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## The Prohibitionist Critique of Prostitution

Influential activists and some academics regard prostitution as a harmful institution. They can be called prohibitionists because their ultimate objective is to abolish prostitution. Their views are shaped by what I call the *oppression paradigm*, which defines all prostitution as a means of subordinating of women (see Weitzer 2009). Here, I will critically evaluate the main claims of the prohibitionist perspective.

### Claims without Evidence

Prohibitionist writers claim that prostitution is the epitome of male domination and exploitation of women. Such a claim is presented as self-evident, absolute truth, without being supported by evidence. The prohibitionists define prostitution in a one-dimensional manner—as a form of violence or, more generally, as inherently exploitative and harmful to all sex workers everywhere. This definition is contrary to the findings of many evidence-based studies, which show that violence to prostitutes varies considerably across time and place. Violence does not occur throughout the sex trade. Not all the prostitutes at any time and at any place are subjected to violence. In upscale brothels, for example, relatively few workers experience trouble from clients, because of the presence of gatekeepers and coworkers who serve a social control function.

Without relying on solid evidence to support their claims, prohibitionists typically make far-reaching assertions about the fundamental character of sex work. The following are some examples. They argue, for instance, that prostitution is an expression of men's power against women, that is, paying for sexual services

enables men to assert power and control over women in a way which would be deemed unacceptable in any other sphere. Prostitution is defined as harmful not only to the women who sell sex but also to all women inasmuch as its very existence reinforces larger patterns of sexual objectification and women's commodification.

Prohibitionists also construe prostitution negatively by equating it with other condemned practices, such as domestic violence, sexual slavery, pedophilia, rape, and other crimes. They argue that prostitutes should be called "prostituted women," victims, or "survivors." These labels clearly indicate that prostitutes lack human agency and the capacity to choose this kind of work, and are instead passive victims of predatory males.

The prohibitionist's use of those labels and definitions obscures what research has discovered in the relationships between prostitutes and their customers, which are complex and varied. Moreover, many customers and prostitutes themselves reject those derogatory labels. In a study of 294 street prostitutes in Miami, for instance, almost all of them "prefer the terms *sex worker* and *working woman* and refer to themselves as such" (Kurtz et al. 2004). Others call themselves escorts or providers. In contrast to the demonization of clients in the writings of prohibitionists, a comparative study found few differences between prostitutes' customers and a nationally representative sample of American men (Monto and McRee 2005).

Many prohibitionists also make specific empirical claims that are simply false. It is asserted that *most* prostitutes enter the sex trade when they are very young (13 to 14 years old),

were physically or sexually abused as children, were tricked or forced into prostitution by pimps or traffickers, use or are addicted to drugs, and desperately want to exit the sex trade. Each of these claims holds true for a sector of the population (especially those engaged in survival sex on the streets), but are not necessarily true for the majority of other street prostitutes or of indoor sex workers. Studies have reported very different percentages of individuals who started selling sex when they were minors. In some, only a minority entered prostitution before age 18 and an even smaller percentage at age 13 to 14. Similarly, although many prostitutes want to leave the sex trade, others prefer this kind of work, for various reasons. A study of Thai sex workers, for example, found that only 15 percent wanted to quit selling sex, whereas the rest wanted to keep working in the sex trade, and 69 percent said they thought sex work was a good job (Steinfatt 2002). Finally, there is no doubt that a percentage of prostitutes were abused as children, now have pimps, and are drug addicted, but, again, the evidence does not support the notion that this is true for most sex workers.

### Sweeping Generalizations

Prohibitionists tend to select the most disturbing instances of abuse and present them as typical or representative throughout the sex trade. They also insist that there are no differences between the distinct types of prostitution. Instead of grouping all prostitutes into one undifferentiated category, the evidence points to significant differences among those who sell sex. Street walkers, for example, differ from indoor prostitutes in important ways and the different kinds of indoor workers differ among themselves as well. Many studies have found that prostitution is a *segmented market*—with different strata organized in different ways (see Weitzer 2009).

Victimization is one area in which prohibitionist writers frequently make unwarranted generalizations. They claim that extremely high percentages (80 to 100 percent) of prostitutes are assaulted, robbed, raped, and otherwise victimized. These victimization figures are typically much higher than those reported by mainstream researchers (see Weitzer 2009). Moreover, prohibitionists fail to point out that victimization varies from one type of prostitution to another. Specifically, street walkers are more likely than indoor prostitutes to be victimized. As one study concludes, “When sex markets are directly compared, the harms introduced by sex work are overwhelmingly concentrated in street sex markets” (Cusick 2006:4; see also Church et al. 2001). This does not mean that indoor work is risk-free, but it does challenge the claim that victimization is high throughout the sex industry.

### Flawed Data Collection

The procedures for collecting data in studies by prohibitionists are often either invisible or problematic. Some of these studies make grand generalizations about “prostitution” based on small, unrepresentative samples, usually of a few street prostitutes in one city. Other studies by prohibitionists fail to provide sufficient detail about sampling methods (how subjects were located and contacted, what they were told about the study, etc.) or fail to disclose the questions asked of respondents. As anyone involved in survey research knows, the way in which the questionnaire is worded can make a huge difference in the responses obtained, and standard practice is to provide the reader with the most important items verbatim, especially on sensitive topics like deviant behavior.

Some prohibitionist writers are frank about their biases. For example, before Melissa Farley (2007:22) began interviewing women in Nevada’s legal brothels, she revealed: “I knew that they would minimize how bad it was.

We were asking the women to briefly remove a mask that was crucial to their psychological survival." In other words, Farley assumed that working conditions were "bad" at the outset and also that the workers would deny or "mask" this. Likewise, a Chicago study by Jody Raphael and Deborah Shapiro *began* from the premise that prostitution is harmful: "This research project was designed within a framework of prostitution as a form of violence against women and not prostitution as a legitimate industry" (Raphael and Shapiro 2004: 132). The 12 interviewers in this study were former prostitutes who shared that view. They were "survivors of prostitution who did not see their own [prior prostitution] experiences as 'work' or a 'choice'," and, remarkably, the authors acknowledged this "bias of the surveyors" (Raphael and Shapiro 2002: 9, 33). When both the lead researchers and interviewers hold such strong antiprostitution biases, the study's findings must be questioned.

### Discrediting Inconvenient Findings

If prohibitionist writers come across findings that they did not expect, they tend to go to great length to discredit these findings. One example of this is downplaying or questioning the voices of sex workers themselves when they disagree with writers' opinions. Consider, for example, this statement by Janice Raymond, a leading prohibitionist activist: "There is no doubt that a small number of women say they choose to be in prostitution, especially in public contexts orchestrated by the sex industry" (Raymond 2003:325). By claiming that the number is small and by using the words *say* and *orchestrated*, Raymond clearly tries to cast doubt on the veracity of the women's testimony.

Prohibitionists sometimes distort other researchers' findings that they disagree with, and sometimes they invert what another researcher has found. Farley, for example, claimed that regular customers "strongly endorsed rape myths" (i.e., false notions about rapists and their

victims) and cited a study by Marin Monto and Norma Hotaling (2001) to support this claim. But Monto and Hotaling reported only that repeat customers were more likely than other customers to accept rape myths, not that they strongly endorsed these myths. Farley also failed to mention the most important finding of the Monto-Hotaling study—that there were "low levels of rape myth acceptance" among the large sample of clients studied (Monto and Hotaling 2001:275).

In trying to make the case that indoor prostitution victimizes women to the same extent as street prostitution, one prohibitionist writer reported that a British study by Stephanie Church and her colleagues (2001) found that workers in indoor venues (private residences, saunas) reported more attempted rapes than street walkers. In fact, the Church study reported *the opposite*: that 28 percent of street workers said they had ever experienced an attempted rape, compared with 17 percent of indoor workers. Moreover, the prohibitionist writer failed to mention that street prostitutes were *11 times* more likely to have actually been raped. According to the Church study, 22 percent of the street sample compared with only 2 percent of the indoor sample had ever been raped while at work. This example is a clear case of both inverting and ignoring findings that inconveniently contradict the prohibitionist view that indoor prostitution is as dangerous as street-level prostitution.

### Claiming That Legalization Is Perilous

Prohibitionists have been very critical of nations that have decriminalized prostitution (removing it from the criminal law) or have adopted some form of legalization (e.g., registration of business owners, licensing of sex workers, mandatory condom use or STD exams, zoning restrictions). Prohibitionists argue that decriminalization and legalization will only make the situation worse

than where prostitution is illegal. They also believe that legalization gives an official stamp of approval to a contemptible institution and creates a culture in which sex-for-pay is rendered acceptable. As Janice Raymond (2003:322) states:

When legal barriers disappear, so too do the social and ethical barriers to treating women as sexual merchandise. Legalization of prostitution sends the message to new generations of men and boys that women are sexual commodities and that prostitution is harmless fun.

Raymond adds that legalization is inherently a “failed policy,” one that can never be successful.

In addition to the growth of a culture that allegedly degrades women, prohibitionist writers believe that levels of violence and exploitation will inevitably rise if prostitution is legalized. As prohibitionist Mary Sullivan writes, “Legitimizing prostitution as work has simply worked to normalize the violence and sexual abuse that workers experience on a daily basis. . . . Legalized prostitution is government-sanctioned abuse of women. . . . Prostitution can never be made safe” (Sullivan 2005:23, 18).

Such a pronouncement is an article of faith, not a conclusion from scientific, empirical evidence. Note the use of the sweeping terms *never* and *failed policy*, which are rather dogmatic, unscientific predictions. In fact, there is evidence challenging Sullivan’s claim regarding safety. A decade of research on legal brothels in Nevada by Kathryn Hausbeck and Barbara Brents (2010:272) concluded that “Nevada’s legal brothels offer the safest environment available for women to sell consensual sex.” An investigation by the Ministry of Justice in the Netherlands found that the “vast majority” of workers in Dutch brothels reported that they “often or always feel safe” (Daalder 2004:30). Likewise, in Queensland, Australia, according to a government report, “there is no doubt that licensed brothels provide the safest working environment for sex workers in Queensland. . . . Legal

brothels now operating in Queensland provide a sustainable model for a healthy, crime-free, and safe legal licensed brothel industry” and are a “state of the art model for the sex industry in Australia” (Crime and Misconduct Commission 2004:89). In New Zealand, decriminalization in 2003 extended numerous rights to sex workers, “increased [their] confidence, well-being, and a sense of validation,” and made them more willing to report problems to the police, according to a government report (PLRC 2008:50). These assessments do not mean that legalized prostitution is a panacea or that it is free of problems in the nations where it exists; research on legal prostitution systems shows that they often confront unanticipated problems in the postlegalization period and that they vary considerably in their effects on workers and owners of erotic businesses (Weitzer 2012). But the evidence from a variety of settings where prostitution is legal and regulated by the government indicates that legalization *can* be superior to criminalization in terms of harm-reduction and the protection of workers’ interests (Weitzer 2012), and that prohibitionists’ claims are grounded in their opposition to prostitution *in general* rather than anything inherent in decriminalization and legalization.

In conclusion, we can see that there are several major deficiencies in the oppression paradigm and the blanket prohibitionist approach to sex work. More often than not, the writings of those who subscribe to these views are based on staunch ideological positions and/or seriously flawed “research” that is terribly biased toward supporting predetermined conclusions. A superior framework for understanding the wide variation that exists in the world of prostitution is what is called the *polymorphous paradigm* (Weitzer 2009, 2012), which recognizes that commercial sex can range from extremely harsh and exploitative types, at one pole, to much more rewarding practices where the sex workers control their working conditions and are able to minimize or avoid problems and risks.

## Discussion Questions

1. Is prostitution necessarily oppressive of women? Describe the arguments on both sides of the debate.
2. In terms of the rules of sound social science research, what are two of the problems with the studies conducted by those who endorse the prohibitionist approach or the oppression paradigm?
3. Can the legalization of prostitution decrease incidents of violence and other abuses in this kind of work?

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