

TAKING SIDES



Clashing Views on Controversial

Issues in Human Sexuality

EIGHTH EDITION

Selected, Edited, and with Introductions by

William J. Taverner

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*To my wife, Denise, and my son, Robert, for their kind
patience, support, and encouragement*

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Should Sexual Relationships Between Professors and Students Be Banned?

YES: Brian Martin, from "Staff-Student Sex: Abuse of Trust and Conflict of Interest," *The Australian* (October 23, 1991)

NO: Barry M. Dank and Joseph S. Fulda, from "Forbidden Love: Student-Professor Romances," *Sexuality and Culture* (vol. 1, 1997)

ISSUE SUMMARY

YES: Professor Brian Martin asserts that sexual relationships between professors and students are inappropriate and constitute an abuse of trust. He contends that universities need to establish clear and firm policies against such abuse.

NO: Professor of sociology Barry M. Dank and author Joseph S. Fulda counter that efforts to ban all romances between students and faculty on college campuses feed off unrelated notions of sexual harassment and pedophilia, treat female students as incompetent children incapable of giving informed consent, and are fueled by a resentment toward societal norms about older men dating and marrying younger women.

Romantic and sexual relationships between students and faculty or staff members have been part of college life since ancient times. One of the greatest romances in human history rocked the University of Paris in the twelfth century when Pierre Abelard, a professor of logic, and one of his students, Heloise, fell in love and secretly married. After being castrated by thugs hired by her uncle, Abelard became an abbot of a monastery and Heloise an abbess of a convent. Their subsequent correspondence, especially three letters written by Heloise, are among the world's greatest love letters.

Heloise was a rarity at the University of Paris 800 years ago, as were women in higher education before the 1950s. After World War II and the start of the women's rights movement, the number of female students attending colleges and universities exploded to the point where there are now more women than men in college. More female students means more opportunities for male faculty members and these students to be attracted to each other and develop a

sexual relationship. Although there are no hard statistics, a background check of faculty and staff spouses on any large campus today would likely reveal a significant number of university employees and faculty who have married former students. Romances between students and faculty members may be less common in small colleges, especially those with a conservative religious atmosphere, and more common in large state and public universities with larger populations of older graduate students. When a romance between a student and a faculty member ends, the student may come to the conclusion that she or he was the victim of sexual harassment and pressured into an intimate relationship that was never really desired.

Recent public and legal awareness of sexual harassment have turned professor-student relationships into a major political and legal debate. Similar workplace relationships have resulted in litigation. Plaintiffs have been awarded millions of dollars in damages in cases when a consensual relationship turned sour between a manager and an employee and the employer did not take action to resolve repeated complaints of sexual harassment, which followed when the manager refused to accept the end of the relationship. To avoid this risk, some corporations have adopted policies that ban all amorous and sexual relationships between employees, regardless of their position in the company. In some companies, when two employees start a romantic relationship and one supervises or evaluates the other, they must immediately advise their supervisor so that one or the other can be given a lateral transfer to avoid any appearance of conflict of interest and reduce the risk of sexual harassment charges being made. In other companies, the ban covers all employees and requires that both employees be terminated unless one seeks employment elsewhere.

Do you think a strict ban on amorous or erotic relationships between faculty and students is necessary to avoid the potential of harm to students, or would such a ban create too much distance between professors and students? What kind of policy does your college have? What kind of policy do you think it should have?

In the following selections, Brian Martin maintains that sexual relationships between professors and students should be banned because this type of relationship is by nature unequal and may cause professors to abuse their position of authority. Barry M. Dank and Joseph S. Fulda counter that to ban sexual relationships between professors and students is to repress the freedom of consenting adults.

Staff-Student Sex: Abuse of Trust and Conflict of Interest

In July 1990, the Vice-Chancellor of the University of Wollongong, Australia, made an important statement against sexual harassment. In it he also raised an even more sensitive topic: sexual relations between staff and students.

The Vice-Chancellor's statement included the following sentences: "Of particular concern in Universities are situations with students when positions of privilege are abused. For instance, normal social relationships among staff and students must never develop into closer individual relationships in which students may feel their academic progress depends upon compliance with the wishes of a staff member or members." This mild-sounding statement is dynamite in the university context.

No one knows the prevalence of sexual activity between faculty and students at universities, but it is undoubtedly higher than many would imagine. Take the case of the associate professor who has had a series of "serious" relationships with undergraduate women whom he met in his sophomore class. Each relationship lasts just one year, typically terminating in a terrible breakup, with devastating effects on the student.

Then there is the charming full professor who expects—and often achieves—some level of sexual intimacy with every new female Ph.D. student. Some refuse to be won over and worry about their scholarships and supervision; those who acquiesce may become afraid to protest about the professor's casual treatment of their feelings and unable to find a way to withdraw from the relationship.

Finally, there is the charismatic teacher who is always available to discuss issues with freshmen in informal settings—such as his house. Many young female students are attracted by his intelligence and sophistication and eager for a closer relationship. He is willing to oblige. He maintains sexual relationships with five or six of them at a time—at least for the first part of each year.

Let's be clear what's being discussed here. These cases represent something different from sexual harassment, which means forms of sexual behaviour which are unsolicited, unwelcome and unreciprocated. Sexual harassment can include sexual remarks or gestures, pinching, touching, kissing, sexual propositions, grabbing at women's bodies, rape and other sexual violence. Sexual

harassment also includes propositions to women promising better marks in exchange for sexual favours (“an A for a lay”). Female workers as well as students are potential targets of sexual harassment. Only a tiny proportion of sexual harassment is directed against men.

Sexual harassment has been on the agenda in universities and other organisations for a number of years. There are policies against it and committees to hear grievances. The Vice-Chancellor’s statement was primarily about sexual harassment. But it went further.

The women in the cases described above entered into sexual relationships with faculty without being forced. Yet, it can be argued, these relationships are most inappropriate.

University teachers hold positions of trust. They are expected to design teaching programmes and carry out their teaching duties to help their students develop as mature thinkers. This may involve close working relationships in tutorials or laboratories, individual meetings to discuss projects or essays, and more casual occasions for intellectual give and take. For impressionable young students, the boundaries between intellectual development and personal life may become blurred. In this situation, some academics easily move from intellectual to personal to sexual relationships.

In their book *The Lecherous Professor*, Billie Wright Dziech and Linda Weiner argue that “Few students are ever, in the strictest sense, consenting adults. A student can never be a genuine equal of a professor insofar as his professional position gives him power over her. . . . Whether the student consents to the involvement or whether the professor ever intends to use his power against her is not the point. The issue is that the power and the role disparity always exist” (p. 74).

As well as an abuse of trust, sexual relationships between teachers and students represent a serious conflict of interest. The possibility of favouritism in assessment is obvious, as is the possibility of harsh marking for those who have broken off relationships. But this is only the beginning of the problems. Even if academic evaluations are kept completely independent of personal involvements, it is likely that there will be an appearance of bias in the eyes of other students and staff.

Another real problem arises when an academic—especially a powerful academic—has a relationship with a student in a colleague’s class. Pressure may be brought to bear on the colleague to give preferential treatment to the student, such as better marks, extensions on essays, or extra help. Even without pressure, preferential treatment may be provided to avoid risking the colleague’s displeasure. When there are multiple relationships involving several staff and students, the possibilities for conflict of interest are mind-boggling.

Sometimes it is difficult to draw a firm line between acceptable and unacceptable behaviours. But a few things should be clear. Sexual relationships should not be permitted between a teacher and the students in his own class or under his supervision. If a relationship is anticipated, then mutually agreeable arrangements should be made to change teaching or assessment.

To some, this will sound like common sense, and they may argue that restrictions should go much further. Others may see such a prohibition as unduly

restrictive. But it is no different from what is expected of doctors in relation to patients.

At some universities, any academic found to have sexual relations with a student is subject to dismissal. Such strong policies grow out of sexual harassment legislation: the courts have upheld the dismissal of a professor involved in an apparently consensual sexual relationship with a student.

A tough policy against staff-student sex, implemented over the past decade, would decimate the ranks of many university departments. Those affected could legitimately say that they "didn't think it was wrong."

That indeed is the problem. Abuse of trust and conflict of interest from staff-student sexual relationships are all too common because administrators have been too blind or unconcerned to take a stand against them. Universities need to develop clear and firm policies against sexual abuses so that no academic can make the excuse that he "didn't know."



Forbidden Love: Student-Professor Romances

Introduction

A prominent concern—often overshadowing academics—of American universities during the past decade has been dealing with issues surrounding sexual harassment. Generally, universities have developed policies that sanction “unwanted sexual attention” and that prohibit working and, increasingly, learning environments which are held to be “hostile” to women. During this same period, a literature has emerged which has called on universities to expand the definition of sexual harassment to include a ban on intimate relationships between students and faculty. Such a proposal came to the forefront of university attention in 1993 when the Committee on Women’s Concerns at the University of Virginia proposed a university-wide ban on all sexual fraternization between undergraduates and professors. This [selection] critiques the intellectual underpinnings of the banning movement and explores the underlying psychosocial dynamics which have propelled the movement forward.

The Lens of the Law

Central to the proscription of sexual harassment is the principle that women have the right to be protected from unwanted sexual attention in formal organizational settings. In 1986, the U.S. Supreme Court in *Meritor Savings Bank v. Vinson* noted that “The unwelcomeness standard has the benefit of allowing claimants to determine subjectively what constitutes offensive behavior. . . . Violators will be put on notice that their behavior constitutes harassment” (Hallinan, 1993, p. 452, emphasis added). *Meritor* in essence elevated “the reasonable woman” into the central position of deciding what constitutes harassment; it is her subjectivity that counts. That the male may not have intended to harass is irrelevant under *Meritor*. Along with a number of other Federal cases (Hallinan, 1993), *Meritor* not only put the woman in the position of defining unwanted sexual attention but also in the position of defining what is a “hostile” work environment—even when the woman was not a recipient of sexually

harassing or directly hostile behavior. Thus, the U.S. District Court for the District of Columbia found in *Broderick v. Ruder* (1988) that Catherine Broderick could prevail in her claim of sexual harassment since her co-workers and their supervisors engaged in sexual behavior in such a manner as to lead her to conclude that such behaviors led to unfair promotions and raises, thereby creating a hostile work environment for her (Hallinan, 1993, p. 455).

American universities come under the jurisdiction of this case law via application of Title IX of the Education Amendments of 1972 which prohibits educational institutions from engaging in sex discrimination, which *Meritor* held to include sexual harassment. Federal courts have ruled that the "... same standards developed to interpret Title VII of the Civil Rights Act of 1964 must be used to decide Title IX cases" (Wagner, 1993, p. B1). More recently, the Supreme Court ruled in *Franklin v. Gwinnet County Public Schools* (1992) that students who had been sexually harassed could sue educational institutions when such institutions were a party to the harassment (Wagner, 1993).

The Distorted Lens of the Feminist Banners

Given the above decisions, and their applicability to universities, it would appear safe to conclude that the concept of sexual harassment had been well-defined, and that any remaining work to be done in the university and workplace centered around education and application. Such, however, has not been the case. Starting in the 1980's, a feminist literature emerged calling for the banning of intimate, organizationally based, asymmetrical relationships and the subsumption of such relationships under the rubric of sexual harassment. Thus, when individuals in asymmetrical relationships engage in sexual behavior such a relationship is seen as sexual harassment with the person in the superordinate position viewed as the harasser and the person in the subordinate position as the victim. Louise Fitzgerald provides a representative statement of sexual asymmetry as sexual harassment when she states: "When a formal power differential exists, ALL sexist or sexual behavior is seen as harassment, since the woman is not considered to be in a position to object, resist, or give fully free consent; when no such differential exists, it is the recipient's experience and perception of the behavior as offensive that constitutes the defining factor" (Quoted in Paludi and Barickman, 1991a, p. 7). Or, as Paludi and Barickman put it: "Sexual harassment is an issue of organizational power. Since work (and academic) organizations are defined by vertical stratification and asymmetrical relations between supervisors and subordinates... individuals can use the power of their position to extort sexual gratification from their subordinates" (Paludi and Barickman, 1991b, p. 151).

As indicated in these statements, the woman's perception of the situation is no longer central. What is central is her organizational position relative to the man. If her organizational position is subordinate and she is involved in an intimate relationship, she is seen as simply incapable of giving fully free consent. Given that consent is precluded in an asymmetric relationship, the banning of such relationships becomes appropriate. Indeed, if such a ban does

not exist, the non-prohibiting organizations may become liable for the resulting "sexual harassment."

Although the principles which lead to the prohibition of intimate asymmetrical relationships are applicable to both the workplace and the university, concern has been predominantly within the university; and within the university, concern has overwhelmingly focused on student-faculty relationships. It is in the context of student-faculty relationships that the inapplicability of the concept of consent has been advocated with particular vigor. In 1984 the authors of *The Lecherous Professor* set the tone of the debate when they spoke of consent in student-faculty relationships as a myth. As they advocate: "Few students are ever, in the strictest sense, consenting adults. A student can never be a genuine equal of a professor insofar as his professional position gives him power over her" (Dziech and Weiner, 1984, p. 74). Or as Sandler succinctly puts it: "Another myth is that of the consenting adult. True consent can occur only between equals, and a relationship does not consist of equals when one party has power over the other" (1990, p. 8).

Given the belief that consent is a myth, it follows that a student in a relationship with a professor cannot meaningfully indicate to herself or others whether the professorial attention is welcome or unwelcome. As [Eileen] Wagner has indicated: "The usefulness of the argument that a student consented to a sexual relationship . . . lost significant ground when the Supreme Court set the Title VII standard of forbidden behavior at 'unwelcome'. How many coeds have endured the sexual advances of their teachers out of fear, fascination, or just plain naiveté, but found them 'unwelcome' nonetheless?" (1993, p. B1). And even when a student internally "feels" that the attention is wanted, consent still cannot be given, these writers argue. As student Lori Peters found as a result of her "consensual" relationship with a professor: "My experience with sexual harassment has led me to believe that in the context of power imbalance there is no such thing as consent. Where the power lies so lies the responsibility . . ." (1989, p. 21). Another way of putting it is that to the feminist banners, the subjective perceptions of the female student are neither a necessary nor a sufficient condition in determining whether sexual harassment has occurred. A professor may propose and a student may accept, but according to this emerging perspective, the professor is still guilty of harassment since the student is in an asymmetrical relationship and is simply incapable of consent. As Fitzgerald has indicated: ". . . perceptions alone (whether those of observers or victims) are not adequate for a valid definition. Women, after all, are socialized to accept many nonconsensual or even offensive sexual interactions as being nonremarkable" (1990, p. 37). The feminist perspective thus rejects the doctrine of *Meritor* lock, stock, and barrel. Sexual harassment is defined, not subjectively by the woman, but objectively by what feminists like to call "the power relations."

Contextual Versus Categorical Bans

Given the belief that consent is an impossibility in student-faculty relationships, the banning of such relationships becomes axiomatic. The issue then is whether the ban should be contextual, i.e., only in the context of a direct

supervisory relationship such as exists in the classroom or between dissertation adviser and doctoral candidate, or categorical, i.e., with absolutely no fraternization between students and faculty.

Prior to the 1993 movement for categorical banning, there were a number of universities that formally adopted the principle of asymmetry to discourage or ban intimate relationships when the professor was in a direct supervisory relationship with the student. For example, the policy at Indiana University is representative of contextual banning: "All amorous or sexual relationships between faculty members and students are unacceptable when the faculty member has a professional responsibility for the student. Voluntary consent by the student in such a relationship is suspect, given the fundamental asymmetric nature of the relationship." The Tufts University policy is similar: "It is a violation of university policy if a faculty member... engages in an amorous dating or sexual relationship with a student whom he/she instructs, evaluates, supervises, advises. Voluntary consent by the student... is suspect."

The principle of asymmetry as a rationale for bans on student-faculty relationships had been advocated in the early eighties as part of the Harvard University policy on sexual harassment: "Relationships between officers and students are always fundamentally asymmetric in nature." However, attempts by universities during the eighties to formally adopt categorical bans generally failed as reflected by the rejection of such policies by the university faculties at UCLA and the University of Texas, Arlington in 1986 (Keller, 1990, p. 29). It was Ann Lane, Professor of History and Director of Women's Studies and a member of the Committee on Women's Concerns at the University of Virginia, who launched the University of Virginia's campaign for a categorical ban on undergraduate-faculty fraternization and who quickly became the symbolic leader of the movement for such bans at universities across the nation.

Professors as Sex Objects

For Ann Lane the boundary dividing students and professors was inviolate. And, as for professors who crossed such boundaries, for Lane "... the common story is the teacher who is a sickie" (Dateline NBC, May 25, 1993). It was cast as an issue of "... teachers [who] should keep their hands off of students in or out of the classroom. Freedom of speech, which is what the academy is committed to is not the same as free sex" (Oprah Winfrey Transcripts, 1993, p. 12). Lane viewed the implementation of such bans as all but inevitable "... coming in the wake of Anita Hill, and Tailhook and priests molesting children. We are now aware of layers of sexual abuse in a variety of places that we were not willing to talk about years ago" (Dateline NBC, May 25, 1993).

Lane objectifies professors who are sexually involved with students as being intrinsically abusive. In fact, the entirety of the banning literature makes professors out as sexually obsessed predators who prey on their female students and treat them as sexual objects. Perhaps not surprisingly, while condemning professional objectification of female students, feminist banners have no problem with sexually objectifying professors. Almost all of the banning literature since the publication of *The Lecherous Professor* is simply an embellishment

on this theme. Illustrative of such objectification is that of Adrienne Rich: "Finally rape of the mind. . . . Most young women experience a profound mixture of humiliation and intellectual self-doubt over sexual gestures by men who have power to award grades, open doors to grants and graduate school. . . . Even if turned aside, such gestures constitute mental rape, destruction to a woman's ego. They are acts of domination, as despicable as the molestation of the daughter by the father" (1985, p. 26).

Given the powerful imagery of the predatory, sex-obsessed professor, it is also not surprising that such imagery also contains elements of pollution and poison, elements that often characterize the imagery of threatening outsiders (Dank, 1980; Douglas, 1970). As feminist scholar Catherine Stimpson notes: "Today the psychological and social pollution. . . harassment spews forth is like air pollution. No one defends either one of them. . . . [B]elow the stratosphere, in classrooms and laboratories, sexual louts refuse to disappear, imposing themselves on a significant proportion of our students. . . ." (Stimpson, 1989, p. 1). Some may view such rhetoric as simple hyperbole. Others, however, take it quite seriously, invoking it in the attempt to implement categorical bans. Thus, Robin Wilson, President of California State University, Chico invoked the following imagery in his advocacy of categorical bans: "A love affair between a faculty member and a student is poison" (Sacramento Bee, 1993, p. FO 4). The professor intimately involved with a student has thus been effectively dehumanized—deprived of individual motivations—not to mention feelings—and is seen entirely in categorical terms. English Professor Joan Blythe has poignantly responded to this objectification and dehumanization:

Education is also a transformation of us by our students, allowing us to learn and be changed by our encounter in the classroom. This ban is a prophylactic to that kind of fertility because it presents me, the teacher, as rapacious, predatory, dangerous even before I walk into the classroom. . . . [I]n setting up a law you have immediately cast me as a potential raptor. You are emphasizing my role not as educator but as assailant. You define me in negative terms, stripping me of my ability to teach. (Harper's, 1993, p. 42)

The Student as Innocent Child

Just as the banning movement has objectified professors, it has also objectified female students. The literature has almost uniformly cast female students as gullible, innocent, helpless children or youths who must confront the all-powerful manipulative male professor. It is an imagery that reinforces the premise that female students cannot give consent. Since there is a social consensus that children cannot give sexual consent, and since the images of student and child are so often used interchangeably, the premise that female students cannot give sexual consent to their male professors since they are childlike, innocent, and powerless meets with social receptivity.

Illustrative of this construction of female students as innocents who need protection is the commentary by [Vita] Rabinowitz:

They [female students] are at that developmental stage in which it is common to question values and standards of behavior and open themselves to new viewpoints and experiences. . . . Students look up to their professors with great admiration, and attribute to them such appealing characteristics as brilliance, sophistication, wisdom and maturity. (1990, p. 105)

Or as [Sue Rosenberg] Zalk has written:

The bottom line in the relationship between faculty member and student is POWER. The faculty member has it and the student does not. . . . The student does not negotiate—indeed, has nothing to negotiate with. There are no exceptions to this. Knowledge and wisdom are power. While superior knowledge, and presumably greater wisdom, are often ascribed to faculty members by society at large, the students' adolescent idealism exaggerates its extent. . . . (1990, p. 145)

And Ann Lane has directly invoked the image of the innocent young girl in her advocacy of categorical banning. In responding to a question as to whether she made any differentiation between female students in or out of the professor's classroom, she stated:

No. . . . An 18-year old woman, first time away from home, she's in this new environment. She changes her major . . . she might think she'll never take a chemistry class, because she can go out with the chemistry teacher. But . . . she suddenly decides she wants to be a vet and now she has to take chemistry, but the relationship has ended badly. We have situations where the woman can't even walk into the classroom or won't even walk into the building. (Oprah Winfrey Transcripts, 1993, p. 13)

Given the helpless-child imagery of female students, they are seen as needing protection from predatory male professors, protection in the form of prohibition. Such protection is necessary even if it is unwanted since female subjectivity is not of central concern. Others know what is best for them (Sipchen, 1994). Again, as Ann Lane has stated: "And the ban that we have at the University of Virginia is aimed at faculty, not at students, although the students are responding to it as if it were. But it really is aimed at faculty. . . ." (Oprah Winfrey Transcripts, 1993, p. 16). The banners' reduction of female students to children places them into the traditional protected category of "women and children." It functions to disempower female students and empower (feminist) professors and administrators as their protectors. Ironically, it not only affirms an asymmetrical, not equalitarian, relationship between professors and students, it flies in the face of what many believe is the core of true feminism—the empowerment of all women. As Katie Roiphe has pointed out, campus feminists often do just the opposite: "Any value there may be in promoting this idea about female passivity and gullibility is eclipsed by its negative effects. Feminist educators should keep track of the images they project: women can't take care of themselves, they can't make their own decisions" (1993, p. 69). Anne Bailey, Student Council President at the University of Virginia, certainly

did not play this passive and gullible role when she publicly stated her opposition to the ban proposed by Ann Lane. As Bailey characterized it: "It's an invasion of the private lives of consenting adults, and it reeks of paternalism. We're old enough to go to war and to have an abortion, so I think we're old enough to decide who to go to bed with" (Jacobs, 1993). Or as one Wellesley graduate succinctly stated to her former feminist professors: "We don't need Big Mommy to tell us what's going on" (Collison, 1993, p. A17).

The banners' emphasis on the youthfulness and childlike qualities of female students is also at odds with demographics of female students at American universities: 59% are 22 or older, 43% are 25 or older, and 30% are 30 or older (*Chronicle of Higher Education*, September 2, 1996, p. 17). In fact, the student population is aging rather significantly. The proportion of students entering college at the age of 25 or older was 28% in 1972; in 1986, it was 38%. Despite the demographics, banning advocates continue to see student-faculty romances through the child-adult lens. It serves well for their purposes because of the powerful taboos surrounding adult-child sexuality. Invoking this model functions powerfully as a device of social control, pornographizing student-faculty romances and reinforcing the professor-as-child-molester caricature. No wonder so few male professors are willing to come forward as involved or formerly involved in intimate relationships with students. Even those in ongoing marriages have generally chosen to remain insulated from the public throughout the debate. . . .

The Real Issue: Age and Age-Disloyalty

Given that the professor and student categories are age-differentiated, it is to be expected that romantic liaisons between students and faculty members are almost always older man-younger woman. Skeen and Nielsen found an average age differential of 10 years. Of course, romantic relationships generally reflect the proclivity of women to be attracted to older men and of men to be attracted to younger women (Buss, 1994). With academic couples, the age differential tends to be significantly above that of non-academic couples: at times so great as to reflect a crossing of generational boundaries—middle-aged men paired with women in their twenties.

It is our observation that many women are deeply offended by older men dating and/or marrying much younger women. Why? Given the age and dating norms in American society, the eligible men for middle-aged single women are their cohorts—middle-aged men. The field of eligibles is further narrowed for middle-aged academic women because social norms dictate not dating and/or marrying "down." Thus, the female academic's field of eligible men is radically decreased by their academic accomplishments. Of course, the most eligible men for middle-aged academic women in terms of propinquity, age, and social status are academic middle-aged men. And it is these same men who are perhaps seen as deserting their female age cohorts to date much younger students. In fact, we would go so far as to suggest that many women—particularly academic women—resent the power that young women have to attract their eligibles. In fact, one can view the banning movement as reflecting a rather traditional generational

conflict—an attempt by older women to control the dating/mating behavior of younger women. This attempt, of course, is disguised by the banners' construction of the lecherous-predatory-male-professor as exploiting younger women. But the banners undermine a key feminist principle, that "no" means "no," when they assert, at least in this context, that "yes" means "no," as well. Surely, if anything means "yes," "yes" means "yes"!

[Warren] Farrell (1993) captures the potentially traumatic nature of the situation when he makes the following comparison: "When a man is forced into early retirement, he is often being given up for the younger man. Being forced into early retirement can be to a man what being 'given up for a younger woman' is for a woman" (p. 174). Given this framework, it is only to be expected that many academic women would feel hostility toward student-faculty couples. Unfortunately, too many campus feminists have dealt with their problem by advocating policies that effectively disempower, infantilize, and patronize younger women. Such infantilization is evidenced by their inability to imagine a female student ever taking the initiative with a male professor consenting (Pichaske, 1995).

To be sure, few feminist academics have conceded such motivations. When there are such public avowals, it is usually by men coming to the defense of women. When the Provost of Tufts University, Sol Gittleman, was interviewed in *The New York Times* regarding his ban of student-faculty couples, he indicated that he based his decision in part on his being tired of seeing professors "dump" their wives for younger women (Gross, 1993).

Interestingly enough, some banners do back off when same-age relationships are invoked in student-faculty relationships. Susan Webb, author of *Step Forward: Sexual Harassment in the Workplace*, is supportive of categorical banning, but yet stated the following: "... I think it'll be difficult to place a ban on any relationship between any student whatsoever. I'm 52 years old; the professor is 53, what's the big deal?" (Oprah Winfrey Transcripts, 1993, p. 18). Perusal of the feminist literature on age and ageism also suggests this dynamic in the campus banning movement. Lois Banner's writings certainly can be used as a rationale for such banning. In her book, *In Full Flower: Aging Women, Power and Sexuality*, she writes:

I have argued that the privilege of aging men to form relationships with younger women lies at the heart of patriarchal inequalities between the sexes. (Banner, 1992, p. 5)

And:

The phenomenon [older man, younger woman] had seemed to me a quintessential example of sexism, a final ironic proof of the unequal access to power between men and women. For, in addition, to all their other privileges, men as they aged were still regarded as virile and attractive, with bulging stomachs and balding heads. Young women are drawn to their power—whether monetary or personal—and deficiencies overlooked. (Banner, 1992, p. 4)

Concluding Remarks

Given the prevalent caricaturing of student-faculty romances, such relationships give the impression of professorial abuse thus presenting problems for university administrators concerned with public relations and "appearances." But such superficial concerns must not be used as a rationale of repression of the associative freedoms. The concept of informed consent between adults should be the guiding principle for intimate relations—on or off campus. This principle has been recognized by the U.S. Supreme Court in *Roberts v. United States Jaycees*. "Stating that intimate association, an intrinsic element of personal liberty, is secured generally by the Bill of Rights and the Fourteenth Amendment, the Court explained that 'choices to enter into and maintain certain intimate relationships must be secured against undue intrusion by the State'" (Keller, 1990, p. 30). It is the principles that are reflected in this decision, applicable in law only to public institutions, but appropriate ethically for all institutions, that best reflect the American tradition and that best protect everyone, students, professors, and others, alike. As Elisabeth Keller writes:

The freedom to decline or resist intimate associations is inextricably bound up with the freedom to form desirable intimate associations. Upholding both of these freedoms simultaneously in the university may appear to engender inherent conflict. However, the right to form adult consensual intimate relationships is a fundamental personal freedom which must be protected. A strong and effective university policy against sexual harassment together with the recognition of the right to privacy of faculty members and students will serve the interests of both the university and the individual. (Keller, 1990, p. 32)





POSTSCRIPT

Should Sexual Relationships Between Professors and Students Be Banned?

Yale and other universities have adopted a policy that prohibits all amorous or sexually intimate consensual relationships between faculty members and students. On the other hand, colleges such as the University of Virginia have opted to revise and strengthen their conflict-of-interest policies and warn both faculty and students that the school will take whatever steps are necessary to remove any appearance of conflict of interest in the review and evaluation of student academic performance. They also advise faculty and students of the real risk that such relationships can and often do end in recrimination and accusations of harassment and coercion when a consensual relationship goes sour.

The American Association of University Professors (AAUP) has counseled hundreds of colleges and universities on their sexual harassment policies each year. AAUP warns about potential exploitation in such relationships but stops short of requiring a ban on consensual relationships. Instead, AAUP recommends "effective steps" to prevent student reviews, evaluations, and recommendations from being tainted by intimate friendships.

This controversy is part of a much broader and more complex debate about the right every citizen has to privacy and free association guaranteed by the U.S. Constitution. Similar ongoing and unresolved debates are raging over the propriety and ethics of romantic and sexual relationships between physicians, psychologists, clergy and ministers, therapists, counselors, and social workers and their clients.

With the work environment increasingly requiring continuing advanced education to keep up with the rapid pace of change, the average age of college students is rising. Three out of five college students today do not fit the traditional 18-to-22-year-old cohort. Fully one-third of America's college students are age 30 years and older. How does this shift affect this controversy? What arguments can be made in support of limiting the personal privacy of graduate students in their late twenties and older?

How can universities avoid "building a wall of fear around male faculty" as Dank and Fulda suggest is happening? What substance, if any, can you find in their assertion that supporters of a total ban on student-professor consensually intimate relationships are "pornographizing student-faculty romances and reinforcing the professor-as-child-molester caricature"?

Another interesting question in this controversy comes from the difficulty in defining *erotic*, *romantic*, and *sexual* when at least 10 percent of college students were born and raised in other cultures, where very different views of these terms prevail.

Suggested Readings

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- K. Hallinan, "Invasion of Privacy or Protection Against Sex Harassment: Co-Employee Dating and Employer Liability," *Columbia Journal of Law and Social Problems* (vol. 26), pp. 435-464.
- M. Langelan, *Back Off! How to Confront and Stop Sexual Harassment and Harassers* (Simon & Schuster, 1993).
- M. Paludi, ed., *Ivory Power: Sexual Harassment on Campus* (State University of New York Press, 1990).
- P. Rutter, *Sex in the Forbidden Zone: When Men in Power—Therapists, Doctors, Clergy, Teachers and Others—Betray Women's Trust* (Unwin Paperbacks, 1990).
- B. Sipchen, "A Lesson in Love? The Latest Campus Debate Is Whether Student-Professor Romances Are About Power or Passion," *Los Angeles Times* (September 16, 1994), pp. E1, E6.
- A. Tate, "Companies Firm Against Dating in Workplace," *Daily Herald* (January 23, 1998).

