

Pornography and prostitution



**ASSIGN
BUSTER**

Both pornography and prostitution are sexually related terms. It is generally understood that prostitution is a bilateral exchange between a prostitute and a client. It involves a customer paying a prostitute for providing sexual services. On the contrary pornography is generally understood to involve the customer of an adult film paying money to watch sexual acts on video or magazines or other media. Seen from these perspectives, while prostitution can be seen as a bilateral exchange in which the customer actively participates, pornography can be viewed as a unilateral act of buying something in which the customer is passive.

On these premises while prostitution has been declared illegal in most parts of the United States, the pornographic motion picture industry has flourished without prosecution since its infancy (Colb, 2005). The traditional interpretations of the word "prostitute" narrow the literal definition to exempt pornography. However, in the legal context, both prostitution and pornography are not much different. New York Penal Law defines a prostitute as a person "who engages or agrees or offers to engage in sexual conduct with another person in return for a fee" (Colb, 2005).

A pornographic actor does just that he or she engages in sex in return for a fee just like a regular prostitute. Both acts being equal on legal and moral grounds, if pornography is legal, then prostitution should be legalized as well. Currently most everywhere in the United States, our legal system penalizes prostitutes and their customers for what they do as consenting adults. Critics of legalized prostitution argue that sex for money is wrong because it is harmful to prostitutes.

They claim prostitutes are victims of physical abuse and frequently suffer from homelessness, alcoholism and dependency on other drugs. They also argue that pornography does not harm the prostitutes like prostitution. However, there is no plan of action to support them or protect them. There is a strong rationale for legalizing prostitution by regulating the industry, thereby monitoring sex workers and consequently the clients they serve. Allowing prostitution to remain invisible only perpetuates the spread of sometimes-deadly sexually transmitted diseases (Colb, 2005).

Writers have opined that pornography is not very different from prostitution. Stevi Jackson and Sue Scott in their article " Sexual Skirmishes and Feminist Factions: Twenty-five Years of Debate on Women and Sexuality" observes that both pornography and prostitution involve the commodification of sexuality in a marketplace where the men are the frequent buyers (Boniol, 1991). Shiela Jeffreys, author of the book " The Idea of Prostitution" agrees that pornography and prostitution are " indivisible.

She mentions that prostituted women testify about " the use of pornography to season them, its use in brothels, the filming of them for pornography which suggests that pornography and prostitution are integrally connected". In the book, she also cites a 1984 research that showed that 38 percent of the prostitutes interviewed had been used in pornography when under 16 years old. Thus we may conclude that pornography and prostitution are both similar kind of sexual acts.

While pornography involves actors who may pretend to have sex, prostitution involves real sex. It appears that when two people want to have

sex with each other in private, the law can intervene to say that they cannot, just because one of them seeks money and the other gratification. However, if both of them are in it for money as in the case of pornography, and there is a man with a camera taping them, then the sex is insulated by the Constitution from legal regulation. This does not seem to make much sense.

According to Lysander Spooner (1875) " Vices are those acts by which a man harms himself or his property. Crimes are those acts by which one man harms the person or property of another. Vices are simply the errors which a man makes in his search after his own happiness" (Bovard, 1998). These words emphasize the fact that vices are not crimes. When prostitution is considered wrong, pornography that supports prostitution cannot be right. They are both vices and not crimes. They need to be regulated by law and not considered punishable by law.

Reference

<http://writ.news.findlaw.com/colb/20050810.html>