

Angelina Brown

English 110

The oldest profession is crime in most countries. In some, it's punishable by death. Although it's a profession, it's not a respected one in the slightest. In most cultures it's taboo, and associated with bad morals: adultery, laziness, greed, exploitation, *promiscuity*. Prostitution is dangerous, to health, and to the safety of anyone who participates in it. Its danger is in part due to the laws that surround it. The workers go away for months at a time sometimes, often fully support themselves, and put themselves in harm's way in the name of their jobs. As it stands right now in most countries, Prostitution is a crime. In places where laws have been made to protect sex workers and prevent sex trafficking, everything gets worse. Does the danger in prostitution get derived from the laws surrounding it, or the industry itself? Some approaches to making the sex industry a safer place, or nonexistent place are: full criminalization, full decriminalization, partial decriminalization, and legalization. The question at hand is if any of these methods are or will be effective in combating the danger of sex work.

A brief history the Sex industry

The sex industry is the industry that practices engaging in sexual activity with someone for payment. The workers in the industry are referred to as prostitutes/ sex workers. Sex workers can be of any gender or orientation, "but historically most prostitutes have been women and most clients have been men." says an article titled *Prostitution* by Britannica. The article goes on to explain the different perceptions in prostitution. In some cultures sex work is honorable, in others it is a complete shame. The most prevalent perception is that sex work is shameful and immoral as it is associated with the workers "selling their body for sex, satisfying lust and fantasies, and carrying and transmitting sexually-transmitted diseases" amongst other stereotypes according to the Samuel Article for Social Connectedness article *The Stigmatization Behind Sex Work*. As previously mentioned, prostitution/sex work is a crime in most countries.. It's difficult to determine the intention of prohibition laws, however it is safe to assume it was at least partially to support the people's opinion, and to combat sex trafficking.

Danger of the Sex Industry

The sex industry is not the cause of sex trafficking, but sex trafficking is very common within the sex industry. “Human trafficking is a modern-day slavery involving the illegal transport of individuals by force or deception for the purpose of labor, sexual exploitation, or activities in which others benefit financially” says Britannica in *Human Trafficking*. The victims of sex trafficking are typically women and children. Many worry that making sex work easier will make sex trafficking easier. The counter to that argument is if sex work is already so difficult in most places, why is sex trafficking still so prevalent.

Serial Killer Joel Rifkin, who killed 17 prostitutes explained to Daily News that “prostitutes are obvious targets *“No family*, he explained, occasionally breaking into laughter as he discussed his bloody history. *They can be gone six or eight months, and no one is looking....Hookers made for easy targets because they were often on their backs, making it easy to overpower them*, Rifkin recounted as cartoons played on the visiting room TV.”

Selling sex as a woman is extremely dangerous. In an opinion piece written by Sonia Sodha titled *Selling sex is highly dangerous. Treating it Like a Regular Job Only Makes it Worse*, Sodha expresses the concern of the power dynamic between seller and client. If a woman wants to put boundaries into place, say no to something, or withdraw consent, she becomes extremely vulnerable to a man that can disrespect and violate her wishes because he is paying for a service, which includes access to her body. A lot of the men- and others- who purchase sex are sex addicts, and addicts will do anything to get what they want.

Health concerns that arise when discussing sex work are being at higher risk of sexually transmitted infections (STIs), sexual or physical violence, incarceration, and reproductive coercion than the general population.

Full Criminalization

In the majority of the United States Sex work is fully illegal, meaning that buyers, sellers, and other parties would be punished for being a part of the sex industry. Sex work is not a first choice in the United States, rather a last resort. In first world countries, a sex worker is usually someone who is struggling financially or has a strong desire to generate another form of income, and who’s financial needs outweigh the moral cost of breaking a law. Most people do not turn to sex work for it to be their career.

Sex Worker Juno Mac explains in a TED talk that “criminalization is a trap. It’s hard to get a conventional job when you have a criminal record. Potential employers won’t hire you, assuming you still

need money you'll stay in the more flexible informal economy. The law forces you to keep selling sex, the exact opposite of its intended effect.”

TARGETING SEX BUYERS, NOT SEX SELLERS: ARRESTING DEMAND FOR PROSTITUTION, and article published by PBS states that women who are involved in prostitution related activity are arrested significantly more frequently than men. Sellers are persecuted far more often than buyers. I feel that it is important to reiterate at this point that sellers are typically vulnerable young women, and buyers are typically men who have disposable income.

Juno Mac listed some examples of the possibilities and happenings of what goes on sometimes when sex workers are arrested under full decriminalization: “may be coerced into paying a bribe or even having sex with a police officer, to avoid arrest” and outside of the US “threats at gunpoint, beatings, electric, shock, rape, and denial of food.”

A common theme found in strict prohibition laws is the demand for the product or service increases, and people can profit more from selling what has become outlawed. There are not many people willing to provide sexual services, so people are forced into doing so through trafficking and manipulation. Homeless youth are overwhelmingly targeted by illegal pimps, brothels, and organized crimes related to sex trafficking rings.

Many sex workers in first world countries have been taken advantage of by their significant others, pimps, and other people in their lives. Previously mentioned serial killer Joel Rifkin says that one of the reasons serial killers target prostitutes is that they are very hesitant to call the police, as they know the police will end up persecuting them. Almost every sex worker I came across in the research in this article had a story of abuse where their vulnerability as women and lack of protection from law enforcement was taken advantage of.

Full Decriminalization

To fully decriminalize sex work would mean that buyers, sellers, pimps, and brothels would not be penalized for engaging in the sex industry.

Meg Mundos, a former sex worker, believes that consensual prostitution should be fully decriminalized. She explains that she began sex work at 18 and at that time she was wreckless. She became addicted to methamphetamine and her parents sent her to rehab. After rehab, she had a breakup with a long term partner and was left on her own, but had big goals for herself nonetheless. Sex work was what allowed her to achieve those goals with all the money she was making as a sex worker. She was put in many dangerous situations and faced domestic violence. Her partner knew that since she was a sex worker, she couldn't call the police on him. He continued to take advantage of the fact that her work is illegal. In order to protect and treat sexually transmitted diseases from sex work, the topic should be less taboo.

One of the biggest issues with the current sex industry is sex workers have no access to critical social services. Eliminating the fear of being arrested from the worker and the client would mean they would each feel comfortable to go to the police about any type of unsafe practice, violation, or assault, as explained in CBC's youtube video Why Sex Work should be Decriminalized. It would also allow sex workers and third parties to advertise their services. With full decriminalization it would be easier to negotiate and screen clients. Appropriate healthcare would also be more accessible, reducing the rate of STIs.

Too Good To Be True

Pimps and brothels are very dark places, and mostly run by men. Pimps are notorious for being violent and taking humongous shares of their sex workers money. A lot of the time the people who they have working for them are people who they have coerced into the industry with the promises of fortune or romance. Decriminalization would encourage them to find more young women to put in the industry.

If sex work becomes fully decriminalized, more people will buy sex. Once the demand goes up for sex, there will not be enough supply. People will inevitably be trafficked and forced into the industry. To combat the use of pimps and brothels, and the rate of sex trafficking, a few states and counties have adopted the practice of partial decriminalization.

Partial Decriminalization

Some argue that full decriminalization won't help. The idea behind partial decriminalization is that the sex industry as a whole is a problem, including pimps and brothels, not the sex workers. Many argue that fully decriminalizing the entire sex industry will increase sex trafficking. A youtube video by the Today Show's youtube channel (TODAY) features a sex worker who is a high priced escort, who supports and advocates for full decriminalization, as well as someone who felt forced into the sex industry, and was able to escape.

Bell states that decriminalizing sex work will increase trafficking. She believes that buyers will flood the market and there will not be enough *willing* participants to meet the demand of commercial sex. Bell is an advocate for partial decriminalization, where buyers and pimps will be criminalized, and prostitutes will not. "Right now what happens with law enforcement is they go after low hanging fruit, Buyers are these white men with disposable income who have the ability to fight these cases in court, people in prostitution are arrested and criminalized every day...it will force law enforcement to go after what is driving all of this: the demand for commercial sex." Bell says.

Nicki Bell fell into the sex industry by force. Bell had a difficult home life and unhealthy familial relationships, so to ease the pain she turned to drugs. She met an older man who she fell in love with, but she didn't realize the love was one sided. He took advantage of her vulnerability and became her pimp.

She was only 16 when she began sex work. (She recognizes the problem as the demand for commercial sex, and that demand will never be met with *willing* participants. If sex work becomes fully decriminalized there will be more buyers, and more victims than ever before.

Sex trafficking is almost guaranteed to happen always, but especially when sex work becomes easier to do. If the only person protected is the sex worker, what could go wrong? The blame and judgment would be put on the customers rather than the workers who are often just trying to make a living. If sex workers can work independently and not have to worry about a brothel that won't let them out, or a violent pimp, they'd be much safer and much better off. It almost seems like a perfect solution, so what's the catch?

Why Partial Decriminalization Could Never Work

Partial decriminalization sounds good in theory, but in execution it's only been harmful. The idea behind it is to punish the exploiter, not the exploited. The truth is you cannot punish one without punishing the other. As mentioned previously, pimps, brothels, and most importantly buyers. We've seen that in the Netherlands sex trafficking did not become any harder with partial decriminalization. The focus will now shift to how this will harm active sex workers.

Combating the customers does not combat the need for the sex workers to make money. With the buyer being criminalized, sex workers are now taxed with the responsibility of protecting their clients, meaning a lot of dangerous compromise. In a youtube video called "Why Sex Work Should be decriminalized" posted by CBC, some examples of dangerous compromise are: going to clients homes rather than the safest location, sexual acts, use of protection, and time spent with clients. Rather than protecting the workers, it makes it harder for them to make money and puts them at an even greater risk.

Sex worker Juno Mac shares in a TED talk a testimonial about how vulnerable she and one of her colleagues became due to partial criminalization. Since running a brothel is defined as more than one sex worker working together, each of them were forced to be put at greater risk since they had to work alone. Mac's colleague was attacked by a client so the two of them began working together. Mac and her friend only became more vulnerable by joining forces, because now they are vulnerable to the law and clients took advantage of that.

Ten Reasons Not to Legalize Prostitution published in a journal by Binghamton University, written by Janice G Raymond (PhD) is of the idea that "In countries where women are criminalized for prostitution activities, it is crucial to advocate for the *decriminalization of women* in prostitution. No woman should be punished for her own exploitation. But states should never decriminalize pimps,

brothels, procure, or other sex establishments.” Raymond presents her argument that legalizing/decriminalizing sex work will promote sex trafficking with statistics. Raymond lists countries where sex work is fully decriminalized and how they are also the countries with the highest sex trafficking rate (ie: 80% of women the brothels of a country where sex work is legal were trafficked from other countries). The Netherlands have a variety of laws that do their best to prevent trafficking, and prostitution is considered economic activity. Due to a demand for diversity of bodies in the Dutch market, migrant workers were in demand. In order to prevent trafficking, they have to get a license to prove that they are self-employed. People would obtain the license, traffic migrant women, and teach them to say that they were “independent *migrant sex workers*.”

In the Netherlands, even after legalizing and decriminalizing sex work while enforcing laws that prohibit trafficking, not only did buyers increase, the demand did, which led to more victims of trafficking and more ways to avoid punishment for trafficking. Sex trafficking is something to be taken very seriously, and I do believe that full decriminalization of sex work would increase sex trafficking. At the same time, any criminalization of sex work makes sex work more difficult for sex workers. I am in support of combating the demand of commercial sex, as it has caused so much harm, especially to women.

Legalization

Legalized prostitution would mean that it would be regulated by the government. There would be laws regulating where, when, and how prostitution could take place, it would also be taxed. Legalization differs from decriminalization due to the fact that “decriminalization eliminates all laws and prohibits the state and law enforcement agencies from interfering in prostitution-related activities or transactions unless other laws apply.” according to Denha and Associates PLLC Blog.

During the civil war, there was an outbreak of sexually transmitted diseases in Nashville. Nashville officials believed that prostitutes were the cause of the outbreak, and hundreds of women were put on a ship and sailed to a variety of different states. Every state that the ship approached denied the entry of the sex workers and they were eventually sent back to Nashville where officials were forced to find another solution. The solution was legalization. “Nashville remains America’s first experiment with legalized, regulated prostitution. Even with the primitive medical treatment available then, it seems to have been a remarkable success.” says historian Thomas Power Lowry. The rate of sexually transmitted diseases dropped significantly, and studies today surrounding legalization show the same results. Prostitutes would have to register for a license and go through medical screening before they began their practice, and if they were diagnosed with anything they would be given the needed medical attention. Legalization in this case was a cure.

When prostitution is legalized there it is a huge stimulant of the economy. The state of Seattle saw immense growth in the economy once running brothels and sex work in general was no longer a crime. With the current demand of sex work, if it was taxed and treated like a real job, the United States economy would be much better off.

The Issues with Legalization

There will undoubtedly be an increase in the demand for sex, as we've seen in countries that have tried legalizing prostitution. A bigger demand will likely lead to more pimps and brothels. It would also mean that sex workers have less control over their own wages, and may have to perform more extreme sexual acts with clientele. There is also a common argument that it will be a lot easier to dehumanize and objectify women who are sex workers if people aren't afraid or ashamed of paying them for intimacy.

When legalization of sex work happens demand for commercial sex increases, when demand increases sex trafficking does too. The Journalist's Resource conducted a study where one of the findings was "Countries with legalized prostitution are associated with higher human trafficking inflows than countries where prostitution is prohibited. The scale effect of legalizing prostitution, i.e. expansion of the market, outweighs the substitution effect, where legal sex workers are favored over illegal workers. On average, countries with legalized prostitution report a greater incidence of human trafficking inflows."

Lastly, it would be extremely difficult to enforce regulation, as it's extremely difficult to enforce the current laws in place. Scenario: A homeless woman in urgent need of money is thinking of engaging in sex work in order to take care of herself. She cannot make the effort to get an ID, an address, or any proof of existence in order to submit a job or license application without any money. Sex work is accessible to her and it's what can get her to have all of those things. She is not going to do all of those things prior to making whatever money she can working as a sex worker illegally. Making sex work so inaccessible could give more sex workers a criminal record.

Will Sex Work Ever be Safe?

In all honesty, no. The shred of hope I had is gone after doing this research. One thing I can be certain of is the way things now need to change. I'm not someone who judges how people make their money or what they do with their bodies, but I do encourage people to stay safe. The chances that sex work will ever be safe are slim to none, so instead of putting penalizing the people who are sex workers

with criminal records, we should be offering them resources and rehabilitation. People who aren't harming anyone should not be punished for trying to survive, especially when in most cases they are the victims.

Combating the demand for sex would mean combating the amount of people who purchase it. The amount of people who purchase sex *needs* to decrease in order for sex trafficking to stop. The leading cause of sex trafficking is the demand for sex. "If men aren't buying sex, pimps and traffickers won't be supplying brothels, alleys, and websites with victims. Right now, groups can help women get out of the sex trade (multiple studies show the vast majority do not want to be there) but twice as many might replace them the next day. You can arrest traffickers, but enterprising predators will fill the void. If we target the men putting cash in pimps' pockets, the market will dry up." says the National Center on Sex Exploitation. As previously mentioned, Women who sell sex are aggressively more targeted by law enforcement than men who buy sex.

In summary, the sex industry is an extremely dangerous place and as much as we pretend that it doesn't exist in the US, it's only becoming more normalized. With the rise of online sex work and the continuous growth of social media, the profession will only expand. If we continue to treat sex work the way we have been, it will become more dangerous than ever. We need to figure out why so many young people are turning to sex work, what we can do to combat it, and what we can do to keep *everyone* safe.

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