

Letter from the *Sex for Sale* Symposium Committee

During the 1980s, feminists were deeply divided over the issue of commercialized sex. Foremost among these issues were “battles over the regulation of pornography. . . . The porn wars . . . were bitter, often personal and vituperative. The scars remain.”¹

Academics date the start of the so-called “sex wars” to the 1982 Barnard Conference on Women and Sexuality, where Women Against Pornography (WAP) and the New York-based Lesbian Sex Mafia held dueling protests and press conferences. The conferences fissured over the private use of certain sex practices and did not, in the end, do much to find a common understanding about the social costs and benefits of selling sex and sexuality. Throughout the 1980s and continuing today, feminists who share a concern for women’s welfare and sexual autonomy diverge on topics of commercialized sex.

Activists, however, know that the feminist sex wars started out West, where Women Against Violence in Pornography and the Media (WAVPM), the precursor to WAP, faced off against the lesbian S/M group Samois. In 1979, Samois held a public forum at a San Francisco bookstore and published its groundbreaking *What Color Is Your Handkerchief*, taking aim at WAVPM’s equation of lesbian S/M with rape and sexual assault. In 1980, WAVPM held a conference at the University of California-Berkeley, and Samois picketed out front. In 1981, Samois published its second book, *Coming to Power*, and WAVPM organized a campaign seeking to persuade feminist bookstores not to stock the text.

By the time of the Barnard Conference, the National Organization for Women had passed a resolution against pornography and S/M; *Mother Jones* and *The Advocate* had run special issues on the topic; and black and Latina feminists fought to make their voices heard on the issue in the revolutionary *This Bridge Called My Back*. The explosion at the Barnard Conference came only after activists on both sides of the issue had spent three years setting small fires in the communities up and down the West Coast.

The *Yale Journal of Law and Feminism* had good reason to believe that a conference on the subject of feminism and commercialized sex was well overdue. Since the “sex wars,” we have entered a new generation of feminism with ever more diverse viewpoints on the sex industry. America has entered a

1. Lisa Duggan, *Introduction to SEX WARS 1*, 1-5 (Lisa Duggan & Nan Hunter eds., 1995).

new phase of “pornification.”² This is an age in which Hooters is considered a family restaurant, in which news about some recent celebrity sex tape is more likely to be greeted with a yawn than with offense. Add to this the impact of the internet, allowing people to access and participate in amateur and mainstream pornography and sexual commercialization with heightened privacy.

The issues, passions and injustices that caused the “sex wars” are far from resolved. Pornography and prostitution remain two of the most contentious topics within feminist communities. They remain two of the topics on which feminist activists and academics most often find themselves at odds. For this reason, the *Yale Journal of Law and Feminism* organized a symposium, *Sex for Sale*, to explore feminist issues in the context of commercialized sex.³

It was perhaps inevitable that our symposium—which brought together activists, academics, and people working in the sex industry—would be full of passionate debate. We would have been disappointed if it had turned out to be anything less.

During the first discussion, focusing on prostitution, panelists addressed the controversial question of the extent to which women working in the commercial sex industry require “rescuing.” Rhacel Salazar Parreñas, Associate Professor of Asian American Studies at the University of California at Davis, explained that her work living and working with Filipino hostesses in Japan showed migrant workers who choose to travel to a different country for better jobs. These women, who rarely engage in prostitution, do not need or want to be “rescued.” Participants disagreed on whether these women are trapped in their jobs and to what extent they are free to return home under the sometimes exploitive conditions of their migration.

Participants recognized that there are different ways to commodify sex. The panelists discussed call girls, cocktail waitresses, hostesses in Japanese bars, sexy attorneys in court, blackjack dealers in Las Vegas casinos, street walkers, and trafficked women and children from Albania. Ann McGinley, William S. Boyd Professor of Law at the University of Nevada, Las Vegas, pointed out that some women who work in legalized brothels in Nevada perceive themselves as having very good jobs. Melissa Farley, founder of the nonprofit organization Prostitution Research and Education, argued that prostitution is always sexual exploitation—most often violent subjugation—

2. See PAMELA PAUL, *PORNIFIED: HOW PORNOGRAPHY IS TRANSFORMING OUR LIVES, OUR RELATIONSHIPS, AND OUR FAMILIES* (2005); Don Aucoin, *The Pornification of America*, BOSTON GLOBE, Jan. 24, 2006 at C1 (“Teenage girls strolling down Main Street USA attired in ‘Porn Star’ T-shirts. A bikini-wearing Jessica Simpson bumping and grinding in the music video for ‘These Boots Are Made for Walkin.’ College-age women flashing for the ‘Girls Gone Wild’ video series with nonchalant exhibitionism.”).

3. Streaming video of the symposium is available at <http://www.yale.edu/lawnfem/volumes.html>. The *Yale Journal of Law and Feminism* is indebted to the Yale Law School administration—particularly Maura Sichel-Sprague, Marilyn Drees and Mike Thompson—for support and assistance in organizing the symposium. We would also like to thank Professors Vicki Schultz and William Eskridge, Jr. for moderating the two panels.

and can never be considered a job. It was problematic to some participants, though, that interpreting prostitution as harmful to all women required implicit assumptions about the agency of the women involved.

The panel also questioned whether legalizing prostitution is the best way to protect those working in it. The panel closed with a sobering challenge from Norma Hotaling, founder and executive director of the Standing Against Global Exploitation (SAGE) Project, for participants to remember the appalling numbers of women and children who have “just disappeared” due to trafficking and to take this into account when considering whether to legalize prostitution.

During the second panel, which focused on pornography, the dialogue was so heated that at times the divide on the issue seemed insurmountable. Self-described “third-wave feminists” accused anti-pornography feminists of having dated notions of pornography and ignoring the existence of feminist pornography. They themselves were critiqued for trivializing the intense anger anti-pornography activists feel about this issue and for downplaying the plight of those victimized by the pornography industry.

Participants discussed whether it is possible to protect both the victims of pornography and the rights of empowered actors and producers. They disagreed about the degree to which victims can be distinguished from willing participants. The panel repeatedly addressed the question whether any normative good can or does exist in pornography.

Many feminists believe that prostitution and other forms of sexual commerce are inherently harmful—even deadly—to participants and society as a whole, while others believe that sexual liberation includes the right to engage in commercial sexual transactions. The shades of gray in between and beyond these positions are too many to count here, but we hope this issue sheds light on some of them in their complexity.

—Symposium Committee, *Yale Journal of Law and Feminism*

