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Prohibition of prostitution prevents combating sex trafficking

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To better protect women in American society, one clear act we can take is to legalize prostitution and pull back the “tough on crime” reins when it comes to sex trafficking.

Elizabeth Nolan Brown, a longtime writer on feminist issues from a libertarian perspective, wrote a new cover piece for Reason magazine about how the war on sex trafficking is the new war on drugs with overinflated mandatory minimums, federal dollars incentivizing bad policing and misallocation of resources.

To the latter point, it’s important to remember that prostitution and sex trafficking are not interchangeable, as there are differences (primarily the line between consent and nonconsent). However, don’t tell that to federal, state and local agencies. In claiming to fight sex trafficking, these agencies are routinely using anti-trafficking dollars to fight prostitution.

Obviously, any sensible person believes that forced sex and labor of any kind is abhorrent, but as with the misallocation of resources and the language used therein with the war on drugs, the war on sex trafficking does not go merely after that core issue. Instead, Brown noted, anti-trafficking efforts involve going after paid sex, living with a sex worker or running a classified advertising website.

Brown cited Kari Lerum, Kiesha McCurtis, Penelope Saunders and Stephanie Wahab’s 2012 article for Anti-Trafficking Review, in which they said since the early 2000s, “anti-prostitution policies at the federal level have translated into increasingly aggressive state and local-level policing of sex workers and their customers.”

One of the biggest hurdles to victims of sex trafficking is finding a place to go once they’ve escaped their circumstances. The State Department’s Trafficking in Persons report noted this, saying “shelter and housing for all trafficking victims, especially male and labor trafficking victims, continues to be insufficient.”

Perhaps a better allocation of resources would be away from police coffers and into shelters for the expressed purpose of helping sex trafficking victims and runaways (since runaways tend to get snagged into trafficking).

And it's hard to see, from my vantage point, how cracking down on consenting adults is in any way helpful to those women, in keeping with the ideals of feminism and that of a supposedly free society, nor in actually solving sex trafficking.

Just as killing the demand for drugs was futile, so will be trying to kill the demand for paid sex. It's a losing battle, but it's not one that ought to be fought anyhow.

And no, legalizing prostitution is not necessarily only about protecting prostitutes from their pimps and johns, but from the police as well.

Brown noted examples from Tuscon, Arizona, San Antonio, Texas, Brevard County, Florida, Fresno, California and on and on — just in the past few months — of where police officers paid, pimped and sexually assaulted sex workers.

For example, in Forth Worth, Texas, police officer Ryan Candu was fired over allegations that he paid for sex while on duty. Brown noted that his lawyer argued this was unfair since other officers in the department did the same thing, but weren't investigated or disciplined for it.

When Brown extended her search to last year, she found a dozen more examples, including police chiefs and crimes involving underage girls.

The Cato Institute's National Police Misconduct Statistics and Reporting Project recorded 4,861 unique reports of police conduct involving 6,613 sworn officers and 6,826 alleged victims in 2010.

Sexual misconduct only trails excessive force as the most common incident at 9.3 percent. Of the 618 officers involved in sexual misconduct, 354 had complaints that involved forcible, nonconsensual sexual activity and of those, 51 percent involved minors.

The key to solving crimes and helping victims is a two-way street of communication between the police and whatever the affected community is. Therefore, as Brown pointed out, when the war on sex trafficking really looks like a war on prostitution, prostitutes and their clients fear coming to the police with information about trafficking, afraid they'll be arrested and potentially assaulted.

Prohibition creates this poor communication problem, but also a problem of violence. Within this black market of paid sex, would-be criminals can rest easy knowing their victims won't go to the police. But, as I've pointed out, the police can often be just as bad. However, that's not sufficient reasoning to maintain the illegality of prostitution. If anything, it's even more reason to get it out in the open and deal with the police problem.

Additionally, lest one think legalizing prostitution is a fringe feminist libertarian position, Amnesty International made headlines in August when they came out in favor of decriminalizing prostitution and upholding the rights of sex workers.

“Sex workers are one of the most marginalized groups in the world who in most instances face constant risk of discrimination, violence and abuse,” Salil Shetty, Secretary General of Amnesty International, said.

Finally, doesn't it seem more sensible, as Brown also pointed out, to work on harm reduction strategies — handing out condoms in popular prostitution areas or offering STD tests — rather than locking these women up?

Additionally, I think there's enough nuance within feminism to be able to parse victims of sex trafficking from those that take up prostitution, but doing so would require a sex-positive attitude.

That is to say, feminists ought not standardize their vision of sex for everyone, so when somebody decides to introduce money into the equation, they're not committing a crime.

Prohibition, whether on drugs, gambling or in this case, prostitution, simply does not work and waging wars in their name are not just counterproductive, but most destructive to the very people often singled out as the reason for the war in the first place.