

Causes of violence (III): ten benefits of the prohibition of prostitution (corrected)

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Summary: I have carried out an exploratory bibliographic search on the material benefits (as opposed to psychological ones) resulting from the illegalization of the sale or purchase of sexual services. A list of ten benefits for which support was found in the literature are presented and discussed. Most benefits in this list do not require the punished behavior to be discouraged by the punishment. I also comment on two other plausible benefits for which no support was found in this research.

Keywords: prostitution, punishment, violence, law.

Children in Holland are growing up thinking that women's bodies are there to be rented, to be bought, that they're commodities, that they're nothing but a vagina, and an anus and the mouth, to penetrate, to masturbate in. That's the attitude: the women are seen as service providers.

Julie Bindel¹

Men use pornography to get ideas, as if it were a manual on what to do with women, and it is the way to learn more about how to torture them.

Gunilla Ekberg²

Whoever invented the phrase "the naked truth" had perceived an important connection. Nakedness is shocking to all right-minded people, and so is truth.

Bertrand Russell³

We are human beings, therefore human beings are the purpose of creation ... We are male, and therefore women are unreasonable; or female, and therefore men are brutes.

Bertrand Russell⁴

¹ Fragment of a discourse by J. Bindel in the First International Conference "Trafficking in women and sexual exploitation" held in Madrid in October 2005, organized by AFESIP Spain in collaboration with the Complutense University of Madrid, the Institute for Women and the City of Madrid ("Explotación sexual y trata de mujeres", 2006, 1:10:36). In this congress, Jenny Westerstrand, who was favorable to so called (legislative) Swedish model, explained this model, while the Dutch model was "explained" by J. Bindel, British woman who opposed this model.

² Ekberg (2007, p. 136). The quote is in a book containing the presentations at the International Conference "Prostitution and Human Rights" organized by the City of Madrid and held in Madrid on November 22 and 23, 2006.

³ Russell (1957, p. 153).

⁴ Russell (1950, p. 160).

1 List of material benefits from the illegalization of the sale or purchase of sexual services

The list of benefits presented here is not intended to be comprehensive, and it is doubtful that it is. For example, all violence can be useful as a way of demonstrating power (Cortizo Amaro, 2014, ch. 7); however, no evidence was found specifically linking the punishment of prostitution with this benefit. The list may, however, be useful to illustrate some aspects of violence. The list presented in this section includes benefits for which support was found in the literature. In section 2, I discuss two other plausible benefits for which no support was found.

“Material benefits” means “benefits that, presumably, on average are, or have been in historical times, good for (survival and) reproduction for some people;” this is not necessarily the case with psychological benefits. An introduction to the series of three papers this paper is a part of, including a comment on material and psychological benefits, can be found in Cortizo Amaro (2016, section 1).

Benefits B1 and B2 require that criminalization discourages the selling or purchasing of sex; in other words, they (B1 and B2) require these behaviors to damage the interests of some party. Benefits B3 to B10 are not based on criminalization discouraging the selling or purchasing of sex. In some cases a hypothetical rational beneficiary of only some of these benefits would prefer the punished conduct to be practiced more frequently.

Before discussing each benefit, here is the list:

- B1 Decreased trafficking in persons
- B2 Increase in the market value of sex
- B3 Damage to personal enemies
- B4 Harm to nonconformists and criminals
- B5 Damage to individuals who are different or to rival groups
- B6 Improving social status by defending one’s reputation or damaging the reputation of others
- B7 Economic and other benefits for persecutors of the sale or purchase of sex and their collaborators
- B8 Economic and other benefits for rescuers and rehabilitators of sex sellers
- B9 Economic gains from the rehabilitation of clients
- B10 Obtaining money or other benefits through extortion

B1 Decreased trafficking in persons

The decrease of forced trafficking in persons for sexual exploitation is one of the most cited potential benefits from the criminalization of prostitution and / or purchase of sex. However, it is not as obvious a benefit as it appears because criminalization, as with any other behavior, causes various effects (just as it is the result of various causes).

Cho *et al.* (2013) believe that the most important effects, in this case, are two opposing ones. The scale effect reduces trafficking in persons for prostitution: the ban reduces the market, this reduction implies less sex workers and so the need for trafficking is reduced. However, the substitution effect increases that traffic: criminalization leads many native citizens and legal residents to leave the market as

they are not willing to accept the typical conditions in illegal prostitution⁵; thus trafficking to replace them is encouraged. The net effect of criminalization on trafficking for sexual purposes is therefore an empirical question that requires research. Unfortunately, I have not found sufficiently reliable empirical data on this issue⁶.

Cho *et al.* (2013) did investigate the correlation between criminalization of prostitution and *total* trafficking into a country. Their results, based on data from 150 countries for the years 1996-2003, showed a negative – but not statistically significant – correlation. There was greater (more negative) and significant correlation when the 34 poorest countries were removed from the sample⁷. For reasons such as the poor quality of data available and the study being correlational (and therefore the direction of causality cannot be deduced), the authors say “the results should be interpreted with caution.” However, as different countries are likely to have different specific circumstances it is possible that the criminalization of prostitution, in some countries at least, causes a reduction in total traffic (although the available data does not show which countries they would be nor which particular circumstances would lead criminalization to cause a decrease in traffic).

Not all trafficking in persons is forced trafficking for sexual exploitation⁸. The official definition of trafficking employed in the study⁹ includes people who agree to be

⁵ According to Cusick (2006, pp. 7-8), several harms to sex workers “are concentrated where sex work is illicit... One explanation for this relationship is that the illicit and immoral status of sex work stigmatises and penalises. Respectable investment and involvement are thereby discouraged and control of sex work left in criminal hands.”

⁶ Cho *et al.* (2013, p. 75) believe that the ban on buying sex in Sweden has caused a decrease in trafficking for sexual purposes, based on an estimate provided by Ekberg (2004, p. 1193): “It is estimated that the number of women in prostitution has decreased from 2,500 in 1999, before the Law came into force, to no more than 1,500 women in Sweden in 2002.” Three out of the four references in which Ekberg based this estimate are “personal conversations.” In a book on prostitution in Galicia (Spain) published in 2004 it is stated that “most recent data indicate that prostitution in Sweden has reduced by 80%, and the consolidation of the mafias in the country has been prevented;” it is explained in a footnote what the “most recent data” are: “Information obtained from the appearance of Ana Míguez [one of the speakers at the conference cited in footnote 1], president of the Alecrín organization, 12 November, 2003, before the Special Committee on Prostitution created in the Spanish Senate (“A prostitución”, 2004, p. 48). In 2010 an evaluation commissioned by the Swedish government on the impact of the ban was published. In the evaluation report, which fails to provide statistics on change in total number of sex workers and on variation in traffic, it is said: “According to the Swedish Police, it is clear that the ban on the purchase of sexual services acts as a barrier to human traffickers and procurers who are considering establishing themselves in Sweden” (Swedish Institute, 2010, p. 9). But, according to Dodillet and Ostergren (2011, p. 12) “in a press release only a few months before the evaluation was published, the same police authority stated: “Serious organized crime, including prostitution and trafficking, has increased in strength, power and complexity during the past decade. It constitutes a serious social problem in Sweden and organized crime makes large amounts of money from the exploitation and trafficking of people under slave-like conditions (National Police Board press release March 2010).” The authors of the evaluation state: “One starting point of our work has been that the purchase of sexual services is to remain criminalized” (Swedish Institute, 2010, p. 4). That starting point does not seem very appropriate for doing an objective evaluation.

⁷ Cho *et al.* (2013, p. 70) justify the removal by saying that these countries are not an attractive destination for traffic for prostitution. (I do not understand the justification, since the data they used are data on *total* traffic).

⁸ According to partial data from years 2010-2012 (UNODC, 2014), about 53% of the traffic was traffic “for sexual exploitation” (the report does not define it); 79% of trafficked women and girls (49% and 21% of total traffic, respectively) and 8% of trafficked men and boys (18% and 12% of total traffic, respectively) (girls and boys are, by definition, women and men under 18) were trafficked “for sexual

trafficked in exchange for “payments or benefits” (being taken to a richer country may be a good enough benefit), and the available statistics do not reveal what proportion is forced traffic. However, any decline in non-forced traffic would also produce material benefits, such as contributing to the reduction of voluntary but illegal immigration.

B2 Increase in the market value of sex

As with other goods and services, the sex trade is, to some extent, subject to the law of supply and demand; those who offer it benefit when supply is reduced or demand increases and cannot be met by alternative means. For example, Schmitt (2005) found that in countries with a higher scarcity of men there is a stronger trend to unrestricted sociosexuality (sociosexuality being closely related to promiscuity) and he explains this as follows: men are more interested in promiscuity than women, and when the former are scarce their value as sexual partners is higher, making it easier for them to get what they want.

Suppression of any form of sex decreases supply and therefore its price increases. Thus each sex supplier benefits if sex offered by others of the same gender is suppressed. If, as many authors believe, men are (on average) more interested in sex than women then heterosexual sex offered by women will be more valuable than that offered by men and the effects of supply and demand will be stronger for sex offered by women.

Reviews by Baumeister and Vohs (2004) and Baumeister and Twenge (2002) provide empirical support for the hypotheses that the value of sex offered by women is significantly affected by the law of supply and demand, and that this leads women to tend to suppress sex offered by other women. Pinker (2012, p. 396) seems to accept these theories, at least in part, when he says: “The elder generation of women in a society also have an incentive to regulate the sexual competition from the younger one.”

These theories have implications for prostitution and pornography: “Prostitution, pornography, and other forms of sexual entertainment may offer men sexual stimulation. By satisfying some of the male demand for sex, these entertainment forms could undermine women’s negotiating power, and so women would naturally have an interest in stifling them,” according to Baumeister and Twenge (2002, p. 172).

Many people are aware that the price of sex depends on supply and demand. For example, according to Baumeister and Twenge (2002, p. 172), “[s]everal sources have reported that prostitutes angrily and disdainfully criticized “charity girls” who had sex with men without charging them money, because the availability of such free sex weakened the prostitutes’ own ability to obtain money for sex and thereby to make a living.” However, one does not need to consciously believe that suppressing the sex offered by others will bring benefits for themselves for them to behave in a way that is consistent with that belief (Cortizo Amaro, 2014, cap. 1).

exploitation.” There are a number of reasons why it is difficult to obtain good statistics on human trafficking, and the boundary between forced and unforced traffic and between traffic for one or other purpose are necessarily very artificial (Agustín, 2007).

⁹ That definition is the one employed in the “Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children.”

B3 Damage to personal enemies

Any law can be employed to harm personal enemies, and prostitution laws are no exception. For example, various people (e.g. Dershowitz, 2008) have suggested that special interests were behind the research that led to the finding that Eliot Spitzer (former Attorney General and the then Governor of New York) had been a client of prostitutes, leading him to resign.

And according to Valverde (1993, p. 123) “the [Canadian] Department [of Immigration] from time to time issued instructions to its various agents cautioning them to be sure that women reported for deportation for offenses connected with sexual immorality were not merely victims of other persons’ desires to get them out of the way.”

B4 Harm to nonconformists and criminals

It can generally be expected that laws punish nonconformists more than conformists; hence any law can be useful to preferentially damage the former. But a law that appears arbitrary is perhaps particularly effective in achieving this. According to Hartung (1995), the biblical prohibition against working on the Sabbath was a test of loyalty to the group authorities. It is therefore interesting to note that several institutions and associations against prostitution, such as those cited by Roberts (1983, p. 159), Roura (1998, p. 97) and Valverde (1993, p. 52), from the United Kingdom, Spain and Canada, respectively, also advocated the banning of working on Sundays. According to Jennings (1976, p. 1252), “many of the women who enter ‘the life’ have already experienced some problems in conforming to society’s norms, such as difficulties in the home, in school, or on the job.”

When a behavior is made illegal it becomes disproportionately practiced by those with a greater propensity for delinquency and thus it acquires a certain association with crime. Therefore, punishing practitioners of the behavior tends to harm offenders. This also happens with prostitution (Jennings, 1976, pp. 1243-1245).

B5 Damage to individuals who are different or to rival groups

According to experiments by Nordgren *et al.* (2007), impulsive behavior carried out by agents whilst in a “hot” state (such as fatigue, hunger or sexual arousal) are judged less harshly by the participants when they themselves are in the same hot state than when “cold” (furthermore, the participants viewed themselves as more similar to the agents when in the same “hot” state). According to Nordgren *et al.* (2007, pp. 82-83): “Because people are generally unable to appreciate the motivational force of states that they are not currently in, people in a cold state have difficulty empathizing with those who act on their impulses.” These experiments, among others, show that people tend to severely judge that which they do not do. We can derive that what one *does not* do tends to be bad simply due to the fact that what one *does* do tends to be good, i.e. the more something is associated with self, the more empathy and value one gives to it (Cialdini *et al.*, 1997; Falk and Heine, 2015).

This leads the behaviors of the minority (or powerless) groups to tend to be immoralized and banned¹⁰. As Tybur *et al.* (2013, p. 75) put it, from a strategic point of view, “there is little disadvantage to the individual to adopt and spread a rule that prevents” “acts that the individual would prefer not to do even if the rule were not in place.” Finally, damage to individuals who are different, who are often classified as forming part of “different groups,” tends to result in material benefits, mainly for reasons directly or indirectly related to competition for resources (Cortizo Amaro, 2014, ch. 5).

A simple and common way to materially harm others is by getting them sentenced (to jail, fines, etc.). Another way to doing it is by hindering their immigration. According to Bland (1995, p. 109): “The [1901 English anti-prostitution] campaign also deployed the language of race, both organizations claiming that a large majority of prostitutes and brothelkeepers were foreign – French, Belgian and increasingly Jewish. They welcomed the Aliens Act 1905 (which gave power to control ‘undesirable and destitute aliens’ entering the country). The Act was fuelled by anti-Semitism.” Something similar happened in Canada, according to Valverde (1993).

In some cases where prostitution has become associated with a certain ethnic group, that association is due to the desire to bring either the group or the behavior into disrepute: once prostitution (and other societal ills) has been deemed as bad for other reasons, attempts are made to ascribe it to the ethnic group; equally, if an ethnic group is undesirable then it will be linked to prostitution to discredit the activity. In cases where prostitution is indeed connected to an ethnic group, punishing prostitution has the effect of disproportionately harming the ethnic group. This is likely to be the case if, as is often believed, prostitution is linked to poverty, since ethnicity is also often linked to poverty.

Various authors believe that one of the causes of the illegality of the sale of sex is that it tends to be practiced by the lower classes, at least in its most visible forms. It is generally agreed that poverty is a cause of prostitution¹¹. Regarding buyers, it is likely that the rich are more able to evade persecution than the poor, for the type of prostitution they buy, because of their greater ability to pay bribes and because it is more risky to testify against the rich than the poor¹². If this is true, punishing the sale or even the buying of sex is a way to prevalingly harm the lower classes¹³.

¹⁰ “Thus, the basic argument of conflict criminology is that there is an inverse relation between power and official crime rates: people with less power are more likely (and people with more power are less likely) to be officially defined and processes as criminals” (Vold *et al.*, 1998, p. 235).

¹¹ For example, in China the communist government tried to improve the economic conditions of the poor peasants so they would have less need to sell their daughters into prostitution or marriage (Gil and Anderson, 1998, p. 133).

¹² An 1885 law, for example, banned brothels in Britain. But Bland (1995, p. 102) cites a criticism to the class bias of the closures, for upper-class brothels “remained virtually untouched.”

¹³ Furthermore, in China, according to Confucian morality, the morality (and even legality) of being a client of prostitutes depended on the social class the client belonged to: “Upper-class brothels and sexual entertainment were, in fact, legalized by authorities; patronizing such establishments by upper-class men was seen as a class privilege, not a breach in Confucian morality. Social mores applied to the lower class, however, stressed fidelity in marriage and negation of pre- or extramarital sex, making lower-class prostitution offensive and often illegal. However... lower class parents were permitted to sell their female children to brothels for the sake of family economics” (Gil and Anderson, 1998, p. 130).

According to Jennings (1976, pp. 1240-1241), for instance: “Prostitution and solicitation per se were not outlawed in California until 1961. Early in its history, California enacted laws proscribing practices associated with prostitution, while punishing the ‘common prostitute’ under a vagrancy statute. Questions about the constitutionality of such ‘status’ offenses resulted in the repealing of the vagrancy law, which was replaced by proscriptions on various acts, among them prostitution and solicitation” (prostitution including “any lewd act between persons for money or other consideration”). And Bland (1995, p. 97), referring to England in the late nineteenth century, says: “As predominantly middle and upper class, feminists’ wish for greater ‘civilization’ and morality can be seen as partly related to their classes’ current fear of a working-class uprising.”

Lastly, as clients are generally men, for women who see men as rivals or enemies¹⁴, punishing the purchase of sex has the benefit of predominantly harming men.

B6 Improving social status by defending one’s reputation or damaging the reputation of others

Reputation is an element of social status, or a way of achieving it. Social status may be raised by improving one’s reputation or by damaging that of others, or both simultaneously. Increased status normally leads to possession of more rights (Cortizo Amaro, 2014, ch. 6), and the final effect can be more important than the direct material damage discussed in B5. Unlike B5, this benefit requires the banning or immoralization of the behavior, but does not require punishment, except to the extent that this lends credibility to the former.

The reputation of a person who does not perform conduct x (or who has the ability to do so in secret) benefits if the society states that x is immoral or illegal. For example, according to Ranke-Heinemann (1994, p. 105) the Council of Trent, which took place when the Catholic Church had not yet established the obligatory celibacy of priests, stated: “If someone says that remaining in virginity and celibacy is not better and holier than marrying, let them be excommunicated.” The author adds: “This is understandable, because [celibacy supporters] thought that their own worth deserved greater reverence, and this had to be stipulated in an article of faith” (Ranke-Heinemann, 1994, p. 105). Kate Mills, late nineteenth century author of the peculiar theory that civilized man, in breaking the “natural law” of sexual abstinence during pregnancy, “had brought painful childbirth and menstruation upon their women,” said: “I believe celibacy to be infinitely higher than any existing form of marriage” (Bland, 1995, pp. 81 and 166-167).

¹⁴ Bland (1995), for example, cites some statements by feminists that seem to express that they saw men as enemies. And, comparing the situation at the beginning and at the end of the twentieth century, she states: “A number of early twentieth-century feminists called on women to disengage from sexual relations with men; late twentieth-century feminists do likewise: sex with men is ‘sleeping with the enemy’” (Bland, 1995, p. 312). According to Ordóñez Gutiérrez (2006, p. 83): “One of the reasons why the [Spanish] Abolitionist Platform rejects the regulation and legalization of prostitution is that it considers that it contributes to business growth of the sex industry, whose profits go mainly for pimps, who are usually men.”

Similarly, the reputation of any group that does not usually perform the behavior x (while other competing groups do) benefits when society states that x is immoral or illegal. According to Valverde (1993, p. 29), who refers to Canada in the late nineteenth century and early twentieth century:

“The doctors, clergymen, and women employers of servants did not in any case expect immigrants and prostitutes to live and think exactly like upper-class Anglo-Saxon Canadians. They did want both immigrants and social deviants to embrace the culture and values of Anglo-Saxon, Protestant, middle-class urban Canadians, but this was to ensure that the power of the WASP [white Anglo-Saxon Protestants] bourgeoisie would appear as legitimate, not to democratize society and have everyone live in Rosedale- or Westmount-style homes.”

The differences in the average behavior of men and women can also be used in the competition for being morally superior to others. According to L. Bland, for example, who studied England around the turn of the twentieth century, a number of people tried to argue that their sex was morally superior; and not just heterosexual men and women: according to homosexual Edward Carpenter, the “Uranians,” as he called homosexuals, also had reasons to feel superior (Bland, 1995, p. 264). The typical female argument was that women were superior because they had more self-control over their sexual impulses. For instance: “Those spinsters who embraced chastity with enthusiasm as opposed to regret claimed that a chaste life, and the greater ability to exercise sexual self-control, rendered women the moral superiors of men,” according to Bland (1995, p. 164). Something similar happened around the same time in Canada: Canadian Elizabeth Blackwell claimed “that women, not men, are the true agents of history, because they bring their superior spiritual and intellectual faculties to the work of civilization, whereas men are all too often ruled by their lower passions” (Valverde, 1993, p. 69).

As most people who sell sex are women and most who pay for it are men, immoralizing or prohibiting just one of these two behaviors is a way of predominantly favoring or harming the reputation of individuals of one sex over the other. Other benefits of punishing prostitution (such as B1 and B2) cannot lead to one of the two behaviors (sale and purchase), but not the other, to be a crime: if one of the two participants commits a crime or acts immorally, the other one must be, at least, a necessary accomplice. In contrast, this benefit can lead to this situation.

B7 Economic and other benefits for persecutors of the sale or purchase of sex and their collaborators

The persecutors of the sale or purchase of sex and their collaborators can be rewarded in various ways for their services (by persons or groups who obtain other material or psychological benefits).

For example, “The NYSSV [New York Society for the Suppression of Vice] was founded by Anthony Comstock and his supporters in the Young Men’s Christian Association. It was chartered by the New York state legislature, which granted its

agents powers of search, seizure and arrest, and awarded the society 50% of all fines levied in resulting cases” (“New York Society”, 2015).

Also NGOs and campaigners favoring persecution may benefit economically. In these cases, recipients often have the dual role of persecutors and rescuers, and it is impossible to attribute the economic benefits to one role or the other. For example, there are NGOs whose goals include the “rescue of victims of prostitution” as well as the “abolition of prostitution.”

Persecution may be rewarded by an improvement in social reputation. I have discussed in B5 and B6 people’s interest in defending the morality of their behavior (be it sexual or otherwise) while claiming the behaviors that they do not practice are immoral. Nonetheless, there is another way of competing for moral reputation: normally, once it has been established that behavior x is immoral, it becomes morally right to punish it. Therefore the punishment of immoral behavior usually produces the benefit of improving moral reputation.

For example, Comstock “boasted that he was responsible for 4,000 arrests during his career and 15 suicides” (“The hypocrite’s club”, 2008). He likely *boasted* about it because his participation in the persecution of vice and obscenity bestowed reputational benefits on him.

The in-group’s interest in being considered morally superior to others also applies to national groups. According to a Swedish report, Sweden was the first country that criminalized the purchase, but not the sale, of sexual services in 1999. The report also states that “by introducing a ban on purchasing sexual services, Sweden also sent an important message with regard to our outlook on the purchase of sexual services and prostitution *to other countries*. It pointed out that prostitution results in serious harm to both individuals and to society” (Swedish Institute, 2010, p. 4, italics added). However, some critics of the report have argued that the law sends another unacknowledged message: that Sweden is a world leader in morality, or in a certain kind of morality. According to Persson (2010): “Now-familiar self-congratulatory references to Sweden’s higher moral ground compared with other countries are not missing: here the law is ascribed an almost magical power to eradicate patriarchy and sex trafficking, both.” And Dodillet and Ostergren (2011, pp. 24-25) believe that “the discrepancy between the stated success of the Sex Purchase Act and its documented effects” “has to do with a desire to create and uphold a national identity of being the moral consciousness in the world.”

Obtaining votes is another way of benefiting from participation in the persecution of those who perform certain conducts. This may explain why the European Parliament, in February 2014, stated that non-forced prostitution is a form of slavery: “B. whereas prostitution and forced prostitution are forms of slavery incompatible with human dignity and fundamental human rights” (European Parliament, 2014).

B8 Economic and other benefits for rescuers and rehabilitators of sex sellers

The phrase “rescuing victims of prostitution” can refer to different behaviors. For example, it may refer to (1) freeing people forced into prostitution, i.e. forced to sell sexual services; (2) offering alternatives to people who sell sex voluntarily, but might

accept other, more appealing occupations; or (3) compelling persons who voluntarily sell sex to leave that occupation. That selling sex is illegal or immoral and punished (at least with social disapproval) is necessary for the rescue of type (3) and is a helpful circumstance for types (1) and (2). Therefore, people whose jobs depend in whole or in part on the rescue may benefit if selling sex is punished. These people may be: social workers and researchers, campaigners, staff of rescue NGOs, officials and civil servants, refuge providers, etc.

Rescue activities experienced a large increase in the nineteenth century and early twentieth century, and were carried out by people of middle or upper class, prevailingly by women, sometimes by nuns¹⁵. After a period of mostly voluntary work, many people, especially women, became professionalized, and in countries such as the UK and Canada rescue work came to constitute an important source of employment and (therefore) progress towards equality for women (Agustín, 2007; Bland, 1995; Finnegan, 2004, p. 14; Valverde, 1993). According to Agustín (2007, pp. 125-126 and 127):

“In my account of the Rise of the Social, I focus on how the construction of the slippery category ‘prostitution’ provided work for those intent on eradicating it. A central irony of this story is that these middle-class women’s occupations aimed at doing away with many working-class women’s means of support. While formulating their own desire for independence and participation in the culture of individual work, many joined campaigns to repress and limit opportunities for other women.”¹⁶

“Since the ‘prostitute’ of middle-class imagination didn’t actually exist, it shouldn’t surprise us to find that, for helpers and savers, the centre of the discourse was themselves. They believed their help was intrinsically different and better than the policeman’s or the judge’s because of their class, education and sex. But like the work of the policeman and the judge, theirs depended on defining others as wrongdoing, mistaken, misled, deviant. When reformers refused to accept the information, obtained in social research, that women who sold sex did not find the life uncongenial, they paid no attention. This refusal was self-serving; after all, without people to rescue, they could be out of a job.”

At present, rescue or anti-prostitution and anti-trafficking institutions and NGOs involve large amounts of money. According to Moore (2015), in 2012, 36 of the largest

¹⁵ Referring to Britain, Mumm (1996) asserts that, in the 1840s, “the newly established Anglican sisterhoods, seeking a means of justifying and defending their vulnerable institutions, saw the provision of refuges for fallen women as an irrefutable vindication of their own existence.”. Simultaneously, providing economic support for these refuges allowed the upper classes “to make restitution for preying sexually or economically upon the working classes,” according to Mumm (1996).

¹⁶ In a study on Canada between 1885 and 1925, Valverde (1993, p. 30) makes similar assertions: “The great paradox about femininity formation in/through moral reform campaigns was that certain middle-class women made careers out of studying “the problem” of the immigrant woman or the urban girl. These women doctors, social workers, deaconesses, and Salvation Army officers travelled freely around the city, protected by their uniform and their profession, and perhaps did not realize that their unprecedented freedom was built on the prior assumption that ordinary women were helpless objects in need of study and reform”.

of these groups in America had a combined total budget of 1.2 billion dollars. Moore estimates that the budget of all such organizations in the US may be around \$3.0 billion. Few of these organizations make their financial information publicly available, according to Moore.

In the context of these rescue and rehabilitation activities providing a livelihood and good reputation for their practitioners, those in need of help become a valuable resource that they do not wish to lose. Referring to the Canadian philanthropic organizations between 1885 and 1925, Valverde (1992, p. 159) states that “the idea that one should give advice instead of money was theoretically coherent but in practice resulted in losing one’s clientele to more generous competitors.”

Since the financing of these activities comes almost entirely from charity and social generosity, it may be convenient to stimulate it. Between 2012 and 2014 it was discovered that Somaly Mam, a Cambodian activist in the field of rescue (and one of the speakers at the conference cited in footnote 1), had lied about her life and the lives of other alleged victims of trafficking, presumably to obtain more funding (“Somaly Mam”, 2016). Commenting on this case and on field-visits to rescue centers in poor countries by celebrities, Agustín (2014) states: “The repetition of stories by the same inmates [of rescue centers] is well known, as is the phenomenon by which victims learn to embellish their stories to provoke more sympathy in listeners (including researchers and program evaluators). That these narrations are often exaggerated in performance or fabricated out of whole cloth is so well known in NGO circles as to be banal.”

In some cases, the funding of rescue and rehabilitation activities has been provided in part by the “fallen women” (prostitutes and other women with sexual “misconduct”) themselves, through their work in the refuges. For example, Valverde (1993, p. 146), referring to a refuge in Canada, states that “after the initial burst of evangelical zeal to convert prostitutes, increasing emphasis was put on the profitability of the laundry business and other mundane matters.” The case of the Irish Magdalen asylums was more prominent and long-lived: laundries in these institutions became a business of considerable size, and some of the women did not enter or remain in them voluntarily (Finnegan, 2004).

B9 Economic gains from the rehabilitation of clients

In the United States there are programs whose stated objective is the rehabilitation of sex buyers. For example, referring to San Francisco’s program in 2009, Coté (2009) states: “The program has first-time offenders arrested for soliciting a prostitute pay as much as \$1,000 for a one-day class taught by sex-trafficking experts, former prostitutes and others in exchange for having the misdemeanor charge dropped.”

B10 Obtaining money or other benefits through extortion

Any prohibition can be exploited to extort and the prohibitions on prostitution are indeed exploited in this way. For example, Recommendation 8/94 of the Human Rights Commission of Mexico City documented several cases of extortion of sex sellers

and buyers in Mexico City (Comisión de Derechos Humanos del Distrito Federal, 1994).

2 Other alleged benefits

I will now discuss two other benefits that have been alleged. Although they seem plausible, evidence against the first was found and no reliable evidence was found for the second.

2.1 Decrease in the prevalence of sexually transmitted infections

Clearly, reducing any kind of human sexual relationships produces a decrease in the transmission of sexually transmitted infections (STIs) if all other parameters remain equal. However, since the criminalization of prostitution has various effects besides that reduction, the question of whether outlawing prostitution produces the benefit of reducing the transmission of STIs or not is an empirical one.

Indoor prostitution in Rhode Island (USA) was *de facto* legalized in 2003. In 2009 it was illegalized again. According to calculations by Cunningham and Shah (2014), between 2004 and 2009 there was a 39 percent decrease in the rate of gonorrhea (the only sexually transmitted disease researched) in the overall female state population compared to previous years (1,035 fewer cases of female gonorrhea, in absolute terms). The decrease detected in male gonorrhea (35%) was less statistically significant.

Immordino and Russo (2015) obtained similar results in a study based on a theoretical model in which the STI investigated was HIV. According to them, compared with a legal regime of liberty, the banning of the sale and/or purchase of sex produces a somewhat smaller market (i.e., it reduces the amount of prostitution) but considerably increases the risk of infection for both sellers and buyers. The explanation, according to the authors (p. 23), is as follows: criminalizing prostitution creates a new cost (the penalty for those who are judged and convicted) thereby reducing participation in the market. Nevertheless, the effect is lower for HIV infected people as they have lower life expectancy and therefore less to lose than the non-infected and so are less responsive. Since non-infected individuals leave the market more rapidly, prohibition creates a smaller but riskier prostitution market.

2.2 Defense of the morality of those who do not sell or buy sex

Some women (non-prostitutes) argue that the existence of prostitution is harmful to women in general because the (mis)treatment and (bad) reputation that prostitutes receive, according to them, is projected (at least to some extent) onto them. Melissa Farley, for example, one of the speakers at the conference cited in footnote 1, who stated that “prostitution amounts to men paying a woman for the right to rape her” (“Melissa Farley”, 2015), said in an interview:

“Prostitution has profound effects on women that are not in prostitution as well as women that are in prostitution, different but still profound. Men come to see all women as prostitutes. So that if I have a job, where I’m managing an office, and my boss goes out on his lunch hours and buys a woman in prostitution, and calls her the

names that men call women in prostitution, he then comes back in to the office after lunch and he sees me in that same way, and he is likely to treat me in a similar way. All of us women are just a short way away from prostitution as long as it exists.” (“Explotación sexual y trata de mujeres”, 2006, 28.50)

As people do not know why they do what they do (Cortizo Amaro, 2014, ch. 1), the alleged causes of opposition to prostitution do not have to coincide with the real ones. Nevertheless, the claim that one can be blamed (or rewarded) by association is correct (Cortizo Amaro, 2014, pp. 12-14). Individuals who see in-group members performing sexual behavior x – x being commonly considered immoral – can defend their own morality in two ways (apart from rejecting personal responsibility for the conduct of others): (1) by advocating that these in-group members have been forced to do x and therefore have no responsibility for their actions; and (2) by trying to prevent in-group members from performing behavior x .

The first of these defenses can be illustrated by the words of the director of a prostitute rescue project to Carla Corso, an activist street worker: “You aren’t a prostitute, because you don’t suffer” (Agustín, 2007, p. 181). The assumption that all women who sell sex are victims requires the existence of an aggressor in each case; this role can be attributed to clients. So blaming them, thereby making them deserving of punishment, makes the hypothesis more plausible. The second defense benefits from the suppression of the sale or purchase of sex or both.

On the other hand, some authors dislike the theory of sexual economy discussed in B2. For example, Rudman and Fetterolf (2014) reject this theory and claim that “the view that sex is a female commodity both reflects and reinforces patriarchy because it characterizes women as distinctly unequal to men” (Rudman and Fetterolf, 2014, p. 1439)¹⁸. Their rejection may be derived, in part, from the fact that favors based on self-interest are less valued than altruistic ones, and those who offer favors, or “belong to the same group” as those who do, prefer these favors to be considered as selfless. It may be hypothesized that the existence of prostitution is a reminder that sexual favors can be granted for reasons of self-interest, and the desire to eliminate this reminder would help support the punishment of prostitution.

¹⁸ In contrast, Andrea Dworking, who is introduced as a feminist by S. Pinker, stated: “A man wants what a woman has—sex. He can steal it (rape), persuade her to give it away (seduction), rent it (prostitution), lease it over the long term (marriage in the United States) or own it outright (marriage in most societies)” (Pinker, 2012, p. 395)

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