to the 1985 National Conference on Women and the Law). In these texts, MacKinnon and Dworkin transform pornography from purpose (the purely expressive) into a discriminatory act and agent and agency that construct the

patriarchal scene. I then analyze the FACT and ACLU positions on pornography, contrasting them to MacKinnon and Dworkin's. Here, I highlight the resistance to redefinition. As I undertake the analysis that follows, my argument is not that MacKinnon and Dworkin had the pentad in mind when they advanced their definition. Instead, my argument is that their terministic moves can be best understood when using the pentad as an analytical matrix.

**MacKinnon and Dworkin:** MacKinnon and Dworkin attempt to reconstruct pornography so as to render more concrete and tangible the nature of its practices and its consequences while stripping pornography of its aura as constitutionally protected speech. MacKinnon and Dworkin define pornography as "the graphic sexually explicit subordination of women through pictures and/or words" that presents women as dehumanized, as sexual objects, mutilated or bruised or physically hurt, in postures or positions of sexual submission, reduced to body parts, as whores, penetrated, and/or in scenarios of degradation (Dworkin and MacKinnon 36). The Ordinance definition was inductively formulated by Dworkin as a result of an exhaustive examination of pornography.

Even if not using the language of the pentad, MacKinnon recognizes that her and Dworkin's position locates the struggle in language when she notes that, traditionally, the "fight over a definition of pornography is a fight among men over the terms of access to women" (*Toward* 203). However, the battle lines were changing because the "terms of the pornography debate have been altered through the feminist exposure of pornography as an industry . . ." (*Feminism* 4).

**Act:** The major shift in definition resides in defining pornography not as speech but as act. Dworkin and MacKinnon write: "Pornography is *not* what pornography *says*" (37, emphasis in original). They reject the prevailing definition because "Once pornogra-

phy is framed as concept, rather than practice, more thought than act, more in the head than in the world, its effects also necessarily appear both insubstantial and unsubstantiated, more abstract than real" (24).

As an act, pornography is a "violation of civil rights" (MacKinnon, *Feminism* 200), a "process" that constructs what a woman is (171), a "political practice, a practice of power and powerlessness" (175), and a "practice of sex discrimination, a violation of women's civil rights" (175). In fact, MacKinnon notes that "[p]ornography is more active than thoughtlike" (193).

Once defined as act, a wider focus on consequences can be seen. Pro-Ordinance feminists define pornography synecdochically; pornography is a representative anecdote of the larger system of sexism and all aspects of sexism may be found in pornography. A genre of pornographic depictions exists for each group of women targeted for discrimination: lesbians, African-American women, Asian women, disabled women, girls, obese women, working class women, prominent women, and so on (Dworkin, "Pornography is a Civil Rights Issue"). For pro-Ordinance feminists, pornography is not all of sexism, but one can understand all of sexism by examining pornography; although pornography does not cause all sexism, it informs all sexist practices (Dworkin and MacKinnon 72-75).

**Agent:** Pornography functions as an agent and, in fact, insofar as it functions as a social text, it functions as a collective agent. This definitional distinction of pornography's existential layerings is found in MacKinnon's "Francis Biddle's Sister" and "On Collaboration" (in *Feminism*).

To establish that pornography is an agent, MacKinnon highlights pornography's active nature, noting:

Pornography sexualizes rape, battery, sexual harassment, prostitution, and child sexual abuse; it thereby celebrates, promotes, authorizes, and legitimizes them. More generally, it eroticizes the dominance



and submission that is the dynamic common to them all. It makes hierarchy sexy and calls that "the truth about sex" or just a mirror of reality. Through this process pornography constructs what a woman is as what men want from sex. (*Feminism* 171)

Pornography is particularly powerful in the realm of sexuality because "Gender is sexual. Pornography constitutes the meaning of that sexuality" (*Feminism* 148).

The result of pornography's ability to act as agent is the silence of women: "Once power constructs social reality, as I will show pornography constructs the social reality of gender, the force behind sexism, the subordination in gender inequality, is made invisible; dissent from it becomes inaudible as well as rare" (*Feminism* 166). MacKinnon describes how "pornography targets women," and urges us to note that "[w]hat pornography *does* goes beyond its content" (*Feminism* 204 & 172, emphasis in original).

Perhaps the clearest articulation of pornography as agent can be found in Dworkin and MacKinnon's handbook for pro-Ordinance activism. In it, they portray pornography as an agent, not merely a symptom of a deeper disease:

... there is massive evidence that pornography is not only a symptom of misogyny but an active *agent* in generating woman-hating acts and second-class status for women. Pornography *sexualizes* inequality and the hatred of women so that men get sexual pleasure from hurting women and putting women down. *It creates* bigotry and aggression. *It desensitizes* men to rape and other forms of sexual violence against women so that they do not recognize the violence as violence, or they believe the woman provoked and enjoyed it. *Pornography is used* as a blueprint for sadism, rape, and torture. *It is used* to force women and children into prostitution. (Dworkin and MacKinnon 73, emphasis added)

In this passage, pornography is presented as an agent committing sexist acts. Not until the last line is pornography an agency used to commit sexist acts.

Although many condemn pornography because they believe it causes rape (e.g. Mor-

gan), such conceptualizations oversimplify what Dworkin and MacKinnon identify as the dynamics of pornography and sexism. Pornography functions not as a cause of an effect, nor as the effect of a cause, but rather as the primary agent and agency through which biological sex becomes socially constructed gender, thus demonstrating an active interrelation between pornography and sexism (MacKinnon, *Toward* 206-208). Because pornography focuses on women's gender, and sexism is based on gender, pornography explains sexism. According to pro-Ordinance feminists, pornography is more than two-dimensional pictures; it is an agent of sexism.

In addition to this general portrayal of pornography as agent, MacKinnon and Dworkin offer a specific way in which pornography's agent status becomes visible. They argue that "[p]ornography is an industry" (36). This reinforces the notion that pornography is an agent that manufactures a product: a product that subordinates women. As a corrective to the pornography industry, MacKinnon and Dworkin offer the Ordinance, which they claim "was written ... in the blood and tears of these women and men [who testified at the Minneapolis hearings], in the language of their violated childhoods and stolen possibilities. The Ordinance, unlike pornography and its defenses, was written in the speech of what has been their silence" (35). MacKinnon and Dworkin recognize the meaning transformation, implicit and explicit in this description of pornography, and locate it within the everyday experiences of women. They write: "The definitional task is merely to capture in words something that is commonly known and acted upon but not already totally defined in the world" (38).

*Agency:* Not only is pornography an agent, but it also functions as agency insofar as it works as an instrument of domination. MacKinnon argues that it is a "major medium for the sexualization of racial hatred"

(*Feminism* 199), “a major social force for institutionalizing a subhuman, victimized, and second-class status for women in this country” (200-1), a means others use to hurt women (201), a thing used to break women’s self-esteem (203), a “constitutive practice” (173), “used to break women, to train women to sexual submission, to season women, to terrorize women, and to silence their dissent” (188).

*Scene:* As scene, pornography is a constraining and dominating discourse where one can see all the “*unspeakable* abuse” that “women had to struggle so long even to begin to articulate” (MacKinnon, *Feminism* 171, emphasis in original). MacKinnon speaks of “[p]ornography’s world of equality” (171), and how it is “a sexual reality” (173). In another sense of scene, in which notions of agency and agent are also present, she notes how the “presence of pornography conditions women’s physical environment” (183). The act of pornography creates and contains the scene. Dworkin also focuses on identifying the way the scene is not one of freedom, where speech is non-problematic, but, instead, argues that the U.S. is a patriarchal society, where women’s speech is anything but free (see Dworkin, “Pornography is a Civil Right Issue”).

*Implications:* The implications of this multifaceted definition of pornography are that old understandings of pornography as “just” speech or “just” photos are insufficient to comprehend the manifold effects of pornography on women. For MacKinnon and Dworkin, a complex and interwoven definition of pornography recognizes that: 1) it is the production of sexual inequality (act), 2) it produces sexual inequality (agent), 3) it is used to produce sexual inequality (agency), and 4) it is the result of production based on sexual inequality (scene). In other words, they imbue one term with the functions of four elements of the pentad, and their exclusion of purpose from consideration highlights their motive: to transform pornogra-

phy from an instance of communication into an act, agency, and agent of domination. The four elements they isolate center on action; in fact, even when presenting pornography as scene, they simultaneously present it as agency and agent. They do not present pornography as purpose. In rejecting the notion that pornography is purely expressive speech or is a consummatory form of sexual expression, they present a relationship between the elements of the pentad that is revealing. For them, pornography is, indeed, “more actlike than thoughtlike.”

Critical application of the pentad to MacKinnon and Dworkin’s discourse provides a grammatical diagram with which to trace the moves of definitional argument. Traditionally, analyses of ratios focus on the relationship between two or more distinct constructs. However, a qualitatively different type of emphasis occurs when rhetors collapse four elements of the pentad into the single construct pornography.

Here, a pentadic ratio is not central to understanding pornography. Instead, the term pornography simultaneously occupies numerous elements of the pentad to such an extent that one element of the pentad, purpose, becomes invisible. MacKinnon and Dworkin do not follow a typical grammatical pattern where all other elements may be deduced from one. Rather, they proactively attack others’ characterizations of pornography by focusing on active terms in the pentad.

Two implications to their approach can be isolated: political implications and legal implications. First, by de-emphasising scene, they hold open the possibility of political alliances with those who usually occupy patriarchal locations in the scene. Second, a focus on pornography as act, agent and agency provides the grounds to reassess its legal standing.

Politically, by avoiding emphasis on the scene, which most likely would be interpreted as patriarchy, they hold open the pos-

sibility of redrawing political alliances. They were able to grammatically separate their attack on pornography from their larger critique of patriarchy. By avoiding an explicit attack on patriarchy, they were able to form alliances with more socially conservative groups, which is precisely what happened in Indianapolis.

Legally, MacKinnon and Dworkin's redefinition of pornography as act/agent/agency enabled them to reassess its legal standing. No longer does pornography represent a bad idea, an obscenity. Now it is an act and agent of discrimination. MacKinnon develops this analysis as she articulates the differences between obscenity and pornography in "Not A Moral Issue" (in *Feminism*), delivered in 1983. By attacking the morality-based legal definition of obscenity, MacKinnon hopes to capture the legal ground treating pornography as "just" speech. In her lecture, pornography is dissociated from obscenity and is relocated in the discourse of civil rights.

MacKinnon distinguishes pornography from obscenity in that: "Obscenity law is concerned with morality, specifically morals from the male point of view, meaning the standpoint of male dominance" (*Feminism* 147). By contrast, her focus shifts attention away from questions of good and evil and to questions of power and powerlessness. She argues: "Obscenity is a moral idea; pornography is a political practice. Obscenity is abstract; pornography is concrete. The two concepts represent two entirely different things" (147). Obscenity law ignores:

Sex forced on real women so that it can be sold at a profit to be forced on other real women; women's bodies trussed and maimed and raped and made into things to be hurt and obtained and accessed, and this presented as the nature of women; the coercion that is visible and the coercion that has become invisible—this and more bothers feminists about pornography. (147)

One should note a few things about MacKinnon's distinctions. First, as act, agent

and agency, pornography performs, and is a mechanism of, discrimination, while obscenity is an externally imposed assessment of something that has no real effect on people (obscenity is more thoughtlike than actlike). Second, even though both of the terms in question may refer to the same set of images or writings, the meaning attached to those things is radically different connotatively; pornography is located within the discourse of civil rights while obscenity is located within the discourse of morality. Third, that which is denoted is different as well. Obscenity law has not been concerned with restricting acts that entrench women's subordinate status while pornography specifically refers to such documents; pornography does not refer to those documents that are exclusively sexual, while sexuality alone is sufficient for a document to be condemned as obscene. Accordingly, MacKinnon is doing more than presenting a persuasive definition (Stevenson); she rejects both the connotations and denotations attached to the existing word—obscenity—and offers an entirely new interpretation, explaining why the existing one was insufficient.

MacKinnon and Dworkin see the definition of pornography as a means, in and of itself, by which women may take power; definition is the location of the struggle. Naming pornography for what it does makes the invisible visible. Their definition asks the audience to select that part of reality that was previously deflected: women. The debate over what to do about pornography was and is ultimately a debate about definition, which dialectically turns upon social-legal concepts but rhetorically traffics in appearances, experiences, and necessity.

**Anti-Ordinance Feminists:** Feminists opposed to the Ordinance first stated their views in a FACT *amici curiae* brief authored by Nan D. Hunter and Sylvia A. Law. The arguments of the brief, filed in the *Indianapolis v. Hudnut* case which contested the Indianapolis version of the Ordinance on free

speech grounds, were developed further in an article written by Lisa Duggan, Hunter and Carole S. Vance published in 1985 in *Women Against Censorship*.

In their critique, Duggan, Hunter and Vance use the term pornography not as MacKinnon and Dworkin use it, but rather in the traditional sense. This move allows them to magnify the force of their claims. Pornography, in normal usage, does “not cause more harm than other aspects of misogynist culture” (the scene), and can sometimes serve “positive social functions for women.” Thus, they argue that restrictions on pornography may “impede, rather than advance, feminist goals” (144).

Ultimately, the strategy of Duggan, Hunter and Vance is to dissociate the various texts and images that were usually associated with pornography into three groups: sexist, sexually explicit, and violent (135). The Ordinance’s definition can be critiqued because it collapsed each of these sets into the others. Insofar as distinctions can be made theoretically, the power of the word pornography is lessened. At the same time, they highlight pornography’s passive nature as the byproduct of a misogynist scene, a byproduct that can be countered by pornography created by feminists in a feminist scene. The solution to “bad” speech is more speech.

Duggan, Hunter, and Vance examine each of the nine clauses of the Dworkin and MacKinnon definition, arguing that only four represent sexist, violent and sexually explicit materials. The other clauses, they argue “are not so clearcut, because the list of characteristics often mixes signs or *byproducts* of violence with phenomena that are unrelated or irrelevant to judging violence” (137, emphasis added). Some clauses are said to include actions that may be part of consensual sex (like “tied up”) and other clauses are accused of collapsing that which is sexually explicit sexism into violence (137).

FACT similarly rejects the conceptualization of pornography as action, writing: “To equate pornography with *conduct* having the power to ‘subordinate’ living human beings, whatever its value as a rhetorical device, requires a ‘certain sleight of hand’ to be incorporated as a doctrine of law” (9, emphasis in original). Particularly in regards to sexuality, understanding pornography’s influence is difficult:

Words and images do influence what people think, how they feel and what they do, both positively and negatively. Thus pornography may have such influence. But the connection between fantasy or symbolic representation and actions in the real world is not direct or linear. Sexual imagery is not so simple to assess. In the sexual realm, perhaps more so than in any other, messages and their impact on the viewer or reader are often multiple, contradictory, layered and highly contextual. (9)

FACT relies on traditional notions of cause, in contrast to MacKinnon and Dworkin’s broader notion of the social construction of gender.

For FACT, pornography is only an image, an image whose purpose is contained within it, not an act. FACT writes:

Amici also dispute the “finding” that pornography, as defined by the ordinance, is a “discriminatory practice . . . which denies women equal opportunities.” Images and fictional text are not the same thing as subordinating conduct. The ordinance does not target discriminatory *actions* denying access to jobs, education, public accommodations or real property. It prohibits images. Although ideas have impact, images of discrimination are not the discrimination. (37, emphasis in original)

Here, FACT attempts to separate the aspects of pornography which are collapsed in MacKinnon and Dworkin’s analysis. They are unwilling to equate pornography with discrimination.

As a final part of the critique of the definition, Duggan, Hunter and Vance argue that the language describing the effects of pornography are metaphors run amok. They argue that anti-pornography feminists draw

on three lines of feminist theory when discussing pornography: 1) images trigger men to action, 2) violent images socialize men to act in sexist or violent ways, and 3) violent, sexually explicit, or even sexist images are offensive to women and assault their sense of self. After this quick description, Duggan, Hunter and Vance conclude:

Although we have all used metaphor to exhort women to action or illustrate a point, antipornography proponents have frequently used these conventions of speech as if they were literal statements of fact. But these metaphors have gotten out of hand, as Julie Abraham has noted, for they fail to recognize that the assault committed by a wife beater is quite different from the visual "assault" of a sexist ad on TV. The nature of that difference is still being clarified in a complex debate within feminism that must continue; this law cuts off speculation, settling on a causal relationship between image and action that is starkly simple, if unpersuasive. This metaphor also paves the way for reclassifying images that are merely sexist as also violent and aggressive. (142)

This quotation, in particular, makes clear the way FACT dematerializes the key terms of MacKinnon and Dworkin by redescribing the violence in pornography as not-real, as metaphor. As Schiappa indicates in his analysis of definitional argument, definitions are rhetorical because they "represent claims about how certain portions of the world *are*" as they "induce denotative conformity" ("Arguing" 406, emphasis in original). According to Duggan et al., their definition is more real than MacKinnon and Dworkin's.<sup>5</sup>

**Anti-Ordinance Liberals:** The arguments of the ACLU are similar to the arguments of FACT, except that the issue of sexuality does not play as primary a role; for the ACLU, pornography is speech, and all speech should be protected. Barry Lynn, the primary spokesperson for the ACLU on this issue, outlines its position in his testimony to the Meese Commission and in a 1986 article titled "'Civil Rights' Ordinances and the At-

torney General's Commission: New Developments in Pornography Regulation."

Lynn argues that a speech/conduct distinction exists and that speech is speech and sex is sex ("Civil" 86). Speech, by definition, is content and connotatively neutral. He argues that sexually explicit speech communicates ideas and that the Ordinance creates a false dichotomy between stimulus and advocacy ("Testimony" 156). He also argues that pornography functions like other speech in that it transmits ideas, offers a safety valve, and aids self-realization ("Civil" 48). By presenting an agent:agency ratio, Lynn presents pornography as an agency whose quality is determined by the agent. The neutrality concerning pornography is represented by his early interchangeable use of the term "pornography" and the phrase "sexually-oriented material" ("Civil" 27); Lynn does not accept the definition of "pornography" stipulated by MacKinnon and Dworkin.

Lynn implicitly rejects MacKinnon and Dworkin's definition of pornography when he writes:

Feminists who criticize pornography as sex discrimination because it legitimates or eroticizes sexual inequality are probably accurately perceiving the message of some pornographic material. Surely some pornography does represent male anger towards women and seeks to humiliate women by portraying them as submissive and unprotected. ("Civil" 49)

Although feminists define pornography as a form of sexual discrimination, Lynn presents pornography as a set that includes sexually discriminatory material as well as other things. When Lynn writes that only "some" pornography is sex discrimination, he rejects the Ordinance definition. The problem is that this rejection is not explicit; hence, ambiguity arises over exactly what constitutes pornography. By creating ambiguity, Lynn undermines the suasive power of MacKinnon and Dworkin's definition.

Not only does he reject feminist definitions of pornography, but he also denies that the feminist critique of pornography is dis-

<sup>5</sup> This insight, in particular, I owe to the comments of one of the reviewers and the former editor of A&A.

tinct from traditional obscenity approaches. Lynn lumps the Ordinance and the Meese Commission together, writing: "At first blush, the pornography debate appears to have entered a new era. Two recent events highlight claims that sexually-oriented films and literature pose new (or newly perceived) threats to the social fabric" ("Civil" 27). This description reveals much about Lynn's argument. First, Lynn does not believe that a "new threat" exists, merely that it is newly "perceived." Second, he sees no distinction between the feminist critique of pornography and the traditional/conservative critique; both, according to Lynn, examine "threats to the social fabric." Lynn sets the stage for his argument that the new controversy is simply a rehash of old arguments; according to Lynn, there are no new threats, only new names.

### ASSESSING THE IMPLICATIONS OF DEFINITIONAL ARGUMENT

MacKinnon and Dworkin's advocacy for the Ordinance, and its redefinition of pornography, did not proceed unopposed. In opposition to MacKinnon and Dworkin's definition, anti-ordinance feminists define pornography as sexual expression, a form of expression women have long been denied. Barry Lynn, a representative of the ACLU, refused to distinguish pornography from other forms of speech, arguing all speech deserves protection. All of these interpretations are in contrast to the Supreme Court's definition of pornography as a subset of obscenity, a subset which is a "description of prostitutes . . . a depiction . . . of licentiousness or lewdness: a portrayal of erotic behavior designed to cause sexual excitement" that is "grossly repugnant to the generally accepted notions of what is appropriate" (413 U.S. 19, nt. 2).<sup>6</sup>

<sup>6</sup> In 1973, the Supreme Court decided a set of cases, *Paris Adult Theatre and Miller v. California*, and introduced into the legal vocabulary the term pornography. In fact,

Although the effect of the Ordinance on the pornography industry has been small, more significant than its legal or economic ramifications are the definitional issues raised by the controversy. Even though the MacKinnon and Dworkin definition did not pass legal muster in the US, it has entered the vocabulary repertoire with which we discuss the pornography controversy. Additionally, it has influenced law in Canada, as seen in the 1992 *The Queen v. Butler* decision.<sup>7</sup> Through definitional argument, the feminist critique of pornography as operationalized in the Ordinance and its surrounding debate formalized a third perspective on pornography: a feminist perspective.

The arguments for definitional shift have reformulated the center of institutional discourse; no longer may those who criticize pornography be dismissed as religious moralists. Instead, three conceptions of pornog-

the Court refers to the cases as a "group of 'obscenity-pornography' " cases (413 U.S. 16). In a footnote to *Miller*, the Court distinguished between the etymological history of "obscene material" and "pornography," concluding that "Pornographic material which is obscene forms a sub-group of all 'obscene' expression, but not the whole . . ." (413 U.S.18-9, nt.2). Accordingly, pornography, is a subgroup of obscenity. Despite this distinction, throughout the decision, the court used the terms "obscene" and "pornographic" either in tandem or interchangeably, occasionally with the addition of the phrase "hard core" (413 U.S. 22, 27, 28, 29, 34, 35, 36).

Given this analysis, the Court further developed its definition of the obscene, providing the following guidelines:

- (a) whether "the average person, applying contemporary community standards" would find that the work, taken as a whole, appeals to prurient interest . . . (b) whether the work depicts or describes, in a patently offensive way, sexual conduct specifically defined by applicable state law; and (c) whether the work, taken as a whole, lacks serious literary, artistic, political, or scientific value. (413 U.S. 24)

<sup>7</sup> The Women's Legal Education and Action Fund, a Canadian women's rights group, argued the *Butler* case before the Canadian Supreme Court. The Court accepted the essentials of LEAF's argument that it was not constitutional to restrict materials on a moral basis, but it was constitutional if the restriction is used to promote sex equality. MacKinnon participated in the *Butler* legal action and Dworkin consulted with LEAF concerning it. Although they believe *Butler* was a "breakthrough in equality jurisprudence," they still are concerned that criminal, rather than civil, remedies are used. Thus, MacKinnon and Dworkin believe "Canada has not adopted our civil rights law against pornography . . ." (MacKinnon and Dworkin, "Statement").

raphy are now in circulation: pornography as speech, pornography as obscenity, and pornography as sex discrimination. The fact that no single definition is primary does not necessarily indicate that one group has achieved victory or that others have failed. In fact, it may instead indicate that we continue to be in a period of definitional contest and transition.

As Schiappa argues, "Definitions . . . are rhetorical in several respects. Definitions represent claims about how certain portions of the world *are* . . . Definitions function to induce denotative conformity . . . A successful new definition changes not only recognizable patterns of behavior, but also our understanding of the world" ("Arguing" 406-7). The debate over pornography fits this description. Most scholars agree that MacKinnon and Dworkin's feminist approach to pornography "spawned new arguments and alliances that have altered the terms of debate" and have further complicated the ambivalent course of obscenity doctrine (Downs 1, 21). Reworking Down's observation from a rhetorical perspective, this essay argues that MacKinnon and Dworkin have spawned a new definition of pornography that necessitates a reformulation of alliances and literally has altered the terms of the debate.

Two general insights may be drawn from this conclusion. First, continued attention to the mechanics of definitional argument are necessary. Although this paper provides one matrix with which to map shifts, others also exist. Second, if we accept the notion that words matter, then attention to the effects of movements on publics' vocabulary repertoires becomes a central part of the study of advocacy. Legal change, alone, is too limited a scope for effects.

The mechanics of definitional shift are not simple. Although scholars have recognized that definitions may be deployed persuasively (Stevenson) or may be stipulated in order to delimit argumentation (Robinson),

more work is needed analyzing the actual dynamics of proposed definitional shifts and resistance to them. Traditional argumentative structures continue to be useful, but more finely attuned mechanisms for the analysis of meaning shift are necessary. As social controversy focuses more and more on social meaning, and less on social structures, theories of definitional argument become increasingly necessary.

One mechanism by which definitional shift through terministic catharsis occurs is modeled by the anti-pornography debate. MacKinnon and Dworkin, by collapsing and conflating elements of the pentad, construct a definition of pornography that redefines it. MacKinnon and Dworkin examine pornography as act, agent, agency, and occasionally as a scene-containing-and-contained-by-action. They do not present pornography as purpose. In so doing, they highlight pornography as act-like, instead of thought-like, and eliminate the possibility of interpreting pornography as purely expressive (as purpose). In this instance, the mechanism by which redefinition occurs is through shifting a term's location in the pentad and by locating numerous elements of the pentad within a particular term. As a result of this study, we may understand that pornography is not a fixed term. Instead, it is problematic and open to contest. Although the fact that the definition of pornography is the focus of argument may not be a new insight, the unique way in which that argument proceeds through a pentadic shift is.

Pentadic shifts describe one way "terministic catharsis," and definitional alterations, occur. Major terms move on, add meaning, or are replaced via the rhetorical process whereby a rhetor simultaneously locates the term in multiple elements of the pentad. Resistance arises to this shift, and the success of the shift is determined not so much by the enactment of laws, but by the integration of the shift into the public vocabulary. Burke, himself, notes the centrality of the study of

terministic catharsis to the entire method of Dramatism when he notes that such an approach "starts with problems of terministic catharsis." If scholars are to understand Burke, this particular construct deserves attention.

Given the ability to map terministic shifts, we now have another standard with which to judge the effects of movements. If the function of movements is to challenge symbolic grounds, then the standards for evaluation of "success" necessarily must be altered. This, in turn, calls for the development of standards to assess the power of definitional argument. Melucci believes: "The new organizational form of contemporary movements is not just 'instrumental' for their goals. It is a goal in itself. Since the action is focused on cultural codes, the *form* of the movement is a message, a symbolic challenge to the dominant patterns" (801, emphasis in original). Accordingly, movements "redefine the meaning of social action for the whole society" (801) as they question "who decides on codes, who establishes rules of normality, what is the space for difference, how can one be recognized not for being included but for being accepted as different, not for increasing the amount of exchanges but for affirming another kind of exchange?" (810). The end result of such questions is that a

new political space is designed beyond the traditional distinction between state and 'civil society': an intermediate *public space* whose function is not to institutionalize the movements nor to transform them into parties, but to make society hear their messages and translate those messages into political decision making, while the movements maintain their autonomy. (815, emphasis in original)

The success of a movement is not determined so much by its abilities to pass laws, but by its ability to alter public vocabulary. By this standard, even though their legislative initiative failed in the US, their argument was successful.

## WORKS CITED

- American Booksellers Association, Inc. v. Hudnut*, 771 F.2d 323 (7<sup>th</sup> Cir. 1985).
- Broda-Bahn, Kenneth T. "Finding Protection in Definitions." *Argumentation & Advocacy* 35 (Spring 1999): 159-170.
- Brownmiller, Susan. *Against Our Will: Men, Women, and Rape*. New York: Simon & Schuster, 1975.
- Burke, Kenneth. *A Grammar of Motives*. Berkeley: University of California Press, 1969.
- Burke, Kenneth. *Language as Symbolic Action: Essays on Life, Literature, and Method*. Berkeley: University of California Press, 1966.
- Burke, Kenneth. *The Philosophy of Literary Form*. Third Edition. Berkeley: University of California Press, 1973.
- Burstyn, Varda, ed. *Women Against Censorship*. Vancouver: Douglas and McIntyre, 1985.
- Budler, Judith. *Excitable Speech: A Politics of the Performative*. New York: Routledge, 1997.
- "Case Studies in Public Definitional Argument." Special issue of *Argumentation & Advocacy* 35 (Spring 1999).
- Chancer, Lynn S. *Reconcilable Differences: Confronting Beauty, Pornography, and the Future of Feminism*. Berkeley: University of California Press, 1998.
- Christensen, F. M. *Pornography: The Other Side*. New York: Praeger, 1990.
- Condit, Celeste. *Decoding Abortion Rhetoric: Communicating Social Change*. Urbana: University of Illinois Press, 1990.
- Cornell, Drucilla, ed. *Feminism and Pornography*. New York: Oxford University Press, 2000.
- Cox, J. Robert. "Argument and the 'Definition of the Situation.'" *Central States Speech Journal* 32 (Fall 1981): 197-205.
- Depoe, Stephen P. "'Qualitative Liberalism': Arthur Schlesinger, Jr. and the Persuasive Uses of Definition and History." *Communication Studies* 40 (Summer 1989), 81-96.
- Diamond, Irene. "Pornography and Repression: A Reconsideration." *Signs* 5 (Summer 1980): 686-701.
- Dines, Gail, Robert Jensen, and Ann Russo. *Pornography: The Production and Consumption of Inequality*. New York: Routledge, 1998.
- Dionisopoulos, George N. and Richard E. Crable. "Definitional Hegemony as a Public Relations Strategy." *Central States Speech Journal* 39 (Summer 1988): 134-145.
- Downs, Donald Alexander. *The New Politics of Pornography*. Chicago: University of Chicago Press, 1989.
- Duggan, Lisa, Nan Hunter, and Carol S. Vance. "False Promises: Feminist Antipornography Legislation in the U.S." *Women Against Censorship*. Ed. Varda Burstyn. Vancouver: Douglas and McIntyre. 1985. 130-51.
- Dworkin, Andrea. *Woman Hating*. New York: Dutton, 1974.
- Dworkin, Andrea. *Our Blood: Prophecies and Discourses on Sexual Politics*. New York: Harper and Rowe, Publishers, 1976.
- Dworkin, Andrea. *Pornography: Men Possessing Women*. New York: Perigree Books, 1979.
- Dworkin, Andrea. "Pornography is a Civil Rights Issue for Women." *Testimony before the Attorney General's Commission on Pornography*, January 22, 1986, New York. Minneapolis: Organizing Against Pornography, 1986.



- Dworkin, Andrea. "Pornography: The New Terrorism." *Letters from a War Zone*. London: Secker and Warburg. 197-202, 1988.
- Dworkin, Andrea and Catharine A. MacKinnon. *Pornography & Civil Rights: A New Day for Women's Equality*. Minneapolis: OAP, 1988.
- Feminists Against Censorship Taskforce (FACT). Amici Curiae Brief to the Seventh Circuit Court of Appeals, April 8, 1985, concerning *American Booksellers Association, Inc., et al. v. William H. Hudnut III, et al.* No. 84-3147.
- Goodnight, G. Thomas. "The Personal, Technical, and Public Spheres of Argument: A Speculative Inquiry into the Art of Public Deliberation." *Argumentation & Advocacy* 18 (Spring 1982): 214-227.
- Gubar, Susan and Joan Hoff. *For Adult Users Only: The Dilemma of Violent Pornography*. Bloomington, Indiana University Press, 1989.
- Hawkins, Gordon and Franklin E. Zimring. *Pornography in a Free Society*. New York: Cambridge U. Press, 1988.
- Hoff, Joan. "Why is There No History of Pornography?" *For Adult Users Only*. Ed. Susan Gubar and Joan Hoff. Bloomington: Indiana University Press, 1989. 17-46.
- Hudnut v. American Booksellers Assn., Inc.* 475 U.S. 1001 (1986).
- Hunt, Lynn, ed. *The Invention of Pornography: Obscenity and the Origins of Modernity, 1500-1800*. New York: Zone Books, 1993.
- Izen, Catherine, ed. *Pornography: Women, Violence, and Civil Liberties*. New York: Oxford University Press, 1993.
- Juffer, Jane. *At Home With Pornography*. New York: New York University Press, 1998.
- Kendrick, Walter. *The Secret Museum: Pornography in Modern Culture*. New York: Penguin, 1987.
- Lederer, Laura, ed. *Take Back the Night*. New York: William Morrow & Co., 1980.
- Leidholdt, Dorchon and Janice G. Raymond, eds. *The Sexual Liberals and the Attack on Feminism*. New York: Pergamon Press, 1990.
- Lingrin, James. "Defining Pornography." *University of Pennsylvania Law Review* 141 (April 1993): 1153-1275.
- Lynn, Barry. "Civil Rights Ordinances and the Attorney General's Commission: New Developments in Pornography Regulation." *Harvard Civil Liberties-Civil Rights Law Review* 21 (1986): 27-123.
- Lynn, Barry. "Fathers Who Know Best." *United States of America vs. SEX: How the Meese Commission Lied About Pornography*. Ed. Philip Nobile and Eric Nadler. New York: Minotaur Press (A Penthouse International Company), Inc., 1986. 329-31.
- Lynn, Barry. Testimony to the Attorney General's Commission on Pornography. Transcript of Proceedings. Pp. 144-194.
- MacKinnon, Catharine A. "An Act of Violence Against Women." *San Francisco Examiner* November 2, 1992: D1-.
- MacKinnon, Catharine A. Brief of Linda Marchiano Amicus Curiae, Attorney Catharine A. MacKinnon. *American Booksellers Association, Inc., et al., (plaintiffs) v. William H. Hudnut, III, Mayor of the City of Indianapolis, et al.*, United States District Court, Southern District of Indiana, Indianapolis division, Cause No. IP 84-791C.
- MacKinnon, Catharine A. Brief of Linda Marchiano and the Estate of Dorothy Stratten Amici Curiae in support of Appellant. Attorney Catharine A. MacKinnon. *William H. Hudnut, III, Mayor of the City of Indianapolis, et al. (appellant) v. American Booksellers Association, Inc., et al., (appellee)*. United States Circuit Court of Appeals, Seventh Circuit. Docket No. 84-3147. On appeal from United States District Court, Southern District of Indiana, Indianapolis division.
- MacKinnon, Catharine A. "Feminism, Marxism, Method, and State: An Agenda for Theory." *Signs* 7 (1982): 515-544.
- MacKinnon, Catharine A. "Feminism, Marxism, Method, and the State: Toward Feminist Jurisprudence." *Signs* 8 (Summer 1983): 635-658.
- MacKinnon, Catharine A. *Feminism Unmodified*. Cambridge: Harvard University Press, 1987.
- MacKinnon, Catharine A. "MacKinnon on Defining Pornography." Interview by Alice Henry. *Off Our Backs* 14 (June 1984): 14-15.
- MacKinnon, Catharine A. "Pornography as Defamation and Discrimination." *Boston University Law Review* 71 (1991): 793-815.
- MacKinnon, Catharine A. *The Sexual Harassment of Working Women*. New Haven: Yale U. Press, 1979.
- MacKinnon, Catharine A. Testimony to the Attorney General's Commission on Pornography, July 25, 1985, Chicago. Transcript of Proceedings. 133-167.
- MacKinnon, Catharine A. *Toward a Feminist Theory of State*. Cambridge: Harvard University Press., 1989.
- MacKinnon, Catharine A. "Violence Against Women: A Perspective." *Aegis* (Winter 1982): 51-57.
- MacKinnon, Catharine A. and Andrea Dworkin. *In Harm's Way*. Cambridge: Harvard University Press, 1997.
- MacKinnon, Catharine A. and Andrea Dworkin. "Statement by Catharine A. MacKinnon and Andrea Dworkin Regarding Canadian Customs and Legal Approaches to Pornography." Press release issued August 26, 1994. Available at [www.igc.org/Womensnet/dworkin/OrdinanceCanada.html](http://www.igc.org/Womensnet/dworkin/OrdinanceCanada.html). Accessed 8/25/01.
- McElroy, Wendy. *Women's Right to Pornography*. New York: St. Martin's Press, 1995.
- McGee, Brian R. "The Argument From Definition Revisited." *Argumentation & Advocacy* 35 (Spring 1999): 141-158.
- Melucci, Alberto. "The Symbolic Challenge of Contemporary Movements." *Social Research* 52 (Winter 1985): 789-816.
- Meyer, Carlin. "Sex, Sin, and Women's Liberation: Against Porn-Suppression." *Texas Law Review* 72 (April, 1994): 1097-1201.
- Miller v. California*, 413 U.S. 15 (1973).
- Morgan, Robin. "Theory and Practice: Pornography and Rape." *Take Back the Night: Women on Pornography*. Ed. Laura Lederer. New York: William Morrow and Company, 1980. 134-40.
- Olson, Kathryn M. "The Controversy Over President Reagan's Visit to Bitburg: Strategies of Definition and Redefinition." *Quarterly Journal of Speech* 75 (1989): 129-151.
- Palczewski, Catherine H. "Public Policy Argument and Survivor Testimony: Pro-Ordinance Conservatives, Confession, Mediation, and Recuperation." In *Argument and the Postmodern Challenge: Proceedings of the Eighth SCA/AFA Conference on Argumentation*. Edited by Raymie E. McKerrow. Annandale: SCA, November 1993. 461-7.
- Palczewski, Catherine H. "Survivor Testimony in the Pornography Controversy: Assessing Credibility in Argument from Example in the Attorney General's Report." In *Warranting Assent: Case Studies in Argument Evaluation*. Ed. Edward Schiappa. Albany: State University of New York Press, 1995. 257-81.
- Paris Adult Theatre I v. Slaton. 413 U.S. 49 (1973).
- Pollard, Deana. "Regulating Violent Pornography." *Vanderbilt Law Review* 43 (January 1990): 125-159.

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## PALCZEWSKI

- The Queen v. Butler*, 1 S.C.R. 452 (1992).
- Robinson, Richard. *Definition*. Oxford: Clarendon Press, 1950.
- Russell, Diana E.H., ed. *Making Violence Sexy: Feminist Views on Pornography*. New York: Teachers College Press, 1993.
- Schiappa, Edward. "Arguing About Definitions." *Argumentation* 7 (November 1993): 403–18.
- Schiappa, Edward. "Dissociation in the Arguments of Rhetorical Theory." *Journal of American Forensic Association* 22 (Fall 1985): 72–82.
- Schiappa, Edward. "Toward a Pragmatic Approach to Definition." *Environmental Pragmatism*. Ed. Andrew Light and Eric Katz. London: Routledge, 1996. 209–230.
- Sederberg, Peter C. *The Politics of Meaning: Power and Explanation in the Construction of Social Reality*. Tucson: University of Arizona Press, 1984.
- Segal, Lynne and Mary McIntosh, eds. *Sex Exposed: Sexuality and the Pornography Debate*. New Brunswick, N.J.: Rutgers University Press, 1993.
- Snitow, Ann, Christine Stansell, and Sharon Thompson, eds. *Powers of Desire: The Politics of Sexuality*. New York: Monthly Review Press, 1983.
- Steinem, Gloria. "Pornography – Not Sex But the Obscene Use of Power." *Ms.* 6 (August 1977): cover +.
- Steinem, Gloria. "Erotica and Pornography: A Clear and Present Difference." *Take Back the Night: Women on Pornography*. Ed. Laura Lederer. New York: William Morrow and Company, 1980. 35–9.
- Stevenson, Charles L. *Ethics and Language*. New Haven: Yale University Press, 1944.
- Strossen, Nadine. *Defending Pornography*. New York: Scribner, 1995.
- Strossen, Nadine. "A Feminist Critique of 'the' Feminist Critique of Pornography." *Virginia Law Review* 79 (August 1993): 1099–1190.
- Sunstein, Cass. "Pornography and the First Amendment." *Duke Law Journal* 1986 (September 1986): 589–627.
- Titsworth, B. Scott. "An Ideological Basis for Definition in Public Argument." *Argumentation & Advocacy* 35 (Spring 1999): 171–184.
- Vance, Carole S., ed. *Pleasure and Danger: Exploring Female Sexuality*. Boston: Routledge and Kegan Paul, 1984.
- Walton, Douglas. "Persuasive Definitions and Public Policy Arguments." *Argumentation & Advocacy* 37 (Winter 2001): 117–132.
- Zarefsky, David. "Definitions." *Argument in a Time of Change*. Ed. James F. Klumpp. Annandale, VA: NCA, 1998. 1–11.
- Zarefsky, David, Carol Miller-Tutzauer, and Frank E. Tutzauer. "Reagan's Safety Net for the Truly Needy: The Rhetorical Uses of Definition." *Central States Speech Journal* 35 (Summer 1984): 113–119.