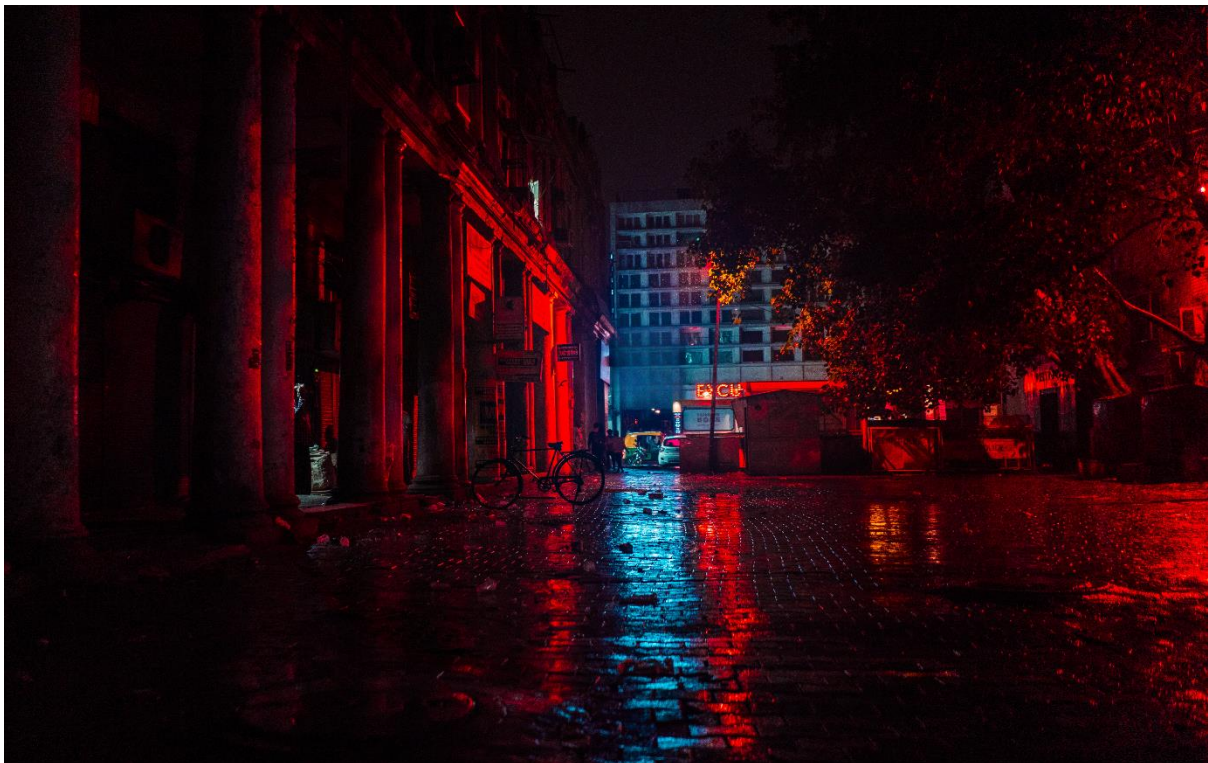


The Industry of Sexual Desires

Petra Molina

Within our nation's vast system of commerce, a thriving industry pulsates with the primal urges of human desire. It's a realm where fantasies can be bought and sold, seamlessly transitioning sex into just another economic transaction.



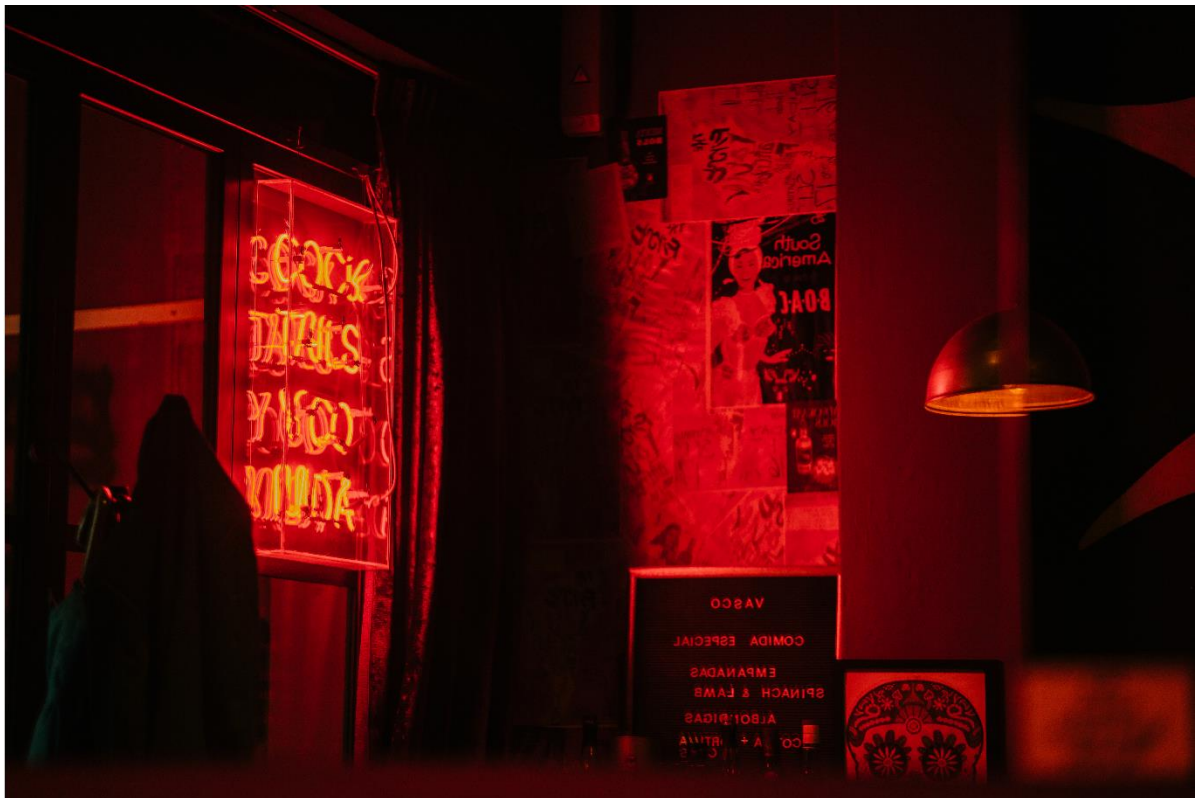
Media element by Patrick Gupta via Canva.com

This dynamic landscape has sparked a fervent debate regarding the potential decriminalization and legalization of prostitution. This contentious ideological struggle fuels ongoing discussions among diverse stakeholders, resonating throughout academic, legislative, and activist spheres. Yet, its most profound impact is felt in the lives of sex workers themselves.

Sex in Demand

One thing is certain, the age-old adage persists: Sex Sells. A 2014 report¹ from the Urban Institute examined the extent of the "underground commercial sex economy" in eight major cities across the nation: Atlanta, Dallas, Denver, Kansas City, Miami, Seattle, San Diego, and Washington, D.C. The findings revealed a significant economic presence, with income in these cities ranging from \$39.9 million to \$290 million dollars in 2007.

Additionally, the Nevada Brothel Association, representing legal brothel owners, workers, clients, and supporters, found that illegal prostitution in the Las Vegas area alone generates an astonishing \$5 billion annually, while legal brothels contribute an estimated \$35 to \$50 million each year to the state's economy.



Media element via Canva.com

¹ Dank, Meredith, et al. "Estimating the Size and Structure of the Underground Commercial Sex Economy in Eight Major US Cities." Urban Institute, 12 March 2014.

There is a unique environment within sex work that creates such a high demand for prostitution. A comprehensive analysis² of sex and intimacy found that prostitution clients seek emotional labor, the illusion of intimacy, sexual passion, warmth and/or sexual connections, even if it is fleeting.

“There are many stigmas within relationships that may cause individuals to feel constrained in expressing their desires.” Barbara Brents, a renowned expert in the field of sex industry research, explains, “Ultimately, sex workers meet the need for intimacy within the economy.”

The Industry's Complexities

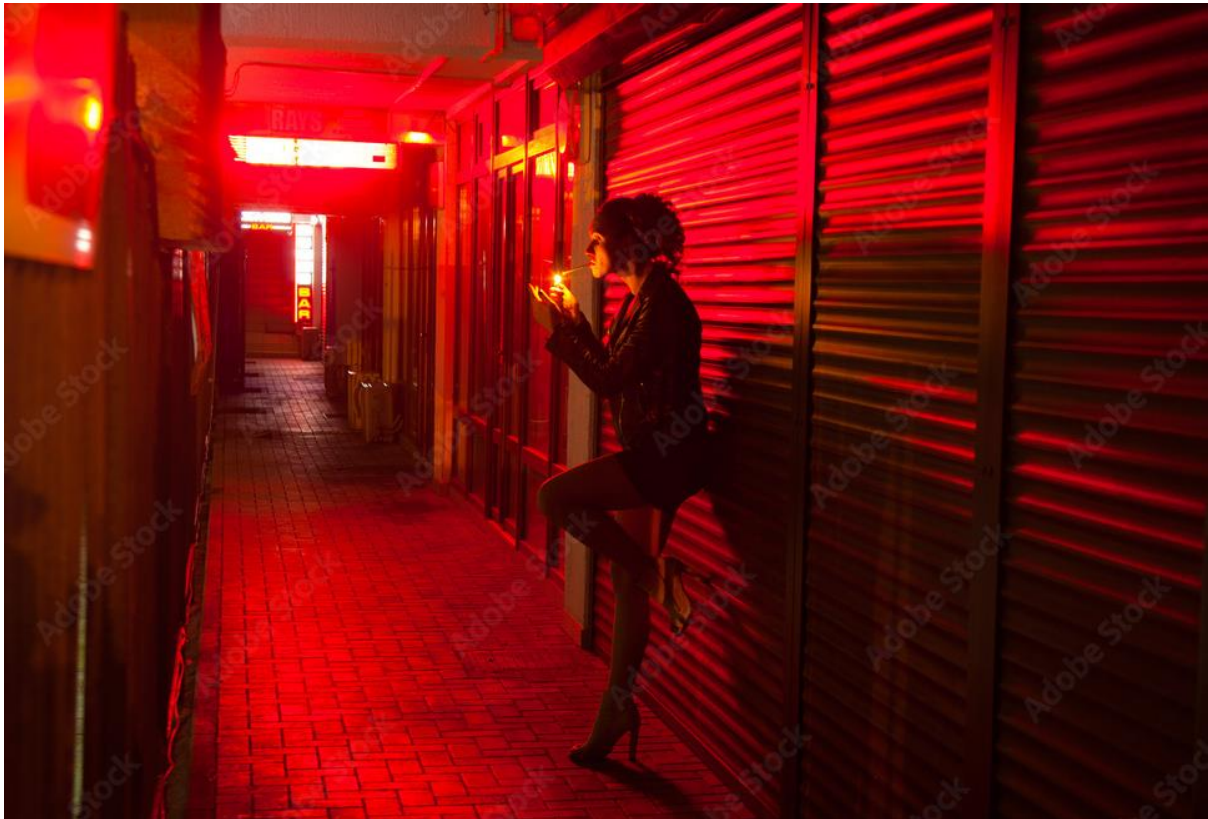
In 2021, New York lawmakers were engaged in an ideological battle over prostitution policy. One proposal responded to concerns about involuntary sex trafficking, aiming to increase to penalties for those who profit or promote the sex trade. The other, representing the “pro-sex” position, would decriminalize the sale of sex between consenting adults.

It is not the first time the debate over prostitution emerges. In 1910, after public pressure to enforce laws against prostitution and suppress the sex trade, the Mann Act was signed into law by Pres. William Howard Traft. According to Cornell’s Legal Information Institute, the congressional committee that debated the Mann Act did not believe that a woman would ever choose to be a prostitute unless she was drugged and held hostage. The law made it illegal to “transport any woman or girl” across state lines “for any immoral purpose.”

This perspective is still held by anti-prostitution organization across the United States. The National Center on Sexual Exploitation (NCSE), previously known as Morality in Media and Operation Yorkville, advocates from a conservative standpoint against decriminalizing and

² Jones, Z., & Hannem, S. (2018, July 5). Escort clients' sexual scripts and constructions of intimacy in commodified sexual relationships. *Symbolic Interaction*. <https://doi.org/10.1002/symb.379>

legalizing prostitution. The organization’s website states, “Coercion, force, fraud, and deeply rooted social injustices are necessary to make prostitution possible.”



Media element via Adobe Stock

The organization posits that prostitution diverges significantly from its mainstream portrayals, contending that it often entails the performance of unwanted and degrading sexual acts for monetary compensation. They assert that individuals frequently enter the sex trade from a background of neglect, sexual abuse, or desperate circumstances, often coerced or forced into the profession as children or young adults.

A cumulative study on violence and PTSD symptoms³ unveiled alarming rates of lifetime violence among female sex workers, reaching an overwhelming rate of 81.8%. Moreover, a significant majority of female sex workers exhibited heightened levels of post-traumatic stress

³ Park, J. N., et al. (2019, November 2). Cumulative violence and PTSD symptom severity among urban street-based female sex workers. *Journal of Interpersonal Violence*, 36(21-22), 10383-10404. doi: 10.1177/0886260519884694

disorder (PTSD), with 61.4% screening positive for PTSD symptoms. The average PTSD score among these women was comparable to that of treatment-seeking war veterans.

Research also underscores the multifaceted health risks confronting individuals involved in sex work. Sex workers navigate a hazardous terrain fraught with physical, psychological, and emotional challenges, including increased vulnerability to violence, HIV infection, and mental health issues. In 2021, a study⁴ revealed that between 32% and 55% of cisgender women primarily engaged in street-based sex work reported experiencing workplace violence.

The Case for Decriminalizing Sex Work

In November 2019, Massachusetts Representative Ayanna Pressley introduced a resolution in the U.S. Congress aimed at decriminalizing consensual sex work among adults. Several states have put forth similar proposals, including New York, Maine, Massachusetts, Washington, D.C., and Vermont. However, the exchange of sexual services for compensation remains prohibited and subject to penalties in all states across the United States except Nevada.

Despite this, a growing shift is underway in some regions worldwide. New Zealand took the step of decriminalizing both the sale and purchase of sexual activity in 2003, while other countries have opted to decriminalize the sale of sex while retaining penalties for its purchase, often under the "end-demand" or "Nordic model" approach. Internationally, there is a rising chorus advocating for decriminalization. Amnesty International, for instance, called for full decriminalization of sex work—encompassing both the sale and purchase of sexual services.

Brents suggests that the legalization and decriminalization of prostitution could bring about numerous benefits for vulnerable people in the industry. "In places like New Zealand, sex

⁴ Platt, L., et al. (2018). Associations between sex work laws and sex workers' health: A systematic review and meta-analysis of quantitative and qualitative studies. *PLoS Medicine*, 15(12), e1002680. <https://doi.org/10.1371/journal.pmed.1002680>

workers and managers can contact the police without fear of reprisals,” Brent explains. “Although discrimination and stigma persist, New Zealand offers resources unavailable to those in the United States. The more access people have to resources and assistance from authorities, the better they can protect themselves.”

Human Rights Watch (HRW), an international non-governmental organization advocating for the decriminalization of prostitution, argues that criminalizing prostitution actively endangers sex workers.

HRW asserts on its website, "Human Rights Watch consistently finds through research conducted across various countries that criminalization increases the vulnerability of sex workers to violence, including rape, assault, and murder, by individuals who perceive sex workers as easy targets due to their stigmatization and lack of assistance from law enforcement."



Photo by S&D Times

An examination of the marginalization experienced by sex workers in Canada⁵ exposed the heightened health risks faced and the underlying causes. It revealed that sex worker's increased stigmatization and the criminalization hinder their access to essential health services, protective measures, and effective harm reduction strategies.

The study also underscored that vulnerable segments within the sex worker community bear the heaviest burden of social disparities. They often turn to frequent drug or alcohol use as a coping mechanism, leading to poorer overall health outcomes and a greater prevalence of unmet healthcare needs compared to their counterparts in the sex industry. The elevated health and violence risks sex workers face were found to originate from various factors, including their early life circumstances, social marginalization, and the criminalized environment in which they operate.

A systematic review⁶ spanning six countries uncovered a notable presence of Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) individuals within the sex worker community. The analysis unearthed a root cause: the constricted economic opportunities and hindered access to formal employment channels, especially for transgender sex workers. These challenges stem from entrenched stigma, discrimination, and obstacles in obtaining legal documentation that align with gender identity. The study shed light on the struggles transgender individuals face in securing alternative employment due to pervasive discrimination. Consequently, many turn to sex work as a viable means of sustenance, often relying on it as their primary or sole source of income.

⁵ Benoit, C. and Unsworth, R. (2022). COVID-19, stigma, and the ongoing marginalization of sex workers and their support organizations. *Archives of Sexual Behavior*, 51, 331–342. doi: 10.1007/s10508-021-02124-3

⁶ ACLU. (2020). ACLU Research Brief: Why Decriminalize Sex Work?

Research also indicates that the media often places blame on prostitutes for the harm they experience due to their perceived "high-risk lifestyle." One study⁷ revealed that while sex workers report experiencing violence from clients and law enforcement, the media tends to portray this violence as being inflicted by "pimps" onto "prostitutes." This bias, referred to as the media's "negativity bias," contributes to the conflation of sex work with human trafficking, victimization, and exploitation, while overlooking the real-life experiences of sex workers—both positive and negative.

Brents argues that the legalization of prostitution represents a crucial step in improving the current violent working conditions and establishing safe environments for individuals engaged in the sex industry. She contends that decriminalization seeks to alleviate the inherent risks associated with the present state of prostitution.

Power to the Pimps: Nevada's Legalized Brothels

In the heart of the American West, Nevada's legal prostitution industry stands as a unique facet of its social landscape, offering a controversial glimpse into the complexities of the sex industry, public health, and safety. While legalized prostitution in certain counties presents itself as a regulated and ostensibly safer alternative to underground sex work, it also harbors a plethora of challenges that resonate within the confines of its brothel doors.

Nevada's unique distinction as the only state where brothels operate legally comes with strict limitations on where sex can be sold. Brothels must be situated in areas with fewer than 700,000 residents, effectively outlawing prostitution in major cities like Las Vegas and Reno.

⁷ Benoit, C., Jansson, S. M., Smith, M., et al. (2018). Prostitution stigma and its effect on the working conditions, personal lives, and health of sex workers. *The Journal of Sex Research*, 55(4–5), 457–471. doi: 10.1080/00224499.2017.1393652

A comprehensive study⁸ on Nevada's legal brothels identified a notable sense of security among sex workers. This assurance stems from a combination of factors, including rigorous negotiation protocols, state-of-the-art security features like call buttons and audio room monitoring, strict adherence to health regulations, and constructive relationships fostered with law enforcement agencies.



The Chicken Ranch brothel in Pahrump as seen on Thursday, April 19, 2018. (Jeff Scheid/The Nevada Independent)

Notably, the study identified the primary safeguard as the working environment itself. By allowing for continuous public oversight of customer conduct before transactions, the setting makes anonymity and quick exits challenging. Moreover, with a houseful of people just beyond a thin door, the proximity of others adds an additional layer of protection during prostitute-client interactions.

⁸ Brents, B. G., & Hausbeck, K. (2005). Violence and legalized brothel prostitution in Nevada: Examining safety, risk, and prostitution policy. *Journal of Interpersonal Violence*, 20(3), 270–295. doi:10.1177/0886260504270333

However, the legalized brothels come with their own set of disadvantages. "Although it is more dangerous, underground sex workers have a lot more freedom," explains Brents. "The brothels are small, there aren't many of them, and workers must surrender 50% of their earnings. Many have strict rules that go unquestioned due to limited alternatives. If you encounter problems with your boss, your options are limited." While Nevada's brothels are successful at preventing violence, sex trafficking, and exposure to sexually transmitted diseases, there is considerable variability in working control and conditions among brothels.

In Nevada, prostitutes operate as independent contractors, devoid of typical employment benefits such as health insurance, sick leave, or retirement packages. Instead, they shoulder the economic burden of paying for licensing fees, work eligibility certifications, medical clearances, and weekly out-of-pocket expenses for STD testing.

Moreover, a particularly contentious aspect of brothel operations is the implementation of "lockdown" policies⁹. Numerous establishments mandate that workers reside on-site and impose strict limitations on their freedom to leave, even if they are not on shift. Generally, larger brothels have more bureaucratic regulations, with some imposing severe restrictions on mobility, work hours, and time off.

Additionally, in the tangled web of Nevada's sex work history, Dennis Hof emerges as a controversial figure, heralding both the legalization and commercialization of the industry. A vocal proponent of prostitution legalization during the 1970s, Hof's legacy is marked by his ownership of numerous brothels, a journey that began with the operation of illegal establishments before their eventual legalization. At its zenith, Hof's empire boasted control

⁹ Brents, B. G., & Hausbeck, K. (2005). Violence and legalized brothel prostitution in Nevada: Examining safety, risk, and prostitution policy. *Journal of Interpersonal Violence*, 20(3), 270–295. doi:10.1177/0886260504270333

over a substantial chunk of Nevada's legal brothels, with one-third of establishments falling under his purview until his death in 2018. However, Hof's tenure was shadowed by allegations of grave misconduct, including sexual assault and rape, leveled by former employees—an aspect that stains his legacy, despite never facing formal charges.

This narrative exposes a fundamental asymmetry within Nevada's regulatory framework: the predominant influence wielded by brothel owners in shaping laws governing sex work, effectively sidelining the voices and concerns of the workers themselves. Given that sex work remains criminalized and brothel owners are prohibited from having a criminal background, the prospect of sex workers themselves owning or running brothels is improbable.



Brothel owner Dennis Hof flanked by two of his employees, Aspen North and Knowme at his Moonlite Bunny Ranch in Mound House on May 17, 2018. Photo by John Byrne/Nevada Independent.

According to Barbara Brents, such a skewed approach suggests systemic favoritism towards brothel owners, perpetuating a landscape where brothels maintain an uncontested monopoly over legal sex work. Consequently, amidst calls for reform, sex work activists advocate for

decriminalization in addition to legalization, wary of a system that grants disproportionate power to state regulators, thereby leaving workers at the mercy of brothel owners' whims.

Brents explains, "Legalization without decriminalization is not ideal. Despite this, Nevada's model demonstrates there is a way to safely sell and buy sexual services, challenging misconceptions. Many sex workers I've interviewed joke and say, 'I'm not selling my body, nobody can walk off with my vagina; I'm selling a service.'"