

Why Can't You Pay For Sex?

Written by Ninos Malek.

Is it illegal to date or marry someone only because they are famous, wealthy, or both? No. Are there unattractive people who have good looking dates or spouses only because they are famous or wealthy? Yes.

Is it legal to go to a nightclub for the sole purpose of meeting someone to “hook up” with? Yes. Most Friday and Saturday nights — and on most Spring Break evenings — people are having sex with other people whose names they haven't even bothered to learn.

Consensual sex is legal. But as soon as one party offers cash to another in exchange for sex and that money is voluntarily accepted, it's considered prostitution, and that is illegal. This is hypocritical, illogical, and wasteful — and it needs to stop.

It's interesting that one person can, in effect, legally recompense another with a nice house, jewelry, vacations, expensive cars, fancy parties, and tickets to sports and entertainment events in order to have that person as a dating partner or spouse.

Consider three beautiful young blonde women who had sexual relations with a much older man, not directly for cash, but for rooms in a well-known and luxurious mansion, for the privilege of getting their photos on the cover of a popular magazine, and for the fame bestowed by appearing on television. And these young women are simply the stars of the reality TV series *The Girls Next Door*.

Don't get me wrong — I am not judging them or the much older man, who by now you likely know is Hugh Hefner. But what if another old man simply paid cash to three women to have sexual relations with them? That would be illegal.

Why criminalize?

When I ask students how many of them believe consensual, non-marital sex between two adults should be illegal, none raise their hands.

Then I give them two scenarios. In the first scenario, a man who is only looking to have a sexual encounter approaches a woman at a bar and sits next to her. He strikes up a conversation, buys her a drink, and eventually takes her to an expensive restaurant for dinner. After a nice dinner and some good wine, he asks her if she will go to his hotel and have sex with him and she agrees. Let's assume that the man paid a total of \$300 for the drinks and dinner. Is this legal? Yes, it is. This scenario is played out somewhere every night of the year.

In the second scenario, a man approaches a woman at a bar and says, "Look, I can pretend to care about getting to know you but I won't. I just want to have sex with you. Will you come back to my hotel and have sex with me for \$300?" If she agrees, this is considered prostitution.

My question is this: What is the real difference between the two scenarios? I am *not* arguing that either scenario is appropriate or moral. Many people have different moral and religious standards regarding one or both of those scenarios. The point is, the government allows Scenario A, but spends money and human resources fighting Scenario B. Why is Scenario B the government's business? Why does the government believe the former is morally superior to the latter?

Of course, I am not referring to situations where people are forced to have sex. This is immoral, and the government has a legitimate duty to put a stop to it. But if adults want to have sex and pay or receive money for it, why should the government stop them?

And what if the only way some individuals can get sex is by paying for it? Perhaps nobody finds them attractive enough to have sex without some type of direct, clear compensation. Isn't the government discriminating against these conventionally unattractive people?

The government has certain limited and legitimate duties to perform. Perhaps you think sex work is an immoral lifestyle. However, it is arguably no less moral than a lifestyle of random "hooking up," or the stereotypical lifestyle of the professional athlete or rock star who brags about how many women he has had sex with (e.g., Wilt Chamberlain and Gene Simmons).

It is the duty of government to protect property rights and to prosecute individuals who coerce or force themselves upon others. However, the government needs to stop wasting resources on voluntary, adult sexual exchanges. A police officer who could be out stopping real crime, but who is instead assigned to a vice squad as an undercover prostitute, represents a lost opportunity to make communities safer. It is time to put an end to this hypocritical and wasteful prosecution of sex workers and their clients.

Originally published at LearnLiberty.org.