

Professor Peach

English 100

15 December 2016

Should Prostitution Be Illegal in a Modern United States?

Put them in a spot where they have no place to go, and they will die before fleeing. If they are to die there, what can they not do? Warriors exert their full strength. When warriors are in great danger, then they have no fear. When there is nowhere to go they are firm, when they are deeply involved they stick to it. If they have no choice, they will fight.

—Sun Tzu, *The Art of War*

In November of 2016 a man from New York brutally murdered a prostitute that he had hired on a website called *Craigslist*. The victim, twenty-five year-old Deeana M. Wingender was struck many times with a hammer and subsequently placed behind a business near the suspect's home. Captain John Azzata, Nassau County detective, claims that the victim's death was the result of an argument which broke out between her and the suspect regarding her payment for the sex. Although this situation seems rare, vulnerable prostitutes are common targets of murderous actions. Take for example a finding from HG.org that 204 out of every 100,000 prostitutes die each year ("Prostitution in the U.S." n.pg.). In understanding that deaths in general do not necessarily translate to prostitutes murdered, it is—extremely—important I note that "the average prostitute gets physically attacked approximately once a month" ("Prostitution in the U.S." n.pg.). Considering these alarming facts, what is the United States current involvement with the affairs of the prostitute? One might claim that the United States makes attempts to prevent such

actions through considering prostitution a crime and enforcing that standard, however, this may not be a productive solution to the problem.

In this paper I will attempt to make a case as to why prostitution should not be illegal in the United States due to its illegality being based on religious ideals, and to show how subsequently, prostitutes are subjected to the dangerous work environment which has manifested by way of laws that prohibit the transaction of sexual favors for money. I will take evidence and opinions from authors, journalists and prostitutes themselves in order to exemplify my claim. Near the end of my paper I will consider alternatives to the status quo and make a case for one such alternative which has the potential to better the current truth faced by the prostitute.

The Arguments Made Against Prostitution

Currently, prostitution is illegal in the United States with the exception of a few counties in Nevada which have a population less than 400,000 (Hayes-Smith and Shekarkhar 48). There are comprehensible arguments that are made as to why prostitution should be illegal and I will now consider three such arguments which are commonly made.

One infamous claim made is that prostitutes, through having sexual intercourse, are largely responsible for the spread of venereal diseases. In fact, in 2003, “President Bush committed \$15 billion to the international fight against AIDS, but required all recipients of the funding to sign an anti-prostitution pledge” (Bazelon n.pg.). Through his requirement, Bush essentially argued that prostitution poses a direct threat to the prevention of AIDS and, in doing so, has shown how the argument is one which governmental policy is fond of (Bazelon n.pg.).

Another argument made is that prostitutes are victims of the sex working occupation rather than consenting adults. The modern day interpretation of this argument is that “If

prostitution is legal, and men can buy women's bodies with impunity, it's the extreme sexualization of women" (Bazelon n.pg.). This statement was given by the global executive director of Equality Now Yasmeen Hassan. Hassan's claim points to a concept which involves the alienation of women for their sexual characteristics (Bazelon n.pg.).

It is likely that the most frequently made argument is that prostitution itself is immoral and is a threat to the structure of society, as illustrated by Melissa Farley in a debate called "It's Wrong To Pay For Sex-Intelligence Squared U.S." from 2009 when she claims "What's wrong with prostitution is the renting out of a woman's mouth, vagina, or anus" (00:23:05-00:23:15). Farley's statement is an example of a personal conviction which does not agree with the moral aspects of sex work.

Histories of Interpretation

Due to the subjective nature of the arguments above which support prostitution being illegal, I shall attempt to explain their origins and show that the arguments made are mostly derived from a set of religious ideals that advocate for a version of purity which is demanded by religious faith.

In her book *Policing Sexuality*, Jessica R. Pliley explains the beginnings of the stigma that prostitutes have a profound influence on the spread of venereal diseases (184). She does so by telling how, in 1936, "By focusing on the public health dangers of prostitution, the FBI continued its defense of traditional marriages, seeking to ensure that careless husbands would not introduce venereal diseases to the marital bed" (184). Plileys explanation gives insight into the government's attempts to uphold the "sanctity" of monogamous marriage, a concept which is deeply rooted in religious ideals.

The argument that prostitutes are victims of the sex working trade rather than consenting adults is also examined by Pliley when she says: “For many anti-white slavery activists of the Progressive Era, from W.T. Stead to Clifford Roe, the attraction of white slavery narratives was that they set aside female consent” (162). Pliley highlights the implications of this by explaining how it was an erroneous idea which portrayed women as disabled legally and that they had not the capacity for consent (162).

In his book *Purity Crusade*, David J. Pivar gives the voice of the reasoning which supports the argument that prostitution is inherently immoral by way of an excerpt from “The lessons of Geneva,” an article written by Samuel Blackwell around the time of 1895 (209). Pivar paraphrases: “If regulated prostitution retained its grip on cities, Blackwell warned his readers, religious personality was doomed” (209). The “religious personality” to which Blackwell is speaking includes, by definition, religious ideals.

These extremely outdated, particularly subjective, and largely ignorant ideals which come from religious reasoning are risk-prone as they directly violate the essence of the First Amendment; as a result, they go against the very rules we have come to agree upon which makes for a nation-wide contradiction. To clarify, the First Amendment states: “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.” It is obvious that, although the First Amendment is not directly violated, it is violated in the attempt to maintain religious ideals.

A Prospect of Danger

As part of my argument against the current illegal status of prostitution in the vast majority of the United States, I will now describe three of the many dangers prostitutes face as a result of laws which limit them.

One such danger is, as Tesla Carrasquillo mentions in his article “Understanding Prostitution And The Need For Reform,” “statistics overwhelmingly demonstrate that prostitutes are constant re-offenders. Arrests and fines do not effectively act as deterrents; prostitutes are soon selling sex in order to pay off their fines” (708). Carrasquillo’s statement explains how prostitutes easily fall into a repeating cycle of violating the law because they can not afford the fines they are given from initial offenses. This claim is supported by the fact that in the United States, 50,000 prostitutes are arrested annually.

Additionally, in his article “The Criminalization of Prostitution: Putting Women's Lives at Risk,” Manpreet Abrol tells of a danger that prostitutes face through claiming that the criminal code “marginalized prostitutes by preventing them from negotiating a price in a public space, thereby forcing them into unsafe areas where they could be victimized; forbidding prostitutes from creating a safe workplace” (2). This claim is supported by a statistic from the Justice Department which estimates that out of 4,000 women killed by serial murderers in 1982, one-third were prostitutes.

Accompanying the dangers they face, many prostitutes are repeatedly raped as shown through many studies which have been conducted. Carrasquillo emphasizes this in his article when he tells how “Studies of San Francisco street prostitutes showed that 70% of the prostitutes in the study were raped an average of thirty-one times by their customers” (709). A similar study was conducted in Oregon with 78% of the prostitutes claiming to have been raped (709).

A Brighter Perspective

Although many arguments are made in favor and against prostitution being illegal, it is important to take the perspective of the individuals who actually participate in the process of prostitution.

As a way to shift the focus of this paper, I will now give an interpretation of what it means to prostitute as experienced by a woman named Charlotte Shane.

“I'm tired of seeing men and women buy into the lie that male sexuality is inherently violent and sadistic. My experience as a sex worker has taught me the opposite,” says Shane in her article “The Professional.” She adds:

I've been hired by men who never asked me to get naked, never requested that I touch their genitals. There's always conversation, regardless of the other activities during a date: clients talk to me about their parents (especially their fathers) and about failing marriages or life after divorce. They often show me pictures of their children and, sometimes, spouses. (n.pg.)

As evident by Shane's experiences as a sex worker, she is an emotional outlet, providing a temporary companionship for men, engaging in friendly conversation, and showing empathy for the information she is given. She is supportive. Near the end of her article, Shane makes clear that “There are many important conversations to be had about the sex industry, but I don't believe those conversations will be beneficial unless they move beyond cartoonish depictions of villainous, lustful men victimizing innocent and vulnerable women” (n.pg.). Shane's experience as a prostitute show that for her, there is a certain degree of companionship which is also purchased along with sexual favors. Although it may be temporary, it is a companionship which

every person should be allowed to give and receive and is an aspect of prostitution that needs to be considered thoroughly when determining any legal authority to be had over prostitution.

Alternative Solutions

Now, after I have given reason and evidence which supports the notion that prostitution should not be illegal, I will give alternative solutions which offer potentially satisfactory outcomes and that will work to better the condition of the prostitute.

One alternative that has the potential to better the condition of the prostitute is the legalization of prostitution. This would mean that prostitution would no longer be a criminal offense but rather, be regulated through code (Abrol 8). A benefit of legalization is that “it would create cognizable regulations and standards” (Carrasquillo 716). However, such regulations would be another way to control the prostitute and effectively turn the state into the “pimp” (Abrol 8).

Another alternative is the partial decriminalization of prostitution. As Carrasquillo states: “Partial decriminalization would criminalize the solicitation of sex, but not the selling of sex. In other words, the prostitute would not be actively engaging in criminal activity, but johns and pimps would be prosecuted” (714). While alleviating the prostitute of any legal action when making a transaction with a client is a positive outcome, the legal action taken against the prostitute’s counterparts would pose a great risk for the prostitute (715). This is due to the fact that the attraction of dangerous clients will rise, making it difficult for the prostitute to maintain safety and security during an encounter (715).

The decriminalization of prostitution is an alternative solution which would not, as Abrol states, “govern prostitution through the criminal code, but rather through specific legislation”

(8). Accompanying that, abuse experienced by prostitutes would be punishable which would work to protect them from the harm that they currently face (8). Another benefit would be the status of the prostitute as an employee who pays taxes (8). Also, as a result, the role of the pimp would be diminished which would allow prostitutes more control over their occupation (8).

Conclusion

Now, after I have examined some of the most relevant arguments made in favor of prostitution remaining illegal, I can conclude that they originate from a religious perspective which maintained convictions of purity and devotion to marriage. In addition, I have discussed some of the many dangers faced by prostitutes in result of laws which alienate them into a position where they hold the title “criminal.” After these considerations, It has become clear that prostitution should not be illegal in a modern United States. I submit that the decriminalization of prostitution is the best approach to be made in order to provide the prostitute with the safety and security which is currently absent from said occupation. With my concluding statement, I ask you to emphasize one thing when determining your position on the matter—the rights of your (and my) fellow Homo sapiens.

Works Cited

Abrol, Manpreet. "The Criminalization of Prostitution: Putting Women's Lives at Risk."

Prandium- The Journal of Historical Studies, vol. 3, no. 1, 2014, pp. 1-10.

Bazon, Emily. "Should Prostitution Be a Crime?" *The New York Times*, May 5, 2016,

http://www.nytimes.com/2016/05/08/magazine/should-prostitution-be-a-crime.html?_r=1.

Accessed Dec. 4 , 2016.

Carrasquillo, Tesla. "Understanding Prostitution And The Need For Reform." *Touro Law Review*,

vol. 30, no. 3, 2014, pp. 697-721.

Hayes-Smith, Rebecca and Zahra Shekarkhar . "Why is Prostitution Criminalized?"

Contemporary Justice Review, vol. 13, no. 1, 2010, pp. 43-55.

"It's Wrong To Pay For Sex-Intelligence Squared U.S." *YouTube*, uploaded by

IntelligenceSquared Debates, 21 July 2011,

https://www.youtube.com/watch?v=8uT38_pRxHo&t=1401s

Pivar, David. *Purity Crusade*. Greenwood Press, 1973.

Pliley, Jessica. *Policing Sexuality*. Harvard University Press, 2014.

"Police: Baldwin Murder Victim A Craigslist Prostitute, Killed With Hammer." *EyeWitness*

News abc7NY, 25 Nov. 2016,

<http://abc7ny.com/news/police-identify-woman-found-beaten-to-death-with-hammer-in-baldwin/1623822/>

"Prostitution in the United States." *HG.org*, <https://www.hg.org/article.asp?id=30997>. Accessed

4 Dec. 2016.

Shane, Charlotte. "The Professional." *The Good Men Project*, 22 Nov. 2010,

<https://goodmenproject.com/sex-relationships/the-professional/>. Accessed 4 Dec. 2016.