

A woman is the target of a steady stream of catcalls in a video that went viral.

# Do We Need Laws Against Catcalling?

Being harassed on the streets is nothing new. But a couple of months ago, a group working to prevent street harassment filmed a young woman experiencing a constant stream of catcalls, whistles, and jeers as she walked around New York City. The video went viral and brought renewed attention to this old issue.



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**YES** As research for a book I wrote, I spent 18 months interviewing women in the San Francisco Bay Area about their experiences of being harassed in public. About two-thirds reported that they heard offensive and sexually **suggestive** comments every day as they walked down the street. All of the women I interviewed said they've changed their routes, behavior, method of transportation, or how they dress to try to avoid street harassment.

Catcalling is a huge problem, but police mostly ignore it. Why? Because there's no specific law against this type of behavior. We need to change that. I propose a law banning "uninvited harassing speech or actions" aimed at people in public places because of their sex or sexual orientation, with the intention of intimidating them.

**Catcalling is intimidation that makes women feel unsafe.**

Such a law would allow states and cities to recognize street harassment for what it is: physical and psychological intimidation that makes women feel unsafe.

Violators would get tickets that carry fines—like a speeding or parking ticket. With a law specifically

against catcalling, women would be able to sue their harassers if the behavior continued. Even if it were rarely enforced, the symbolism of such a law would have powerful effects.

The First Amendment, which guarantees Americans' freedom of speech, is not a license to abuse people. The courts have upheld bans on hate speech and other forms of intimidation, such as cross-burning.

Domestic-violence laws aim to protect women from assault in their homes. Civil rights laws give women recourse against sexual harassment in the workplace. If the law can prohibit sexual harassment and violence in our homes and at work, why shouldn't the law protect women in the street? Shouldn't gender equality exist everywhere? •

—LAURA BETH NIELSEN

Professor of Sociology, Northwestern University

**NO** The shameful treatment of women in our culture takes many forms. Women are sometimes paid less for the same work. There are disparities in political representation. And too often, women face harassment as they simply walk down the street.

We need to be careful, however, about calling for laws that criminalize unwelcome verbal interactions or prohibit "obscene" statements or gestures in public. Just because something is inappropriate doesn't mean we should make it a crime.

All 50 states already have laws that apply to many forms of street harassment, including following someone, making threats, stalking, groping, and putting someone in fear of unwanted physical contact. We should start by enforcing the laws that already exist.

An anti-catcalling law would likely fall into the category of disorderly conduct or "obscene gesture" laws, which are problematic in terms of respecting First Amendment rights to freedom of expression. Disorderly conduct laws can be (and often are) misused against lawful protesters and people criticizing the police. Extending these laws to unwanted verbal interactions would increase the potential for misuse.

Similarly, expanding such laws to cover simply talking to someone on the street—no matter how offensive the statement—opens the door to racial profiling and discrimination. As we have seen with anti-panhandling laws and stop-and-frisk programs, enforcement of such laws **disproportionately** affects minority communities. We can expect the same bias in the enforcement of these laws against purely verbal interactions.

We can, however, combat street harassment without sacrificing free speech or risking unintended side effects. We can do that by enforcing existing laws aggressively when street harassment crosses the line into criminal behavior. •

**All 50 states already have laws that apply to many forms of street harassment.**

—GABE ROTTMAN

Policy Adviser, American Civil Liberties Union (A.C.L.U.)