

## The Real Paper

### Women's Notes The Right to Recreational Sex

By Ellen Cantarow

On March 6, 1977, at about 8:30 pm, a fourteen-year-old woman approached a man in his twenties on a street near Time's Square in New York City. Let us imagine that she thrust a hip out provocatively, that she licked her lips to moisten them, and that she smiled as she had seen models do in the pages of fashion, film, and the confession magazines, or on TV and billboards. It is probable that the young man she approached didn't know her age or that she was a runaway, though he must have known she was hard up for cash, since she asked only \$10 for sex. He agreed. The two went to 373 West 38th Street, where he paid \$4 to use a room, and where an act the New York Penal Code calls "consensual sodomy" (Sec. 230.00: Contact between the penis and the anus, the mouth and the penis, or the mouth and the vulva), took place. According to the man, after the sexual act occurred the woman and some of her friends robbed him. He brought charges against her, alleging robbery, assault, and prostitution.

The young woman's appearance is the only part of this story that is a matter of conjecture. The rest is fact. It is reported in the January 28 *New York Law Journal*, which published New York Family Court Judge Margaret Taylor's decision dismissing the prostitution charges. The response to the decision was swift. It was featured prominently in newspapers and on television. The *Globe* page-one headline cried, "Judge Rules Sex-for-Fee Legal, Frees 14-Year-Old Prostitute," and "Prostitution No Crime. Judge Says." Letters of outrage poured in: here's an excerpt from one published in the *New York Daily News*: "Moral convention crumbles beneath as each passing day.... Judge Taylor and like thinkers poison every sacred value we hold...." New York Mayor Edward Koch declaimed against the decision; New York City's corporation counsel, Alan Schwartz, declared he would appeal it.

Taylor gave the right moral thinkers several reasons to be upset: she released the child instead of punishing her; she declared New York's sodomy laws and current enforcement of prostitution law unconstitutional; and the coup de grace, she said that prostitution should be a private affair. "The mantle of constitutional protection surrounding personal intimacy," she said, "is not limited to married persons. It... protects the individual's right to engage in nonprocreative recreational sex... private, consensual conduct not harmful to others, even if it violates the personal code of many, does not violate public morality and is protected by the right to privacy. Taylor managed to bruise the sensibilities of almost everyone by placing the sexual aspects of marriage and prostitution together in the same bed.

Long before the decision, but shortly after the arrest, the girl's parents filed a petition in their home county seeking to have their daughter placed in the court's jurisdiction for eighteen months under New York State's PINS (persons In Need of Supervision) law. The court granted the petition, temporarily sent the child to a group residence and then released her into her parents' custody. Leave aside the issue of whether such "treatment" solves the problems of the hundreds of teenage runaways who flock to New York and end up as prostitutes every year. The woman had been dealt with.

But what of the man? None of those who were so outraged at the decision seemed to have thought much about him. But the judge did. "It should be noted," she declared in opening her decision, "that the complaining witness was not charged with the violation of patronizing a prostitute.... Nor was he charged with any other crime applicable to these facts. Paternalism," she continued, "clearly would dictate some chare against the patron, such as endangering the welfare of a minor, attempted statutory rape of criminal solicitation. None of these protective measures were taken."

Of 2944 prostitutes arrested during the first half of 1977 in New York City, only sixty of their male customers were charged with anything. In Boston, 1176 prostitutes were arrested between January and November of 1977. No customers were arrested. While in New York male undercover cops are used to entrap patrons, white married middle-class and middle-aged men were arrested and the ensuing public uproar from "respectable" citizens put an end to the programs. In Boston, police tried to discourage "white hunters" from driving the streets of the South End by a more modest program of harassment, and even that was discontinued. As Taylor wrote, "There is no reasonable justification for penalizing the conduct of female prostitutes more severely than the conduct of their male patrons.... As a court of this state observed over fifty years ago, 'The men create the market, and the women who supply the demand pay the penalty.'"

When I was sixteen, a young man of my own age whose parents' income was in the top 2 percent of the nation boasted to me that his father had taken him to a house of prostitution and such an initiation rite was customary among families in his social circle, a natural activity, something, so to speak, contributing to the young man's development.

What were young women doing at that time for an initiation rite? They were "dating." And dating involved an exchange: a boy expected a certain return for his attention and for the money he spent for dinner, the movies, a corsage for the prom. The process was preparation for that special kind of prostitution we condone in marriage. Marriage prostitution has been recognized in the laws of many states, which hold that sexual and household services must be given but the wife in return for food and shelter provided by the husband. Our mothers used to caution, "Don't make yourself cheap." The only difference between that view of the world and that of the professional prostitute is the part about marriage. Many prostitutes – the courtesans and elegant call girls – have had a substantial advantage over wives since they get more money and don't have to preform housemaids' services.

The social norms of the 1950s held that while sex for men could be recreational, sex for women could not: men, in the words of the Supreme Court quoted by Taylor in her decision, could exercise "the right of every individual to possession and control of his own person." Women were either wives or whores, and sex as labor one way of the other. Although most men would deny it, women were seen as property – either private property of one man in marriage or public property, to be "had." "Bad girls" screwed. "Good girls" bred. "Wedlock" was a word to be taken literally from the woman's point of view.

Judge Taylor recognizes that old ideas die hard. "Underlying the extremely harsh treatment meted out to females engaging in sexual 'mis'-conduct of commercial sex," she said, "are archaic notions that a woman's place is in the narrowly circumscribed, nonpublic world. When females wander out of this protective sphere into the public," she continues, "they get what they deserve." Or to state[it]more pointedly... females... have

no right to be promiscuous, to self-determine to whom and when they shall bestow their 'sexual favors.'" When is the last time you saw a man on the street accosted by a bedroom stare or forcibly raped. If you're a woman on the street your body is up for grabs.

In many ways the 1950s are still with us. There's still a great deal of puritanism in America about sex. And Judges are not expected to rip away the veils that shroud the real facts of life. Prostitution has always been recreational, nonprocreative sex for men. All Judge Taylor is saying is that it should now be recognized as such for women too.

Fourteen-year-olds do have sex (there have been some societies in which such activity among young teenagers is encouraged). Judge Taylor's offense in the eyes of her critics is to recognize that fact and to treat a person's right to "nonprocreative, private, intimate relations."

While her logic is impeccable, it is upsetting to sanction a business that turns one of life's most honest pleasures into work, and makes it a commodity. And there is something exceptionally distasteful about the prostitution of minors (although the exploitation of young women that is learned from the media, in school, and in the home should be equally repulsive). For my daughter to come home and declare that sex was her means of survival would be as upsetting as if she declared that women can't make their way in paid work and that it was much better to stay home and depend on a man.

Yet for many girls, such ideas are the facts of life. A local youth worker recounted a telling anecdote: In the center where she counsels girls, a sixteen year old, experienced in prostitution, replied to the suggestion that she find a job: "I'll either get married or be a prostitute, or else I'll be supported by boyfriends."

As long as girls continue to feel that their sexuality is their trump card, as long as girls are raised to understand that sex – either procreative or recreational – is the way they'll survive, prostitution of all kinds will exist. And the whorehouse will only be the rawest testimony to that.

Taylor's assertion that prostitutes and other women should have the right "to be promiscuous, to self-determine to whom and when they shall bestow their 'sexual favors'" may have been what triggered the storm of outrage, particularly from males.

What Taylor is saying is that there's not much difference between whores and "good women" – and that both of them should have the same rights as men.

### **Short Notes: Math Anxiety**

A decade ago, the spasm of terror many women experience in the face of numbers was a problem without a name. Now the experts are no longer blaming the victim: they recognize that the problem isn't sex related, and they've found a term for it: math anxiety. Through it's generally agreed that many men can't balance their checkbooks, add up columns of figures at restaurants or on the job, or figure out the 15 percent tip on a \$4.75 taxi fare either, women suffer math anxiety worst.

Sheila Tobias, associate provost at Wesleyan University and author of a book on math anxiety that will come out next fall, writes that math anxiety is rooted in "a culture that makes math ability a masculine attribute, that punishes women for doing well in math, and that soothes the slow learner by telling her she does not have mathematical ability." One result is that women have been virtually shut out of male-dominated fields like accounting, or have had to fight their way in. Economically, the consequences for women cut across all lines of class, race, and ethnic background.

Statistics on the career issue are appalling. A flier put out by the Boston Community Schools states that less than 8 percent of women with high school degrees find jobs in math-related fields, while 65 percent of the positions advertised in the Boston Sunday Globe's want ads require some knowledge of math.

Other figures chart the downward spiral of women on the margins of a technological society. A 1972 study of freshmen entering the University of California, Berkeley, showed that 57 percent of the men entered with four years of high-school math behind them, while only 8 percent of the women came similarly equipped. And since a calculus sequence at Berkeley is required for 15 out of 20 possible majors, 92 percent of the women entering the school were lopped off that year from most of the available options.

Tobias responded to what was clearly a crisis of knowledge for women by creating a "math anxiety" clinic at Wesleyan. Several similar clinics followed, but none is quite like the 32-week pilot course, "Math Careers for Women," just launched by the Boston Community School system. Offered in five Boston neighborhoods, the program is the only one intensively and comprehensively planned to cater to the needs of working-class women of varied backgrounds. The South Boston class seemed as much a class in liberation as it was a class in math. "There was a militaristic spirit of working in fields dominated by men," says Sister Mary Mulligan recalling the first night of class. "They knew that when they'd lost out of a job, whether it was payroll or bookkeeping, they usually lost out to a man."

Thus far, the class is not only working, but also generating an exhilarating sense of hopefulness and mutual support for the students. One woman, Corinne Fichtner, threatened to leave her job as a file clerk if she couldn't have an accounting job that had opened up at the engineering firm where she works. She got the job, but she's also gotten flak from her male colleagues. Once Fichtner took a problem assigned in class to the men at the office. "I went all around my entire office," she told the class. "All those men accountants with degrees, not one of them knew the answer. It drove them crazy! One of them said, 'keep your goddam woman problem at home.'" Laughter rippled around the room.

"It challenged their supremacy," murmured the teacher.