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# Prostitution in the United States

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## Prostitution in the United States

### Abdul Hamdan

Many businesses look forward to the increased revenue each year during the Super Bowl. This past year was particularly exciting for many New Jersey businesses since this was the first time New Jersey hosted the Super Bowl.<sup>1</sup> Surprisingly, however, the industry that was most excited about the Super Bowl was the prostitution and human trafficking industry; the media coverage of investigations and arrests made for prostitution and human trafficking almost equaled the media frenzy for the Super Bowl itself.<sup>2</sup>

An oft-recited colloquialism claims prostitution as the world's oldest profession.<sup>3</sup> Whether or not there is a testable veracity to a suggestion such as this is close to impossible to prove; however, the saying does speak to the notion that prostitution has always, and will always, exist in human society.<sup>4</sup>

If we accept this notion, the question of how to handle prostitution as a society becomes tricky. Depending on how an individual (or a group of like-minded individuals) identifies him or herself morally and religiously, the treatment of prostitutes and prostitution can range from an attempt at empathy and compassion to viewing the practice and the prostitutes themselves as an undesirable scourge.

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<sup>1</sup> *NY/NJ has it down cold as XLVIII hos* <http://sports.espn.go.com/new-york/nfl/news/story?id=5219486>(last visited on march 25, 2014)

<sup>2</sup> *45 arrested, 16 juveniles rescued in Super Bowl prostitution bust*<http://www.reuters.com/article/2014/02/04/us-nfl-superbowl-prostitution-idUSBREA131BB20140204>(Last visited on march 21,2014)

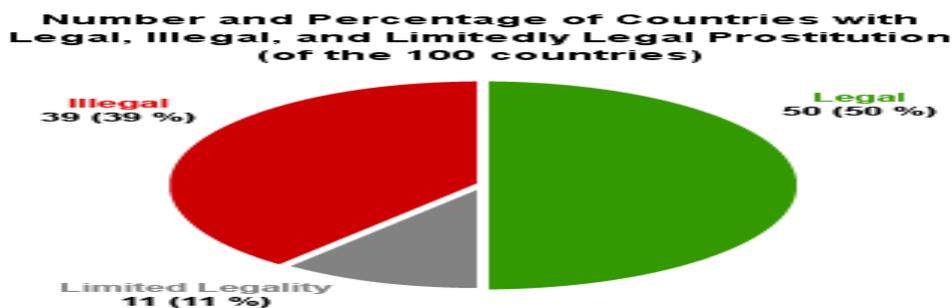
<sup>3</sup> *A legal guide to prostitution*, <http://sex-crimes.laws.com/prostitution/prostitution>( last Visited on march 21, 2014)

<sup>4</sup> Lerner Gerda, *The Origin of Prostitution in Ancient Mesopotamia*(March 21,2014) <http://www.jstor.org/stable/3174047>

## A. The Global State of Prostitution

The majority of countries have laws that explicitly allow for the practice of prostitution completely or with limited legality.<sup>5</sup> The minority of countries have laws that criminalize the practice of prostitution.<sup>6</sup> The United States can arguably fit in both, the majority and minority view in terms of worldwide policy on domestic prostitution legislation.<sup>7</sup> In support of the minority view, forty-nine of the fifty states have laws that expressly criminalize prostitution; therefore, it would be unfair to say that the United States is a country that allows for the practice of prostitution because of a mere few counties in Nevada.<sup>8</sup> On the other hand, it may be a mere few counties in Nevada, but if we only looked at a “yes or no” category it is enough to qualify the United States as a country with limited legal prostitution.<sup>9</sup>

The graph below illuminates the percentages of prostitution legality across the globe, legal, illegal or legal in a limited manner:



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<sup>5</sup> *100 Countries and Their Prostitution Policies*, <http://sex-crimes.laws.com>  
<http://prostitution.procon.org/view.resource.php?resourceID=000772>

<sup>6</sup> *Id.*

<sup>7</sup> *Prostitution Law*, [www.hg.org/](http://www.hg.org/), <http://www.hg.org/prostitution-law.html>(last visited march 21,2014)

<sup>8</sup> Allison J. Capaul, *An examination of prostitution and sex trafficking laws within the United States*, (March 21,2014), <http://digitalcommons.hamline.edu/cgi/viewcontent.cgi?article=1003&context=dhp>  
*US Federal and State Prostitution Laws and Related Punishments*

<sup>9</sup> *US Federal and State Prostitution Laws and Related Punishments*,  
<http://prostitution.procon.org/view.resource.php?resourceID=000119>(last visited on March 21, 2014)

<sup>10</sup> *100 Countries and Their Prostitution Policies*, <http://sex-crimes.laws.com>  
<http://prostitution.procon.org/view.resource.php?resourceID=000772>

Regardless of which statistic you agree with, it is clear that that the United States has more conservative legislation regarding prostitution than most of the world.<sup>11</sup> However, these statistics do not reflect accurately the prostitution in this country because of the contrasting legal norms of the world at large and in the United States in particular.<sup>12</sup> Prostitution does exist in a series of national vacuums; the issues of prostitution and human trafficking are inextricably linked, and part of the reason for this is that an excessive amount of the victims of human trafficking are prostitutes and a disproportionate subset within that group are underage prostitutes being forced to become sex workers against their will.<sup>13</sup>

Whether or not prostitution is legal on a national level in a given country, the harm reduction aspect of the phenomenon is complicated by the likelihood that prostitutes are, or have been at some point, victims of human trafficking.<sup>14</sup> An appalling 26% of all trafficking victims or 5.5 million are children under 18, the majority underage girls forced into child prostitution and pornography.<sup>15</sup> “Throughout the U.S., girls are being bought and sold by adults to adults. Girls are sold on the streets, in strip-clubs, brothels, truck-stops and with increasing frequency on internet sites like Craigslist and Backpage.”<sup>16</sup>

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<sup>11</sup> *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> Donna Hughes, *Prostitution: Causes and Solutions*, ( March 21, 2014)

[http://www.uri.edu/artsci/wms/hughes/prostitution\\_spain\\_july04.pdf](http://www.uri.edu/artsci/wms/hughes/prostitution_spain_july04.pdf)

<sup>14</sup> Seo-Young Cho, *Does legalized prostitution increase human trafficking?*,(March 21,2014)

[http://www.lse.ac.uk/geographyAndEnvironment/whosWho/profiles/neumayer/pdf/Article-for-World-Development-\\_prostitution\\_-anonymous-REVISED.pdf](http://www.lse.ac.uk/geographyAndEnvironment/whosWho/profiles/neumayer/pdf/Article-for-World-Development-_prostitution_-anonymous-REVISED.pdf)

<sup>15</sup> Joachim Hagopian, *Global Human Trafficking, a Modern form of Slavery*.(march 21, 2014)

<http://www.globalresearch.ca/global-human-trafficking-a-modern-form-of-slavery/5377853>

<sup>16</sup>Rachel Lloyd, *Street Prostitution* (March 21,2014)-<http://www.polarisproject.org/human-trafficking/sex-trafficking-in-the-us/street-prostitution>.

While one person's ideal world might involve a universal abolition of prostitution the erasure of it in all nations, another person's ideal world might involve universally legal prostitution, and a rigorous law enforcement system to minimize or erase human trafficking for the purpose of illegal prostitution.

However, neither of these scenarios are remotely close to coming to fruition in reality.<sup>17</sup> So in examining the possibility of legalized or decriminalized prostitution in the United States, it is crucial to keep in mind that if prostitution were legal in this country, it is possible that human trafficking to and from the United States might be affected whether it be positively or adversely – by the introduction of legalized or decriminalized prostitution.<sup>18</sup>

### **B. Various Motivations and Causes of Prostitution**

It is impossible to examine or analyze the causes and motivations of prostitution without dealing with its illegality, and vice versa. In a nation with legalized, or even decriminalized, prostitution, the causes and motivations are different for individuals, usually women, to either choose to become or be forced to become prostitutes in the first place.<sup>19</sup>

Prostitution might be generally perceived to be a sole result of economic and social causes, but it is a complex enough issue that there is certainly room for a range of

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<sup>17</sup> *100 Countries and Their Prostitution Policies*, [http://sex-crimes.laws.com  
http://prostitution.procon.org/view.resource.php?resourceID=000772](http://sex-crimes.laws.com/http://prostitution.procon.org/view.resource.php?resourceID=000772)

<sup>18</sup> Joachim Hagopian, *Global Human Trafficking, a Modern form of Slavery*.(march 21, 2014)  
<http://www.globalresearch.ca/global-human-trafficking-a-modern-form-of-slavery/5377853>

<sup>19</sup> *Id.*

other possibilities.<sup>20</sup> I will argue that even within the economic and social causes and motivations there are a number of different possible angles and perspective on what exactly these economic and social factors represent.

### **I. Economic Factors**

The economic factors that act as personal motivations or outright causes leading to prostitution are the most widespread and primary factors.<sup>21</sup> People who are dealing with poverty, displacement or unemployment, or who are refugees or immigrants are more likely to be forced into prostitution either through lack of economic options or through lack of legal and social protections (or both).<sup>22</sup> The economics involved are clear, prostitution is a transaction.<sup>23</sup> If it were not for the money involved, rates of prostitution in a given region would drop drastically.<sup>24</sup>

This is not to say that prostitution would disappear altogether.<sup>25</sup> One can imagine that in some prostitution abolitionist's ideal country, a nation in which the national government pays former or would-be prostitutes not to engage in sex work (for the sake of the hypothetical, paid as much or more than the sex work itself would pay), some

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<sup>20</sup> Jayne Howell, *Economic and Social Obligations of Women Street Prostitutes* (March 23, 2014) [http://gencen.isp.msu.edu/documents/Working\\_Papers/WP278.pdf](http://gencen.isp.msu.edu/documents/Working_Papers/WP278.pdf)

<sup>21</sup> Joachim Hagopian, *Global Human Trafficking, a Modern form of Slavery*. (march 21, 2014) <http://www.globalresearch.ca/global-human-trafficking-a-modern-form-of-slavery/5377853>

<sup>22</sup> *Who is Involved in Systems of Prostitution?*, (last visited on March 21, 2014), <http://sagesf.org/who-involved-systems-prostitution#sthash.16zjhSvg.dpuf>

<sup>23</sup> Michael Scott, *Street Prostitution* (March 23, 2014) <http://www.cops.usdoj.gov/pdf/e05021552.pdf>

<sup>24</sup> Joachim Hagopian, *Global Human Trafficking, a Modern form of Slavery*. (march 21, 2014) <http://www.globalresearch.ca/global-human-trafficking-a-modern-form-of-slavery/5377853>

<sup>25</sup> Donna Hughes, *Prostitution: Causes and Solutions*, (March 21, 2014) [http://www.uri.edu/artsci/wms/hughes/prostitution\\_spain\\_july04.pdf](http://www.uri.edu/artsci/wms/hughes/prostitution_spain_july04.pdf)

prostitution might still persist.<sup>26</sup> The reasons for the proliferation are not solely economic, as will be explained in more detail later in this paper.<sup>27</sup>

Economic causes and motivations is the primary factor for the persistence of prostitution, while not always outwardly stated as the singular cause of an individual choosing (or being forced into) sex work, an improved economic situation for any given individual might act as a preventative measure against entry into sex work.<sup>28</sup> This is to say that a range of other individualized reasons for a sole person's entry into prostitution may not explicitly be economic – she or he may not outright claim that financial distress directly yielded entry into sex work – however, there are a number of other possible given explanations that are related to economic disadvantages that lead individuals to feel (or, rightly acknowledge, as the case may be) that there is no other choice but prostitution in order to maintain survival for themselves and their families.<sup>29</sup>

“More than anything, prostitution is not a choice, as some claim.<sup>30</sup> Survivors of prostitution have described it as “the choice made by those who have no choice.”<sup>31</sup> “The global forces that “choose” women for prostitution include, among others, gender

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<sup>26</sup> Jayne Howell , *Economic and Social Obligations of Women Street Prostitutes*( March 23,2014)  
[http://gencen.isp.msu.edu/documents/Working\\_Papers/WP278.pdf](http://gencen.isp.msu.edu/documents/Working_Papers/WP278.pdf)

<sup>27</sup> *Id.*

<sup>28</sup> Seo-Young Cho, *Does legalized prostitution increase human trafficking?*,(March 21,2014)  
[http://www.lse.ac.uk/geographyAndEnvironment/whosWho/profiles/neumayer/pdf/Article-for-World-Development-\\_prostitution\\_-anonymous-REVISED.pdf](http://www.lse.ac.uk/geographyAndEnvironment/whosWho/profiles/neumayer/pdf/Article-for-World-Development-_prostitution_-anonymous-REVISED.pdf)

<sup>29</sup> Ronald Weitzer, *Prostitution” Facts and fictions*( March 23, 2014),  
[http://www.gwu.edu/~soc/docs/Weitzer/Prostitution\\_Facts.pdf](http://www.gwu.edu/~soc/docs/Weitzer/Prostitution_Facts.pdf)

<sup>30</sup> *Prostitution is not a Choice.”* Soroptimist White papers( last visited on march 23, 2014)  
<http://www.soroptimist.org/whitepapers/WhitePaperDocs/WPProstitution.pdf>

<sup>31</sup> Jayne Howell , *Economic and Social Obligations of Women Street Prostitutes*( March 23,2014)  
[http://gencen.isp.msu.edu/documents/Working\\_Papers/WP278.pdf](http://gencen.isp.msu.edu/documents/Working_Papers/WP278.pdf)

discrimination, race discrimination, poverty, abandonment, debilitating sexual and verbal abuse, poor or no education, and a job that does not pay a living wage.”<sup>32</sup>

Within this quote is evidence of related but indirect economic factors which lead to prostitution, but first, it should be acknowledged that it is not the position of this paper that “more than anything, prostitution is not a choice,” as is stated in the above quote.<sup>33</sup>

In many contexts, prostitution is an unfortunate and often dangerous inevitability; however, as will be outlined in later sections of this paper, not every instance of prostitution is a result of force or absence of options.<sup>34</sup> Much of the self-selection into prostitution is differently labeled, and though it maybe not the be first option of this variety of prostitutes, individuals who self-identify as sex workers (or those in favor of the sex-positive feminism that sex work can partly embody) have absolutely made the decision to enter into a life of prostitution or sex work of their own accord.<sup>35</sup>

Others, however, are not as fortunate to have the same degree of choice.<sup>36</sup> The non-exhaustive list of factors which demonstrates the extent to which prostitution is not a choice for many individuals included “gender discrimination, race discrimination, poverty, abandonment, debilitating sexual and verbal abuse, poor or no education, and a job that does not pay a living wage.”<sup>37</sup> The thought process behind the selection of this quote was that all of these disadvantages (a few of which are specific to women) are

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<sup>32</sup> *Prostitution is not a Choice.*” Soroptimist White papers( last visited on march 23, 2014)  
<http://www.soroptimist.org/whitepapers/WhitePaperDocs/WPProstitution.pdf>

<sup>33</sup> *Id.*

<sup>34</sup> Mary Sullivan, *Legalizing Prostitution is not the answer: The example of Victoria, Australia* (March 23, 2014) <http://www.catwinternational.org/content/images/article/95/attachment.pdf>

<sup>35</sup> *Speaking of Prostitution*, [www.kvinnofronten.nu/eng](http://www.kvinnofronten.nu/eng), <http://www.kvinnofronten.nu/eng/speaking-of-prostitution.htm>( last visited on March 24, 2014)

<sup>36</sup> Jayne Howell , *Economic and Social Obligations of Women Street Prostitutes*( March 23,2014)  
[http://gencen.isp.msu.edu/documents/Working\\_Papers/WP278.pdf](http://gencen.isp.msu.edu/documents/Working_Papers/WP278.pdf)

<sup>37</sup> *Prostitution is not a Choice.*” Soroptimist White papers( last visited on march 23, 2014)  
<http://www.soroptimist.org/whitepapers/WhitePaperDocs/WPProstitution.pdf>

economic in nature.<sup>38</sup> Many of them have social and psychological byproducts, which are not to be ignored.<sup>39</sup> But a quick breakdown of the various factors leading to prostitution will demonstrate how the economic factors loom over all of the other/related motivations or causes of entry into prostitution.

Poverty, lack of education and inability to get other substantive work all play into this same issue.<sup>40</sup> And while domestic issues such as abandonment and abuse may seem to be primarily issues of social or psychological effects on individuals, one of the arguments of this paper is that entry into a life of sex work is economic in nature.<sup>41</sup> If proper counseling, rehabilitation and work placement were available to individuals in the case of prostitution, the social and psychological detriments might be more easily overcome.<sup>42</sup>

There are obviously a number of other motivations and causes of entry into prostitution or sex work, but in the United States, where it is illegal almost everywhere, we argue that the economic factors overshadow (and, indeed, interact with) all of the others. The secondary factors – social, geographical, self-selective, etc. – may be able to exist independently with one another on a case-by-case basis, but all of these causes or

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<sup>38</sup> *Speaking of Prostitution*, [www.kvinnofronten.nu/eng](http://www.kvinnofronten.nu/eng), <http://www.kvinnofronten.nu/eng/speaking-of-prostitution.htm>( last visited on March 24, 2014)

<sup>39</sup> *Id.*

<sup>40</sup> MarIsa Ugarte, *Prostitution and Trafficking of Women and Children from Mexico to United States*, (March 25, 2014) <https://www.ncjrs.gov/App/publications/abstract.aspx?ID=205054>

<sup>41</sup> Donna Hughes, *Prostitution: Causes and Solutions*, ( March 21, 2014) [http://www.uri.edu/artsci/wms/hughes/prostitution\\_spain\\_july04.pdf](http://www.uri.edu/artsci/wms/hughes/prostitution_spain_july04.pdf)

<sup>42</sup> Nancy Walker, *Policy Alternatives for Addressing the Problem of Prostituted Teens*, (March 24,2014), <http://hdfs.msu.edu/sites/hdfs.msu.edu/files/u9/2002-2.pdf>

motivations of prostitution are secondary precisely because they coexist with economic factors, the primary factors when it comes to entry into prostitution.<sup>43</sup>

## **II. Social Factors**

It has long been acknowledged that prostitution is a social inevitability.<sup>44</sup> Prostitution has existed and will continue to exist all across the world despite the varying degrees of legality or criminalization.<sup>45</sup>

The following is from a study detailing the social conditions which precede the practice of prostitution and also allow it to continue:

We can imagine a social system in which the motive for prostitution would be completely absent, but we cannot imagine that the system could ever come to pass. It would be a regime of absolute sexual freedom, wherein both parties practiced intercourse solely for the pleasure of it. This would entail at least two conditions: First, there could be no institutional control of sexual expression. Marriage, with its concomitants of engagement, jealousy, divorce, and legitimacy, could not exist. Such an institution builds upon and limits the sexual urge, making sex expression contingent upon non-sexual factors, and thereby paving the way for intercourse against one's physical inclination. Second, all sexual desire would have to be mutually complementary. One person could not be erotically attracted to a non-responsive person, because such a situation would inevitably involve frustration and give a motive for using force, fraud, authority, or money to induce the unwilling person to co-operate.<sup>46</sup>

What is crucial to consider in the wake of this quote is that the study it is found in was published in 1937.<sup>47</sup> While readers may come across this text and recognize in it similar conditions which exist today, this is only a testament to the persistence of prostitution as a practice, for better or for worse.

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<sup>43</sup> Donna Hughes, *Prostitution: Causes and Solutions*, ( March 21, 2014) [http://www.uri.edu/artsci/wms/hughes/prostitution\\_spain\\_july04.pdf](http://www.uri.edu/artsci/wms/hughes/prostitution_spain_july04.pdf)

<sup>44</sup> Kingsley Davis, *The Sociology of Prostitution*.(March 25, 2014), [https://hec.unil.ch/docs/files/56/618/davis\\_1937\\_asr.pdf](https://hec.unil.ch/docs/files/56/618/davis_1937_asr.pdf)

<sup>45</sup> *Id.*

<sup>46</sup> Kingsley Davis, *The Sociology of Prostitution*.(March 25, 2014), [https://hec.unil.ch/docs/files/56/618/davis\\_1937\\_asr.pdf](https://hec.unil.ch/docs/files/56/618/davis_1937_asr.pdf)

<sup>47</sup> *Id.*

A simple reading of the quote (and the larger Davis study it hails from) would be to come to the conclusion that it is merely a long-winded acknowledgment that prostitution is a social inevitability for uncontrollable, unchangeable reasons.<sup>48</sup> But a closer examination of the text reveals the implicit belief of its writer that there are less tangible contributions to the perpetuation of prostitution.<sup>49</sup> It raises questions about prostitution as a response to the constructs of marriage, and, more relevantly for the purpose of this paper, the relationship that both the john and the prostitute have to the sex they are having.<sup>50</sup> This tension between enjoyment and function will resurface in more explicit terms, in some cases from the prostitutes or sex workers themselves, in later sections of this paper.<sup>51</sup>

There are other social issues, beyond the earlier mentions of abuse, abandonment and other family issues, which may directly contribute to the proliferation of prostitution.<sup>52</sup> In one study in which the prostitutes themselves were interviewed about the causes of their entry into a life of sex work, many claimed access and affordability of drugs as a primary factor (and a sizable number of the women were drug addicts).<sup>53</sup>

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<sup>48</sup> Pala Molisa, *Accounting for pornography, Prostitution and Patriarchy*, (March 24, 2014), <http://www.apira2013.org/proceedings/pdfs/K251.pdf>

<sup>49</sup> Kingsley Davis, *The Sociology of Prostitution*, (March 25, 2014), [https://hec.unil.ch/docs/files/56/618/davis\\_1937\\_asr.pdf](https://hec.unil.ch/docs/files/56/618/davis_1937_asr.pdf)

<sup>50</sup> Anna Kontula, *The Sex Worker and her Pleasure*, (March 24, 2014), [http://annakontula.fi/wp-content/uploads/2011/07/Sex\\_Worker\\_and\\_Her\\_Pleasure1.pdf](http://annakontula.fi/wp-content/uploads/2011/07/Sex_Worker_and_Her_Pleasure1.pdf)

<sup>51</sup> *Id.*

<sup>52</sup> Jacky Shcung, *Family-centered Prevention of Adolescent Girls' and Boys' Prostitution*, (March 24, 2014), [www.familycouncil.gov.hk/tc\\_chi/files/research/FamilyCentered\\_Prevention\\_of\\_Adolescent\\_Girls\\_Boys\\_Prostitution.pdf](http://www.familycouncil.gov.hk/tc_chi/files/research/FamilyCentered_Prevention_of_Adolescent_Girls_Boys_Prostitution.pdf)

<sup>53</sup> Lyn Stankiewicz Murphy, *Behavior Among Women Choosing to Engage in Street Level Prostitution*, (March 24, 2014), [https://stti.confex.com/stti/bc39/techprogram/paper\\_36946.htm](https://stti.confex.com/stti/bc39/techprogram/paper_36946.htm)

Women interviewed for this study engaged in prostitution for two narrowly defined reasons: support of an existing drug addiction and economic survival.<sup>54</sup> Eight of the 12 women indicated that an existing drug addiction spurred their engagement in prostitution.<sup>55</sup>

The process appeared to be “a natural fit,” as many of the women described their initial experiences as “I needed money for drugs and it was my only option.”<sup>56</sup>

The social disadvantage of drug addiction (and the lack of affordable social or public resources available to help improve the situations of addicts) speaks to the crossover of social and economic factors.<sup>57</sup> Both the cost of the drugs themselves and the more significant hurdle of the cost of treatment may prevent otherwise treatable drug addicts from subjecting themselves to lives of prostitution which they would not have chosen otherwise (because of both social and economic disadvantages).<sup>58</sup>

### **III. Geographical Factors**

Tied into both social and economic causes are geographical reasons for the continuation of prostitution.<sup>59</sup> In some respects, geography has a unique effect on prostitution, as the actual act of intercourse and process by which it is approached will be different depending on the geography (for example, is there enough space and anonymity,

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<sup>54</sup> Amy Young, *Prostitution, Drug use, and coping with psychological distress*, (March 25, 2014), [http://myweb.dal.ca/mgoodyea/Documents/Health%20and%20wellbeing/Prostitution,%20drug%20use,%20and%20coping%20Young%20J%20Drug%20Iss%202000%2030\(4\)%20789-800.pdf](http://myweb.dal.ca/mgoodyea/Documents/Health%20and%20wellbeing/Prostitution,%20drug%20use,%20and%20coping%20Young%20J%20Drug%20Iss%202000%2030(4)%20789-800.pdf)

<sup>55</sup> Lyn Stankiewicz Murphy, *Behavior Among Women Choosing to Engage in Street Level Prostitution*, (March 24, 2014), [https://stti.confex.com/stti/bc39/techprogram/paper\\_36946.htm](https://stti.confex.com/stti/bc39/techprogram/paper_36946.htm)

<sup>56</sup> *Id.*

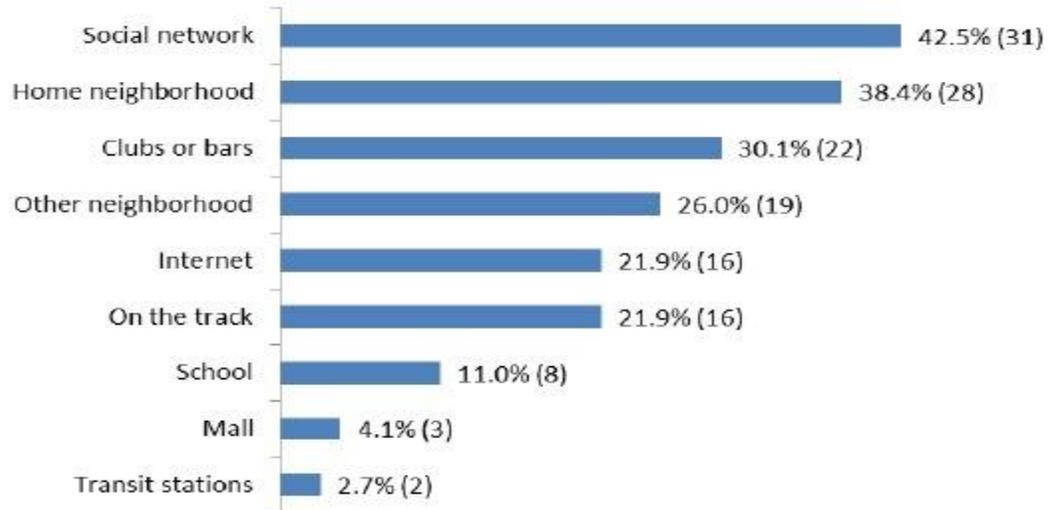
<sup>57</sup> Julie Savignac, Public nuisances relating to drugs and prostitution: Practical workbook for local action (march 25, 2014) [http://www.crime-prevention-intl.org/fileadmin/user\\_upload/Publications/Public\\_nuisances\\_relating\\_to\\_drugs\\_and\\_prostitutions\\_ANG.pdf](http://www.crime-prevention-intl.org/fileadmin/user_upload/Publications/Public_nuisances_relating_to_drugs_and_prostitutions_ANG.pdf)

<sup>58</sup> Lyn Stankiewicz Murphy, *Behavior Among Women Choosing to Engage in Street Level Prostitution*, (March 24, 2014), [https://stti.confex.com/stti/bc39/techprogram/paper\\_36946.htm](https://stti.confex.com/stti/bc39/techprogram/paper_36946.htm)

<sup>59</sup> Elaine McKewon, *The Historical Geography of Prostitution in Perth, Western Australia*, (March 25, 2014) <http://www.tandfonline.com/doi/abs/10.1080/0004918032000152393?journalCode=cage20#preview>

such as in a city, for prostitutes to work on streets? Or is that type of public presence impossible, and therefore sex work must be done in a more relatively clandestine manner?).<sup>60</sup>

**Figure 6.1 Recruitment Venues**



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The above graph is a breakdown of the locations pimps recruit for prostitutes.<sup>62</sup> Simply living in an area where prostitution is prominent may make the decision or the inevitability of entering in prostitution far more likely considered the 38.4% of home neighborhood as a region of location.<sup>63</sup>

The following passage is from a study on prostitutes in Mexico from a number of different regions within the country, and while prostitution economies may function drastically different in Mexico than they do in the United States (for example, it is stated

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<sup>60</sup> *Id.*

<sup>61</sup> Emily Badger, *We now know more about the economics of prostitution than ever*, (march 25, 2014) <http://www.washingtonpost.com/blogs/wonkblog/wp/2014/03/12/we-now-know-more-about-the-economics-of-prostitution-than-ever/>

<sup>62</sup> *Id.*

<sup>63</sup> Emily Badger, *We now know more about the economics of prostitution than ever*, (march 25, 2014) <http://www.washingtonpost.com/blogs/wonkblog/wp/2014/03/12/we-now-know-more-about-the-economics-of-prostitution-than-ever/>

in the study that a large number of prostitutes hail from rural areas, whereas in the United States it might be possible that many more prostitutes originate in urban areas), it is still a good example of the crossovers between economic, social and geographical factors and causes.<sup>64</sup>

“The women who agreed to be interviewed range in age from 18 to 62, although the majority are between ages 35 and 45. All women contacted were fluent in Spanish, and no one said she had indigenous origins. Most came from rural communities distributed throughout Oaxaca, where their parents eked out a meager living through subsistence agriculture or manual labor. The exception was a woman born in a colonia popular to a single mother, with whom the ambulante worked in ambulatory vending from early childhood. ‘I’m from a poor family’ was a typical response to questions about the natal household. . . . The lives of the women whose stories are discussed here are fraught with concerns about getting by financially in a city where costs of living are higher than in many other parts of Mexico (Selby et al. 1990) and salaries are lower than the national average.”<sup>65</sup>

“On the one hand, Oaxacan women’s involvement in prostitution can be understood, as Jaggar (1996) suggests, within the context of a sexually stratified marketplace, where prostitution provides a higher salary than other jobs available to women with little or no schooling. On the other hand, it is impossible to provide a definite reason to explain why individual women decide to prostitute (Renaud 1997; O’Connell Davidson 1998). However, it is both possible and imperative to draw some conclusions about the women’s own explanations for their participation in a lifestyle that most Oaxaqueños can neither begin to understand nor to condone.”<sup>66</sup>

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<sup>64</sup> Jayne Howell , *Economic and Social Obligations of Women Street Prostitutes*( March 23,2014) [http://gencen.isp.msu.edu/documents/Working\\_Papers/WP278.pdf](http://gencen.isp.msu.edu/documents/Working_Papers/WP278.pdf)

<sup>65</sup> *Id.*

<sup>66</sup> Jayne Howell , *Economic and Social Obligations of Women Street Prostitutes*( March 23,2014) [http://gencen.isp.msu.edu/documents/Working\\_Papers/WP278.pdf](http://gencen.isp.msu.edu/documents/Working_Papers/WP278.pdf)

The concluding statements of this study go on to suggest that the primary reasons for entry into prostitution - for the women studied here - is economic.<sup>67</sup> There is the acknowledgment that the causes of prostitution cannot be tied to one specific, universal motivation.<sup>68</sup> But there is also the acknowledgement that the primary cause is economic, which backs up the central thesis in this paper of what perpetuates prostitution and what can be affected in order to decrease cases of prostitution.<sup>69</sup>

### **C. A Sex-Positive Feminist Approach to Prostitution**

Some sex-positive feminists, like the ones cited in this paper, will opt for the terms "sex work" or "sex worker" in favor of "prostitution" or "prostitute." I have intentionally used them interchangeably in this paper with the intention of pointing out the absence of definitional distinction between the two.<sup>70</sup>

It is something of a semantic diversion, but it does raise the question: what about the public dialogue on prostitution changes when it is instead referred to as sex work? Does a conversation about sex work become more or less inclusive than one about prostitution? How does this linguistic distinction function and who does it benefit?

Part of the sex-positive feminist argument about prostitution still relies on the prevalence of economic inequality resulting in more women turning to sex work;<sup>71</sup>

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<sup>67</sup> *Id.*

<sup>68</sup> Jayne Howell, *Economic and Social Obligations of Women Street Prostitutes* (March 23, 2014) [http://gencen.isp.msu.edu/documents/Working\\_Papers/WP278.pdf](http://gencen.isp.msu.edu/documents/Working_Papers/WP278.pdf)

<sup>69</sup> Donna Hughes, *Prostitution: Causes and Solutions*, (March 21, 2014) [http://www.uri.edu/artsci/wms/hughes/prostitution\\_spain\\_july04.pdf](http://www.uri.edu/artsci/wms/hughes/prostitution_spain_july04.pdf)

<sup>70</sup> Bell, K. J., *A Feminist's Argument On How Sex Work Can Benefit Women*, (March 26, 2014) <http://www.studentpulse.com/articles/28/a-feminists-argument-on-how-sex-work-can-benefit-women>

<sup>71</sup> Julian Marlowe, *Is Prostitution a Freely Chosen Profession?*, (March 26, 2014), <http://prostitution.procon.org/view.source.php?sourceID=000390>

however, a difference occurs between the moralities of prostitution or sex work as an outcome, as this next quote demonstrates:

“While many members of society view sex work as immoral and degrading to women, I argue that sex work is essentially just work, and that it is not necessarily harmful to women. Under circumstances in which sex work is accepted and regulated in society, in which the sex worker is protected and granted the same rights as any other laborer, sex work has the possibility to be beneficial to women. Sex work can be very profitable for women, and many women may enjoy work that allows them to creatively express their sexuality. Sex work can allow human beings a way to safely explore their sexual desires in ways they cannot through the current social norm of heterosexual, monogamous relationships. The sex work industry and its workers need not be chastised by a society that clings to puritan ideals of what is “moral”.”<sup>72</sup>

Obviously, much of the rhetoric in this quote is being penned under the guise of promoting the legalization or decriminalization of prostitution so that it can be regulated, therefore providing governmental protection of sex workers or prostitutes.<sup>73</sup> Because of this, rhetoric like this can be considered from a more theoretical, futurist standpoint, and it is less of a comment on or suggestion about which causes and motivations led past and present prostitutes to initially engage in sex work.<sup>74</sup>

But there are other accounts of current sex workers which provide an even more progressive response to the factors of initial entry into sex work than the more theoretical sex-positive feminist writing.<sup>75</sup> The following are excerpts from an interview with a sex worker working in prostitution today, and it casts a remarkably different light on the practice than much of the other work cited in this paper.

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<sup>72</sup> Bell, K. J, *A Feminist's Argument On How Sex Work Can Benefit Women*, (March 26, 2014) <http://www.studentpulse.com/articles/28/a-feminists-argument-on-how-sex-work-can-benefit-women>

<sup>73</sup> *Id.*

<sup>74</sup> Bell, K. J, *A Feminist's Argument On How Sex Work Can Benefit Women*, (March 26, 2014) <http://www.studentpulse.com/articles/28/a-feminists-argument-on-how-sex-work-can-benefit-women>

<sup>75</sup> Lyn Stankiewicz Murphy, *Behavior Among Women Choosing to Engage in Street Level Prostitution*, (March 24, 2014), [https://stti.confex.com/stti/bc39/techprogram/paper\\_36946.htm](https://stti.confex.com/stti/bc39/techprogram/paper_36946.htm)

“I’ve been independent escort for just over two years. I love it, I enjoy sex, I like meeting people and it combines the two. I am free to work when I want and have got to meet some really interesting people. . . . I also often feel I have done a service, if that is not an over the top way to put it. I have met a number of older clients who crave human contact. They are often widowers who without sex workers would have no opportunity to be intimate. Leaving them with a smile on their face is incredibly rewarding.”<sup>76</sup>

The first noteworthy passage in this quote is the claim of enjoyment of sex. While it does not necessarily refer to the sex involved in the sex work, it alludes to an entirely new cause of entering into sex work. Enjoying sex, and enjoying meeting people – these are completely removed from the less choice-oriented factors of social and/or geographical disadvantage.<sup>77</sup> There is no question that economic factors still contribute to the decision, as this is sex work, after all: even if it is personally enjoyable to the sex worker herself, it remains a transactional experience, she is getting paid for her enjoyment.<sup>78</sup>

Later in the quote is an even more radical suggestion by the sex worker: that she enjoys, and almost empathizes with, the johns.<sup>79</sup> So much of the dialogue on prostitution paints the prostitutes as victims and the johns as victimizers (as well as the pimps), and rightly so: much of prostitution, especially in the United States, constitutes an exploitative system at work with the prostitutes in the role of the exploited.<sup>80</sup> But this

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<sup>76</sup> Alisande, *A Sex Worker's Guide To Being Sex Positive*, (March 26, 2014) <http://m.xojane.co.uk/issues/a-sex-workers-guide-to-being-sex-positive>

<sup>77</sup> *Id.*

<sup>78</sup> Alisande, *A Sex Worker's Guide To Being Sex Positive*, (March 26, 2014) <http://m.xojane.co.uk/issues/a-sex-workers-guide-to-being-sex-positive>

<sup>79</sup> *Id.*

<sup>80</sup> *Sexual Exploitation and Prostitution and its impact on gender equality*, (last visited on March 26, 2012) <http://www.europarl.europa>,

interview passage certainly disputes the universality of not only the force or inevitability of prostitution, but also the personal or emotional disconnect necessarily in existence between the prostitute, or sex worker, and the john.<sup>81</sup>

In the following quote, there is a reiteration of this sentiment, and an even stronger assertion of the positivity that certain prostitutes can associate with their work, despite the overwhelming negativity that the practice is subjected to in the vast majority of the public conversation about it.

Veronica Monet, prostitute and author, wrote in the 1994 *Gauntlet* article ‘Sex Worker and Incest Survivor: A Healthy Choice?’ that: ‘I’m complicated and defy the stereotypes about whores, as do most whores. We are a misunderstood and much maligned group of people (women, men and transgendered). Recent research has shown that many of us are extremely educated and experienced in the straight business world. We chose sex work after we did a lot of things we couldn’t stand. Sex work is better. For me, sex work isn’t my first choice of paying work. It just happens to be the best alternative available. It’s better than being president of someone else’s corporation. It’s better than being a secretary. It is the most honest work I know of.’<sup>82</sup>

While sex work necessarily involves economic incentives, and while the vast majority of prostitutes experience some combination of social, economic and geographic pressures, there is absolutely not an automatic collection of causes and motivations leading to entry into sex work.<sup>83</sup> In a more progressive, regulated and safe political atmosphere, where prostitutes could feel more protected, there could certainly be more of

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[http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493040/IPOL-FEMM\\_ET\(2014\)493040\\_EN.pdf](http://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493040/IPOL-FEMM_ET(2014)493040_EN.pdf)

<sup>81</sup>*Id.*

<sup>82</sup> *Prostitution is not a Choice.*” Soroptimist White papers( last visited on march 23, 2014) <http://www.soroptimist.org/whitepapers/WhitePaperDocs/WPProstitution.pdf>

<sup>83</sup> Donna Hughes, *Prostitution: Causes and Solutions*, ( March 21, 2014) [http://www.uri.edu/artsci/wms/hughes/prostitution\\_spain\\_july04.pdf](http://www.uri.edu/artsci/wms/hughes/prostitution_spain_july04.pdf)

the sex-positive prostitutes entering into the profession for less dire reasons than so many women today face before entering into a dangerous underworld of prostitution.<sup>84</sup>

#### **D. The American Debate on Prostitution**

The question of whether legalization is preferable to criminalization—in terms of harm reduction—is one thing. The question of its feasibility in the United States is another. Today, it is legal only in Nevada, where about 30 brothels exist in rural counties; it is prohibited in Las Vegas and Reno. According to a 2002 poll, 31 percent of Nevadans are opposed to the state’s legal brothels while 52 percent support them. And a 2004 ballot measure to ban brothels in one of Nevada’s rural counties was defeated: 63 percent voted to retain legal prostitution in Churchill County. Rural support comes largely from the tax revenues that counties derive from the brothels.<sup>85</sup>

This passage is useful for a number of reasons.<sup>86</sup> First, it provides information about the very few regions within the United States where prostitution is legal in a limited nature. It also acknowledges that there is public support for prostitution where it is allowed to exist legally in the United States.<sup>87</sup>

But these statistics do not speak to the way in which the legal prostitution in some counties in Nevada affect public support for legalized or decriminalized prostitution in the rest of the country.<sup>88</sup> In fact, in places like New York or New Jersey, the prospect of legal prostitution is such a foreign concept, not only because of the relatively large geographical distance from the places in Nevada where it is legal, but also because of the

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<sup>84</sup> Jayne Howell , *Economic and Social Obligations of Women Street Prostitutes*( March 23,2014)  
[http://gencen.isp.msu.edu/documents/Working\\_Papers/WP278.pdf](http://gencen.isp.msu.edu/documents/Working_Papers/WP278.pdf)

<sup>85</sup> Ronald Weitzer, *Prostitution” Facts and fictions*( March 23, 2014),  
[http://www.gwu.edu/~soc/docs/Weitzer/Prostitution\\_Facts.pdf](http://www.gwu.edu/~soc/docs/Weitzer/Prostitution_Facts.pdf)

<sup>86</sup> *Id.*

<sup>87</sup> Seo-Young Cho, *Does legalized prostitution increase human trafficking?*,(March 21,2014)  
[http://www.lse.ac.uk/geographyAndEnvironment/whosWho/profiles/neumayer/pdf/Article-for-World-Development-\\_prostitution\\_-anonymous-REVISED.pdf](http://www.lse.ac.uk/geographyAndEnvironment/whosWho/profiles/neumayer/pdf/Article-for-World-Development-_prostitution_-anonymous-REVISED.pdf)

<sup>88</sup> *Id.*

enormous cultural gaps that exist between rural Nevada and the much more urban which compose much of the Northeastern United States.<sup>89</sup>

Many prostitutes in the counties in which it is legal in Nevada are mostly self-selecting; they are feasibly more likely to be represented of the sex-positive view of prostitution that some feminist arguments for the legality of prostitution in the United States have in mind.<sup>90</sup> In cities like New York or Atlantic City, however, the circumstances which have led many individuals to resort to prostitution may be very different and contribute to an entirely different set of opinions on whether or not prostitution should be decriminalized or legalized.<sup>91</sup>

The following statistics refer not to one specific area of the United States, however; instead they deal with the vast majority of the American public which reside in areas where prostitution is not legal in any fashion.<sup>92</sup>

And the rest of the country? Although many Americans consider prostitution immoral or distasteful, a large minority disagrees. In the 1996 General Social Survey, 47 percent (52 percent of men, 43 percent of women) agreed that, ‘There is nothing inherently wrong with prostitution, so long as the health risks can be minimized. If consenting adults agree to exchange money for sex, that is their business.’ Moreover, a sizeable number favor alternatives to criminalization. A 1991 Gallup poll found that 40 percent of the public thought that prostitution should be ‘legal and regulated by the government.’ Unfortunately, no American poll has specified the meaning of legalization, which could involve licensing, mandatory health exams, brothels, a designated zone of street prostitution, or other regulations.<sup>93</sup>

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<sup>89</sup> Ronald Weitzer, *Prostitution” Facts and fictions*( March 23, 2014), [http://www.gwu.edu/~soc/docs/Weitzer/Prostitution\\_Facts.pdf](http://www.gwu.edu/~soc/docs/Weitzer/Prostitution_Facts.pdf)

<sup>90</sup> Ronald Weitzer, *Prostitution” Facts and fictions*( March 23, 2014), [http://www.gwu.edu/~soc/docs/Weitzer/Prostitution\\_Facts.pdf](http://www.gwu.edu/~soc/docs/Weitzer/Prostitution_Facts.pdf)

<sup>91</sup> *Id.*

<sup>92</sup> Ronald Weitzer, *Prostitution” Facts and fictions*( March 23, 2014), [http://www.gwu.edu/~soc/docs/Weitzer/Prostitution\\_Facts.pdf](http://www.gwu.edu/~soc/docs/Weitzer/Prostitution_Facts.pdf)

<sup>93</sup> Ronald Weitzer, *Prostitution” Facts and fictions*( March 23, 2014), [http://www.gwu.edu/~soc/docs/Weitzer/Prostitution\\_Facts.pdf](http://www.gwu.edu/~soc/docs/Weitzer/Prostitution_Facts.pdf)

Assuming the legitimacy of the studies cited in the latter part of this quote, a surprising amount of Americans favor either legalization of prostitution or some sort of alternative to the criminalization of prostitution.<sup>94</sup> And these national numbers are taken from 1996 and 1991 studies, respectively.<sup>95</sup> While it may be a common theoretical mistake to assume a progressive teleology in the public moral norms of the citizens of the United States, it would seem a fair assumption that the number of Americans who would favor either legalization or an alternative to criminalization might have grown in the past few decades.<sup>96</sup> Obviously, in some circles, reactionary political trends may have grown; but in general, there is a fairly dominant political progressivism in the United States, and the recent waves of younger voters (especially in national elections, specifically for Obama in 2008) have demonstrated this.<sup>97</sup>

Unfortunately, the following graph, from The Society Pages, points to a less progressive public approach to prostitution in the past few decades:

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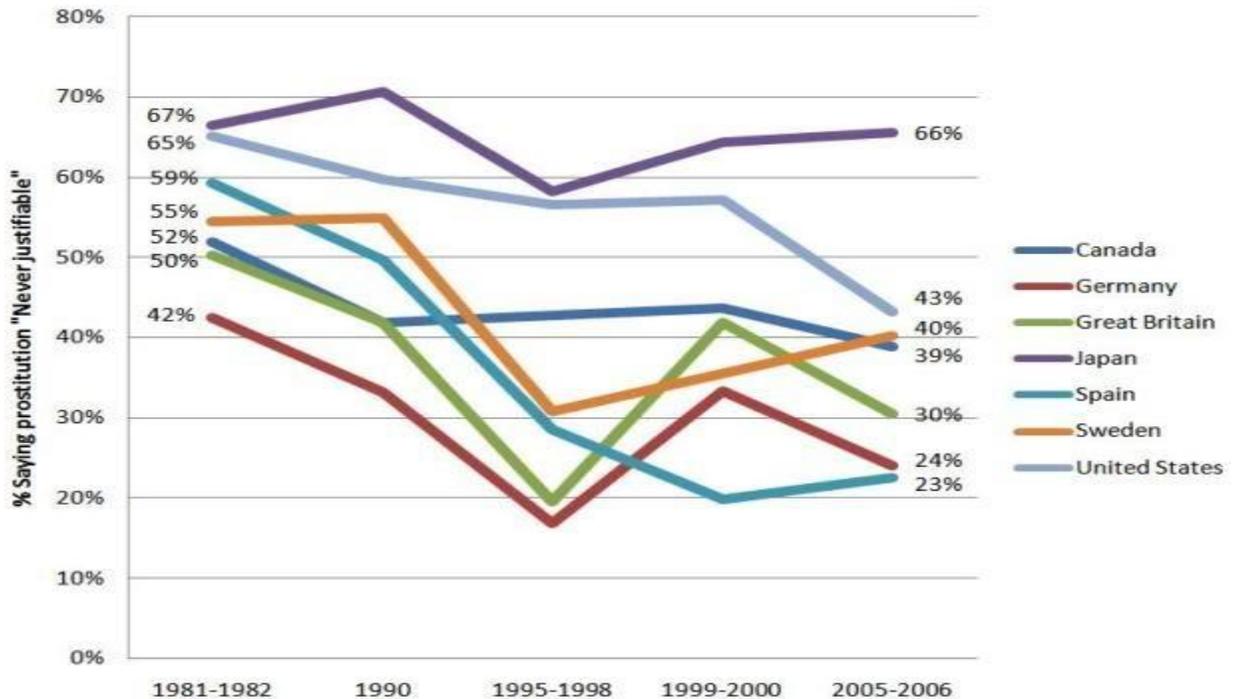
<sup>94</sup> *Id*

<sup>95</sup> Ronald Weitzer, *Prostitution” Facts and fictions*( March 23, 2014), [http://www.gwu.edu/~soc/docs/Weitzer/Prostitution\\_Facts.pdf](http://www.gwu.edu/~soc/docs/Weitzer/Prostitution_Facts.pdf)

<sup>96</sup> Laura Barnett, prostitution, *A Review Of Legislation in Selected Countries* (April 1, 2014) , <http://www.parl.gc.ca/>, <http://www.parl.gc.ca/content/lop/researchpublications/2011-115-e.pdf>

<sup>97</sup> *39% Would Legalize Prostitution*, (Last visited on April 1, 2014) <https://today.yougov.com/news/2011/08/25/68-favor-legalized-gambling-39-would-legalize-pros/>

## Attitudes toward Prostitution



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However, a push for the legalization or decriminalization of prostitution on a federal level would have to rely on more than simply a sizable minority of the American citizenry to agree with the proposal.<sup>99</sup> This is where, at least in parts, the economic benefits from the Nevada example could prove practical.<sup>100</sup> The harm reduction efforts in nations where prostitution is either partially or fully legal will certainly appeal to a certain type of voter; however, voters with a certain moral compass who may always claim opposition to the practice of prostitution based on moral or religious grounds could

<sup>98</sup> Wade, L., Disparate Trends in Permissiveness: Homosexuality and Prostitution. *The Society*, (April 1, 2014) <http://thesocietypages.org/socimages/2010/05/04/disparate-trends-in-permissiveness-homosexuality-and-prostitution/>

<sup>99</sup> *Id.*

<sup>100</sup> Gloria Davis, *Legalized Prostitution: Is it working in Nevada?*, (April 2, 2014), <http://gddavisrsj.wordpress.com>, <http://gddavisrsj.wordpress.com/2013/04/13/legalized-prostitution-is-it-working-in-nevada-comparing-and-contrasting-the-pros-and-cons-of-legalized-prostitution-and-whether-the-legalization-should-spread-to-reno-las-vegas-and-beyond/>

potentially be won over by the promise of increased state and local revenue – and therefore lower taxes.<sup>101</sup>

There is an economic case to be made in the interest of the citizen who is interested in harm reduction for the prostitutes themselves, as well.<sup>102</sup> The economics of prostitution demonstrate that it is an extremely large and profitable market, and yet the sex workers themselves are not compensated fairly (this is especially the case for illegal prostitution, where there is obviously no legislation in place to protect the rights or wages of the workers).<sup>103</sup>

After investigating the sex trade in eight big American cities, researchers concluded that pimps can do rather well for themselves. Some in Atlanta bring in \$33,000 a week, the study estimates. . . . The price for a trick today ranges from miserable (\$15) to ample (\$1,000 or more). Prostitutes have many options besides street-walking. The internet makes it easier for them to set up “dates” and negotiate prices, and harder for the police to catch them. They feel less vulnerable using social-media sites than doing the “stroll”. But 36% nonetheless report that some clients were violent or abusive.<sup>104</sup>

Paired with this sort of fair labor concern for sex workers is a feminist perspective on protecting the women involved in sex work.<sup>105</sup> This is not to say that pimps cannot be women – they fairly often are – but the sex workers themselves are women to a large degree, and their exploitation goes far beyond the sexual objectification normally

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<sup>101</sup> Patrick Devlin, *Morals and the Criminal Law*, (April 2, 2014) <http://faculty.berea.edu/>, <http://faculty.berea.edu/butlerj/Devlin.pdf>

<sup>102</sup> Wade, L., Disparate Trends in Permissiveness: Homosexuality and Prostitution. *The Society*, (April 1, 2014) <http://thesocietypages.org/socimages/2010/05/04/disparate-trends-in-permissiveness-homosexuality-and-prostitution/>

<sup>103</sup> *Id.*

<sup>104</sup> *Sex, Lies and Statistics*, *The Economist*, ( Last visited April 4, 2014), <http://www.economist.com/news/united-states/21599351-laying-bare-supply-and-demand-oldest-profession-sex-lies-and-statistics>

<sup>105</sup> *Id.*

associated with prostitution (while the sexual objectification position is certainly a disputable one, the economic exploitation is undeniable).<sup>106</sup>

This turn to pimps is a reminder that prostitution involves commerce: it is, by necessity, a transaction, and so there are automatically more than just the prostitutes themselves affected by discussions over the legality of the practice. In most cases, this means pimps (who are usually men), and in all cases, this means “johns,” or the clients (who are almost exclusively men, especially in the United States).<sup>107</sup>

However, almost all of the statistical information and proper research gathered on prostitution focuses on the prostitutes themselves.<sup>108</sup> On the one hand, this makes sense: johns come and go, and pimps are usually not directly engaged in the direct act of prostitution itself.<sup>109</sup> It is sensible, too, that from a perspective of harm reduction one would want to be informed about the prostitutes themselves in order to ensure that both the circumstances leading to prostitution and the practice of prostitution itself are not too damaging. But to fully understand the causes and consequences of prostitution in the United States, more work needs to be done on the johns, the perpetrators of demand for illegal prostitution.

“And yet surprisingly little is known about the age-old practice of buying sex, long assumed to be inevitable. No one even knows what proportion of the male population does it; estimates range from 16 percent to 80 percent. ‘Ninety-nine percent of

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<sup>106</sup> Jody Raphael, *From Victims to Victimiziers: Interviews with 25 Ex-Pimps in Chicago*, (April 5, 2014), <http://newsroom.depaul.edu/>, [http://newsroom.depaul.edu/pdf/family\\_law\\_center\\_report-final.pdf](http://newsroom.depaul.edu/pdf/family_law_center_report-final.pdf)

<sup>107</sup> Bennetts, L., *The Growing Demand for Prostitution*. Newsweek, (April 6, 2014), [www.newsweek.com](http://www.newsweek.com), <http://www.newsweek.com/growing-demand-prostitution-68493>

<sup>108</sup> *Id.*

Bennetts, L., *The Growing Demand for Prostitution*. Newsweek, (April 6, 2014), [www.newsweek.com](http://www.newsweek.com), <http://www.newsweek.com/growing-demand-prostitution-68493>

<sup>109</sup> *Id.*

the research in this field has been done on prostitutes, and 1 percent has been done on johns,' says Melissa Farley, director of Prostitution Research and Education, a nonprofit organization that is a project of San Francisco Women's Centers."<sup>110</sup>

It is one thing to determine the percentage of research done on johns as opposed to prostitutes; a simple amassing of total prior research on the subject of prostitution in the United States will provide one with a set of data on percentages of research focusing on the prostitutes themselves as opposed to johns.<sup>111</sup>

Part of the problem with this approach to research on prostitution in the United States is that it may have the sometimes undesired effect of victim-blaming – a not-uncommon side effect of studies done almost exclusively on females.<sup>112</sup> To draw attention only to the prostitutes themselves, who are usually female, is too often suggest that the perpetuation of the practice of prostitution is a result of the prostitutes themselves.<sup>113</sup>

In order to provide a bit of evidence to the contrary, the following graph charts the percentages of men in a series of countries who have used prostitution.<sup>114</sup> As the earlier quote suggests, estimates on the total number of men who have been or continue to be johns.<sup>115</sup> It is a touchy subject, to say the least, and there are obviously a multitude of potential variables leading to unreliable data, ranging from the difficult of selection of interview subjects to the honesty with which the subjects answer questioning (such are

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<sup>110</sup> Bennetts, L., *The Growing Demand for Prostitution*. Newsweek, (April 6, 2014), [www.newsweek.com](http://www.newsweek.com), <http://www.newsweek.com/growing-demand-prostitution-68493>

<sup>111</sup> *Id.*

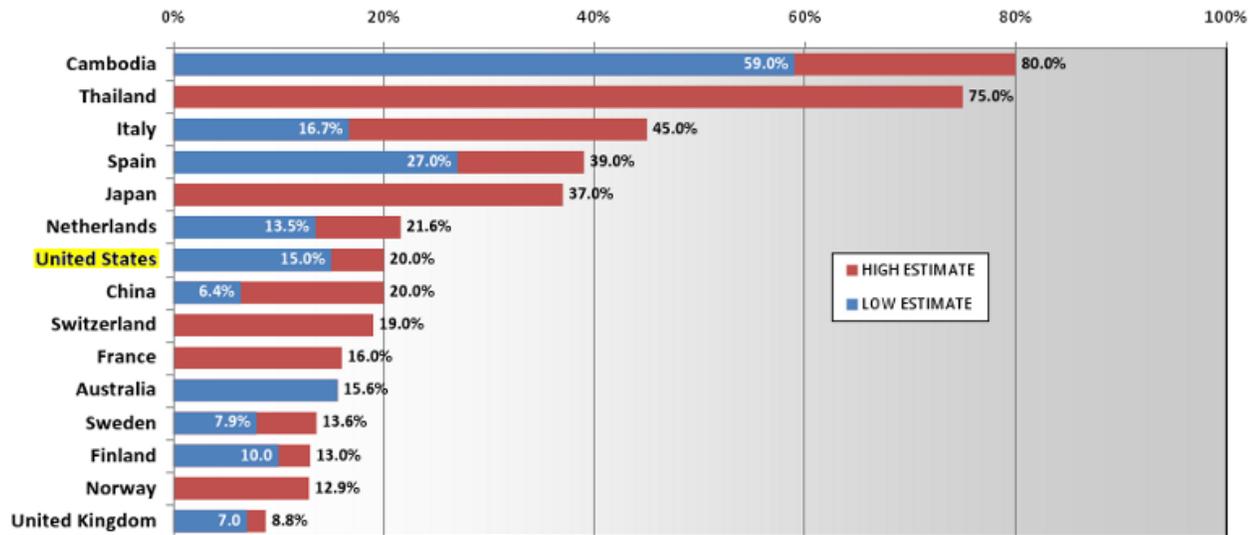
<sup>112</sup> Elizabeth Conaway, *Victim Blaming*, (April 7, 2014), <http://www.csustan.edu/>, <http://www.csustan.edu/sites/default/files/honors/documents/journals/entries/Conaway.pdf>

<sup>113</sup> *Id.*

<sup>114</sup> The Johns Chart. *Percentage of Men (by Country) Who Paid for Sex at Least Once*, (April 7, 2014) <http://m.xojane.co.uk>, <http://m.xojane.co.uk/issues/a-sex-workers-guide-to-being-sex-positive>

<sup>115</sup> *Id.*

the normal issues with qualitative collections, but the problems are plausibly exacerbated here).<sup>116</sup> In any case, the following numbers should be somewhat useful in situating the United States in a global context of the percentage of johns within a total population.



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The percentages of johns among men in the United States is fairly high, especially given that a few of the nation’s ahead of the United States do not have nearly as limited legal prostitution as in this country.<sup>118</sup> But more important than the comparison of the percentages, from a harm reduction standpoint, is the idea that in order to ensure a more livable existence with prostitution – whether legal or otherwise – the psychology and treatment involved with not only prostitutes, but pimps and johns, as well, must be more thoroughly examined.<sup>119</sup>

### **E. Conclusions about the Arguments for and Against Legalization or Decriminalization in the United States**

<sup>116</sup> The Johns Chart. *Percentage of Men (by Country) Who Paid for Sex at Least Once*, (April 7, 2014) <http://m.xojane.co.uk>, <http://m.xojane.co.uk/issues/a-sex-workers-guide-to-being-sex-positive>

<sup>117</sup> The Johns Chart. *Percentage of Men (by Country) Who Paid for Sex at Least Once*, (April 7, 2014) <http://m.xojane.co.uk>, <http://m.xojane.co.uk/issues/a-sex-workers-guide-to-being-sex-positive>

<sup>118</sup> *Id.*

<sup>119</sup> The Johns Chart. *Percentage of Men (by Country) Who Paid for Sex at Least Once*, (April 7, 2014) <http://m.xojane.co.uk>, <http://m.xojane.co.uk/issues/a-sex-workers-guide-to-being-sex-positive>

“There are long-running debates about the level of harm resulting from illegal commercial sex, and its proper legal status. At one end of the spectrum is the position that prostitution is inherently harmful and should be treated as a crime. At the opposite end are arguments that prostitution involving adults is victimless and should be legal and regulated like other businesses, and that commercial sex workers choose to exchange their time and services for money, as in any legitimate employment arrangement.”<sup>120</sup>

As stated in the introduction to this longer section regarding questions about the legality of prostitution, there are two basic premises behind this debate.<sup>121</sup> However, as the range of research and statistics drawn upon in this analysis demonstrate, the information which is informing this public debate is dubious if not outright skewed.<sup>122</sup>

The notion that prostitution is unavoidably detrimental not only for the prostitutes involved but also for society at large is not only misinformed, it is unproductive.<sup>123</sup> To simply maintain an outlawed practice of prostitution is not to foster better existences for prostitutes – largely women; instead, it is to push the problem out of sight for the majority of Americans, but not to solve it in any way (and, in fact, with the statistics about johns being potentially far lower than the real numbers, it may not be accurate to suggest that the majority of Americans do not engage with prostitution in some form during their lifetimes).<sup>124</sup>

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<sup>120</sup> Shively, M. *A National Overview of Prostitution and Sex Trafficking Demand Reduction Efforts, Final Report*, The U.S. Department of Justice, (April 8, 2014), <https://www.ncjrs.gov>, <https://www.ncjrs.gov/pdffiles1/nij/grants/238796.pdf>

<sup>121</sup> Seo-Young Cho, *Does legalized prostitution increase human trafficking?*, (March 21, 2014) [http://www.lse.ac.uk/geographyAndEnvironment/whosWho/profiles/neumayer/pdf/Article-for-World-Development-\\_prostitution\\_-anonymous-REVISED.pdf](http://www.lse.ac.uk/geographyAndEnvironment/whosWho/profiles/neumayer/pdf/Article-for-World-Development-_prostitution_-anonymous-REVISED.pdf)

<sup>122</sup> *Id.*

<sup>123</sup> Joshua Bailey, *Freedom or Slavery? The Harm in Legalizing Prostitution*, (April 9, 2014), <http://lilt.ilstu.edu/>, [http://lilt.ilstu.edu/critique/Spring2010%20docs/Bailey\\_Joshua.pdf](http://lilt.ilstu.edu/critique/Spring2010%20docs/Bailey_Joshua.pdf)

<sup>124</sup> *Id.*

On the other hand, a purely sex-positive feminist approach to prostitution can be misguided as well.<sup>125</sup> There are certainly complications with prostitution, whether or not it is legalized, decriminalized or kept illegal.<sup>126</sup> In a perfect world, universal legal prostitution might prove the surest way to encourage harm reduction. But this is not a perfect world, and in the United States, as elsewhere, other factors, including but not limited to human trafficking, complicate the issue of legal prostitution in a given country.<sup>127</sup>

Evidence can be marshaled in support of either position, and sometimes the same evidence is used to support opposing conclusions. For example, prostitution opponents point to drug abuse, community deterioration, and ancillary crime that invariably accompany street prostitution as evidence supporting criminalization. Those supporting legalization argue that these same dysfunctions are driven not by prostitution itself, but by the criminal status of the enterprise, much like alcohol prohibition fosters black markets, organized crime, and street crime. Legalization proponents generally assume that prostitution cannot be stopped, and argue that legalized prostitution would allow commercial sex to be taxed and regulated, and the conditions for prostitutes improved by the same kinds of oversight and legal protections provided in other workplaces. However, substantial empirical evidence finds sex trafficking and prostitution to be damaging, and that deregulation and legalization do not ameliorate those harms for more than a small portion of providers of commercial sex. The negative consequences of prostitution and sex trafficking for all parties directly and indirectly involved are well documented.<sup>128</sup>

Both sides of the argument over prostitution in the United States can be justified. Part of the reason for this is that the mere fact of there being only two basic sides diminishes the complexity of the argument. If more research is done about the extent of

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<sup>125</sup> Aziza Ahmed, *Feminism, Power, And Sex Work*, (April 10, 2014), <http://www.law.harvard.edu/http://www.law.harvard.edu/students/orgs/jlg/vol341/225-258.pdf>

<sup>126</sup> *Id.*

<sup>127</sup> Aziza Ahmed, *Feminism, Power, And Sex Work*, (April 10, 2014), <http://www.law.harvard.edu/http://www.law.harvard.edu/students/orgs/jlg/vol341/225-258.pdf>

<sup>128</sup> Shively, M. *A National Overview of Prostitution and Sex Trafficking Demand Reduction Efforts, Final Report*, The U.S. Department of Justice, (April 8, 2014), <https://www.ncjrs.gov>,

illegal prostitution, human trafficking, and the pimps and johns who profit and pay for prostitution, a more complete picture about the causes and consequences of prostitution in the United States. Only then, when the research and the statistics are in and, importantly, provided in accessible ways to the American public can an honest and productive conversation about the future handling of the practice of prostitution take place.