

7

CONCLUSION

Learning from Nevada

You know it's been around since Jesus Christ. It's gonna be around 'til the day this world ends. You're not going to stop it because there's always going to be a man who wants to go somewhere and be with a woman or have a fantasy. Or there's going to be women who want to do this.

Angela, Green Lantern

I think it's my civil right to be a prostitute.

Jane, the Moonlite Bunny Ranch

I think prostitution should be legal everywhere. I think it's so much safer when you have the medical checkups and all of that.

Ricki, Miss Kitty's

I'd also like to do some lobbying and I'd like to speak to governments about setting up legalized prostitution. Like a federal program.

Ruby, Moonlite Bunny Ranch

Living in Nevada, we are always amazed at the gumption of policy-makers who seem to encourage every entrepreneur with a crazy idea. Two of us sat in a city council meeting once, trying to prevent an amusement ride from being constructed on a casino in our neighbor-

hood—a 60-foot growling gorilla ascending the side of the 600-foot Stratosphere casino tower. One of the city councilmen said something along the lines of, “This is Las Vegas. We didn’t become the fastest-growing city in the country by preventing things like King Kong from climbing a tower.” However, for a variety of political reasons, the gorilla ride was not approved. The gorilla symbolized the one crazy thing the city would not do. It made the rest of it all look normal.

For almost every legislator, local official, or casino operator in Nevada, prostitution is the gorilla on the tower. The state’s multi-billion-dollar leisure industry grew to what it is today by offering choices excluded by moral proscriptions in the rest of the country—easy divorce, easy marriage, gambling, abundant adult nightlife, and prostitution. Politicians and businesspeople are acutely aware that sanitized vice is the foundation of the state’s billion-dollar leisure industry. Even though prostitution helped build the state’s image, since the 1950s Nevada has used opposition to state-sanctioned prostitution as a sanitizer. State officials were backed into making prostitution legal in the first place. And even in the 2009 state legislative session, in the midst of a fiscal meltdown where everything was put on the table as a potential source of revenue, legislators refused to impose a state tax on brothels, or consider a red light district in downtown Las Vegas, largely because they feared the national attention that would result from yet again appearing to legitimize prostitution.

Nevada may be alone in the United States in having legalized prostitution. But in the new American heartland, the social relations and institutions that drive the sex industry in Nevada are increasingly vital to the rest of the nation. Sexuality is ever more fundamental to the leisure economy, evident in local, national, and international tourism industries and a large segment of service industries. Late capitalist consumer culture drives a changing political landscape where personal choice is seen as a moral right. In the market for intimacy, workplaces sell emotions and interactions, and companies want to profit from the growing consumer taste for fantasy. With leisure becoming a growing part of the economy in markets all around the world, prostitution is becoming arguably more prevalent, if not more visible.¹ Prostitution is already legal in other parts of the world. For U.S. policymakers it is only a matter of time before they look for criminalizing commercial sex.

As such, what can we learn from the state of sex in Nevada?

THE STATE OF SEX

The changes that have come about with the development of a leisure economy have profoundly shaped our society's relationship with intimacy. Prostitution has to be examined in this changing context. In the first half of the book, we looked at how our politics, our values, the organization of work, our sense of self, and our relationships have all been changed by the growth of a consumer and especially a leisure economy. This has spurred the growth and mainstreaming of sexual commerce generally. The history of prostitution in Nevada showed us the importance of tourism to the development of the brothel industry. Open prostitution played a key role in building the state's developing leisure industry up until the 1950s. Gender and class struggles channeled the diverse array of sexual leisure services in this early tourist economy into today's regulated legal brothels. In the second half of the twentieth century, the shift from mining to tourism meant a shift from selling sex to selling sexuality in the state's burgeoning resort cities. Independent working women in mining and railroad towns were pressed into working for someone else, forcing them to give up control of their work. Today, women work as independent contractors in brothels owned by entrepreneurs, corporations, or business partnerships. While the resort industry pushed brothels into the rural counties, it is clear that brothels would not be legal in Nevada without tourism.

The second half of the book explored how these demographic, social, and economic changes have affected what happens inside Nevada's brothels. Brothel businesses make sex into a service for sale in many of the same ways as other non-sex tourist businesses make fantasy and escape into a saleable service. Like other businesses in a leisure economy, brothels strive to provide reproducible and standardized services that are also (seemingly) personalized experiences. Suburban brothels that are near the growing tourist areas are upscaling, diversifying, corporatizing, and marketing to a wider range of potential clientele. They are attempting to tap into new leisure-seeking consumers, the modern male traveler with disposable income and a taste for fantasy sexual experiences. Rural brothels still market primarily to truckers, local and migrant workers who hold traditionally masculine working-class jobs. These brothels provide services that are discreet, affordable, and advertised as a home away from home. However, even rural brothels are changing as a globalized leisure industry reaches into

all areas of the state. Rural areas are not economically and socially isolated, but are interwoven into the state's economy and culture.

Also typical of other leisure and tourist businesses, legal brothels are managed in highly gendered ways. Service industries often view women as a docile labor pool and as naturally possessing the characteristics necessary for good customer service: warmth, friendliness, and a knack for emotional interaction, and brothels are no different. Yet because legal brothel work is stigmatized, some rules, and the enforcement of these rules, are unique to brothel businesses. Legal sex workers are classified as independent contractors; however, house rules, restrictions on mobility, fines, and shifts often stretch the bounds of labor laws. The restrictions on mobility that exist in some of Nevada's brothels are especially hard on workers, and reflect the stigma associated with prostitution. Management practices within the brothels vary greatly, however. Some brothels now allow women to leave after their shift is over, signaling an important change in the treatment of workers. This seems to be a result of the further mainstreaming of the industry as suburban brothels must attract more laborers.

Today's leisure industries generate jobs in formal and informal sectors providing sexual and non-sexual leisure services. Brothels draw from these workers. Because brothels are legal, they attract both experienced workers who have sold sex illegally and workers who have never before sold sex. Women come from an expanding sex sector, including high-end workers who come from other legal adult industries. Brothels offer potentially well-paying employment for women facing intensifying inequality in low-paying service work.

Doing brothel labor must also be seen in the context of changing social relations in a growing leisure economy. Emotions are increasingly important commodities in a leisure economy. Much of what we know about how service workers manage emotions in interactions with customers also applies to brothel workers. The workers who we interviewed did not disassociate mentally when they did brothel labor. Brothel work involves both physical and emotional labor. Workers used different ways of combining these to meeting diverse needs of both traditional working-class customers and leisure consumers seeking sexual escape or adventure. They created complicated sexual fantasies, served as counselors to men who just wanted to talk, and managed male orgasms in set amounts of time. Women in rural brothels were

more likely to talk about physical labor or caring practices, while some women in the suburban brothels had crafted successful careers providing extended and expensive holistic services. Indeed, even authenticity takes on different meanings for workers doing sexual labor. We found that brothel workers use strategies and techniques to manage intricate performances of self and combat emotional distress and burn-out just like workers in other interactive service jobs.

In sum, prostitution is not one thing. Our case study of Nevada teaches us several things about prostitution. First, context and legality matters. Not only do the historical and social circumstances affect what prostitution is—the fact that brothels are legal affects the way businesses are run as part of a legitimate, established industry in the state. It affects who contracts to work in the brothels, and what workplace practices are like. Second, being an industry in a region so heavily dependent on leisure and tourism matters. Prostitution was a core leisure industry in the mining West. As Nevada's economy moved to tourism, sexual labor remained. Sexual commerce in Nevada is legal today because it has been squeezed into the corset of law at the state and county levels. Likewise the forces of global capitalism, changing consumer tastes, changing conceptions of gender and class, changing labor markets, and changing labor processes affect the practices within the brothels.

THE SOCIAL RELATIONS OF SEXUAL COMMERCE

In this book, we purposefully took the focus off of individuals to explore larger social relations and institutions that shape the brothel industry and the people working in it. The stereotypical approaches to prostitution—as deviance, as the enduring power of men over women, as violence against women, or alternatively as sexual liberation and empowerment, are problematic because they frame prostitution as a universal, singular “other” sexual experience. We find that the social relations surrounding prostitution matter most in understanding commercial sex.

One long-enduring question about prostitution is whether or not the inequality of (sexual) relations between men and women means that women are harmed by the very fact of working in a business where they sell sex to men. Our research shows that gender inequality

is clearly a part of the brothel industry, and affects the lives of men and women. However, we do not believe that selling sex itself is inherently harmful to women. Working conditions, the background and resources of the workers, and labor strategies vary considerably, and make a difference in terms of experiences of power and exploitation.

In Nevada's legal brothels, we saw no evidence of trafficking. What we found was that brothels successfully prevent violence and have working relationships with local police. Despite what some anti-prostitution abolitionists claim about Nevada's brothels and sex work in general, none of our interviewees were coerced or forced into the legal brothels, nor was there any indication that the women were there against their will. We found no signs of coercion or exploitation beyond what one might see in many workplaces, as owners push for profit and worker productivity. In some ways, the trend in the brothel industry seems to be toward improving workplace conditions, such as relaxing the restrictions on mobility, as brothels compete for quality workers.

The structures that constrain life for sex workers in Nevada's brothels are the same structures that constrain all of us—structures of gender, race, sexual orientation, ethnicity, and social class. Women's job choices, owners' business practices, and customers' desires must all be seen in the context of these changing and intersecting structures of inequality. The belief that women are free from constraints when it comes to work is unrealistic, just as the belief that women are all shackled into sex work is ideological and misguided. Gendered expectations of appropriate sexual behavior for men and women attach a stigma to prostitution even in a legal industry. This affects the brothel owners, customers, and citizens of these small towns as well as the workers.

Brothels are heterosexual, masculine, commercial spaces that cater to male sexual fantasies and demand particular performances of masculinity and femininity. However, masculinity and femininity are not stable and static categories, but rather malleable experiences that adjust to changes in the organization of economic and social life. We see this in how the type of customer that brothels cater to is changing. A working-class masculinity that puts a premium on clandestine encounters in a sexualized, bawdy home away from home is slowly giving way to a masculinity that relies on consumption to form identity. Heterosexuality is affirmed through the purchase and consumption of

brothel sex, and the suburban brothels advertise a classier image of urbane living and style. And femininity is performed both as the empathetic caregiver as well as the sexually charged, always sexually available whore. Managers perform a paternalistic, protective masculinity, particularly salient in their imaginings of, and dealings with, pimps. These displays of gender in the search for profit and consumption exemplify new forms of femininity and masculinity that have developed in relationship with the growth of a consumer economy.

Inequalities based on class, race, ethnicity, sexual identities, and sexual practices that are found in our society at large explain much of what we see in Nevada's brothels. Commercial sex does not create cultural norms; rather it reflects them. Society itself is racist, classist, sexist, and heterosexist; blaming prostitution for being oppressive and discriminatory creates a sense that a utopian fairness does exist in other businesses, sexual or otherwise. Yet we know that this is simply untrue. The inequalities in the brothel industry have less to do with the work itself than with the larger social relations that shape it. This is the underlying and unspoken root of the discomfort around commercial sex. Identifying the sex industry as the origin of gender and sexual inequality relieves the general population of any accountability for being part of the problem, for maintaining gender and sexual categories that limit our experiences of ourselves. In truth, gender and sexual norms are glaringly apparent in the sex industry, but they are not created by the sale of sex. The sex industry does not hold that much power.

Understanding social inequalities is complicated by the fact that markets exist within cultural, social, and politically influenced regulatory frameworks. First, today's leisure and service industries merge economic activity with common aspects of personal life, such as how we see ourselves and our relationships, and who we are and who we want to be. Second, regulating the economy is regulating morality, and vice versa. Third, the line between what is genuine and what is fake has always been a struggle in consumer culture. This promises to be an even greater challenge as we turn more and more human emotions into services for sale. This struggle has implications for how we think about work and how we think about regulating the ever-expanding reach of capitalism. Nowhere is this struggle more played out than in the sex industry. Examining how something as intimate as sex can be turned

into a service for sale is quite telling of the ever-evolving market in emotions.

As sociologists, the lessons we learn from the state of sex are lessons about the purchase of intimacy in late capitalism. Viviana Zelizer's argument about the mutually constitutive relationship between intimacy and the market holds true here: they are not separate, hostile spheres, but interconnected ways of relating. Brothels, like other service industries, are redefining work to contain a commercialized emotional element. In even the most intimate of commercial settings, workers and consumers find ways to create both moments of genuine connection and profitable interactions. Yet the tensions in commodified interaction are numerous: from identity at work and the self, to caring for the customer while maintaining physical and emotional boundaries, to making money and acting the part. Workers use various strategies to deal with these tensions, but there are not inherent contradictions to these strategies that diminish the workers' sense of self.

Nevada politics and libertarian political culture reflects changes evident across the United States. Nevada's politics reflects a neoliberal economic philosophy. The state's approach to values politics exemplifies a market morality in the selling of leisure, escape, intimacy, and transgression. The market is the arbiter of acceptability rather than government regulation of appropriateness. This neoliberalism and market morality has allowed cities like Las Vegas to become paradigmatic meccas of the postmodern tourist/touristic economy. It has cultivated the type of economic shift that has earned Nevada's place in the new American heartland. This market morality has also, in somewhat paradoxical ways, supported the existence of the brothel industry. We see evidence of this in several areas: the women are active, public sexual entrepreneurs who provide rationalized and experiential services, as do other touristic service industry workers. Heterosexuality is the dominant sexual orientation; the transgressive characteristic of brothel sex is not the sex itself but rather the sale of it. The sale of sex is still legal in parts of Nevada because it fits nicely within pre-existing heteronormative beliefs that privilege heterosexual sex over other sexual orientations. In this sense, a market actor is reproducing cultural norms. The bounded authenticity enacted within the brothels, and the market morality that reigns over it, means that brothel sex is actually not subversive. Brothels may be a sign of liberalized sexual norms, but they do not challenge inequalities.

In late capitalist society that increasingly commercializes and commodifies sexuality, the market helps regulate morality.² Market morality simultaneously drives acceptance of sexual diversity but also fuels a backlash by the religious Right and other conservative groups. Nevada's market morality is widely embraced especially by those who reject government imposition of values on individuals, urban and rural citizens alike.

That sex is rendered public via the market removes some of the specialness. Brothels (and other forms of commercial sex) expose the specialness of sex as something socially constructed; sex is diverse and fractured, made up of many acts and thoughts. The authenticity of sex as "natural" is challenged by the very existence of legal brothels. The lines between public and private are blurred, and there is growing acceptance of both the buying and selling of commodified intimacy; the general public is more accepting of the convergence of sex work and service work. This convergence is fueled by a sexualization of mainstream jobs and the centrality of service to tourist economies.

NEVADA'S LEGAL BROTHELS AS A MODEL?

Is the Nevada model of legalized prostitution a "good" model? And what does "good" mean—does it refer to (as sex workers' activists argue for) bettering working conditions, ensuring worker safety, increasing the availability of non-discriminatory health, legal, and financial services for workers, or does it refer to (as policymakers and citizens often assert) protecting communities, reducing crime control costs, and maintaining order?³ There are several approaches which governments around the world take to prostitution policies. These include: (1) prohibitionist policies where all forms of the sale of sex are illegal and the prostitute is criminalized; (2) abolitionist policies, where laws punish third parties and not sex workers, banning pimping, pandering, brothel keeping, or soliciting; (3) legalization, where governments control certain conditions, and may institute licensing, registration, health checks, and so on, and (4) decriminalization, where all criminal statutes are removed and sex work is regulated like other independent businesses. In actual practice, many countries, including the United States, criminalize prostitution by combining prohibitionist and abolitionist policies. In governments that enact regulations, the line

between decriminalization and legalization is largely a matter of degree.

Across the globe, the regulation of prostitution has shifted in the late twentieth and early twenty-first centuries to reflect a new set of sexual norms, and a new economic climate. There has been a significant trend across the globe away from prohibition toward legalization and decriminalization.⁴ New South Wales in Australia decriminalized prostitution in 1995; New Zealand decriminalized prostitution in 2003. The Netherlands legalized brothels in 2000, Germany in 2002. Iceland decriminalized some aspects of prostitution in 2007. Most of Western Europe has decriminalized the act of prostitution, but certain activities surrounding prostitution, such as pimping or operating brothels, are illegal. Parts of Australia, Germany, Austria, the Netherlands, Switzerland, Turkey, Senegal, Denmark, Greece, and Hungary have forms of regulated brothels, including brothels. Austria and Germany have granted sex workers social security and equitable taxation. While Sweden and Norway recently enacted policies to criminalize clients, in general the trend has been toward reducing regulations.⁵ The United States has remained outside the norm in clinging to prohibitionist policies.

Today, most U.S. laws criminalize the sex act as well as associated activities such as pimping and pandering. In practice, most enforcement is uneven and selective, and serves to confine illegal activities to, or displace them from, particular areas. Informal mandates and enforcement patterns *de facto* serve many of the same functions as zoning and registration, attempting to render prostitution invisible and at the same time criminalizing the women who practice it. For the most part, street prostitutes are disproportionately the target of police raids because they are the most visible, while indoor workers are targeted less frequently. This results in the arrest and conviction of mostly poor women of color. Recently, however, controversy about workers who advertise online through websites like Craigslist has brought increased police and political attention to indoor workers.

There are two important ideological trends in the United States. In reviewing recent poll data and newspaper articles on opponents of prostitution, sociologist Ronald Weitzer has argued that while the public is still predominantly opposed to prostitution, the majority of attacks are framed against the assumed secondary effects that impact

neighborhood image, reputation, and property values. Regulators target disorderly conduct, health risks, *visible* drug use, violence, and public sexual displays that threaten the perceived values of heterosexual families and children. It is defined as a quality-of-life crime. Further, the objection is largely to more public and visible forms of street prostitution. Commercial sex in private, as long as it has no spillover in public, tends to escape social judgment and much legal attention.⁶ Thus, in some respects, police and even the public are less concerned about people engaging in non-monogamous, non-procreative consensual adult sex.

Second, there has been a concerted effort by some anti-prostitution groups to frame the primary issue with prostitution as the exploitation of women by either drawing attention to the clients as victimizers, or by focusing on trafficking. In addition, feminists have critiqued prostitution policy for mainly controlling and penalizing women. As a result, there has been increasing political and media attention on the clients of prostitution. There has been a shift away from punishing prostitutes and a push toward punishing clients. For example, in San Francisco, studies find a 25 percent increase in client arrest rates.⁷ In the 1990s, more cities instituted programs to discourage male consumers' demand. These include john schools, first offender programs, client re-education projects, and vehicle impoundment, along with revoking the driving licenses of clients and publicizing their names.

Moreover, the discourse has shifted from talking about the coerciveness of prostitution to talking about all prostitution as sex trafficking. There has been growing attention to sex trafficking since 2000, when the Trafficking Victims Protection Act (TVPA) was enacted at the federal level. For years, feminists internationally have struggled with the problems of forced migration and slavery, working to separate consensual from non-consensual sex, tighten laws, and establish services to rescue and rehabilitate those forced into sex work. Since the TVPA, many scholars note that the sex-trafficking issue has been elevated to a kind of moral panic. Fundamentalist feminists, Christian organizations, anti-immigration groups, and conservative political leaders are capitalizing and mobilizing around escalating moral outrage over sex trafficking. These groups equate all prostitution with trafficking, and define all forms of sexual labor as inherently exploitative and non-consensual.⁸

From our analysis of Nevada brothels, we conclude that Nevada's legal model is a better solution than criminalization. In Nevada's legal brothels, there are structures in place that have successfully prevented violence, disease, and severe exploitation. The rural communities where prostitution is legal do not experience problems typically assumed to be associated with illegal prostitution—underage prostitution, trafficking, drugs, littering (of used condoms, drug paraphernalia), violence, disease, and a general increase in crime.⁹

Given today's consumer-based leisure economy, changing attitudes toward sex and sexual relations, and the pervasiveness of low-paying, unskilled jobs for poor and lower class women, prohibiting the sale of sex seems to be fighting against the momentum of our culture. The cost of continuing to try to prohibit prostitution will only rise as our economic system drives it forward. Prohibition and abolitionist policies fail to accomplish what they set out to do: curb prostitution. In their attempts to do so, these approaches push illegal work further underground. Illegal laborers are more likely to be vulnerable to violent or petty crimes as they may feel that they have no legal recourse. They may experience exploitation by police, social discrimination and stigma, and an inability or difficulty in transitioning to other legal jobs. Further, such policies increase the number of women (and men and transgender people) with criminal records, and create other negative consequences that do nothing to increase the quality of life for the worker, the client, or the local community.

Nevada's specific policies may not easily transfer to other communities. The current brothel system in the state has been in development since the early 1900s. We also would not advocate a brothel-only approach, and indeed we would encourage jurisdictions to consider ways to allow women to work independently or in collectives. Nevada's brothels are problematic in many ways, from restrictions on mobility to frequent health checks of workers but not clients, to liberties taken with independent contractor laws, to discriminating against men and transgender workers who might otherwise seek a legal venue in which to work. However, ignorance of the lessons of Nevada's model is sure to further obscure the discussion. The following principles are worth ongoing analysis and further consideration by scholars, policymakers, and advocates.

First, licensing that occurs at the local level allows small counties and incorporated cities to respond to perceived needs and interests—economic, sexual, and otherwise—in their own communities. This decentralized model of legalization is flexible, with minimal state oversight. Local officials are free to regulate as they see fit. Certainly one of the major arguments against changing these policies at the state level in Nevada is that politicians do not want to go against local governments. At the same time, local governments often maintain informal norms which, as we have seen, are often sexist, racist, and homophobic. It is imperative to balance this with more centralized civil protections from discriminatory practices.

Second, both the workers and owners should be offered the same legal rights and protections as the owners and workers in other legally operated and licensed businesses. Most of Nevada's counties have added due process clauses to regulations that help protect the business owners. However, we find that protections for the independent contractor are minimal and/or rarely enforced. Guidelines on the legal rights of independent contractors ought to be distributed to workers. Ideally, some state agency or, even better, a workers' union with political clout, ought to be involved in monitoring practices at brothels to make sure workplace policies and practices fall within the law. Jurisdictions should at least review any codified restrictions on women's mobility. There is no evidence to suggest that limiting mobility helps protect customers from disease. Allowing women to leave after shifts in the northern Nevada brothels has had no effect on health test results. Informal limitations that are placed on workers and owners fail to protect their interests and establish independent contractors as second-tier members of their communities. Good working conditions are essential for brothels to be able to recruit good workers.

Third, the confidential health-testing practices and mandatory condom use are effective and widely accepted among members of Nevada's brothel culture.¹⁰ Minimal standards are imposed at the state level. The health regulations in Nevada's brothels, however, currently focus on a limited range of STIs and could be expanded and updated. Legal systems ought to make sure that there are mechanisms in place to easily update policies as health officials see fit, outside of the realm of politics. Testing is also expensive, and the cost is currently borne by the workers. Further, the assumption that women are vectors of disease is problematic, but potentially unavoidable in a legalized system.

Fourth, the privilege licenses and application processes allow local governments a great deal of leeway in screening potential owners. They allow local governments to keep owners with questionable backgrounds out of the industry, much as licenses have functioned in cleaning up the gaming industry in the state. This has proven to be a source of power for communities who permit brothel prostitution in Nevada, as well as a source of comfort. However, without proper oversight, this system also allows unstructured and unspoken rules and even discriminatory screening of owners whose rights may be violated as legal business owners. The merits and drawbacks of privilege licenses should be investigated further to establish their legality and their role in developing community-based, flexible but fair systems of legalized prostitution.

Fifth, legal brothels can be mainstream businesses. Legalizing this industry allows it to be subject to the norms and practices of other non-sex industries and other legal sexually oriented businesses. In Nevada, brothels have become respectable and well-integrated members of local communities where they have made the effort to do so.

If Nevada's brothels tell us anything, it is that you can never fully understand prostitution unless you look at it within the larger picture of social norms and market demands. Other states and communities around the United States can learn valuable policy lessons about the structures and experiences of prostitution today by paying attention to Nevada as a model, not as a social oddity. Social, cultural, and political meanings influence the process of governing bodies, sexuality, and commercial sexual exchanges. By recognizing the similarities and differences sex work has with other forms of labor, it is possible to frame, define, legislate, and regulate commercial sex in ways that are more empowering for sex workers and healthier for communities.

It seems to me like you people have more important issues to talk about and do something about than brothels. They never bothered anybody. And they do bring business to town. You have more important issues to address.

Bob, Ely citizen, at a public hearing on legal brothels