

Mayor Rudolph W. Giuliani of New York City, and the City Council, recently agreed to a set of strict new zoning rules for X-rated video stores and topless bars that city officials say will drastically reduce the number and concentration of such establishments throughout the City. The new rules would prevent sex related businesses from operating within 500 feet of residences, schools, and houses of worship, and within 500 feet of one another. The plan also limits the size, placement, and illumination of signs on adult businesses. The new rules will completely eliminate sex related businesses in most areas of New York City and even profoundly affect New York's Times Square whose reputation for X-rated entertainment is known world-wide." This is great news - It can welcome back exciting and appropriate economic development on Eighth Avenue," said Gretchen Dykstra, President of the Times Square Business Improvement District. Arthur N. Eisenberg, Legal Director of the New York Civil Liberties Union, expressed the view that the new zoning rules violate the First Amendment.

Are New York City's new zoning regulations morally justifiable? If so, why? If not, why not? (reported in the New York Times, 3/14/95)

MODERATOR'S ANSWER: The regulations are not morally justifiable. They reflect the viewpoint and attitudes of people who disapprove of the orientation toward sexuality expressed by X-rated videos, topless bars, and the like. To use zoning laws as a means of limiting the expression of viewpoints that the lawmakers disapprove of, even if the law makers reflect the majority viewpoint, violates the fundamental right of free expression.

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