

Consensual adult sex shouldn't be a crime

Prostitution should be legal. A woman's body is her own. It does not belong to her church, although she may choose to consecrate it to God. It does not belong to her husband, although she may choose to share it with him. It does not belong to the state, although she may choose to rent it to state officials. Like the governor of New York.

Sure, former New York Gov. Eliot Spitzer is a hypocrite. He broke his marriage vows, humiliated his wife and shamed his family. Even worse, he wanted unsafe sex, and therefore put them at risk. How much more hypocrisy and paranoia must we endure before we admit the ridiculousness and immorality of legislating how consenting adults can be intimate with one another?

The arguments on the right against legalization are very familiar. Some quote scripture. Some fear the threat to marriage. Some cite threats to social order. Some, I suspect, are terrified of the personal temptations that prostitutes present.

Even the normally let-it-all-hang-out feminist left is split on the issue. While the good people at Feminists for Free Expression have called for the decriminalization of sex work, others see it as exploitative, dangerous, and worst of all, capitalistic.

None of these arguments hold water. There is no biblical precedent for throwing a woman in jail if she chooses to accept money for sleeping with men. Such conduct is clearly condemned, but the proper response is kindness and compassion, not jail.

As for the future of marriage, if only the risk of legal punishment prevents a husband from seeing a prostitute, how good is that marriage to begin with? Why is such a marriage worth preserving?

Nor are all clients of prostitutes married. Could we at least allow single men to visit prostitutes? Most social conservatives would answer no. I suppose when single men want quick, anonymous sex, they're supposed to go to bars and chat up women. Ladies, what do you think of that?

Drugs, poverty, rape and exploitation are clearly part of the lives of some sex workers. But if you really care about their lives, write them a check. Help them get out. Better



OPINION
BARRY FAGIN
Contributing columnist

still, give them the protection of legality.

Let them call the cops if a john beats them up. Let them sue for non-payment of services. Banish pimps to "Starsky and Hutch" reruns. Brothel prostitution is legal in Nevada, and there is nary a pimp in sight. Medical testing is required, and the employees choose what they will and won't do. So before we talk about the dangers of sex work, let's be very clear on the dangers of sex prohibition.

The exploitation argument is particularly silly in light of recent headlines. According to court documents, Spitzer's escort, Ms. Ashley Dupre, works for an agency where girls charge up to \$4,300 per hour. How exactly does she qualify as exploited?

Whether we like it or not, nature has set things up so that some women can make a great deal of money with relatively little effort. They can earn a comfortable living without spending years in school, just because they got lucky in the genetic lottery.

Is this unfair? Absolutely. My wife is an attorney. She's furious that Dupre's billable rate is a lot higher than hers. But exploitive? Give me a break. If anyone is being exploited by a \$4,300-an-hour escort, it's her idiotic clients.

Women who otherwise fight for women's rights will keep silent about decriminalizing prostitution, for fear of being called sluts. Men can't come out in favor of legalization, because they'll be seen as future customers. Enough.

Good public policy should satisfy heart and head. If it doesn't succeed on both moral and pragmatic grounds, it should at least pass muster on one. A ban on sex work fails both. It's not right to tell women how they can use their bodies. The consequences of criminalization are horrible.

It's time to look the problem square in the eye, admit we were wrong, and bring a little more freedom into the world. Sex without payment is legal. Sex with payment should be. Morality without choice is not morality at all.

Fagin, of Colorado Springs, is a senior fellow at the Independence Institute. His column appears on alternate Thursdays. Readers may e-mail him at barry@faginfamily.net.