

A Practical Case for Legalizing Sex Work

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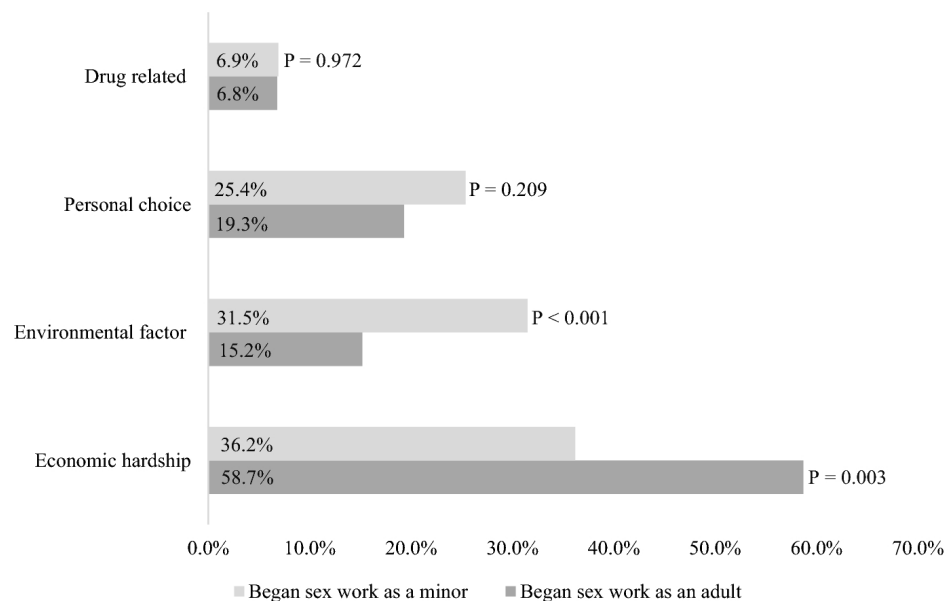
SUPPOSE your friend introduces you to another friend. Which sounds better? (A) She's in college, but did you know she's also a prostitute? (B) Oh, she's a prostitute but goes to community college on the side. Most would probably choose option B. We start with low expectations and end up surprised. That reaction reveals more about us than her: it highlights the assumptions we make about sex workers—that they are desperate, uneducated, morally lost, or just fundamentally incompatible with ambition. These assumptions are not only wrong; they are dangerous—influencing the laws we write, public policies we support, and the services we withhold.

Perhaps more importantly, they distract from a key policy question: does criminalizing sex work really protect people, or does it increase harm?

This brief reframes the conversation from morality to policy, from cultural discomfort to public safety and labor rights. As it turns out, criminalizing prostitution does not protect public health or reduce trafficking—it instead reinforces poverty, isolates workers, and prevents vulnerable populations from accessing legal protections. To create a safer and more equitable society, we must legalize sex work, recognize it as labor, and implement policies that prioritize harm reduction, economic justice, and human rights.

Figure 1: Reasons for entering into sex work in Iran.¹

Main reasons for women's entry into sex work by entry before the age of 18



The Current Landscape

Prostitution is a crime in many parts of the world. The United States, in particular, forbids the practice in every state except Nevada, where 19 legal brothels operate across six of its 17 counties.² When both buying and selling sex are illegal, transactions move to the underground market. People who trade sex could be physically assaulted or threatened by clients, but hesitate to involve law enforcement due to the fear of getting arrested themselves. This climate of secrecy also discourages routine HIV and STI testing, raising infections for everyone, not just the sex workers.

Seeing this, several countries, including Sweden, Norway, and France, have implemented a hybrid legal framework called the Nordic Model.³ There, purchasing sexual services is banned, but the act of selling it is not. Economically, this approach aims to reduce demand, which shrinks the overall sex market without directly penalizing the workers (who suffer disproportionately under full criminalization as discussed earlier). However, the results have been mixed in practice. Clients, fearing prosecution, may pressure sex workers into hurried interactions and drive transactions back underground. As a result, rapid and unsafe exchanges again become commonplace. For these reasons, many advocates say that the Nordic Model still endangers sex workers by encouraging them to cater to clients in secret.

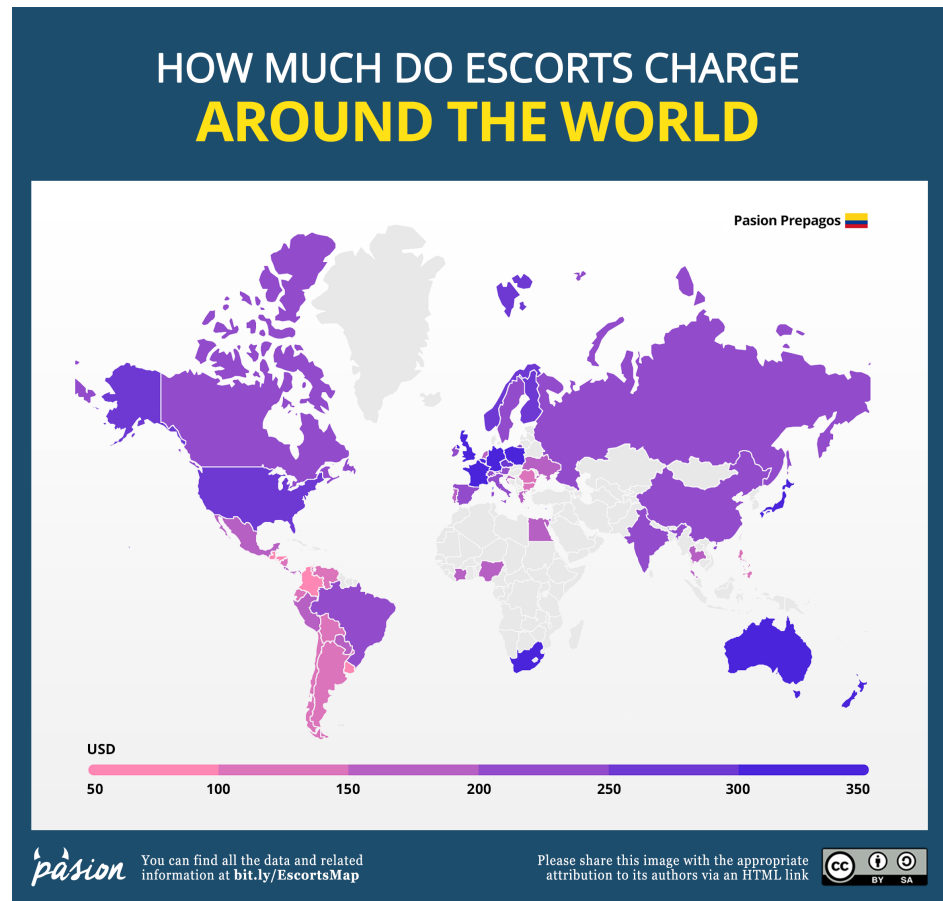
Other countries including the Netherlands, Germany, and parts of Australia have legalized the practice.⁴ There, brothels must obtain official licenses, and sex workers must comply with established health and safety regulations. Critics argue that legalization might not completely stop exploitation, since undocumented or marginalized

people could still be left out of legal protections. Nevertheless, extensive research indicates significant advantages to legalization. For example, a 2014 study from *The Lancet* showed that decriminalizing sex work could reduce new HIV infections by as much as 46% over 10 years. Additionally, eliminating sexual violence against sex workers could further decrease new HIV infections by approximately 20%.⁵ These findings demonstrate how policy decisions surrounding prostitution can greatly impact public health (workers, clients, and the broader community). In legalized systems, regular STI screenings become standard practice, condom usage is consistently enforced, and law enforcement resources can be redirected toward serious offenses such as human trafficking rather than targeting consenting adults.

Beyond health benefits, legalization can transform how sex work is understood within the broader labor economy. A report by the English Collective of Prostitutes (ECP) compared sex work to other low-paid jobs mostly done by women, like childcare, retail, nursing, and housecleaning. They found that sex workers often earned more money per hour, had more control over their schedules, and even faced fewer physical injuries than people in so-called “respectable” jobs.⁶ But despite these advantages, sex workers were the most likely to be arrested, judged, and shut out of legal protections.

This doesn’t make sense. One brothel-based sex worker earned over £30 an hour, while a nursery worker earned just £7.43. The sex worker could set her hours and say no to clients. The childcare worker, on the other hand, was punished for taking time off. Still, only one of these jobs is treated as a crime. That has nothing to do with public safety—and everything to do with stigma built into law.

Figure 2: Price of sex around the world.⁷



The Modern World

The growth of online platforms like OnlyFans has changed how people think about and do sex work. During the COVID-19 pandemic, many turned to online content creation to make money when other jobs disappeared. They liked the freedom, creativity, and sense of safety that came with working from home.⁸ But this kind of work also came with problems: emotional burnout, content theft, online harassment, and no job protections.⁹ Many creators spent hours doing unpaid emotional labor—like replying to messages and managing subscribers—similar to caregiving or service jobs, but with even fewer rights.

This situation is similar to what many gig workers face. Like Uber drivers or delivery workers, most online sex workers are considered independent contractors, meaning they don't get health

insurance, sick leave, or other job benefits. But digital sex workers often deal with even more challenges—like being censored, judged, and constantly worried about being arrested. These extra pressures show why sex workers, whether online or in person, need legal protection to stay safe and supported.

Even so, the rise of platforms like OnlyFans has helped make sex work more visible and accepted. More people now see it as real work—creative, difficult, and deserving of respect. For some, online sex work feels more acceptable than traditional prostitution. That shift in public opinion is a good start. But real change takes more than public support. It takes laws that recognize sex work as a legal job and protect those who do it.

The problem isn't the work—it's how society responds to it. Philosopher Ole Martin Moen (2014) points out that if two adults can legally have casual

sex for free, and if caregiving jobs are protected by law, then it makes no sense to criminalize sexual labor just because money is involved.¹⁰ Casual sex is widely accepted, especially when it's about empowerment or self-expression. Dating apps and hookup culture have made sex without emotional ties normal. But once payment enters the picture, it becomes shameful or illegal.

This double standard shows that the issue is stigma, not safety. What makes sex work risky isn't the sex—it's the way laws and society treat the people doing it. Without legal protection, sex workers are more likely to face violence, isolation, and abuse. Recognizing sex work as real work isn't just about changing minds—it's about fixing unfair laws that currently deny people the chance to work safely and with dignity.

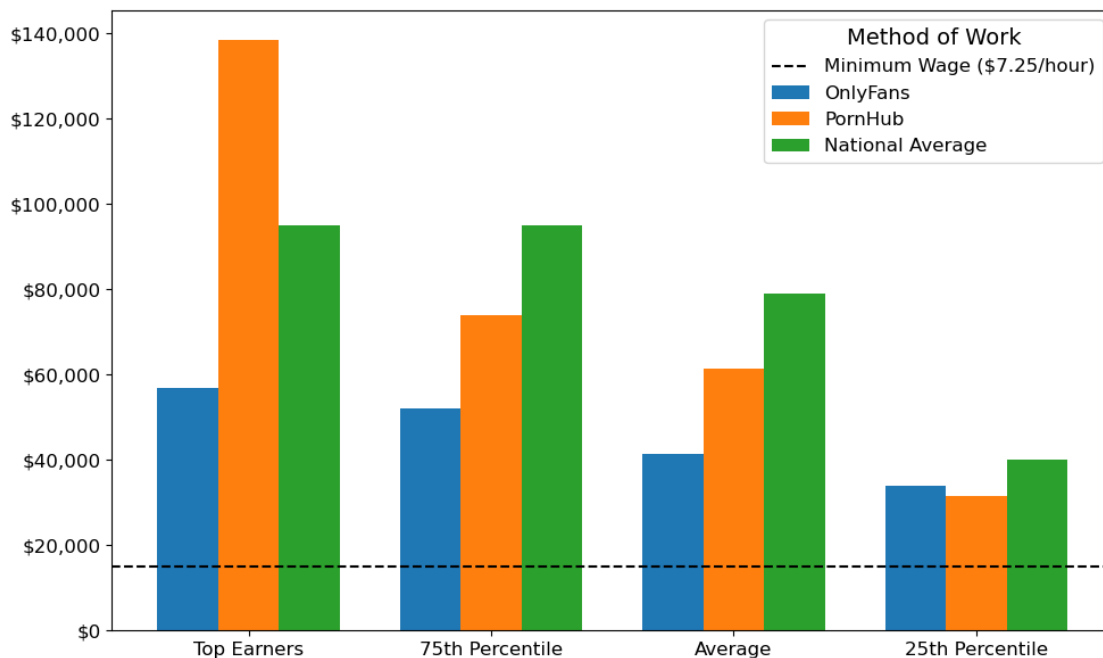


Figure 3: A comparison of annual salaries. Figure by author.¹¹

A Practical Path Forward

If criminalizing sex work leads to more violence, isolation, and poverty, then simply removing penalties isn't enough. We also need laws that actively protect sex workers' rights, safety, and health. The best way forward is to legalize sex work and treat it like any other job—with rules that make it safer and more fair. We can learn from countries like New Zealand, but we need to adapt the approach for the US. Here's what that could look like:

1. **Make consensual sex work legal** at every level—federal, state, and local. That means ending laws that punish adults for transacting in sex and clearing the records of people who have past prostitution-related charges.
2. **Let sex workers register as employees or self-employed.** This would give them access to essential

benefits like health insurance, unemployment help, retirement savings, food assistance, and tax credits for raising kids.

3. **Create a safety and labor board for sex work.** Like OSHA or the Department of Labor, this group could set safety rules, help with worker complaints, and offer advice—without unnecessarily involving law enforcement.
4. **Offer health care and legal help.** Governments should provide free or low-cost services for STI testing, mental health support, and legal advice—through mobile clinics or local health centers—and make them easy to access without judgment.
5. **Separate consensual sex work from trafficking.** Police should stop treating all sex workers as criminals and focus instead on actual abuse, like forced labor and child exploitation. That means retraining officers and creating special teams to investigate trafficking without relying on arresting sex workers.

Addressing Common Concerns

Opponents of legalization often raise serious concerns, many of which stem from care and caution. Some worry that legalizing sex work could increase trafficking, normalize exploitation or encourage more people—particularly the young and vulnerable—to enter the industry. Others believe that prostitution is inherently degrading, regardless of whether it is chosen freely or done under pressure.

These concerns should not be dismissed. Exploitation does happen, especially in unregulated or coercive environments, and human trafficking is a real and urgent problem. However, research shows that criminalizing consensual sex work does not reduce trafficking—it only makes it harder to find and stop. When all sex work is illegal, it becomes more difficult to distinguish between those who are being exploited and those who are working voluntarily. Victims are less likely to come forward, and law enforcement wastes resources policing adults engaged in consensual activity instead of focusing on actual abuse.

Legalization, along with smart regulation, makes it easier to identify and combat trafficking while protecting the rights of consenting adults. It creates a clear legal distinction between exploitation and agency. In countries like New Zealand,

where sex work is decriminalized and regulated, there's no evidence of a surge in trafficking—and sex workers report better health, safety, and access to justice. Legal frameworks don't erase harm overnight, but they make it easier to prevent abuse, support victims, and hold bad actors accountable.

Critics are right to care about exploitation. But the current system does little to stop it. A better system would listen to sex workers, target genuine harm, and ensure that safety, consent, and dignity guide our laws—not fear or stigma.

Why This Matters

Sex work exists. The question isn't whether we approve of it—it's whether we want it to happen in conditions of safety or danger. Criminalization hasn't stopped exploitation—it's only pushed it underground, away from oversight and into environments where abuse thrives. Legalization, combined with strong labor protections, brings this work into the open. It allows sex workers to report violence without fear, access healthcare without shame, and earn a living with the same dignity and rights as anyone else.

If sex work is often safer, more flexible, and better paid than many legal jobs—but remains criminalized—what does that reveal about our val-

ues? We don't need to celebrate sex work to understand that people who do it deserve to be safe, respected, and protected. This isn't about endorsing a lifestyle—it's about fixing a broken system.

Because ultimately, the most dangerous thing about sex work isn't the work. It's the law.

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