

Normalizing Sex Work

By Ramsey Knab

Second place: Researched Argument (UNIV 111/112)

Acknowledgement: Thanks to my partner Naomi who put up with me ranting about this subject for like weeks.

Abstract

This paper explored the topic of decriminalizing sex work. Specifically, should we decriminalize sex work? If someone is doing full service sex work, should that be illegal? The current state of criminalization leads to unchecked violence against sex workers. Regardless of political ideology the decriminalization of sex work would benefit all those involved.

Keywords: sex work, decriminalize, arrested

Normalizing Sex Work

Sex work, by denotation, is work. And that work deserves the same unsexy legal validity as any other form of labor. Okay so it's work, but what does that entail? In an interview with Carol Leigh by Ayanna U'Dongo (1993) it is discussed that the term 'sex work' was coined by her to encompass many different parts of the profession. This includes adult performers, dancers, full service workers, etc.. The reason it is useful to have one term for all these different ventures is because there is a lot of crossover. People who do one thing often also do another, and the way laws and violence affects these groups is very similar. As mentioned, this form of labor does not currently have legal protection, it is heavily criminalized in most places around the world. And while sex work has a lot of societal baggage attached to it, it is not something that should be illegal. Regardless of political ideology the decriminalization of sex work would benefit all those

involved. “Involved” in this case of course means the clients and the workers, but also those who simply have a stake in the debate.

It is important for this discussion to specify that legalization and decriminalization are not the same thing. The main difference is the amount of regulation. Legalization would mean that laws would be added to allow sex work but there still is government regulation. That could mean requiring licenses and permits, which often cost money, to a number of other restrictions. Full decriminalization not only meaning sex work is no longer prohibited but also there is no extra regulation besides the standards for any other jobs. To simplify, it is the difference between having to pay for a license to work at a bookstore vs being able to sell your own books. The reason decriminalization is the way to go is because it is the best avenue to lessen violence those involved face, and because it would allow sex workers to exercise their autonomy over their labor like other occupations can.

According to a report by Thukral and Ditmore (2003), 80% of sex workers said they have “experienced either violence or threats” from their customers. And 60% said that they have had male customers try to force them into dangerous situations including “rape, assault and robbery.” The victims of these accounts cannot report these clients to the police or go to anyone about this because their work is criminalized and they will be further punished for it. Even those who did go to the police for help were often told that nothing would come of it. Not only are the police not helpful, they are also actively enacting more violence toward sex workers. In a different report, by Arrington, Berkeley, & Gonzalez (2008), it is recorded that 78% of all sex workers in the report said they “fear violence, harassment, arrest, and humiliation” from the police regularly. And to make it even worse, that same report also showed that 1 in 5 sex workers surveyed have experienced the police trying to get sex from them. It is obviously coercive for the police to ask

for an act that they know is illegal from a person who is unable to say no for fear of being fined, arrested, or worse. But it turns out that in some US states you do not even have to be a sex worker to be harassed by the police for 'being a sex worker'. The article and interactive map made by Grant (2019) shows the amount of trans women, black women, and latina women in New York City arrested for allegedly "Loitering for Prostitution". This alleged crime means that anyone the police suspect of intending to prostitute themselves can be arrested without any real due process. And as the map shows, this takes the form of targeted arrests of marginalized women who may have committed the awful crime of just hanging out. This is further proof that you do not have to be a client or worker to be affected by the laws relating to sex work. And again, if sexual labor was decriminalized then the police would not have as much power in this area to abuse. Additionally there is evidence that decriminalization leads to more workers feeling comfortable reporting negative experiences with customers. A report by Ham (2011) showed that in New Zealand there was a link between decriminalization and more sex workers coming forward to police about abusive clients. This goes both ways, workers would be able to report bad clients and clients would be able to report bad workers. Overall the idea that decriminalization would lead to less violence and more trust in the industry is heavily substantiated.

Most occupations have some form of labor unions. And those who are barred from unionizing are constantly fighting against it. This is demonstrated in the current events of Amazon workers' continuous protests against Bezos's union busting actions. Sexual labor is no different than other forms of labor on this front. Walters and Mishel (2003) highlighted many of the statistical reasons why unions are so fought for in their report. This includes information on how unions raise pay and compensation, but also how unions are more able to pressure

governing bodies to enact reforms that aid the members and community. The current union, the International Union of Sex Workers or IUSW, has to put most of its resources into the fight for decriminalization, leaving the other aspects vulnerable. Sex workers deserve to be able to organize and effect change beyond just fighting for their right to have basic human respect and legality. Decriminalization would give the sex workers unions the ability to gain the benefits and means that other recognized labor unions work toward. It would give a voice to the workers who are constantly told to shut up or are talked over.

The discussion about sex work often gets very wound up with the discussion of human trafficking/sex trafficking. This conflation comes from a misunderstanding about the way sex work and sex trafficking function, but also the idea that all sex work is basically sex trafficking because there can be no consent in paid sexual acts. Sex trafficking is when someone is coerced or threatened into sexual acts, this often involves crossing over state or country borders and can involve abduction. Sex work is when someone willingly engages in the acts I described in the introduction. A sex worker may not enjoy their work everyday, just as a Panda Express employee probably doesn't enjoy their work everyday, but it is still a valid profession that people have agency in. One violates people's human rights, the other does not, and it's important for lawmakers to know the difference. Cahill (2019) writes about how the conflation of the sex trafficking and sex work actually leading to less resources going toward genuine sex trafficking and causes more harassment of people trying to do their job and make a living. A lot of legislation that claims to fight against sex trafficking ends up severely hurting sex workers instead. These laws also give more methods for the police to further harass sex workers, now under the guise of wellness checks and the such. Some people, like Jensen (2016), are against decriminalizing or even legalizing sex work because they believe there can be no consent when

money is changing hands. Many sex workers fight against this idea because under that lens, their “yes” is the same as their “no.” By saying it is all akin to rape, it actually takes away workers ability to demand their consent, and takes away their autonomy. It also eliminates the concept of workplace-abuse when it comes to sex work. Because if it’s all sex trafficking, than there are no course of action to report malpractice that workers may experience. Even if we take the claim that there can be no consent in sex work at face value, which we shouldn’t, decriminalization is still the best path to take in order to lessen the violence sex workers face. Because as shown earlier, making something harder to get doesn’t make it go away. It just makes it more dangerous.

Laws influence our beliefs and our beliefs shape our laws. I think it’s clear to anyone who has looked into this topic that misogyny is inherent to this conversation and people bring their moral baggage, but sex workers are people, and people deserve protection. By decriminalizing sex work it would shift the Overton Window and allow for more human conversations about sexual labor. Something that surprised me while researching this is how many people are talking about decriminalization. It feels like decriminalization is slowly becoming the mainstream view thanks to the speaking out of many sex workers, organizations, and allies. Yet bills trying to change things still get shot down, which is proof that there is still a lot of work to do in the realm of decriminalization. In the meantime; buy your porn. Either from ethical sources or, even better, directly from sex workers.

Reference List

- Arrington, M., Berkeley, S., & Gonzalez, L. C. (2008). Move along: policing sex work in Washington, D.C. *Different Avenues*. Retrieved 2021, from <https://dctranscoalition.files.wordpress.com/2010/05/movealongreport.pdf>.
- Cahill, L. (2019, July). 'Conflating sex work and trafficking is harmful. we need to stop.' *EachOther*. <https://eachother.org.uk/sex-work-and-sex-trafficking-different/>.
- Grant, M. G. (2019, January 11). Interactive map: See where the NYPD arrests women who are black, Latina, trans, and/or wearing jeans. *The Village Voice*. <https://www.villagevoice.com/2016/11/22/interactive-map-see-where-the-nypd-arrests-women-who-are-black-latina-trans-andor-wearing-jeans/>.
- Ham, J. (2011). Moving beyond 'supply and demand' catchphrases: Assessing the uses and limitations of demand-based approaches in anti-trafficking. *Global Alliance Against Traffic in Women*. http://www.gaatw.org/publications/MovingBeyond_SupplyandDemand_GAATW2011.pdf.
- Jensen, M. (2016, April 27). With prostitution, when is consent not consent? *ABC News*. <https://www.abc.net.au/news/2016-04-28/jensen-with-prostitution,-when-is-consent-not-consent/7363782>.
- Thukral, J., & Ditmore, M. (2003). Revolving door: An analysis of street-based prostitution in New York City. *Urban Justice Center*. <https://sexworkersproject.org/downloads/RevolvingDoor.pdf>.
- U'Dongo, A. (1993). Carol Leigh: An Interview. *Video Data Bank*. other. <https://www.vdb.org/collection/browser-artist-list/carol-leigh-interview>.

Walters, M., & Mishel, L. (2003). *How unions help all workers*.

https://www.epi.org/publication/briefingpapers_bp143/.

Author bio:

Ramsey Knab was a freshman Scenic Design major with an interest in biology and political activism at the time of publication. They composed “Normalizing Sex Work” for Jason Coats’ UNIV 112 course in spring 2021.