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## Blog Logic

April 3rd, 2008

# Look, Don't Touch

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## Why is porn legal?

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Brennan wrote that obscenity was not protected under the First Amendment, but he also narrowed the meaning of obscenity so they could pretty much pick and choose what they want to ban. The public likes porn = it doesn't get banned.

Prostitution is [illegal](#) because it's not free speech, it's action. Though there's no inherent harm in prostitution, the laws are based on the idea that solicitation/payment for sex contributes to exploitation and the prevalence of human trafficking. And then there's MORALITY.

It doesn't seem to follow that if porn is legal, prostitution should be legal. Things get a little sticky (pun definitely intended) when it comes to [pornographic movies](#). In that case, people are being paid to have sex, but it's legal because the person getting hot has no physical interaction with the people having sex.

So we're left with the question: [should we legalize prostitution](#)? According to those who support legalization, the reality that sex work is illegal is what contributes to the abuse, exploitation, and oppression of the workers. Statistically, they seem to be right: [countries](#) with legalized prostitution tend to have [lower](#) sex crime rates.

It seems like prostitution should fall under the right to privacy that [Roe v. Wade](#) set up. But we're busy trying to [hack away](#) at that decision, so it's unlikely that will help the cause at all.

Anti-prostitution advocates [argue](#) that the industry [exploits](#) women as commodities, promotes a society where women exist for men's needs, and invites rape and abuse. Let's not forget, however, that [men](#) are also prostitutes. And rape and abuse are [prevalent](#) in this trade, but offenders are not prosecuted as much as prostitutes themselves are. Plus, [prostitutes](#) are arrested in larger numbers than their clients. That doesn't sound like a legal system set up to protect women's rights.

Men and women both like sex. Sometimes, they just can't get it when they want it. Right now, people can look but not touch legally in America (unless they fly to [Nevada](#)). Yes, there's a difference between porn and prostitution, but if prostitution is exploitation, isn't pornography? If we're so concerned with sexism in society, why is porn legal? And why do we arrest the prostitute before the john? Wouldn't regulation be the best way to protect women?

Why do we have such a problem with women safely choosing to use their bodies the way they want to?

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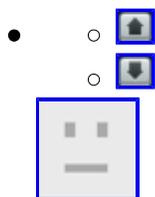
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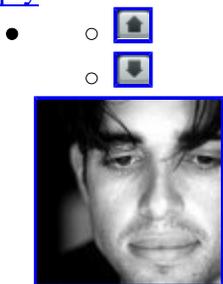
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Jason [1 month ago](#)

I think it's obvious that most Americans who are anti-prostitution feel that way due to morality; they've tacked on the exploitation and oppression issues second-hand as a matter of widening their argument to help persuade a more politically correct crowd. It's a bit precious of moral/social conservatives that they see a problem with the oppression of women in bed with a john but not with the lack of women in local, state, and federal government offices. So, when it comes down to it, the majority of those who want prostitution to remain illegal feel that way due to an antiquated and patriarchal system of morality laid out 4,000 years ago in the Sinai desert.

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pxlpshr [1 month ago](#)

Not true re: morality.

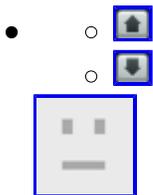
Decriminalizing and legalizing are two separate monsters... as soon as prostitution is legal, there needs to be legislation in place to facilitate a controlled environment. How much legislation and gov't institutions surround alcohol, tobacco, and firearms? How would prostitution affect health care? These are questions that do not have a clear cut answer but require money/time/energy from Congress. I think we can all agree they have higher priorities and larger issues on their hands than to deal with something already serviced "legally" elsewhere.

How badly is our public school system in need those resources that would be relocated to legalize a service for small percentage of the population? I have a difficult time believing prostitution will introduce significant tax revenue to offset this concern in comparison to legalizing, for example, marijuana.

The fed will regulate interstate commerce but what about local commerce? The burden then shifts to the states to ensure a minority service is both protected and isolated from conflict. My tax dollars aren't going to be wasted in that regard.

Go to Vegas... or find a superficial, materialistic tease to blow your money on.

[reply](#)



Jason [1 month ago](#)

I never mentioned decriminalization on purpose. Decriminalizing statutes only make the waters murkier. Just look at states like CA and their fight with the Fed re: marijuana. There are people in that state who are well within the law at the state level while simultaneously behaving illegally according to the fed.

I believe your other point is a copout. Just because you find the energy required to change laws wasteful doesn't mean that others should agree. As well, although I really don't personally care whether marijuana is legalized, I don't step in the way of others trying to make that happen. And for one reason: in my opinion, no local, state, or federal government should be able to outlaw any safe, private activities I choose to engage in. Ever since the 60's, we've been slowly emerging out of the shadow of Judeo-Christian morality, and that's a progression I will staunchly defend in any case.

As for regulation of prostitution (or pornography, for that matter), I think it's very simple to assume that the regulation of prostitution would cost more and create less revenue than the regulation of beer/wine or tobacco. Regulation isn't supposed to be about profit (although, I'll grant you that in most cases in this country it's about exactly that). Regulation of prostitution, or marijuana or other drugs, would help keep things safe and above board, making it less likely for the existence of a dark and seedy black market that inevitably leads to exploitation, unhealthiness, and crime.

And for the record, I don't need to go to Vegas because I, like you, don't have the desire to engage the services of a prostitute, but I darn well should be able to!

[reply](#)



pxlpshr [1 month ago](#)

My last comment wasn't a directed toward you, I was speaking generally... so I apologize if any offense was taken in that post or this.

You keep going back to a morality issue and quite simply, it is not. It's a resource issue for which should not be occupying our govt's time. Legalizing prostitution crosses far too MANY boundaries to make it a quick process; it will be exhaustive and costly at the expense of more important issues that need our immediate attention for the next 8 years.

I have a difficult time looking at smaller countries for comparison that "prostitution works". Take for example Amsterdam... a country whose population doesn't top 1,000,000 and whose foreign assistance efforts don't compare to this: <http://globalhealth.sais-jhu.edu/wp-content/upl...> The point I'm trying to make is that our government is already over-extended.

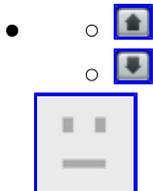
Going back to Amsterdam and the like, one could easily argue that their relaxed laws are a primary driver for their tourist economy, so by legalizing prostitution we're in fact hurting their economy & people significantly. That's not very liberal of us is it? :)

If people are willing to place prostitution ahead of public education or health care in a country the size of US (over 300,000,000), then our country is truly getting dumber at the expense of a minority population that can't be served in Vegas or elsewhere. Look what gambling (a far more tax-lucrative operation) has done to the people of Louisiana, one of the poorest states in the union. Prostitution may not hurt those will self control but what about those without?

Furthermore, to say we DO NOT need a moral compass in our government completely contradicts the sub-prime and credit collapse we're facing as a nation. In addition, how much of this problem could have been thwarted if the public educational system taught fundamentals of financial management? Was it not self-interest and greed on BOTH sides that got us into that mess? Now we're getting off-topic... :)

Point is: is not an improved educational system more important than a purely superficial commodity that creates more outflow for it's people than inflow? I think so. And there are at least 10 more examples of similar public service failings...

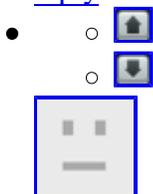
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[Tommy Flanagan 1 month ago](#)

The legal prostitution issue comes up again and again yet few politicians will get on its bandwagon. One of the websites you referenced had a pro and con question about whether or not pornography is prostitution at: <http://www.prostitutionprocon.org/questions/por...> Thanks for your show.

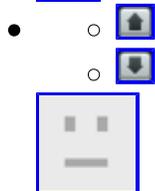
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[Amy 1 month ago](#)

What about surrogate mothers? Cover story in Newsweek this week--"Womb for Rent"

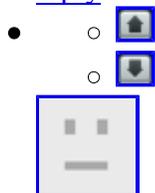
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*Mariana* [1 month ago](#)

I too don't understand why it's legal for someone to have sex for money within the context of a pornographic movie, and illegal for him/her to do the same in another context. It's the contradiction that I find confusing. If in the legislators' opinion prostitution is exploitation, or at best a form of self-harm, then why aren't porn actors "protected" and their employers prosecuted? It doesn't make any sense to me at all.

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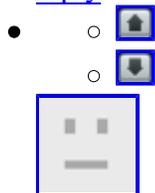


*Nathan* [1 month ago](#)

Well, one is entertainment(porn) and the other is a service(prostitution). Prostitution is an activity that is more prone to abuse when it's illegal. A moral person will say that both are disgusting, though. I would prefer porn be strictly regulated and prostitution sanitized as it is in Nevada. If anything, porn can be watched by kids and pervert their idea and future enjoyment of sex, while sex in a regulated brothel is between two consenting adults. The prostitute or courtesan is respected more and would use her short stint in the brothel to earn some quick cash to save and invest. She wouldn't be a crack whore who throws away her earnings to the drug trade and mafia pimps. Brothels in designated red light districts is far more safe and preferable to some stranger off the internet or street. People will never be saints who never cheat on their wives, don't smoke or drink, and frown on gambling. Prohibition didn't do much for alcohol, and keeping other vices illegal won't do much for them either.

Anyway, there was a Bloomberg article that introduced the novel concept of melding prostitution and porn. These Euro dudes (film producers/pimps) would allow free service to the Johns if they would agree to be filmed and become porn stars. Now, that is turning porn and prostitution on its head. Then, it all becomes a moot point, and problem solved. Yet, how many Johns would be so cheap as to risk public humiliation?

[reply](#)



*April* [1 month ago](#)

"Why do we have such a problem with women safely choosing to use their bodies the way they

want to?" HEY THERE MOBLOGIC don't be sexist now. What about men and their safety?  
And how they choose to use their bodies.

And what about the damage we do teaching that sex is "dirty" and morally wrong (a) outside of marriage (fascist religious folk) and/or (b) when money changes hands? Doctors aren't free, counselors aren't free, ministers receive a salary, music and comedy shows aren't free. Why should sex be "only available when free!" It's ridiculous.

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