

A Feminist's Case for Decriminalizing Prostitution

By [Dinsa Sachan](#)

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When I heard the feminist Gloria Steinem wax eloquent about prostitution on a cold January evening last year at a popular literature festival in India, I sighed with relief.

Steinem said she had met some women who had earned a living through prostitution while they were earning academic degrees. Tragically, however, many of them had been abused as children. "Body invasion as a kind of work is way more traumatizing than being a prisoner of war," she said.

daughter being a prostitute. Steinem also mentioned that prostitutes have really high Post-Traumatic Stress Disorder (PTSD) rates.

Growing up in uptight, small-town India, I detested the trade. A dark shade of red lipstick, multiple layers of foundation and uncomfortably tight clothes – if you saw that combination on a woman outside a shady cinema hall, you just naturally assumed she was a prostitute. How could someone *sell* their body? Steinem had just consolidated my personal views. I was sold.

Cut to ten months later when my attitude towards prostitution took a complete U-turn.

It was October when I stood outside Southern Sun The Cullinan, in a very windy and sunny Cape Town, while attending an HIV conference through a journalist fellowship.

You can't go to an HIV conference in South Africa that does not address why the disease poses such a threat to prostitutes. After all, there are roughly 153,000 sex workers in South Africa, some of them trafficked from neighboring countries. About three out of five of them have HIV.

Sex work is not legal in South Africa. That complicates things. These women are often denied condoms and HIV drugs at clinics because of the stigma associated with the profession. Prostitutes can't approach police because they could get arrested.

After being drawn to the dynamic and outspoken prostitutes who were representing Sex Workers Education and Advocacy Task force (SWEAT) at the conference, I headed to SWEAT's office to delve deeper into their plight.

I met Ishtar Lakhani, the organization's human rights and lobbying officer, who has been advocating for the decriminalization of prostitution in the country.





Gloria Steinem. © Everett Collection Inc / Alamy

Lakhani considers herself a feminist. After hearing that, I reflexively asked her what she thought about Steinem's stand on prostitution.

"(Steinem's) argument is that we live in a patriarchy. All women are oppressed; all women are victims," said Lakhani. "If we decriminalize sex work, it just perpetuates the stereotype. That's one type of feminist argument."

Decriminalization of sex work is a feminist choice for Lakhani.

question still nagged: why support a *bad* choice like prostitution?

"In a patriarchal system, there is an array of bad choices. If you're poor, if you're black, if you're a woman in South Africa, you have a very small range of bad choices to choose from," Lakhani explained. "You decide what you want to choose. If you want to choose domestic work, it should be your choice, and it should be respected. If you want to do sex work, it is your choice and should be respected."

In that moment I realized I had been wrong. And I figured out why. Multiple sighs followed. And they weren't sighs of relief.

An encounter with Angeline de Bruin, a sex worker and volunteer with SWEAT, quickly followed, and it was equally moving. De Bruin's vivid and gut-wrenching account of life as a prostitute in South Africa was a motion-picture version of Lakhani's academic position.

"The police commissioner says sex workers deserve the treatment," de Bruin lamented. "Which human deserves to be brutalized? How can one human being treat another like an animal?"

De Bruin's anger was justified. There have been cases of sex workers being murdered in South Africa. De Bruin herself escaped a rape/murder attempt several years back. Johns inevitably take advantage of the system, too.

"Some come on a mission. Some have a hidden agenda. Some don't pay," De Bruin said.

I asked a simple question to myself as I headed back to the bustling Long Street in downtown Cape Town for dinner that evening. What would I have done as a poor, black woman in Africa who had no access to education? The answer was clear and simple: most likely, I would have prostituted myself.

And if I were going to be a prostitute, I would need human rights to coexist respectfully in that society. I would need unhindered access to HIV treatment. I wouldn't want to live in perpetual fear of getting booked or harassed. Right now, decriminalization is the only way to go about it.

Anti-prostitution activists need to get up off the ignorance couch and look at science. Here's the verdict of a 2014 study published in the *Lancet* journal: If countries were to decriminalize sex work, they could benefit from a 33 to 46 percent reduction in HIV infection rates among prostitutes and their clients. This is highly relevant for countries where HIV is an epidemic. In HIV/AIDS circles, sex workers are considered a key population.

Some researchers have tried to study the relationship between rape rates and decriminalization of prostitution. The results may not be convincing, but they are noteworthy. Kirby R. Cundiff



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hypothesized in a 2004 paper that if prostitution was legal in the United States it would cut the number of rapes by 25,000 per year.

Moreover, in 1980, a legal amendment in the state of Rhode Island inadvertently decriminalized indoor prostitution. Politicians didn't notice the glitch until 2003. It was made illegal again in 2009. Researchers at University of California, Los Angeles, used the data from 2004 to 2009, while indoor prostitution was still decriminalized, to analyze the rape rate and incidence of gonorrhea in the state. They found a reduction of 31 percent in rape incidence and a decrease of almost 2,000 cases of gonorrhea during the period.

while she rooted for sex workers' rights, she did not support decriminalizing the system.

Ironically, Indian law criminalizes pimps and brothels but protects sex workers. It is a type of limited legalization model of prostitution that is followed in Nordic countries.

Khanna reasoned that decriminalization does not help because sex workers will continue to live in poverty. Consequently, their children will also follow them into the trade. The vicious cycle would just not end, she argued. When I responded that poor women didn't have much of a choice, she rebutted, "Why can't we provide them with better choices?"

The Nordic model is often touted as the solution to the prostitution problem. However, people who study sex work don't think it is a viable solution. Treena Orchard, an expert on sex work at Western University, Canada, said the Nordic model has not helped women or reduced women in sex work or increased women's safety. (The Swedish government said violence has been reduced, but those claims have been contested.)

"It's criminalization in a way because it doesn't protect women under the law," Orchard said. "It makes Johns more likely to hurt women."

Orchard said that the model affects the women's ability to make money because of reduced number of clients.



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When most people think of legalized prostitution, they think of the lively, colorful red light district of Amsterdam, where prostitutes are displayed behind huge glass windows. The Dutch model of legalization appears to be more forward and open. Most people think of it as a sort of a decriminalized system, because both the buying and selling of sex is legal.

Still, there is heavy state control of the trade, and it is restricted to certain zones. This model has not reduced trafficking, as was expected.

Feminist thinkers aren't too happy with some other aspects of the Dutch model. Women and pimps have to pay hefty taxes to the government.

"The women should be able to keep their money, separate from the proceeds that are given to the state," said Susan Dewey, associate professor of gender/women's studies at the University of Wyoming. "This is what decriminalization does. It allows for removal of legal and other regulatory mechanisms surrounding exchange between a sex worker and her client."

Legalization regimes in countries such as Greece require sex workers to undergo mandatory health check-ups to rule out sexually transmitted diseases. A lot of prostitutes avoid registration, which puts them at a risk for prosecution.

Is there a perfect model of decriminalization that countries such as South Africa, the U.S. and India can follow? Turns out, there is. New Zealand shows the way.

have sex. There are no red-light districts. People in the business must be certified, but small brothels don't need a license.

"People who work there are really happy with the system. It's very non-invasive, non-intrusive," said Savannah Sly, a spokesperson for the Sex Workers Outreach Project USA. "It really brings sex work out of the shadows and enables workers to advocate for themselves and have standardized healthy working conditions and legal recourse."

Sex workers can get access to healthcare and legal representation if they need it. There are guidelines for where they can safely and legally work. This is a dramatic departure from the "let's figure out a way to eliminate prostitution" manner of looking at sex work.

What we need to do is protect the women involved. New Zealand's progressive model does that. And that's the kind of feminist thinking at-risk prostitutes need right now.

It is time for feminist activists and governments around the globe to recognize that New Zealand's decriminalization model works. Anti-prostitution activists argue that decriminalization expands the industry, but New Zealand's government has found that not to be the case. Sex workers in the country feel less exploited in these new conditions, though officials say there is still more work to be done on that front.

As I left the office of Apne Aap at the India International Center on a warm New Delhi evening after speaking to Khanna, I realized I still loved Steinem. I will always love her because of our shared feminist values.

But I just don't agree with her about prostitution anymore.

Dinsa Sachan is a science and culture journalist based in New Delhi, India. Some of the reporting for this story was made possible through a journalist fellowship granted to the author by the Global HIV Vaccine Enterprise.

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