### Values and Prostitution: A Critical Exploration

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#### Abstract

Considering the fact that values are themselves harbingers of confusion, because of the fleeting meaning they evince in different people, passing value judgment especially on an activity that bothers on how people define themselves and in fact, interpret their world, would be one of the most difficult tasks. Hence, this study examines values and value theories as they apply to the phenomenon and actual practice of prostitution. The debate between two schools of thought: the abolitionist which advocates an end to prostitution and, reformatory which aims at regulating prostitution is explored. Because value has to do with the study of human conduct, ethical questions bordering on prostitution are raised, and useful interjections are made with practical instances about the phenomenon and practices of prostitution. Using extant examples, the study argues that values are not immutable to socio-economic imperatives, and concludes that the question of values on prostitution is not yet fundamentally settled as the abolitionists and regulatory scholars would want.

# Introduction: Understanding Value and its Theories within the Context of Prostitution

Value is about systematic search for truth, knowledge or principles of reality that follow appropriate standards of reasoning concerning the grounds of

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moral beliefs and moral judgments. Value is also about how to evaluate moral actions to be undertaken and why a manner of thinking should be preferred over and above others. Value makes it possible for us to determine what actions and practices are good or bad, right or wrong, acceptable or unacceptable, worthy or unworthy of pursuit. The realisation of the importance of values - good or bad - to the society gave rise to a systematic study of what is right and what is wrong, good or bad, just or unjust; a part of axiology which applies value theories to ethical issues such as prostitution, which is the subject matter of this study. Value is often taken to mean something that is useful, desirable, and that which has some worth. Hence, it is often used to denote something's degree of importance, with the aim of determining what action of life is best to do or live. It is used to connote the significance of different actions.

There is positive and negative value; while evil is regarded as a negative value, good is referred to as positive value. Nevertheless, both are values; for without evil, it will be difficult to appreciate the value of the good. Both good and bad help throw light on the value content of each other. Value has to do with right conduct and good life, in the sense that a valuable action may be regarded as ethically good, and an action of low, or at least relatively low, value may be regarded as bad. What makes an action valuable may in turn depend on the ethic-values of the objects it increases, decreases or alters. An object with ethic-value may be termed an ethic or philosophic good. Ultimately, values are broad preferences concerning appropriate courses of action or outcomes. Hence, values influence attitudes and behaviour and as such, reflect a person's sense of right and wrong or what ought to be.

It is disputable whether some values that are not clearly physiologically determined, such as altruism, are intrinsic and whether some, such as acquisitiveness, should be classified as vices or virtues. Thus, to understand the nature of values, there is need to look closely at the distinction between ends and means. Ends and means are complementary both in meaning and utility. That is, one would be incomplete without the other. To understand the nature of ends, we must grasp the circumstances or means through which the end was attained. This means that the value of means lies in the ability and purposiveness of means in making the attainment of an end possible.

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Theories of value distinguish between intrinsic values and extrinsic values. Intrinsic values are things desirable for their own sake while extrinsic values are ones whose function lies in being contributory. They represent means which are employed in the achievement of other higher values. Therefore, noteworthy is that some intrinsic values are themselves instrumental values since they are a means of achieving another value.

In this relation, prostitution may be considered as an end and could be a means to the achievement of a higher value like money making and pleasure. There is a perspective that what makes a certain means good is the ability of the means to produce the desired goals. This is the position of Machiavelli in his socio-political thought where he holds that the end justifies the means. For instance, if a prostitute desires money and uses her body as a means to an end, her conduct in prostituting would be a morally right action. However, religious moralist in Christianity or Islam would stress the need to employ a good means to attain a good end. Thus, a prostitute would be condemned for making her body- what should be a temple of God- a mean for an end, to get what she wants.

The hedonist paradox reveals the folly of the search after wisdom by showing that if pleasure or the pleasant should be pursued in all situations, pleasure will elude us all because to get pleasurable, we often would have to be involved in the "unpleasant." In this case, we find an instance where a good means might not lead to the desired goal. This lends credence to an example of a prostitute who would make money using her body as a means with a dose of pleasure still being derived. The dilemma in this scenario would be that the best option should be that of using good means to achieve good goals; there might then be a problem of having only a bad means that can make the attainment of the good possible. This applies to a prostitute who feels bad at offering herself to making ends meet; even though such a prostitute knows that she is on the verge of doing something bad, (s)he still goes ahead to do it. Again, there might be difficulty in using a bad means without it leading to bad consequences. So both the means and the end must properly be evaluated to know what should be done in a given situation. Otherwise, the value of means, in respect to badness or goodness, should be weighed against the goodness and badness of the value that the end in view is expected to foster.

Man cannot but take serious the matter of value because of the presence of positive and negative values, and the thin-line difference between them. Perhaps it is for this risk that Jeremy Bentham enunciated the use of the hedonistic calculus in measuring pleasure. Arguably the criteria for measuring values should depend on the constant philosophical pillar of rational enquiry into the grounds of morality which stands in contrast to revelation, special intuition, mystical insight and other arbitrary means of obtaining answers to moral questions. The hedonists, for instance, have their own standard for testing value in terms of the pleasure that is derivable by an individual from a given action. Hence, for Hobbes, we all measure good and evil by the pleasure or pain we either feel at present or are expecting to feel hereafter. Therefore, Mill is right to hold that pleasure and freedom from pains are the only things desirable as ends. And for Bentham, in all those chain of motives, the original objects of desire seems to be the last internal motive and this motive is always some kind of pleasure. To the intuitionists, it is the ultimate to insight into preference and that which is intuitively perceived as right or good that should be pursued. The moral naturalists are of the opinion that the only value is the ability to survive in the battle of the survival of the fittest. On the other hand, for instance, interest theory of value holds that value is a harmonious satisfaction of all of one's desires. For them, value is that special character of an object which consists in the fact that interest is taken in it. The interest theory holds that things have value because we want them; and they are bad because we do not want them. This position, therefore, has serious implications for the practice of prostitution.

Moreover, value theories involve determining principles that ought to guide human conduct or formulation of moral rules that have direct implication for what human actions, institutions and way of life should be. Value theories have two variants, namely: teleological theories and deontological theories. Teleological ethical theories emphasise that the consequence of an action determines the rightness or wrongness of the action in question. Example of teleological ethical theories is ethical hedonism, which emphasises that pleasure over pains determines the rightness or wrongness of actions. Ethical egoism seeks and maximises pleasure or happiness for the actor, while ethical altruism seeks good or pleasure for others, regardless of the consequence for himself. Utilitarianism promotes

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the greatest number of pleasure or happiness for the greatest number of people. The major distinction is in the scope of its consequences. The shortcomings of teleological ethical theories are: humans are most times not capable of foreseeing the outcome of our actions, hence, the demarcation is often difficult to draw; humans are often incapable of foreseeing which action will purely benefit the self, or others, or even the majority. In addition, teleology makes it appear that the end justify the means. As if the means does not matter.

Deontological value theories place importance on rules, motives and nature of actions itself in deciding the rightness or wrongness of an action. Moderate deontological value theories emphasise that consequence do not matter, but is one of the factors relevant in determining the moral rightness of an action. Extreme deontological theories reject the consequence of actions in determining the morality of it. A variant of this is Immanuel Kant's Categorical Imperatives, which holds that the outcome of an action matters less than the will or motive informing it.

Ultimately, the goals of value and value theories is to furnish human beings with a standard with which they can make distinction between those actions that are good and those that are bad; to prescribe moral norms which human conduct should conform to and condemn vices which they should run away from and; to highlight the principles of good behaviour. Value and value theories points at how people should conduct themselves so as to live a good and happy life- a life of wellbeing, one in which one is not just at peace with oneself, but one in which one learns to treat others right and live in harmony. Value is instrumental in ensuring social order which is germane for securing the common good. Values provide grounds for political leaders, public servants and professionals regarding how to conduct the affairs of a group of people. In line with this, a study of values helps in the presentation of better understanding of concepts employed in moral discourse and, the development of theories that people can appeal to in making moral decisions and which serve as justification for human conduct.

## An Evaluation of the Abolitionist and Reformatory Debate on Prostitution

Value discourse on prostitution can be considered to generate two distinct approaches. First is the regulatory approach, which posits that prostitution

and related activities are not immoral, but a practice that should be decriminalised, legalised or at worst regulated. Second is the abolitionist view that argues that prostitution is fundamentally immoral, criminal and should be abolished and outlawed (European Parliament, 2014). There is therefore a need to evaluate these two perspectives regarding prostitution. This can be achieved by raising value questions bordering on the moral foundations of the approaches.

Both approaches ultimately aim at eliminating the menace of trafficking human beings for sexual exploitation. The abolitionists immoralise and consequently criminalise, all the activities related to prostitution, including the purchase of sexual services. The abolitionist model could be described as a refusal to make a difference between selling sex and sexual exploitation. On the other hand, the regulatory approach builds on this difference and seeks to empower women selling sex by removing the stigma through classifying the selling of sex as a normal economic and pleasurable activity.

Notably, civil society organisations, academics, politicians and public opinion makers worldwide have considered the right way to regulate buying and selling of sex (Ochelle, 2011). The consideration centres on the question of whether a difference can be made between men/women selling and men/women buying sex and men/women exploiting one another's bodies to satisfy their sexual desires. The latter is closely related to the abolitionist approach, while the former can be understood as the thought pattern of the regulatory approach. The abolitionist approach immoralises and criminalises prostitution (Raymond, 2004). Many nations, including Nigeria can be subsumed under this model, albeit with a wide range of differences in their implementation. The abolitionist model has historically been the first one seeking to put an end to prostitution. From the 19th century until after World War II, European countries adopted legislations declaring the selling and buying of sex as well as all related activities such as running brothels, pandering and procuring, as illegal for religious and moral attitudes (Marjanand Marreke 2002; Farley 2006). Today, the abolitionist approach makes reference to the close relationship between trafficking human beings for sexual exploitation and prostitution vis-a-vis the high level of violence experienced by men/women selling sex as well as, in recent times, the fact that gender equality and human rights principles are incompatible with men/

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women buying sexual services from men/women (Hughes, 2004). This approach, which can also be called the neo-abolitionist approach, encourages governments to take steps to penalise demand. So far, only Sweden has put this approach into full practice in 1999 but other countries like France and Ireland have also taken measures that discourage prostitution.

The abolitionist approach is supported in many other countries by men/ women's rights groups who underline the violations of human rights occurring in prostitution and qualify prostitution as contrary to the principle of gender equality. Essentially, violence such as child abuse and violent behaviour of clients are adduced as reasons for the abolition of prostitution. Hence, abolitionists try to draw a direct causal link between prostitution and trafficking for sexual exploitation, taking advantage of an adolescent's or adult's vulnerability, whether or not resulting from sexual assault, or abusing the economic insecurity or poverty of an adult hoping to better their own and their family's lot. In this light, poverty and vulnerability have been seen as a factor for prostitution. Ultimately, in this view, prostitution is considered tantamount to paid rape.

Contrary to the abolitionists, the reformatory approach does not want to end prostitution, but to recognise the selling and buying of sex as a free economic activity with offer and demand regulated through the price on the prostitution market, which is regulated by law. This approach can therefore be considered as laudable attempts at decriminalising, legalising and consequently liberalising prostitution. A study reveals that the idea of selling sex could be considered as a socio-economic activity and in fact "a legitimate form of employment" which emerged in the 1980s in opposition to the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) which called upon states to combat trafficking in human beings and the exploitation of prostitution (European Parliament, 2014). This underscores our understanding that millions of men/women have made the decision to sell sex, usually, but not always, on economic grounds. This is especially true if selling sex is a pragmatic response to a limited range of options that an individual has in meeting socio-economic demands/ends. For instance, if you can earn the equivalent of 10,000 dollar in a night, why knit sweaters or sweep floors to earn the same money in a month?

Notably, the foregoing idea entails making the distinction between voluntary and forced prostitution which is the main subject of debate. For adherents of reformatory approach to prostitution, legalising prostitution can therefore be considered as an attempt to separate selling sex from sexual exploitation. Hence, the objective of regulation and legislation of prostitution is to protect men/women from exploitation- as it is the norm in the Netherlands where prostitutes have a status of independent worker and, in Germany, where the selling of sex is possible with an employment contract. For the latter, this also means that the trade union services would open their membership to men/women selling sex with the objective of empowering persons entering the prostitution business, by recognising legally and politically their way of working and earning money. This could help to end stigmatisation, and to improve the working conditions of women selling sex.

The foregoing objectives have not been reached, especially if we consider the fact that all women would be exploited in prostitution as far as the working condition remains very poor, if organisations representing women selling sex are not given legal rights to operate. Nevertheless, there is support from women's rights groups and feminists for this approach. Elisabeth Badinter's opinion against abolition of prostitution becomes imperative, where she posits that the state could not declare illegal what consenting adults have agreed upon, insisting that the selling of sex should be kept separate from sexual exploitation (Soroptomist, 2014). However, noteworthy is the fact that the sex industry is not limited to prostitution, but includes a wide range of activities such as pornography, internet sex, phone sex, strip clubs, and other related sexual services. At least, not when the foregoing are considered as some of the most profitable businesses within the global market.

#### Some Interjections on Value and Prostitution in Nigeria

Literature has chronicled the history of prostitution in colonial Africa by narrating the struggle Nigeria has gone through in dealing with it from the colonial era to the present. In these narratives, the British colonialists saw prostitution as part of Africans' primitiveness that must be dealt with in their civilising mission to Africa. How prostitution entered Lagos was explained, but since the evil prospered in the developed cities of Africa

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which are the seats of colonial government, it is arguable that prostitution is a product of urbanisation in Africa (Donna, 2000; Aderinto 2015; Aderinto 2016). The conclusion that civilisation and urbanisation are the cause of prostitution cannot be true because virtue and vices, good and bad human conducts are social phenomena that form part and parcel of every society, primitive or modern (Ingrid, 1990). One could therefore argue that it is not the case that civilisation and urbanisation engendered the practice. While it is true that city-centres were developed above other places and such development could breed certain immoral/criminal tendencies in people; it only shows the colonialists' highhandedness and selfishness, for they wanted to make the seats of government conducive for themselves, nurturing their segregation tendencies. The highhandedness can be identified as the major impediment to the attempt to abolish the problem of prostitution and its related menace in human trafficking and exploitation. This suggests that prostitution, particularly prostitution involving violence and trafficking, is a moral problem, psychological and social anomaly.

What we presently know is that there is a dearth of evidence to show that indigenous African societies could not have been able to harbour prostitutes because prostitution is a recent phenomenon as a result of Africa's contact with the Whites amidst colonialism and urbanisation of Africa (Aderinto 2015). The pertinent questions to ask is whether people are forced or lured into prostitution for gender discrimination, race discrimination, poverty, abandonment, debilitating sexual and verbal abuse, lack of formal education, or a job that does not pay a living wage. We can actually do more in exploring the link between prostitution, civilisation and urbanisation. Meanwhile, it is not out of place to ask how come prostitution is tagged the oldest profession. Would it mean that Africa did not partake in the prostitution profession? How come prostitution has been difficult to eradicate or curb if it is essentially immoral and the punishment for condoning such immorality is in outbreak of STDS, violence and human trafficking?

On the contrary, prostitution is a large network of highly organised people across the red-light districts in major cities of the world, with associations, through formal or informal registration with relevant government organs. If that is not true, why has it been extremely difficult to fight the syndicate and the world continues to have people, several of them, going back to

prostitution after several attempts at quitting the trade? The problem is that we have refused to look at value-ethical dimensions to issues that have made prostitution insurmountable. Issues such as poverty and unemployment system would help understand the broader spectrum of the phenomenon and actual practice of prostitution. This becomes more rational when prostitutes and their clients are seen not as aliens and monsters, but mothers; and their clients are perceived as some people's fathers and brothers- people who also live with us in the society. If we become serious and investigate the real nature of prostitution, it will shock field researchers to realise that few prostitutes have had to battle with sexually transmitted diseases (STDs) and venereal diseases (VDs), as they are aware of the terrible consequences of the practice through sex and life planning education. We may also be perplexed to realise that pervasive hypocrisy is what has sustained the practice of prostitution, if findings show that those who condemn prostitution in mosques and churches and other public gatherings are the same people who patronise the prostitutes in the corridors of their red-light districts. A good starting point would be to critically study prostitution and encourage government to do everything she could to abolish or regulate it as the case may be. But this must come after prostitution has been freely and thoroughly discussed without recourse to fear of condemnation.

In doing the foregoing, the question of immorality regarding the actions of two consenting adults willing to sell and buy sex from each other will be trashed. If serious, we would look at an array of critical areas such as: the link between law and morality *vis-a-vis* reasons for prohibiting prostitution; the link between gender equality, human rights and the actual practice of prostitution; the possibility of exploitation, trafficking and the inhumanness in the practice, locating it within the praxis of rights, social justice, privileges and respectability for every agents- buyers and sellers. If well reformed and regulated with rights and privileges of the agents assured, prostitution could actually be a legitimate form of trade and employment as it is done in some countries of the world. Hence, the selling of sex could be a pragmatic response to a limited range of options particularly in times of socio-economic hardship. When our social space ensures social justice for all and sundry and development seen as freedom in Amartya Sen's opinion, people would be able to dictate what they do with their body.

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What is in our value system that repels prostitution? Do we not think that the desire to abolish or condemn are mere offshoots of our religious and elitist orientation to life, and not of rationality? Is it not the case that we have not rationalise enough on issues concerning values and prostitution? Has it not been the case that we are simply playing politics with prostitution by immoralising and criminalising it? Is it not that the knowledge base for evidence-based policies on prostitution is weak? Can we not learn from the case of Netherlands where pimping and running a brothel are no longer considered criminal; where brothels are legal as long as they comply with the requirements and have a license (European Parliament, 2014; Raymond, 2004; Rochelle, 2011)? What is the possibility of concluding employment contracts between prostitutes and brothels; where if employed, prostitutes can gain access to the social security scheme?

Why should we not overhaul our values concerning prostitution and cry out for decriminalisation and removal of laws against prostitution where buying a (wo)man would be socially and legally equivalent to buying cigarettes? Why do we not think that decriminalisation eliminates all laws and prohibits the state and law-enforcement officials from intervening in any prostitution-related activities or transactions? In New Zealand and Australia, for example, prostitution was decriminalised at the national level, meaning they removed all laws criminalising prostitution, such as brothel keeping, but decriminalisation of prostitution in those countries resulted in an increase in illegal, hidden and street prostitution, and promoted sex trafficking (Gerdes, 2006; Donna, 2000). In Norway and Sweden, those who sell sex are decriminalised, but the buyers, pimps and traffickers are criminalised (Rochelle, 2011). Analogous to the traditional concept of slavery, prostitutes are seen as slaves that need to be freed and to be made conscious of their oppression. Central to this model is that prostitution in itself is not an offense, but any exploitation of the prostitution of another person is criminal. In essence, the involvement of a third party- johns, pimps, brothel keepers or traffickers- is illegal (Malarek, 2009). This view casts prostitutes not as deviants or criminals, but as victims. The model proposes that prostitution persists only through the efforts of johns, procurers and pimps, and all those third parties who induce (wo)men into prostitution. Therefore, the abolition of prostitution can best be achieved by penalising those third

parties that recruit for, profit from or organise prostitution. However, the prostituted (wo)man herself is not penalised, as (s)he is a victim.

On the other hand, if the new worlds must join the global abolitionist movement, seeking to provide assistance to victims and to hold perpetrators accountable, then for an example of what to do, a look at countries of the world who have towed the same path should be attempted (Melissa, 2006:46). In 1999, for instance, Sweden passed a law that prohibits the purchase of sexual services that criminalised the buyers of commercial sex acts and decriminalised the sellers of sex (Yvonne, 2004; Joyce 2004:18). Hence, prostitution was denounced as an aspect of male violence against women and children, and the government increased funding both toward services to help women exit the sex trade and toward public education. Police and prosecutors were therefore trained intensively and pushed to enforce the law. Within five years, Sweden drastically reduced the number of both women in prostitution and johns. In addition, Stockholm saw reductions of between 60-80 percent in the numbers of the men prostituting women (Joyce, 2004b). Other cities have almost completely rid themselves of street prostitution and massage parlours and brothels are steadily disappearing. Sweden also has been able to almost completely cut out the trafficking of foreign women and girls into the country. In 2002, Sweden passed legislation increasing the government's law enforcement capabilities targeting recruiters, transporters, and hosts involved in prostitution related human trafficking. It is in this relation that we think the ban demonstrates the ethical and political attitude of the state toward prostitution and gender equality in general.

#### Conclusion

Several conclusions can be drawn to include the scarcity of the knowledge of prostitution for evidence-based policy making; the tendency of over victimisation of women selling sex under the abolitionist approach and the lack of gender-sensitivity under the regulatory approach. Scholars have therefore pointed to the fact that categorising prostitution regimes might not be helpful in looking for the right way to understanding the issue (Donna, 2000). Hence, values guiding our decision to abolish or reform the phenomenon and actual practice of prostitution should be reviewed. Perhaps some lessons can be learnt from some countries that have undergone such

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review. Also, array of problems such as exploitation, gender inequality and trafficking should be reviewed to reflect certain fundamental humane principles and practices. It is wrong to simply condemn prostitution based on some primordial moral worldview without recourse to socio-economic and political imperatives of the contemporary times and in fact the naughty nature of man and human society. There is actually nothing wrong in reforming prostitution to embrace the rights ideals in privileges, social justice and respectability. While unhealthy contention and practices should be discourage and outlawed, argument to abolish or reform prostitution is not easily decipherable; the delineation is not cast in iron, it is usually very blurred. It therefore bequeaths on scholar-ethicists, public intellectuals and policy makers to reason together to proffer a leeway to understanding the phenomenon of prostitution and find an appropriate approach to manage, reform or abolish it.

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