

WHO IS THE CRIMINAL?; Equal Rights

The National Law Journal
September 25, 1995 Monday

THE NATIONAL
LAW JOURNAL

Section: Pg. 16 (col. 3); Vol. 18

Length: 1141 words

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Body

Equal Rights

Divine brown has changed her name. Also her occupation. This, we may hope, is the final installment in the Hugh Grant affair, which has to be one of the most over-reported stories that Hollywood has produced. What is perhaps most newsworthy about the incident is the cottage industry of media coverage that it created.

It is not self-evident why an unmarried actor buying sex on the side should appear such a novel event in contemporary America. What made the Hugh Grant story such a story had as much to do with class as sex. And for those who care about the law's response to prostitution, the story that the press reported was not the one that American society most needs to hear.

Mr. Grant's escapade became an event because it violated Hollywood's conventional strategy for sexual exploitation, which involves seducing some starlet for free. Instead, as Chicago columnist Mike Royko noted, Mr. Grant did what many less fortunate members of the working class do—he shopped around, and when caught, it all seemed inexplicably shabby, as if he had been buying his clothes at Walmart. This, of course, was what astounded and attracted so many fans. One admirer captured widespread views with a placard reading, Gee, Hugh, I would have paid you.

As Hollywood scripts go, this one had considerable appeal and a surprisingly happy ending. Here, the proverbial hooker with a heart of gold ended up with a small pot of it as well. Before her retirement, Ms. Brown earned a modest fortune from selling her story to a British tabloid.

Even Hugh Grant, who by his own account did a bad thing—a disloyal, shabby, goatless [yes, goatless] act—found that lack of virtue is sometimes its own reward. His instant notoriety was, as one film studio spokesman put it in a Los Angeles Times report, in a sick way, helpful. In a single month, Mr. Grant became the subject of some 2,800 press stories and pulled some of the highest ratings in talk-show memory.

Missing the Point

Yet what remained missing in almost all of this coverage is what for women is the most significant issue. The relevant question is not the one Jay Leno put to Mr. Grant during his talk-show interview: What the hell were you thinking of? It is rather what the Los Angeles Police Department—and we as a society—are thinking of when we choose to invest scarce law-enforcement resources in an ineffectual, futile and dehumanizing response to prostitution.

Many of the commentators who rose to Hugh Grant's defense missed this larger point. Some falsely portrayed prostitution as a totally victimless crime. After all, as his former director noted in a New York Times story, it is not like Mr. Grant had violated children or committed unacceptable violence. But other customers do. And the current system does little to prevent it.

Recent research estimates that two-thirds to three-fourths of streetwalkers are raped and beaten an average of four to 15 times a year. Department of Justice figures suggest that serial murderers kill more than 1,000 female prostitutes each year. Substance abuse, sexually transmitted diseases, severe depression and suicide are common. Government statistics report that the average mortality rate for sex workers is 40 times the national average.

Yet much of the physical risk and social stigma of prostitution is attributable not to the inherent nature of the job but to its illegal status.

Nonetheless, women who work at the higher end of the sex trade, such as independent call girls, face little chance of arrest and are reported to have high levels of job satisfaction. From their point of view, prostitution represents their best opportunity for well-paid work and fulfills a legitimate social need.

Gender Equality Concerns

How the law should respond to prostitution is a divisive issue for those who care about gender equality. To some commentators, the goal should be a world in which prostitution is unavailable, in which individuals could meet their sexual needs through non-commercial relationships of mutual intimacy and respect. Other commentators see that aspiration as unrealistic. As one sex worker put it in *Good Girls/Bad Girls: Feminists and Sex Trade Workers*: Anonymously, sex has validity in its own right. There are a lot of people who feel unwilling or unable to express their sexual needs unless it is with someone they don't have to look at afterwards.

From this perspective, it would be acceptable for men like Hugh Grant to hire partners like Ms. Brown so long as these women have freely chosen to provide sexual services under conditions of safety and respect, and women have equal opportunities to gratify their own needs in other contexts.

Yet while legal commentators may disagree over the role that commercial sex would play in an ideal world, there is sufficient consensus about what role it would not play to structure an immediate agenda. A

WHO IS THE CRIMINAL?; Equal Rights

society of true gender equality would not criminalize intimate relations between consenting adults in ways that institutionalize class, race and sexual bias.

The Economist estimates that, under America's current regime, approximately 6 million men have employed a prostitute in the past five years. Yet almost none of these men faced significant penalties. Recent surveys find that women account for about 90 percent of all arrests-and 85 percent of those who serve jail time are women of color.

Society spends vast resources, upwards of \$10 million annually, on an enforcement structure that largely targets streetwalkers rather than the main profiteers-male pimps, brothel owners and the operators of massage parlors and escort services. It costs upwards of \$2,000 to prosecute a streetwalker, who typically returns immediately to the streets.

As Harvard Law School Prof. Alan Dershowitz observed after Hugh Grant's arrest, What an absurd misallocation of resources! My God, don't the [Los Angeles police] have better things to do?

The money we currently devote to futile criminal strategies could much more profitably be spent on services for prostitutes. We need better education, employment, welfare, health and drug treatment programs, as well as more protection from coercion and abuse.

The real scandal in West Hollywood is not about Hugh Grant. It's about neighborhood residents who are mounting a legal fight against a facility that would provide food, clothing, HIV testing and drug counseling for local hustlers.

We live in a society where men spend between \$7 billion and \$9 billion annually on prostitution. The question we should be asking is not why celebrities buy sex, but why American law offers such an ineffectual and inhumane response.

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Load-Date: April 16, 2011