

Essay on legalizing prostitution

[Law](#), [Criminal Justice](#)



In recent years, America, alongside the rest of the world, is called to take a stance on previously non-acceptable behaviors and trends (Weitzer ix). People and governments are in a crossroad, where they need to cope with new concepts, like legalizing marijuana and gay rights, no matter how alarming they might sound to some. Selling and buying sex is a taboo that has won its place in time and cultures worldwide; many countries have penalized prostitution and many people still consider prostitution a disgrace and marginalize everyone involved in the sex industry, which admittedly is an extremely lucrative industry with \$13.3 billion spend on "X-rated magazines, videos and DVDs, live sex shows, strip clubs [] and commercial telephone sex" (Weitzer 3), in the United States, in 2006 alone (Weitzer 3-4). It is estimated that approximately 35 percent of American males reported to have seen an X-rated video during the last 12 months, in 2006 (Weitzer 4). According to data taken from 10 polls that took place between years 1991-2008, about 18 percent of Americans reported to have paid for sex and the same applies to 15 percent of Australians and 15 percent of Europeans (Weitzer 4). It seems that no matter how taboo buying and selling sex might be to a part of societies, prostitution will continue to exist. We simply have to decide whether it is best for the common good to keep prostitution legalized or if governments should seek for alternative measures and legislation to help regulate and allow prostitution.

Trying to define prostitution could be far more challenging than one could imagine, as there are numerous interpretations of prostitution, based on one's worldview and concepts, which makes prostitution a highly debatable issue in societies the world over. Both Phd Lena Edlund and Evelyn Korn,

Associate Professor of Economics at Columbia University and Faculty of Economics and Business Administration at University of Marburg in Germany respectively, wrote an interesting article, in 2002, in regards the theory of prostitution that was published in the Journal of Political Economy (Vol. 110, No. 1). According to them, prostitution is more than one can find in a dictionary interpretation, where it is defined as “ the practice or occupation of engaging in sexual activity with someone for payment” (Oxford Dictionaries). To them, prostitution breaks the boundaries of a woman just selling her body, since that is perceived to be performed by many married women to gain a livelihood and a home to live, and there are other elements that better represent what a prostitute really is, like promiscuity and number of sexual partners, although opinions vary (Edlund and Korn 183). The difference between a prostitute and a wife is that the former sells sex for non-reproductive reasons, as opposed to the latter that sells sex for reproductive purposes (Edlund and Korn 184). Of course a coin is always two-sided and there are as many opinions as people living in our world. That being said, regardless of definition, prostitution will always remain the world’s oldest profession (Keegan 20), dating back as early as the 18th century B. C and found to play a role in all ancient and modern cultures (Bullough and Bullough 100). However, prostitution laws vary from country to country, which makes prostitution perceived as a profession, hence legal, in some countries while other countries have strict laws that severely punish prostitution, even with death. To what extent should countries legalize prostitution or not, is the core goal of this paper.

Trying to look into prostitution worldwide, the majority of the African

countries have declared prostitution illegal; yet, due to increased levels of poverty and social breakdown after the civil war, especially in sub-Saharan African countries, prostitution reigns with devastating results, given the high HIV infection rates among African sex workers (HIV and Sex Work). In Asia, prostitution is illegal in books; however, in practice things are quite different, since Thailand is a sex tourism destination (U. S Department of State). At this point, it should be important to note that prostitution includes child prostitution too, which is a serious issue in Asia and of course the entire world. It is suggested that the higher HIV rates are, the higher child prostitution levels are, as some evidence has shown that men would rather have a sexual experience with a child, as children so not have increased likelihood of having HIV (Limoncelli 264). According to estimates, Thailand is the country with the highest numbers of child prostitutes, with about 900 for every 100, 000 individuals, followed by Zambia, Russia and Indonesia (Huynh 143). The European Union legal system appears to be unanimous, allowing prostitution under certain terms, meaning exchanging money for sex is considered legal, but activities associated with prostitution, like brothels, are prohibited. Finally, the U. S has prohibited prostitution in total, except the state of Nevada, where some rural countries have legalized prostitution; regardless of the fact that prostitution is present all across the U. S on various forms. However, regulation of prostitution lies under the Tenth Amendment of the United States Constitution that allows the states to regulate commercial sex (Charters of Freedom).

Legalizing prostitution brings numerous benefits and should be legalized for various reasons. Based on basic psychology theories, prohibiting something,

in most cases, brings the exact opposite results of what expected, as people tend to want more what is not allowed to them. Going a few decades back at the Prohibition Era, where alcohol was outlawed, price of alcohol skyrocketed and people found ways to produce whiskey and sell it in the black market, creating an entirely new underground illegal industry (Nixon). The only thing that actually happened from banning alcohol was that the government lost huge amounts of taxes, plus it was almost impossible to ensure public safety since there was no quality control mechanism. All those lost dollars could as well be spend on doing good for society, including healthcare. Moreover, in countries where prostitution is illegal, public money is spend on courtrooms and police personnel trying to cope with prostitution-related issues that in fact have absolutely no real impact on prostitution itself. The police simple arrests prostitutes only to set them free after they pay a fine. However, if prostitution is legalized it could be easily monitored and controlled, leaving organized crime figures out of the game and women prostitutes safer. Legalizing prostitution could bring great results in fighting teen prostitution. It is estimated that a profound number of teens, which reaches up to 3 million, prostitute annually in the U. S (Walker 1). Given that this is just the number of the visually prostituted teenagers, it is highly likely that numbers are far more than those aforementioned. Allowing prostitution to act in the dark is like opening the doors to more teenagers to dive into prostitution. No one would want their child to be a victim in the hands of opportunists waiting to manipulate troubled teens and initiate into prostitution. Other than that, health-safety issues impose the legalization of prostitution. Illegal prostitution brings sexually transmitted diseases, like gonorrhoea,

herpes and syphilis, including Chancroid that is considered to encourage the spread of HIV (Schmid, Sanders, Blount & Alexander 1-3). If prostitution was legal, all these health-related issues would be monitored by requiring prostitutes to have frequent checkups and perhaps impose specially designed measures to clients to ensure the health-safety of prostitutes and make sure their fertility is not affected, should they need to leave prostitution and start a family (Gavin 3). That way, both prostitutes and their clients would be safe.

Going on the other side of the river, many people strongly believe that in calling for legalization of prostitution, women are exploited, degraded and treated as second-rate class that has no particular rights. Truth is that by allowing prostitution to legally continue existing is like allowing the entire sex industry thrive AND expand, with pimps as legitimate sex businessmen (Raymond 1-3). Pimps would then be given practically unlimited freedom to act. " It is estimated that the average street pimp makes roughly \$630, 000 per year. It is believed that brothels, which house the legal variation of prostitution make similar, if not more for the sexual exploitation of women through prostitution." (Farley xiv).

What is more, by legalizing prostitution, governments promote sex trafficking too, which is different that prostitution by far, regardless of what people think or know. Breaking it down to simple terms, prostitution is engaging in sexual activity for money and because the prostitute really wants it, while sex trafficking is being forced to have sex with a client, against your will. It is not by chance that a stunning 80 percent of brothels in the Netherlands, where prostitution is legal, was comprised by women

victims of sex trafficking (Raymond 2). Last but not least, legalizing prostitution allows child prostitution to occur, in contrast prevailing views that claimed legalizing prostitution would reduce child prostitution (Raymond 5). Unfortunately, the numbers of child prostitution are nothing close to a decline; on the contrary, it seems that child prostitution has increased by 300 percent during 1996-2001 (Raymond 5), which means that legalizing prostitution will bring nothing from the desired outcomes and will most likely help sex industry flourish even more, on the backs of prostitutes, and not only.

Decriminalizing prostitution would increase the demand for it. It is commonly noticed that when “ legal barriers disappear, so too do the social and ethical barriers to treating women as sexual merchandise” (Raymond 6). Providing men with a legion of sexual services available to them via prostitution, women would need to meet the increased sexual desires and demands of men that would go completely overboard. Anything that is free, usually makes people run wild. That means that prostitutes would not only be jeopardizing their health, but also their reproductive capacities as there is a portion of men that demand having sex with a pregnant prostitute (Raymond 6). Humans have a unique tendency towards using their power over others if they are given the chance and that is exactly what will happen to clients aspiring for extreme sexual activities with prostitutes.

Decriminalizing prostitution to some people means to save tax payers' money for a “ rainy” day; in other words, for something useful to the community, rather than anything related to prostitution. Others, on the other hand, would rather live in a world where sex should not be paid. What makes

things better is not yet justified. Researching for common ground between the two opposing stances would probably bring us to a dead end. However, it could be suggested that prostitution is legalized for all the aforementioned reasons; yet, be strictly regulated by countries. That way, sex industry would be monitored, pimps and organized crime rings would not become leaders of the game, and women prostitutes would be healthy and safer, not to mention child prostitution that could be banned.

Concluding, whether prostitution should be criminalized or legalized still remains an issue that raises steam and highly controversial viewpoints.

Legalization of prostitution certainly makes governments enjoy increased revenues from imposed taxes, and the same applies to the sex industry that thrives whenever prostitution is legal. In countries where prostitution is legal, like some African countries, HIV infection rates are increased, which in turns increases child prostitution. On the other hand, prohibiting prostitution would only make people search for it more and there are various dangers arising from high demand in sex. Additionally, legalizing prostitution would allow prostitutes and their clients to have healthier sexual experiences, if clients do not decide to take it to the other side and start asking for extreme things that would degrade women and put their reproductive capacity at stake.

Maybe common ground lies somewhere in between those views. To me, one thing is for sure: legalization of prostitution should be further researched for the benefits and drawbacks it brings and the most viable solution as I perceive it is to legalize prostitution under certain terms that need to be thoroughly analyzed and ensure both public and private safety, in terms of health, among others.

References

- AVERT. ORG. “ HIV and Sex Work”, (n. d). Web. 11 September, 2013.
- Bullough, Vern and Bullough, Bonnie. “ Prostitution: An Illustrated Social History”. New York: Crown Publishers (1978)
- Charters of Freedom. “ Bill of Rights”, (n. d). Web. 11 September, 2013.
- Farley, Melissa. Prostitution and Trafficking in Nevada: Making the Connections. San Francisco: Prostitution Research and Education, 2007.
- Gavin, K. “ News Release: Women Need Testing and Care for Infection That Can Steal Fertility”. University of Michigan Health System (2001).
- Keegan, Anne. " World's Oldest Profession Has the Night Off," Chicago Tribune, July 10, 1974. Print.
- Lena Edlund, Evelyn Korn. “ A Theory of Prostitution”. Journal of Political Economy (2002), vol. 110, no. 1.
- Limoncelli, Stephanie A., The Trouble with Trafficking: Conceptualizing Women’s Sexual Labor and Economic Human Rights. Women’s Studies International Forum (2009), 32, 261-269.
- Nixon, N.” Bootlegging In Illinois: Bathtub Gin and the Whole Shootin' Match”. Illinois Periodicals Online (NIU), 2001.
- Oxford Dictionaries. “ Definition of prostitution in English”. Oxford University Press (n. d). Web. 11 September, 2013
- Reymond Janice. “ Ten Reasons for Not Legalizing Prostitution and a Legal Response to the Demand for Prostitution”. Journal of Trauma Practice, 2, (2003): pp. 315-332.
- Schmid, Sanders, Blount & Alexander. “ Chancroid in the United States. Reestablishment of an old disease”. JAMA. Dec 11, 1987; 258(22): 3265-8

Tuyen N. Huynh. Child Prostitution in 12 Countries: An Exploratory Study of Predictors (n. d). Web. 11 September, 2013.

U. S Department of State. 2008 Human Rights Report: Thailand: Bureau of Democracy, Human Rights, and Labor (2009). Web. 11 September, 2013.

Walker, N. Prostituted Teens: More than a Runaway Problem. Michigan Family Impact Seminars. Briefing Report No. 2002-2

Weitzer, Ronald. Legalizing Prostitution: From Illicit Vice to Lawful Business. New York: New York Univeristy Press, 2012.