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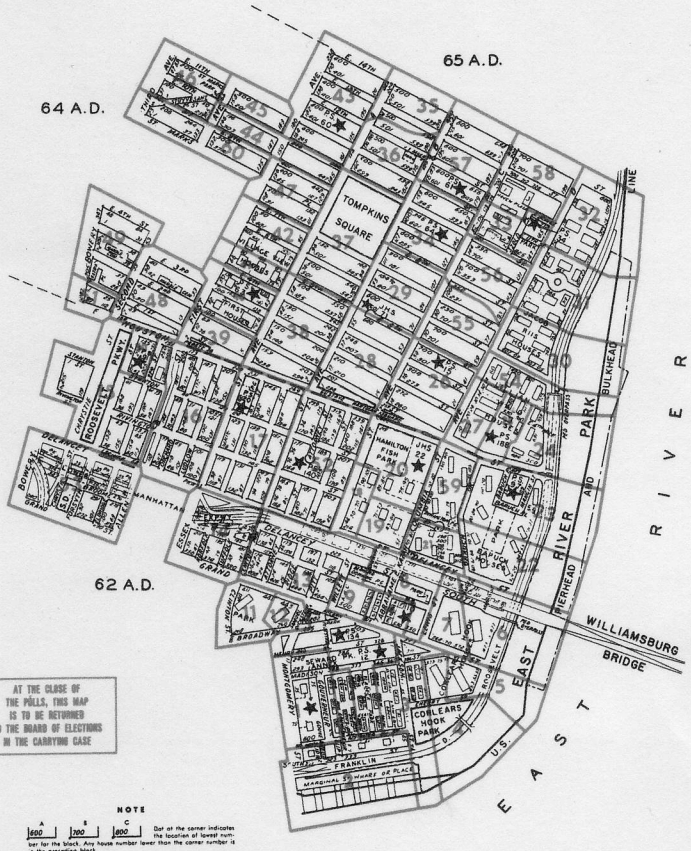

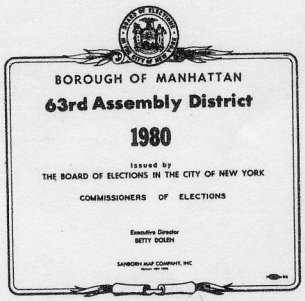

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" X " Marks the Spot : The Problem of the Erogenous Zone of the American City

BY

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American city scene : On the sidewalk, outside the adult book store two blocks from an elementary school, mothers, some pushing baby strollers, and other concerned citizens of the community picket back and forth, chanting « down with filth » and carry signs and placards stating « pornography corrupts children » and « mothers against perverts ».

American city scene : In the parking lot of a suburban shopping center women sit in their cars waiting for men to emerge from a « massage » parlor that has established itself between a launderette and a real estate office. They eargerly jot down the license plate numbers of the emerging patrons, which they will have published in the local newspaper as a means of informing wives of their husbands' extramarital activities.

American city scene : In the city council chambers of a small city a local minister fulminates before local officials about the nude dancing bar on the edge of town, his congregation punctuating his diatribe with shouts of « praise the lord » as he relates the fate of

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Sodom and Gomorrah. He closes with the demand that the city council take legal action to have the « den of iniquity » banished from the municipal borders.

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One of the ways by which we make complex phenomena more understandable and familiar is to compare them with human traits and characteristics. Often this is done with our understanding of cities. For example, we ascribe personality characteristics to cities — pushy New York, bawdy San Francisco, sedate Charleston, sensuous Paris, etc. We also liken parts of cities to human systems : downtowns are referred to as the « hearts » of cities, open spaces as « lungs », streets, the « circulation » system, implying not only that cities have similar characteristics as we humans, but also that it is somewhat « natural » that they have them.

Like people, cities also possess a feature that is less spoken about than these others — *the erogenous zone.* And, like people, cities are often less comfortable with this zone than they are with their hearts, lungs and circulation systems. The erogenous zones of cities are those districts or areas in which are to be found, often juxtaposed, such so-called « adult » land uses as « X-Rated » movie theatres, pornography book stores, massage parlors, baths, nude dancing bars, usually with pimps, prostitutes and drug pushers in between. Since the beginning of cities some 10,000 years ago almost all cities have had an erogenous zone or zones, even the great religious cities. At various times and in various places they have been permitted, persecuted or tolerated. Like other land uses in cities, they would not have continued to exist had they not served some social purpose or need, whether those purposes were considered by some to be socially acceptable or not.

In recent years, partly because of the resurgence of religious fundamentalism, partly because of the appearance of more terrifying sexually-transmitted diseases, and partly because of the spread of adult land uses beyond the confines of inner city grey areas, [1] city officials have come under increasing pressure to « do something » about the erogenous zones of American cities. Many citizens would prefer to see them banished from their municipalities, but the U.S. Supreme Court has already ruled that, however much it may seem to attenuate the concept, adult land uses fall under the protection of « freedom of speech and expression ». [2] While this decision has the effect of legalizing the erogenous land use it does not leave them free of regulation.

Sources of the Upsurge of Concern.

One of the byproducts of the phenomenon in American society generally referred to as « the sexual revolution » of the 1960s and 1970s — a period of less morally and socially restrictive attitudes and mores regarding sexual behavior in general and pre-marital and extra-marital and casual sex in particular — was the proliferation of so-called « adult »-oriented land uses in American cities. It is important, however, to stress that the « sexual revolution » was a broader social phenomenon affecting sexual mores and practices which transcended the proliferation of land uses reflecting sexual practices generally associated with pornography and deviant sexual behavior. For example, differences in public attitudes are discernable between the establishment of bars and restaurants catering to singles (so-called « meat-racks » or « body shops ») where young patrons meet for ephemeral sexual liaisons which are consumated elsewhere, and « massage parlors » or nude dancing establishments. The latter establishments, where voyeurism or direct sexual behavior are conducted on the premises come in for far greater community disapproval.

The concern over urban erogenous zones on the part of many communities intersects with other contemporary issues, some of them receiving heightened public concern regarding appropriate sexual behavior and public morality. In recent years the national media has sounded alarm over issues such as child molestation, incest, homosexuality, rape, sexual harassment, and other areas of sexual violence, such as wife-beating. Some of these issues have reached national attention such as the McMartin Preschool Case of alleged child sexual abuse. All have had their day on the covers of national weeklies or in front-page headlines.[3]

Moreover, the alarm surrounding these issues of public morality have provided fodder (possibly even the basis) for the resurgent religious fundamentalism which has carved out its own substantial niche in American mass media, with concomitant political leverage at the local as well as national level. The religious rightwing of American politics would add to the litany of the decline of public morality issues such as the legalization of abortions and the rise of abortion clinics, homosexuality, sexually explicit magazines, and rock and roll music with sexually suggestive and violent themes.

The tendency of national news media as well as the religious right-wing focus upon these issues in a manner which may overdramatize both their recency and magnitude has served to create in the public

consciousness impressions of substantial moral decline in American society. (It should be hastily added that the religious right and the news media do not necessarily share similar viewpoints as to the putative etiology, nor appropriate remedies, for the decline in public morality.) Indeed, the ease of acceptability of such a state of affairs occurs not without insignificant assistance from other dimensions of recent American moral turpitude (Watergate, the malfeasences and indictments of numerous public officials, insider stock market trading, etc.), which lend oblique, but confirming credence to a generalized moral malaise. [4]

Few, if any of these issues have a spatial locus. They reflect behaviors which occur behind closed doors and are ubiquitous. With the exceptions of abortion clinics and public displays of socially debated sexual practices such as gay parades, both sites of protest and condemnation for the protestants of the religious right, there are no *places* where the reputed moral malaise of American society appears localised and concretized other than in the erogenous zone of the city. The adult book store and sex shop, the x-rated movie theatre, massage and rap parlors, and nude-dancing establishments have become, in numerous communities, the spatial spawning ground and symbolic referent of moral decline.

However, to this broad social backdrop should be added a demographic element which has served to focus community attention on the erogenous zone. For the great part of urban history the districts of cities which have harbored the land uses of erogenous zones have been relatively confined and somewhat centrally located in cities. In part, this factor may be related to the tolerance which has been exhibited towards such districts in the past. However, since WWII the overriding demographic fact of American urbanism has been spatial expansion. This suburbanization of American society has been followed by the decentralization of commercial and industrial land uses. As a result, the central city is, in many urban regions no longer the dominant commercial or employment center, but one, albeit still major, of many subcenters.

Although there are numerous and complex factors related to the spatial decentralization of the American metropolis, chief among them have been the demand for single-family homeownership, the popularity of the automobile and the decline of mass public transportation, and technological advances in communication. While these factors are widely recognized and understood it is the secondary effects of this phenomenon which have resulted in features of American urbanism which are more closely related to the issue of the erogenous zone. More specifically, the spreading characteristics of the

American metropolis has had the effect on the private sector of the economy of spreading its markets, and on the public sector of proliferating the number of local governments in metropolitan regions. Thus, the American metropolitan area has increasingly become characterized by a multiplicity of commercial centers and local governments.

One consequence of these spatial patterns and demographic shifts has been the spread of the erogenous land use beyond its traditional confines in the centers of metropolitan central cities to other areas of the central city and to suburbs and smaller cities within the metropolitan region. During the 1970s and 1980s, therefore, adult land uses not only increased in number but began to appear more ubiquitously in the metropolitan region. These factors threatened communities with the establishment of new erogenous zones. Combined with the general alarm over the decline in morality discussed above, these circumstances resulted in a rapid increase in legislative activity to severely limit or eliminate adult land uses and erogenous zones in many American cities.

Regulating the Erogenous Zone.

The principal legal device which has been employed in attempts to restrict or eliminate adult land uses and the establishments of erogenous zones in American cities is the municipal zoning ordinance. Zoning regulations, which are the primary tool by which communities may regulate the location and behavior of various land uses, are based on the concept of the « police powers ». These powers, delegated by the states to localities, are grounded in the responsibility of the state to protect the health, safety and public welfare of the community. As applied to zoning they are principally employed to, in the most simple terms, create zones (or restricted districts) for various land uses — residential, commercial, etc. — from which are excluded land uses which may, in some way or another, be deleterious to those uses. Put another way, zoning charges city planners with the responsibility of finding a place for everything in the city, and getting everything in its place.

Attempts by local governments to restrict or eliminate adult land uses and erogenous zones has proven to be a difficult and complex process. The earliest attempts ran afoul of the first and fourteenth amendments of the U.S. Constitution, which guarantee « freedom of speech » and « equal protection » respectively, by attempting to restrict or prohibit such land uses because of the pornographic

nature of entertainment or products. (It should also be noted that the attention created by special review commissions which issued bans against the showing of « pornographic » films or books often added, paradoxically, to their attractiveness and commercial successes.)

However, while the constitution has afforded protection for the existence of adult land on the basis of freedom of speech and expression, the courts have not exempted them from regulation on the basis that adult land uses and erogenous zones may have deleterious effects upon property values and other concerns which fall within the legal basis of zoning. Thus, in the leading case related to adult land uses the U.S. Supreme Court held in 1976 that,

> « ... even though the First Amendment protects communication in this area (sexually explicit activities) from total suppression, we hold the State mav legitimately use the content of these materials as a basis for placing them in a different classification from other movie theatres... either by confining them to certain specified commercial zones or by requiring that they be dispersed throughout the City. » [5]

Before discussing the particulars of attempts to regulate adult land uses and erogenous zones it is appropriate to introduce a key concept of land use theory which figures pivotally in the types of regulations which have been fashioned to regulate or eliminate them. Adult land uses are a type of land use which exhibit characteristics referred to as « agglomeration economies »; that is, they are land uses which tend to congregate or locate in districts because they draw their market from the same clientele. This is the identical tendency which is exhibited by the districts of cities which we recognize as « art districts », « garment districts », or areas where several automobile dealers locate. The dynamic of the agglomeration economy revolves around the fact that even though these businesses may be in competition with one another for the same customers, the « gravity » or added attractiveness of a district with many vendors of the same of similar product or service draws larger numbers of potential customers, who have the advantage of comparison shopping without the costs of excessive travel. The agglomeration economy is sustained by the fact it results in added commercial advantage to those competitors who congregate in the district, an advantage superior to the isolated vendor.

For the most part the two principal types of regulatory approaches which have been designed by American cities to control or eliminate adulte and uses and erogenous zones operate on the concept of the agglomeration economy. The first of these approaches was designed

by the City of Detroit in 1977. Detroit's ordinance, recognizing the stipulations of the U.S. Supreme Court decision discussed above, founded the rationale for its regulations on the notion that the presence of a adult land use in an area could be shown to have deleterious effects upon the property values of other land uses in its immediate vicinity. Thus, sidestepping the perilous legal trap of basing the regulatory rationale on a land use's pornographic character, the ordinance focused upon the land use effects of such uses, keeping properly within the defensible use of the zoning power.

The operative feature of the Detroit ordinance requires that any adult land use specified in the ordinance « ...would not be permitted within 500 feet of a residentially-zoned area..., and, additionally, stipulated that no such uses would be permitted within 1,000 feet of any two other similar uses. Thus the intent of the ordinance is to legally prohibit the possible establishment of an erogenous zone or district. Moreover, this type of ordinance would appear to render two additional effects limiting the success of an adult land use : by isolating the use it would become more vulnerable to neighborhood protest and render it more difficult for such uses to find suitable locations. The operative feature of this type of ordinance, though unstated, is to explode the agglomeration economy. [6]

The second principal type of ordinance was developed by the city of Boston, a city in which an erogenous zone began to establish itself in the center of the city in the early 1960s in an area referred to as the « Combat Zone ». Boston's approach is operationally the opposite of the Detroit ordinance; it creates a single « adult entertainment zone », and restricts the location of adult land uses to that zone alone. The zoning ordinance was also supplemented by the activities of the Boston Redevelopment Authority, which made a number of public improvements (such as parks, streetlighting, and sidewalk repair) in the vicinity of the Combat Zone.

The effect of this type of ordinance was to employ the agglomeration economy concept in a manner which would make the erogenous zone vulnerable to competition from other land uses, in effect to « implode » the agglomeration economy. By restricting adult land uses to a single area it could not be legally argued that the city permitted no area in which such uses might be located; but, at the same time, because the area was not designated exclusively for adult land uses, such areas were vulnerable to competition (that is, other land uses could bid higher rents for buildings in the zone) from other types of uses. Since the redevelopment authority made public improvements to the surrounding area it effectively placed the Combat Zone in the position of a prime location. In actuality, it

was a strategy that has met with considerable success, since much of the combat zone land has since been purchased by developers bent upon redeveloping the zone for offices and high-tech industrial uses.

Both the Detroit and Boston ordinances have served as models for ordinances and strategies installed in a vast number of cities, counties and suburban areas through the U.S. in the 1980s. Of the two, however, the Detroit model has been much more widely emulated, principally because in many smaller cities the impetus for legal action to control adult land uses has come from the emergence of only one or a few such uses, and the Detroit model has less potential to backfire and allow the creation of erogenous zones.

In sum, both models somewhat ingeniously employ the « natural » operations of the land use marketplace, in concert with public regulations, to restrict or eliminate the development of erogenous zones.

The Market Vulnerability of the Erogenous Zone.

The rapid pace, volume and ubiquity of the proliferation of adult land uses in kind and number during the two preceding decades has caused many concerned persons to wonder or claim that American cities are rapidly being transformed in Sodoms and Gomorrahs. The public regulatory response discussed above is an indication of this perception. However, as has already been discussed, adult land uses and erogenous zones are not without vulnerability.

There is a certain amount of self-regulation in any type of land use which has distracting characteristics. The expectation that the appearance of an adult land use in a community will automatically result in a proliferation of these uses is in most cases unwarranted; there is only so large a market for these types of uses. Some communities may actively seek to attract certain types of land uses, e.g., prostitution in some places in Nevada, or liquor sales in some communities which border other places that do not permit liquor sales. In these cases these communities have made a conscious choice to offer products and services which are prohibited elsewhere because the situation confers a profitable monopoly-like position on them.

However, for the most part, the fear that allowing an adult land use in a community will result in a high degree of patronage and a proliferation of these types of uses does not take into account that there is a process of economic supply and demand involved, and, importantly, that this supply and demand is very much affected by personal and social sanctions. That is, if prostitution were legalized in a community it would be naive to expect that because this practice

were now legalized suddenly the number of men who patronize prostitutes would greatly increase. Social and personal sanctions would limit the amount of increase only to that part of the market (for prostitutes) that had been daunted by its former illegality.

Indeed, in the long run, the principal problem which adult land uses appear to have is with market saturation, when too many such uses and activities occupy a given market area, forcing a sharing of the limited patronage and forcing down prices (one of the reasons that prostitutes, for example, are very territorial in their behavior).

Perhaps of even greater significance is that the market for these types of activities is subject to product substitution; that is, pornographic literature is more and more available by mail, as well as porno paraphernalia, and video porn is readily available to those with videocassette players. The latter of these has resulted in the closing of numerous adult theatres which are unable to compete with a video market that has wider selection of product at far lower prices, not to mention the advantage of privacy.

To this might be added the often expressed satiation which is characteristic of theses types of uses and services. Since some degree of patronage of sex-oriented uses results from initial curiosity which is often quickly satiated (boredom), the market for adult land uses possesses some of the characteristics which economists refer to as the « inelasticity of demand ». Put another way, and to borrow from the argot of the adult land use itself, the expansion of adult land uses may be limited ultimately to those who might be referred to as « hard core » users of its products and services.

Finally, there are already strong indications that the sexual revolution which played a part in the expansion and proliferation of erogenous zones in American cities may be being brought to an abrupt close with the appearance of the AIDS virus, and, what public outrage, legal action, and the exigencies of the marketplace have begun may be completed by biological agents which, if not in actuality, have at least in the public mind been accorded strong association with the erogenous zone of the city. If so, a feature of cities that dates to the earliest days of urbanism might be added to the victims of the AIDS scourge. Yet, as with other curious twists and turns in the fascinating history of the city, only time will tell.

NOTES

1. « Grey areas » are typically those areas nearby or surrounding the central business districts of most American cities, and which often contain outmoded industrial buildings, older hotels, parking lots, and dilapidated and often abandoned buildings.

2. Young vs American Mini Theaters, 427 U.S. 50 (1976).

3. No correlation between the activities of erogenous zones and these activities is implied or intended by this statement. In fact, most sociological and psychological research does not support the contention that exposure to pornographic or sexually explicit materials or activities inclines its consumers toward antisocial behaviors.

4. It is paradoxical that of most recent origin has been the exposure in the national media of the PTL scandal (a fundamentalist religious group), as well as the political demise of presidential hopeful Gary Hart, both brought about by the extramarital sexual activities of the Rev. Jim Bakker and former Senator Hart, respectively.

5. Young vs American Mini Theatres, *op. cit.*

6. William Toner, *Regulating Sex Businesses*, PAS Report n° 327 (Chicago : American Society of Planning Officials, 1977), p. 3.