The Government: A Legal Pimp?

From coyly reading the Kamasutra to boldly engaging in raunchy Tinder dates, society’s perception and indulgence in any sexual activity has drastically evolved in past decade or so. Yet when it comes to treating sex as a viable economic market, society still tends to shy away from the subject as the big question of morality arises. However, in the wake of the nation proceeding towards a more liberal lifestyle, certain constitutional reforms might be demanded in the future. One such reform is the decriminalization of prostitution as the current generation may possibly consider the situation from the lens of having the freedom to do anything with their bodies, including using it as a medium of earning income. But the biggest argument against prostitution makes a distinction between the freedom of consensual sexual expression and actually being coerced into performing sexual activity due to poor financial circumstances and not necessarily due to free will. Furthermore, the question arises whether it is morally acceptable to let women be exploited sexually and not consider it to be a form a gender violence. But often spectators neglect the possibility that accepting consensual adult prostitution in the form of government regulated brothels might actually benefit the overall economic and judicial stability of the United States. A government regulated brothel leads to providing health checks and other employment benefits to women belonging to the lower sections of the society which improves health standards in the nation. Additionally, the government will also be able to gain tax revenue from the functioning of these brothels which might give a slight boost to economic growth in the
United States. From a logical and practical perspective, it is beneficial to decriminalize consensual adult prostitution conducted through well regulated government channels as it is likely to result in a safe, healthy and wealthy economy and society for prostitutes and the government of the United States.

To begin with, Merriam-Webster dictionary defines prostitution as “the act or practice of engaging in promiscuous sexual relations especially for money” (“Prostitution”). Here the strategic use of the word promiscuous is what sets prostitution apart from any other business activity, the negative connotation associated with the act. Prostitution has always been illegal in the United States through the implementation of state laws (not federal laws). Initially, there was no actual written law that prohibited the business of prostitution. However, due to the negative connotations and immoral arguments associated with the act, it was always perceived as a crime. It also lead to harsh punishments being served to sex workers between 18th - 20th centuries. However, in 1908, an investigation conducted by the FBI (known as Bureau of Investigation then) on “white slavery” revealed that six prostitutes out of 1,106 interviewed in one city were victims of white slavery and had been kidnapped. As a response to this discovery, in 1910, The White-Slave Traffic Act (Mann Act) was established to prohibit so-called white slavery. However, its primary purpose was to address prostitution and its perception of being an immoral act by prohibiting internal transportation of women under the accusation of “immoral purposes”. This was also the first law to serve as an official penalization for prostitution. In 1971, Nevada became the first state to legalize prostitution, allowing brothels in some rural counties. In 1980, Prostitution in Rhode Island was accidentally decriminalized when prostitution laws were amended to being charged as a misdemeanor rather than a felony. This amendment made it so that only street solicitation was deemed as illegal as the section that penalized engagement in the
act of prostitution was removed by legislators. However this amendment only came into light in 2003, making the legalization of prostitution more public then. In 2009, Rhode Island reinstated the criminalized status of indoor prostitution as it was never meant to be decriminalized in the first place ("Prostitution in the US").

Presently, many prostitutes in the United States working within the black market are defenseless against the violence and abuse they face from their clientele and pimps. Decriminalizing prostitution will help make the prostitutes less vulnerable to the threat of abuse. According to an experimental study conducted amongst prostitutes in San Francisco, it was concluded that 82% had undergone assault and another 68% had been raped while they were on the job (Fuchs, par.4). However, due to the illegal nature of their work, these crimes were often not reported as the prostitutes had no option but to remain silent and endure the abuse in the fear of losing their livelihood and facing imprisonment. Working in a well-regulated brothel licensed by the law will provide prostitutes with a safety net that allows them to report any harassment they have to deal with in the workspace. This can be observed from the functioning of legalized brothels in Nevada. Upon their visits to legalized brothels in Nevada, Barbara Brents and Kathryn Hausbeck, associate professors of Sociology at the University of Nevada, had observed that in-house and regulatory safety mechanisms took precedence over any other consideration.

The mechanisms most consistently employed in brothels to provide safety from various types of risks and threats include guidelines for the negotiation process, call buttons and audio room monitoring, control of customer behavior, good relations with police, limiting out-of-brothel services, limiting the movement of prostitutes, adhering to health regulations, and engaging in preventative practices. (277)
Brothel owners have a clear interest in maintaining the economic viability of their business and hence make attempts to have cordial relations with the law makers by ensuring safety of the prostitutes. This not only protects them from having their licenses revoked but also provides a safe work environment which improves employee motivation as well as labor retention rates, increasing the brothels profits (277). Hence, brothel owners or pimps will find it more profitable to act in a cordial manner and avoid punishment rather than to mistreat and exploit prostitutes only to make small gains and risk their legal status. As a result, decriminalizing prostitution is likely to result in a safer working environment for prostitutes.

As a matter of fact, decriminalization of prostitution has proven to improve public health, especially in terms of lowered rates of sexually transmitted diseases. This can be observed from the six year period of 2003-2009 where prostitution was decriminalized in the state of Rhode Island. According to a study conducted by Scott Cunningham, associate professor of Economics at Baylor University, and Manisha Shah, vice-chair and professor of Public Policy at UCLA, on “Decriminalizing Indoor Prostitution: Implications for Sexual Violence and Public Health”, it was recorded that decriminalization could possibly be credited for resulting in approximately 1.035 fewer cases of female gonorrhea compared to the estimated statistic between 2004 to 2009. Using different statistical models, it was also found that decriminalization had led to a 35 percent decrease in male gonorrhea by 982 cases (23). To summarize, it was concluded that decriminalizing prostitution had a positive impact on public health as it lead to a 40 percent reduction in female and 35 percent in male gonorrhea incidents during the six years that prostitution was not an illegal offense in Rhode Island. It was also found that there was an increase in gonorrhea incidence and rape offenses before prostitution was decriminalized in 2003 (17), implying the positive effect of decriminalizing prostitution on overall public health.
Additionally, decriminalizing prostitution will help those living in the lower sections of society earn a decent living which might come with employment benefits if regulated and run by the government. Prostitutes in America are estimated to earn approximately $18,000 per annum in return for their services. Furthermore, those who specialize in working as high-end escorts have an annual starting salary of $200,000 (Blanco, par.3). Such a livelihood will help people with financial troubles in securing a decent position in the society and the nation’s workforce from an economic perspective. Being a part of the workforce also entitles prostitutes to the employment benefits provided by the United States such as healthcare, retirement plans, tuition reimbursement and so on. This might just be a stepping stone for some people to succeed later on in life by improving their current living standards through this occupation.

Furthermore, the United States economy as whole might be able to gain more tax revenue from this increased supply in the workforce. Considering Nevada, legal brothels make large tax payments to the rural counties in which they operate as they appear to make combined earnings of $50 million dollars annually. However, these payments are not accepted by the entire state as the sex trade is still widely disapproved. With Nevada’s current economic distress, a statewide decriminalization of prostitution will provide it with more tax funds that could possibly improve the state of its economy (Haltiwanger, par. 31). Aside from Nevada, pimps operating in the illegal sex black markets of other states make a more than decent income.

Figure 1
As seen in Figure 1, it has been observed that pimps have earned incomes ranging from $5,000 per week (in Kansas City) to $32,833 per week (in Atlanta) between 2005 and 2011. If the sex market were decriminalized, then the pimps would have to pay taxes, which would be a significantly high payment on the basis of their high earnings. This implies increased tax earnings for the government as a whole.

Alternatively, while legalizing prostitution does come with its perks of financial stability and health benefits for those engaged in the trade, the “world’s oldest profession” does come with the burden of being branded as demeaning and endangering to the lives of sex workers, particularly female workers. As such it is deemed to be an act that exploits the interests of female prostitutes by luring them in with their financial weakness. As stated by political activist and author of *The Pimping of Prostitution: Abolishing the Sex Work Myth*, Julie Bindel:
The opposite, abolitionist position – favoured by feminists including myself, and every sex trade survivor I have interviewed – is: prostitution is inherently abusive, and a cause and a consequence of women’s inequality. There is no way to make it safe, and it should be possible to eradicate it. Abolitionists reject the sanitising description of “sex worker”, and regard prostitution as a form of violence in a neoliberal world in which human flesh has come to be viewed as a commodity, like a burger. (par. 4)

Many protesters against prostitution believe the act to be completely abusive and sexually exploitative of women and that legalizing it will only propagate the sale of a women’s body as a common commodity which could subsequently lead to an increase in sex trafficking. According to the Executive Director of Coalition Against Trafficking in Women, Taina Bien-Aimé, “some countries and jurisdictions have legalized or decriminalized the harmful practice of prostitution, which in each case has led to a booming sex-trafficking market” (qtd. in Glazer, par. 4). As a result, they are of the opinion that complete abolition of prostitution is the only way to protect the interests of female sex workers.

However, it can be noticed that it is in fact quite the opposite as laws against prostitution rather act as a form of severe punishment and discrimination against prostitutes, specifically on the basis of gender. Anti-prostitution laws often tend to serve harsh punishments only to the prostitute rather than serving harsh punishments to the pimps as well as the clients who obtain the service. To cite an example, in Louisiana, the police force and prosecutors had the choice of charging sex workers either under the regular prostitution law, which would be considered a misdemeanor, or under the “Crimes Against Nature (CANS)” law which makes them a convict of a felony (Flaherty, par. 2). Under this law sex workers were forced to register as sex offenders while there was rule no pertaining to the treatment of the pimps and clients hiring these services.
Flaherty further explains that such a charge has lifelong implication on the lives of the convicted sex workers. Being convicted a sex offenders makes the sex workers subject to a lot of restrictions and requirements “including having the words “sex offender” printed in large letters on their driver’s license, and the obligation to send a post card to all of their neighbors informing every one of their conviction” (par. 3). Alternatively, it was found that offenders charged for operating in the underground commercial sex economy state that being a pimp was a relatively less risky as very few people get arrested for facilitation of sex work. In fact, even with their current incarceration for facilitation of sex work, many offenders still believed pimping to be a low risk occupation as “no one actually gets locked up for pimping”. Some even went to the lengths of stating that their incarceration was a consequence of their negligence in facilitation (Dank et al. 288). This questions how the law treats sex facilitators and shows the unfair discrimination just against prostitutes who may or may not have been roped into the trade by the real masterminds, the pimps, who seem to come out unscathed.

Furthermore, most of the prostitutes convicted under this law were indigenous and transgender women of color (Flaherty, par. 3). This could imply that the law was used as a means of implicit discrimination against homosexual and transgender prostitutes. It had been observed that Louisiana was the only state to have a law that specifically criminalizes the sale of oral or anal sex for a fee along with the basic prostitution law charge. It was believed to be a strategy to discriminate against homosexuals by charging under CANS while heterosexuels were only charged under the normal prostitution law. Although this was noted by the court, no subsequent action was taken to protect the interests of the homosexual prostitutes (Clarke, par. 5). From the above evidence it can be concluded that anti-prostitution laws are just as, if not more, exploitative of prostitutes as they will be if prostitution is decriminalized. Laws against
prostitution have a much more severe consequence on the lives of convicted sex workers which may prevent them from ever moving forward in life and securing better jobs whereas at least legalized prostitution will provide them with a steady income that might help lessen their financial burden. Furthermore, they help propagate discrimination in terms of sexual orientation as observed in the case of Louisiana laws. Therefore, it can be the case that decriminalizing prostitution might actually keep prostitutes best interests in mind.

Once the society stops looking through the lens of immoral prejudice, prostitution can be viewed as a means of income. However, it does come with the restriction of consent. Furthermore, the implications of decriminalizing prostitution not only benefits the public health of the United States but also provides better living standards for people from lower sections of the society.
Works Cited


Flaherty, Jordan. “Sex Offender Registration for Sex Workers Ends in Louisiana.” Huffington


