

A Whirlwind Tour of the World's Oldest Profession: Prostitution

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People love sex. From Shakespeare to Spielberg, sex has always found its place into literature, art, and history. And with its obvious popularity, it is not surprising that people will pay for it. Because some are willing to accept payment for sex, prostitution is, and has always been, a fact of human life. In fact, prostitution is commonly referred to as the world's oldest profession, despite the dubious nature of such a claim. It is also true that Americans have a strange love/hate relationship with prostitution. The extreme attention paid to high profile news items such as former New York Governor [Elliot Spitzer's high-priced call girl scandal](#), the college student who [auctioned off her virginity](#) for \$3.7 million, and [Hugh Grant's run in with the Hollywood police](#) demonstrates just how strong the American fixation with prostitution really is. We are all too willing to heap scorn upon those who engage in such behavior, but we simply cannot turn away.



Despite its "popularity," prostitution is almost totally banned in this country. Except for a few counties in Nevada, and [debatably Rhode Island](#), prostitution is still officially illegal in the United States, with [different jurisdictions](#) imposing varying penalties.

Given its controversial standing in American culture, where does the fixation come from and what is the future of prostitution?

SEX AS A NATURAL PHENOMENON

Sexual reproduction is the method that most animals utilize to pass on their genes to the next generation. In very generic terms, evolutionary biology informs us that females choose mates on the basis of their ability to provide sufficient sperm, useful resources, parental care, or good genes. In the biological world, mating is often an elaborate game involving different levels of *quid pro quo* exchanges of resources for sex. For example, male [Bowerbirds](#) spend significant energy to build elaborate nests in order to attract females and lavish gifts of food on their would-be paramours. In certain species of insects, such as praying mantises, the nuptial gift in exchange for copulation may be the body of the male insect itself. In an almost direct analogue to humans, apparently [penguins engage in prostitution](#) when resources are scarce. The message is clear: sexual opportunities cost resources in the natural world, and the males of the animal kingdom are all too willing to pay!

Similar sexual selection principles may factor in human mate selection. In many ways, relationships between people of the opposite sex mirror the resource-exchange arrangement in the natural world. However, prostitution is usually considered to be a different type of relationship than the traditionally assumed (though not empirically supported) monogamous human relationship. The intended result of a commercial sexual relationship is usually not a child, long-term attachment, future reciprocity, or love. Rather, the goal is simply the exchange of sexual pleasure for money or other resources. This extra-marital sexual arrangement has historically seen periods of tolerance, regulation, and outright bans in different regions of the world.

A (Very) Brief Moral and Legal History

The [history of prostitution](#) is varied, and there is no consistent treatment of the commercial arrangement throughout the world. For example, the [Code of Hammurabi](#), in the 18th Century BCE, protected the inheritance rights of prostitutes. Legal prostitution of men, women, and children was [widespread in ancient Greece](#), complete with a class structure. [Roman culture](#) largely continued the Greek attitude toward prostitution, even expanding the class categories with more specialization of prostitution.

Despite religious concerns, Middle Age Europe accepted prostitution as a reality of urban life. It was widely tolerated and regulated as a necessary "[lesser evil](#)" to protect respectable women from seduction and rape. In the Middle East, the attitude toward prostitution was far different, with the Prophet Mohammed having declared in the 7th century that prostitution was a violation of Islamic Law. However, this decree did not prohibit the practice of *muta'a* (or [Nikah mut'ah](#))—essentially a contract for a "pleasure marriage" that can last anywhere from an hour to ten years—which is still practiced in certain areas of the Islamic world, including [post-Sadaam](#)

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Iraq. This Shiite-sanctioned arrangement is a cause of serious disagreement in the Muslim world, as Sunnis do not recognize the relationship as legal under Islamic law.

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Up until the second decade of the twentieth century, prostitution was widely legal within the United States. However, during the prohibition era, in addition to the Constitutional ban on alcohol, most states outlawed prostitution. These legal developments were largely influenced by the Woman's Christian Temperance Union. Though prohibition of alcohol was eventually abandoned, prostitution has not regained its legal status. Almost a century later, voters continue to flirt with the issue. Last fall, San Francisco citizens voted against a measure that would have legalized prostitution in the city.

Despite the current ban on prostitution within the United States, an intense debate rages over whether our society should reshape the regulatory framework.

THE ARGUMENTS

The debate over the proper regulation of prostitution is loaded with a wide range of arguments. The most cited argument against legalizing prostitution is that the act is morally wrong, and to sanction it would be rewarding immoral behavior. Though simple on its face, the power of natural moral disgust to shape people's opinions is well documented in psychology and studies on the effect of morality on politics. The argument of morality will not be further discussed here, but is worth mentioning because of its widespread use.

Proponents of legalizing prostitution continually make the claim that it is a victimless crime. As the logic goes, a consensual arrangement where one party receives money and the other receives services in exchange does no harm. In fact, it is a legitimate commercial relationship. Therefore, the choice to enter into prostitution is actually an act of self-determination; an empowering position where a woman becomes a player in the market. Opponents attack the premise that the arrangement is consensual, arguing that women who enter prostitution usually are poor and have no other alternatives or have been forced into the business by a boyfriend, parent, or pimp. Further, women that choose prostitution almost always do it because of economic reasons and that "this is free choice [no] more than the cattle in the squeeze chute choose to go to their death." Being the victim of undesirable circumstances where choice is between unhealthy alternatives is not choice at all.

Prostitutes are at an obviously high risk to suffer health problems from sexually transmitted infections. Because of the nature of sex acts, and the frequency at which prostitutes partake in them, the spread of disease is rapid. Proponents of legalization argue that strict regulation of prostitution can reduce the spread of disease, as a bureaucratic system would reduce the need to engage in unsafe acts to avoid detection by police. Regulation would also empower women to control their work environment and personal safety with the increased practice of safe sex. Opponents contend that certain regulatory measures are unenforceable; i.e. women could not be forced to require a condom and health checkups could be circumvented. In addition, regulating only workers would not prevent the spread of disease from unchecked clientele. In other words, some think regulation would not solve any problems relating to the spread of disease. Since legal prostitution is so rare, it's hard to know which of these arguments has merit.

Opponents of legalizing prostitution also argue that prostitutes are constantly exposed to rape, sexual assault, and other violent acts. In 1999, Sweden took this approach further and declared prostitution as a form of violence against women and granted general amnesty to prostitutes. Under Swedish law, selling sex is not a crime; buying it is. This has the effect of framing prostitution as a male crime of exploitation against women and children. Also, the mostly female prostitutes are considered victims and are provided access to sizable social service funds to help them transition into new jobs if they choose such a course of action. The Swedish approach appears to be the most novel regulation of prostitution attempted thus far.

INTO THE FUTURE

The future of prostitution in the United States is more uncertain than Ashley Dupre's singing career. Like with every controversial issue, there is unlikely to be a solution that satisfies all parties involved. However, a good faith effort to understand the situation, its history, and the arguments for and against regulation might take the debate out of the emotional realm and toward a rational solution that will better the lives of those who are truly exploited.

8 COMMENTS LEAVE A COMMENT »

1. jacobwangler February 6th, 2009 12:29 pm

Interesting piece to say the least. I would add that the world's oldest profession has been evolving at break neck pace since the advent of the internet. Men looking for the perfect companion now look to [different websites] to pick the girl who fits their exact desire. Gone are the days of crossing your fingers. The internet has turned the way sex is sold upside down.

2. Matt Bennett February 6th, 2009 8:43 pm

Great piece; very interesting. TLG never ceases to provide something on the cusp.

3. **Jumane February 6th, 2009 9:48 pm**

Great article guys.

4. **Eric February 8th, 2009 11:36 am**

As I understand it, prostitution is legal in Australia (another common law country). It would be interesting to see how the practice is viewed there.

5. **Mike February 8th, 2009 2:25 pm**

No discussion of this topic is complete without at least one reference to Richard A. Posner, *Sex and Reason* (1992).

6. **Ann Hayman February 9th, 2009 1:44 pm**

I offer the following comments:

(1) There is no mention in this article of the gross inequity in enforcing laws related to prostitution. A case in point: Everyone involved with Elliot Spitzer has received jail time except the governor.

(2) Prostitution is based on a humongous myth that men must have sex on demand or they will — die? In order to maintain the myth patriarchal cultures have willingly set aside certain segments of their female population to service those needs. Eventually those most benefiting from the practice (men) made it illegal for those most exploited by it (women and children) to engage in it: Based on white, male, sexual fantasy the original mythology morphed into one involving vixens and wanton hussies (sexually out-of-control women!) who required much regulation.

(3) Street prostitution constitutes about 10% of all prostitution. These are the most frequently arrested prostituted women. The remaining 90% of sex work is seldom the focus of law enforcement and indeed remains free to advertise in daily news papers, on cable TV, in sex journals, on bill boards and in the telephone yellow pages giving the industry both credence and legitimation. Prostitution is an already legitimate industry with a small segment (those exposed by plying their trade on the streets) set aside for arrest and incarceration.

(4) As already mentioned by another commenter, the advent of cyber sex has taken prostitution and sexual exploitation to new and yet unfathomable levels.

Such intercourse as offered by this Whirlwind Tour is critical if we are to bring about change. Keep up the excellent work!

Rev. Ann Hayman

7. **Kerry Lewiecki February 11th, 2009 2:39 pm**

Great topic and well written. One aspect of prostitution's history and legacy that I find interesting (and amusing) that is not touched on is its relationship to the economies where it was legitimate (and still is in about a dozen counties in NV) and a bit the modern legacy today. What amuses me about this is the relation between the economies of the west during its growth and legitimacy phase: these were mining/mineral extraction based economies. A hard life to be sure. No policy maker who valued his position would pass a law taking away the common man's pastime and, to a lesser extent, one of only a few means by which women could legitimately make money which helped curb poverty issues (another pressing concern). To put it more broadly, this article touches on what I regard as the rocky mountain west's legacy of vice friendly laws that are unheard of east of the Mississippi. As a rocky mountain boy, I regard this as a source of great pride that stands in stark contrast to the puritan legacy that the east coast contends with. Well done. Anyone for a beer run after church?

8. **Cordo Camaro March 29th, 2009 9:32 pm**

Nevada is one of only two U.S. states that allow some legal prostitution; in most of its rural counties brothels are legalized and heavily regulated. (In Rhode Island, the act of sex for money is not illegal, but operating a brothel, pimping and street prostitution are illegal).

From http://en.wikipedia.org/wiki/Prostitution_in_Nevada

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