Flawed Analysis of Prostitution in Rhode Island

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Did decriminalized prostitution in Rhode Island lead to an expansion of the sex industry and a significant decrease in rape and gonorrhea? Yes, according to two professors, Scott Cunningham of Baylor University and Manisha Shah of the University of California, Los Angeles. Their paper, "Decriminalizing Prostitution: Surprising Implications for Sexual Violence and Public Health," was noted in a Wall Street Journal blog and has since received national media attention.

But we disagree. There are many flaws to the Cunningham and Shah analysis. We'll discuss only two of them and show how these errors invalidate the professors' findings.

From 1980 to 2009, Rhode Island had a legal loophole that decriminalized indoor prostitution, meaning that prostitution was not a crime, nor was it regulated. Prostitution was a private activity, exempt from legal oversight or intervention. Cunningham and Shah assert that the public was unaware of the loophole until 2003, when the charges against women arrested in a massage parlor were dismissed because acts of indoor prostitution did not violate existing law. The professors claim this was the starting point for the sex industry to operate openly in Rhode Island and for the full effects of decriminalization to develop.

First, their claim that the sex industry didn't start expanding until 2003 is incorrect. Throughout the 1990s, the Providence City Council and mayor had a running battle with the growing number of strip clubs over licensing. The City Council amended zoning ordinances several times in attempts to contain the growth of the sex industry.

In 2002, a year before Cunningham and Shah claim anyone knew about the lack of a law, investigative reporter Zachary Malinowski wrote a lengthy article for The Providence Journal about the increase in the number of sex clubs, massage parlors, bathhouses and sex video stores ("Sex industry expands at startling pace," April 23, 2002).

Malinowski wrote: "In recent years, the sex industry has exploded in the city, and a dreary industrial strip along Allens Avenue has become the most densely concentrated red-light district in New England." Malinowski wrote that Providence had become a destination for sex tourists: "Chartered buses pull up to the curb outside the gaudy pink building on Allens Avenue with the flashing police light on the roof. Hundreds of cars pack the lots and side streets. Next door, dozens of pedestrians, almost all men, venture into a windowless warehouse. The visitors, many from Massachusetts and Connecticut, are in pursuit of a common goal: sex."

Therefore, Cunningham and Shah's claim that the sex industry didn't start expanding until 2003 is simply wrong. They chose the wrong year on which to begin their analysis, which invalidates their whole study.

Second, Cunningham and Shah claim that the rates of reported rapes in Rhode Island decreased from 2003 until 2009. Yet statistics from the FBI Uniform Crime Report show there had already been a general decline in the rate of rape at the national level since the early 1990s, with continuing declines until 2012, the last year for which data is available.

Rhode Island's decrease in the rate of reported rape is similar to that seen at the national level. So, Cunningham and Shah's focus on the years 2003 to 2009 is just a six-year snapshot of a much larger state and national trend and probably unrelated to decriminalization.

Also, for an unknown reason, Rhode Island had an exceptionally high rate of reported rape for 2003 (46.9 rapes per 100,000 inhabitants, compared to 36.9 in 2002 and 25.6 in 2004). When viewed in the context of all available years, this statistic is an outlier and an anomaly in an otherwise general downward trend in the rate of reported rapes. Thus, the professors started their analysis in a year with an unusual and exceptionally high base number. We believe this choice of year let them attach significance to the later declines that were simply following national trends.

Finally, the professors incorrectly assumed that all women and girls in prostitution in Rhode Island were acting of their own free will and uncontrolled by madams and traffickers. They did not acknowledge that decriminalization of prostitution kept sex trafficking from being investigated. Since the passage of laws outlawing prostitution in 2003, there have been numerous state and federal prosecutions of sex trafficking that have resulted in victims being helped from lives of enslavement and exploitation and led to prison sentences for vicious criminals.

The only people who benefitted from decriminalized prostitution prior to 2009 were people engaged in the sexual exploitation of women and girls. With new laws in place, Rhode Island now is moving towards a safer and more equitable environment.

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