

## *Guest Editor's Introduction*

*This special issue of the journal* presents "The Case Against the Legalization of Prostitution." Especially during the past 15 years, the debate about how legally to address prostitution has taken hold. Some countries, mainly in western Europe such as the Netherlands, Germany, Austria, and Switzerland, have established various forms of legalized or decriminalized prostitution industries. Other governments, such as Thailand, prohibit prostitution activities and enterprises but, in reality, tolerate brothels and the buying of women and children for commercial sexual exploitation. Sweden has taken a different legal approach—penalizing the men who buy women for the sex of prostitution—as part of a comprehensive Violence Against Women Bill that locates prostitution within the framework of gender inequality and male violence against women.

A search of the scholarly literature on prostitution reveals that the common academic viewpoint has been to regard prostitution as legally inevitable, that is, to accept the fact that prostitution should be normalized and regularized as "sex work." Most of these articles use the language of *sex work* as if prostitution has already been accepted as just another job. This is not the case, however. The debate about the legal status of prostitution is, in many ways, just beginning.

Arguments promoting legal normalization of prostitution are that it will reduce trafficking; bring the sex industry under control; regulate prostitution activities, venues, and third parties; remove prostitution from the streets and public places; end child prostitution; protect the women in the sex industry from abuse and violence; promote women's health; enhance women's choices; and offer women in prostitution the opportunity to be self-employed. The articles in this issue examine many of these claims, particularly in countries that have already legalized or decriminalized the sex industry, or that are considering legalization. Each of these articles has been written by scholar-activists who at the same time that they are academically and

professionally credentialed experts on prostitution have worked in the field as activists, psychologists, service providers, and governmental coordinators of programs on prostitution and trafficking.

Melissa Farley, who has written on prostitution for many years and documented its physical and psychological health effects from interviews with hundreds of women in prostitution worldwide, discusses evidence demonstrating that the harms of prostitution do not disappear simply because prostitution is legalized or decriminalized. Farley was active in the 2003 debate leading up to the legalization of prostitution in New Zealand by a mere one-vote majority. She uses the New Zealand context as a case study to examine nonprofit organizations and nongovernmental organizations (NGOs) that, under the guise of promoting condoms and safe sex, actually advocate for legalization of prostitution; the pervasiveness of violence in legal as well as illegal prostitution industries; the health effects of violence to women in prostitution; toxic verbal abuse; post-traumatic stress disorder as a consequence of prostitution; and HIV education and promotion of prostitution.

Italy is now considering various proposals to legalize, regulate, and decriminalize prostitution as a reaction to the influx of foreign women in street prostitution there. Esohe Aghatise, who founded the IROKO association that assists women trafficked especially from Nigeria but also from countries in Eastern Europe, examines the Italian legal framework on trafficking and recent government proposals to bring back the *casa chiuse* or "houses of pleasure." In describing the situation of women trafficked to Italy, Aghatise examines the plight of Nigerian women and girls who line the Italian roadsides and questions whether their situation would be different if legalization of prostitution were put in place.

Esohe Aghatise shows how one current government proposal (Proposal 3826) violates the 1949 Convention on trafficking and prostitution, which Italy has signed, and the ways in which it will sanction "private" prostitution venues, a double standard for women and the men who solicit them for sex, and an indirect obligatory requirement for women in prostitution to undergo frequent medical checkups else they risk being convicted of culpable homicide or culpable personal injury to a buyer. Aghatise argues

that advocates, programs, and governments who claim to fight trafficking yet support the legalization of prostitution are contradictory and incoherent.

Janice Raymond, the guest editor of this issue, looks at how legalization promotes the demand for prostitution. Arguing that demand is gendered—that is, male, as in male behavior, not biology—Raymond spotlights what she calls the invisible man. Under state-sponsored prostitution regimes, he is absolved from any moral and political responsibility for the sexual abuse of women and children in prostitution. In fact, normalization of prostitution as work gives men more moral and social permission to buy women and children in prostitution.

Raymond's article looks at the myths that rationalize why men buy women in prostitution, summarizes information on male buyers from two studies conducted by the Coalition Against Trafficking in Women (CATW), which she codirects, and presents best practices that address the gender of demand. She also targets the way in which condom promotion and safe sex programs validate pimps and buyers when conducted within the orbit of the sex industry.

Gunilla Ekberg, who is a special advisor at the Division of Gender Equality in the government of Sweden and coordinator of the Nordic-Baltic Campaign on trafficking, addresses the Swedish Law That Prohibits the Purchase of Sexual Services as an alternative to legalization and normalization of prostitution as work. The Swedish model of prostitution legislation, originally launched by the women's movement and female politicians in Sweden, has become a cornerstone of feminist political advocacy against the sex industry. Ekberg lays out the principles behind Swedish prostitution policies and makes clear that prostitution is officially acknowledged as a form of male violence against women, a harmful practice and a serious threat to gender equality, and a tangible expression of the belief that in one country, at least, women and children are not for sale.

A fundamental part of the Swedish strategy is not only penalizing the buyers but also decriminalizing the women in prostitution and providing them with resources to choose alternatives. The law that penalizes the buyers is part of a more comprehensive Act on Violence Against Women (*Kvinnofrid*). Ekberg's article addresses the effects of the law on trafficking into Sweden, on

reduction of prostitution, on public opinion, and on women seeking help to exit prostitution. This is the first extended examination of how the law is working, the criticisms that have been made of the law, responses to those criticisms, and the law's effects on the public debate about the legal status of prostitution in other countries.

These articles also represent an effort to equalize the debate about legalization of prostitution that has been dominated by the pro-sex work advocates. There is no evidence that legalization of prostitution makes things better for women in prostitution. As these articles indicate, there is a lot of evidence that legalization makes things worse for women in prostitution.

There are alternatives to legalization of prostitution. Rather than validating pimps, brothels, and buyers, governments could address the demand by penalizing the men who buy women and children in prostitution industries and implement prevention programs that target men and boys. This special issue of the journal presents some legislative and best practice models that can be used to address the demand.

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