

Why Feminists Support the Decriminalization of Sex Work

Feminism means that, regardless of gender identification, people should be treated equally. There is nothing feminist about policing the sexual choices of consenting adults of any gender.

Feminists have fought and continue to fight for bodily autonomy and access to birth control, medically accurate information, and safe and legal abortion. These crucial rights protect the choice of whether and when to become a parent, and also the ability to choose whether, when, with whom, and why to have sex.

Prohibitionists believe that sex work is inherently coercive – and therefore, every act of prostitution is an act of “paid rape” that should be criminalized and prosecuted.

Feminists believe that people of all genders are active agents of their lives, operating on a spectrum which includes choice, circumstance, and coercion. No one should be criminalized for the sexual activity in which they engage with other consenting adults, whether money is exchanged or not.

Prohibitionists Have Targeted Sex Workers for Over 100 Years

Historically, prohibitionists have partnered with law enforcement and religious leaders to suppress vices, including prostitution, pornography, and alcohol. Anti-vice squads in the 1870s targeted immigrant-owned businesses, brothels, and people who distributed condoms or information about birth control. In 1910, the Mann Act, also known as the White-Slave Traffic Act, prohibited the transportation of women across state lines for “immoral purposes.” Rather than rescuing abducted women, this law was broadly used to prosecute consensual interracial relationships.¹

Laws targeting female sex workers have often been broadly applied to all women in public spaces. During World War I and World War II, under the guise of protecting the public from sexually transmitted infections (STIs), “promiscuous” women were arrested. In 1918, the “American Plan” empowered law enforcement to arrest women who were profiled as sex workers, to prevent the spread of disease among soldiers heading off to war.² Lawmakers claimed that women – particularly low-income women of color – spread STIs, not men. These laws shut down brothels and forced sex workers into the hands of organized crime and predatory traffickers. Prohibitionists applauded these efforts as “saving” women and society from immoral practices.³

Alliances between prohibitionists and religious conservatives led to the “porn wars” of the 1970s and ‘80s, pitting prominent feminists against porn performers, most of whom were women. The partnerships between religious conservatives and prohibitionists reveal a long chasm within the feminist movement.

¹Kelli Ann McCoy, “Claiming Victims: The Mann Act, Gender, and Class in the American West, 1910-1930s” (PhD diss., UC San Diego, 2010), <https://escholarship.org/uc/item/8f60q9qt>.

²Kim Kelly, “A Forgotten War on Women,” review of *The Trials of Nina McCall: Sex, Surveillance, and the Decades-Long Government Plan to Imprison “Promiscuous” Women*, by Scott W. Stern, *New Republic*, May 22, 2018, <https://newrepublic.com/article/148493/forgotten-war-women>.

³Hiroyuki Matsubara, “The 1910s Anti-Prostitution Movement and the Transformation of American Political Culture,” *Japanese Journal of American Studies*, no. 17 (2006): 53-69, <http://www.jaas.or.jp/jias/PDF/2006/No.17-053.pdf>.

Prohibitionists Continue to Gain Ground in the Modern Era

Today, religious organizations have partnered with certain high-profile prohibitionist organizations to promote the Entrapment Model, which criminalizes clients and third parties but not sex workers. While some believe the Entrapment Model protects sex workers by criminalizing half of a transaction, it is, in fact, a patriarchal manner of denying agency to women and other people who choose to sell sexual services. Where this model has been implemented, violence against sex workers has increased.

Because many people refuse to accept that individuals might choose to sell sexual services, prohibitionists have perpetuated the conflation of human trafficking with sex work. As a result, anti-trafficking resources are being used to target consensual, adult sex workers.

The criminalization of sex workers, their clients, or the people they work with is a misguided attempt to address exploitation because, in practice, it forces the sex industry underground. Prostitution is not inherently exploitative, but criminalized people are more vulnerable to exploitation.

Feminists Support the Decriminalization of Consensual Adult Prostitution

Feminists around the world have fought for people of all genders to be able to make choices about their own bodies, access their own money, and exercise their right to self-determination. As a society, we need to accept that people do different things for different reasons, often making choices that others might not. Prescribing our morals onto unwilling people isn't protection. Feminists support decriminalizing sex work.