

Prostitution: Should It Be Legalized?

Is the world's "oldest profession" a victimless crime that should be decriminalized or a social danger that should be repressed?

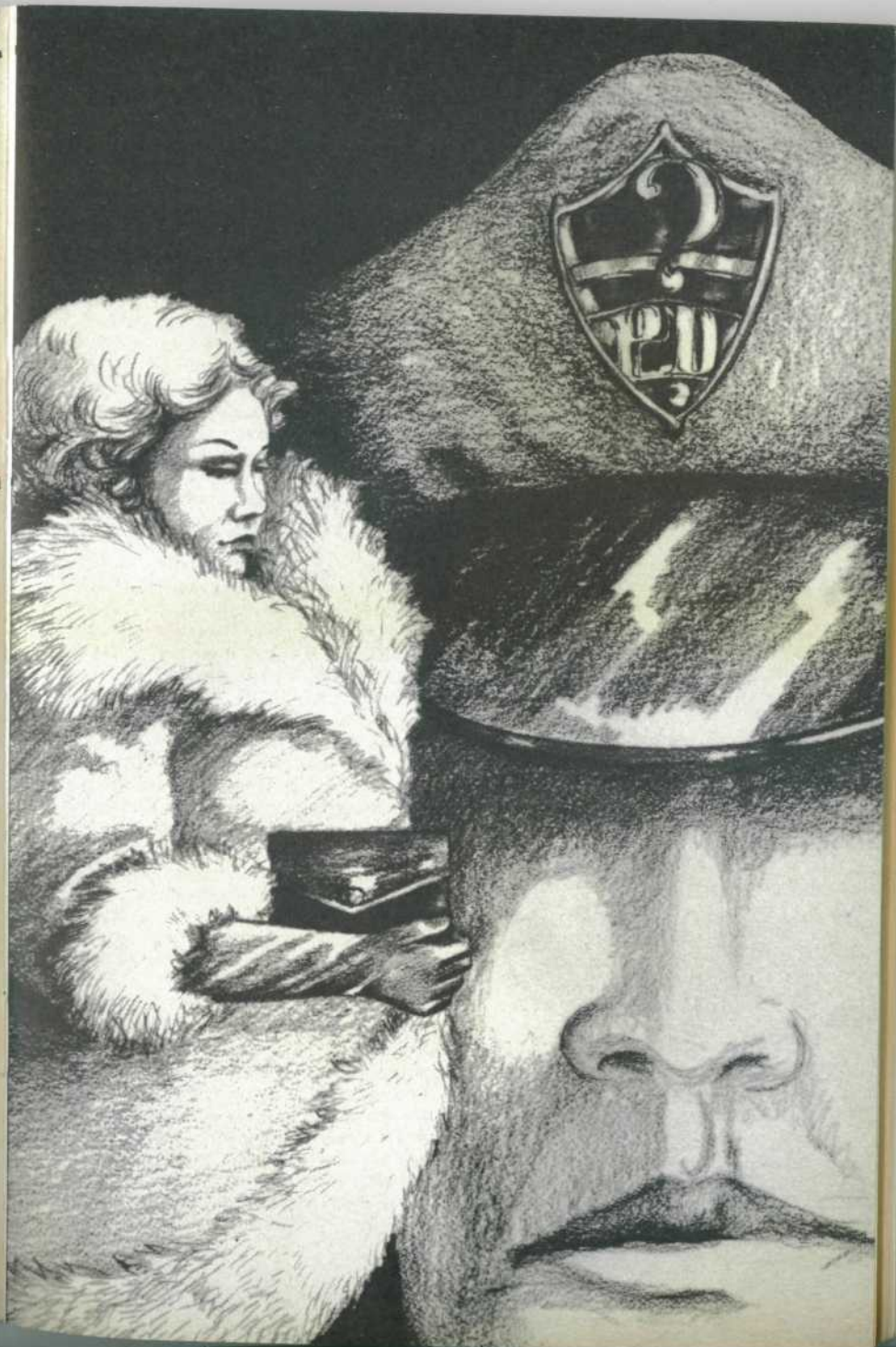
By John Townley

It's called the oldest profession. Sex for cash: lay down a few bucks and sexual tension finds relief—at least until the next time. It's a simple transaction, an exchange of money and services that's been going on for thousands of years, yet it's still a matter of tension and controversy.

Prostitution. Yearly it touches the lives of millions of buyers and sellers and it flourishes in every society, filling needs that no social or economic system has managed to eliminate, despite the fact that it is illegal, or at least disapproved of, in virtually every country in the world.

Is selling sex necessarily wrong, harmful, destructive? Or is it merely a commercial outlet for unfulfilled needs that offers jobs to the otherwise unemployed? Oddly, those questions usually bring quick, highly-charged answers based on prejudice and ignorance, and our current legal system of handling prostitution reflects our inability to face up to the problem and come to

Artist: Malcolm Langhear



grips with it. We know something's wrong, but we are crippled when it comes to figuring out just what the *problem* of prostitution really is. If it's bad, why can't we control it, stamp it out? If it reflects a real social need, why can't we recognize that fact and legitimize the profession like any other?

Probably the main difficulty is that until recently virtually everyone has simply avoided the issue. Prostitution was

something you just didn't think about very much—unless, of course, brazen streetwalkers turned up on your block, bringing with them drugs, street crimes, and other dangers of illegal vice. But even in that extreme case, police response has usually been more talk than action.

Recently, however, there has been both talk and action about taking the problem in hand in a unique and perhaps final way: *legalizing* it. Nevada took the step years ago, and few difficulties have resulted. New York's mayor Edward Koch has openly supported such a move in our largest city and the local teamster boss has said of New York's prostitutes that he'll unionize 'em as soon as they get legal. Commercial sex is starting to sound downright establishment.

Indeed, we are likely on the threshold of some major changes in the way society deals with the "oldest profession." Most European countries have already decriminalized prostitution, and perfectly legal bordellos are to be found flourishing in France, England, the Netherlands, Germany, Sweden and Denmark. But have these countries really come up with the answer to the "problem" of prostitution, or have they simply legally turned their heads the other way and given up on it? And are we likely to go the same route?

In order to confront the problem, we first have to figure out what the objections to prostitution might be, and then we have to figure out if they are imagined or legitimate—and if legitimate, whether they can be remedied. Here are some of the more common objections:

It's immoral. Probably so—but so are drinking, gambling, fornication, and a host of other pleasures which are quite legal in most places. Many consider prostitution just another "victimless" crime that should be taken off the books as just another form of consensual adult behavior. Some, however, consider the prostitute to be the financial and social "victim" of her own crime. More on that later.

It spreads venereal disease. It may, but less so than noncommercial sex. Most prostitutes take reasonably good care of themselves and see a doctor often, or they'll be out of business (and out of commission) quickly. The main transmitter of venereal disease, statistically, is the sexually active teenager who is not properly educated about the dangers of VD.

It threatens the sanctity of marriage and the stability of the family. It is here that we come to a major and possibly legitimate perceived issue, an issue on which there are two distinct viewpoints, neither of which are consistent or conclusive. According to some, such as University of Washington anthropologist Deborah Boyer, "Some women say it

asking of his wife, instead of integrating it into his life he finds a call girl and experiences it with her instead. It probably feels good to him and he grows from it, but he can't bring it home—what he's doing is setting up barriers in his life and not integrating it. Then what's likely to happen is that his wife feels stagnant, she can't grow and their sexual life becomes much more boring and more of a habit. The prostitute simply provides a way of keeping a situation going without really dealing with it."

So is prostitution an escape from marital difficulties that might otherwise be solved? "Yes, I think it's an escape," says Stein "but I think if you take away the method of escape and someone doesn't want to face up to the problem,

It may be much safer for a marriage for a husband to buy impersonal sexual services than to become emotionally involved in an extramarital affair."

(prostitution) actually saves marriages," because it relieves both partners of sexual responsibilities they would rather not have. In fact, it may be much safer for a marriage when a husband or wife buys impersonal sexual services than when he or she becomes emotionally involved in an extra-marital affair.

But the problem, if there is one, lies not in prostitution, which is simply a stop-gap treatment for marital difficulties, but in the marital difficulties themselves. In the words of sociologist and marital counselor Martha Stein, a marriage partner may have "a narrow definition of the kind of sex that is allowed in marriage. If a man has a concept that with his wife he's only permitted to have intercourse once a month in the missionary position in the dark and he's longing to do some other things that he wouldn't think of

they're not going to—they'll just find another escape." Stein, who wrote the landmark work on call-girl-customer interaction, *Friends, Lovers, Slaves*, favors decriminalization of prostitution both for practical legal reasons and because she found in her studies that prostitution "was in fact acting like an underground sexual health service. People were getting a lot of needs met through the kind of relationships they had with prostitutes—not just for quick release or experimentation, but actually for different ongoing kinds of relationships."

So prostitution may or may not threaten a marriage, depending on whether the marriage is sound to begin with, and it may benefit some who cannot find a satisfying sexual outlet otherwise, but there are other common objections, such as:



It encourages other crimes, such as dope addiction and theft. Currently, in its illegal state, that is surely the case. Many prostitutes, particularly street hookers, use their profession to support heroin habits and customers often are robbed, blackmailed, or otherwise taken advantage of by unscrupulous prostitutes and their pimps. But is this simply because it's illegal, causing prostitutes to mingle with other more harmful criminals? If prostitution were decriminalized, would they go strictly legit, like liquor after Prohibition or state lotteries after they were legalized?

Charles Winick, Ph.D., Professor of Sociology at the City University of New York and co-author of *The Lively Commerce—Prostitution in the United States*,

prostitution laws should be stringently and evenhandedly enforced against both hooker and john. The high-class call girl who makes a bundle and then retires is the exception to the rule in prostitution—the average hooker is poor, uneducated, of a minority race and emotionally unstable, and she loses most of her earnings to her pimp, winding up an unemployable welfare case after her youthful earning years are over. Winick observes that where strict enforcement is the rule, prostitution poses little problem and crime, in fact, decreases.

He also realistically observes, however, that strict enforcement of anti-prostitution laws is currently non-existent and that the situation isn't likely to change in the future. A combination of

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doesn't think so. He believes the very prejudice against prostitution ingrained in society makes for a high criminal potential between prostitutes and customers: "There's a kind of mutual hostility—the men resent the need they experience, the women resent the fact they're making the money from these men whom they resent. I think it would be very hard for people not to feel in conflict, both the customer and the woman, even though they appear to be very sanguine about it."

The customer and the *woman*? That brings us to another, more recent objection to prostitution:

It exploits women and uneducated minorities who cannot get more desirable employment. Indeed it does, and it is this that professor Winick feels most strongly about and therefore he believes that

corruption, continuing demand for prostitution, and other more important law enforcement priorities cause prostitution to be virtually ignored by police except where it becomes an eyesore on the street or an adjunct to local violent crime.

So if no one can or will get rid of it, what's to be done with it? If legalized, can it be turned into a business that will pay for its own early retirement benefits and perhaps add some needed revenue to the nation's tax coffers? Dr. Frida Surawicz, Associate Professor of Psychiatry at the University of Kentucky College of Medicine, believes that could be the case, claiming, "Taxes on a multi-billion dollar yearly income generated by prostitutes should make their vocational rehabilitation into a wide variety of acceptable occupations a realistic goal." Indeed, England has a successful re-

training program for prostitutes who want to retire from the business and take up another profession as they reach their middle years.

But the European solution, that of decriminalizing (but not regulating) prostitution while illegalizing pimps, may not be that good a solution, according to professor Winick. Despite the new laws there, pimps are still very much in evidence because the type of personality that appears to be attracted to prostitution seems to need a pimp's emotional support, and the vast majority of prostitutes are neither licensed nor do they report their income for tax purposes. If there is any system of legalized commercial sex that will work, according to Winick, it would be an enlarged version of Nevada's system, where pimps are strictly eliminated and prostitutes are rotated in shifts between bordellos, have their incomes closely monitored and are encouraged to take an early retirement.

Whatever possible system of legalization is considered, the real issue of whether prostitution should be legalized at all may in the end boil down to a legal decision on the right to privacy. A 1972 Supreme Court decision has guaranteed "the right of the individual, married or single, to be free from unwarranted government intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child." In various court cases, Margo St. James, head of prostitutes-rights organization COYOTE (Call Off Your Old Tired Ethics), is claiming that the activities one engages in to bear (or not bear) a child are established under various laws protecting sexual acts pursued in private between consenting adults. If that is truly our right, then it is likely prostitution, at least in private and not on the street, will find protection under it.

But that doesn't mean people will feel it is right. Certainly most would still disapprove of it, legal or illegal. Why, whatever the technical legal and social issues, have so many societies tried for



so long, albeit unsuccessfully, to suppress prostitution? In the words of Martha Stein:

"I think it has to do with our cultural attitudes toward sexuality. There is an openness to this (prostitution). It's very clear-cut—you want sexual services, you can have these sexual services. You can be gratified. Our culture's not very comfortable yet with sexuality, and if you're not comfortable with the subject and there it is out in the open, you want to put the lid on it, you don't want to know about it, you want to get it out of the way."

There may, however, be an even deeper discomfort behind the general emotional opposition to prostitution that goes beyond our culture's fear of sexuality, and that is fear of failure. Prostitution, in its every aspect, represents the failure of individuals to achieve one of the few things in life that is usually freely given: satisfying sexuality. Open prostitution is a flagrant reminder that we have failed as individuals, as families, and as a society to achieve personal intimacy, satisfaction and happiness.

But it is perhaps for this very reason that prostitution should, indeed, be decriminalized. Perhaps we would do well to have that reminder staring us in the face daily. It might goad us into facing the real *problem* behind the issue of prostitution: our own personal and sexual inadequacy. □

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editor's page

To quote Bhagwan Shree Rajneesh: "There are two types of living. One is fear-oriented; the other is love-oriented." And this would seem to be the theme of a number of contributors to this month's **Sexology Today**: coming to terms with and overcoming our sexual fears, in an attempt to allow ourselves the experience of Rajneesh's second type of living.

Be it the subject of homophobia, childhood sex rehearsal play, swinging or even love, all of which are explored in this issue, most of us react, to one degree or another, with fear. What is fear, exactly? It is that cold tightness in our stomach or, as Webster defines it, a painful emotion marked by alarm, extreme awe or anticipation of danger. A contemporary recently described it as the ugliest four-letter word of them all. I would agree, because it is fear that breeds hatred and ultimately prevents us from living our lives fully.

Then what is love? Perhaps it is no more than a profound courtesy, an honest attempt to understand and accept another person, no matter how foreign his or her behavior may appear to us.

So please read on. Our wish is that the contents of this issue will prove enlightening and help all of us to live just a little bit better.

Barbara G. Schrank

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