
Legal vs illegal

Posted by Jacob - 2008/03/27 00:35

On a non-serious note, can someone tell me why prostitution is illegal but making a porno is legal? Is one "movie making" and the other solicitation? :dry:

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Re:Legal vs illegal

Posted by Tim46 - 2008/03/27 15:43

You know, in reality I agree with what you are getting at, I am not sure why there is a distinction. But, its been a while since law school, but I remember a series of 14th amendment cases that sanctioned the production of porn as movie making, or art, or whatever that term of phrase was, even though they are both the act of paying for sex, whether for commercial or personal purposes, I am not sure why it is so different. But, this is what I recall for now. I still think they should probably leagalize prostitution. It goes on with or without the sanction of law, and you may as well regulate it for health reasons, and let the government collect taxes on it. That just makes more sense to me. Like I said, just my thoughts. ;)

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Re:Legal vs illegal

Posted by Samantha - 2008/03/28 17:16

Miller v California 413 US 15 (1973) porn may be considered obscenity(and illegal) if "taken as a whole, appeals to the prurient interest in sex; portrays, in a patently offensive way, sexual conduct specifically defined by the applicable state law; and taken as a whole, does not have a serious literary artistic, political or scientific value." sexual conduct specifically.

Federal law prohibits the distribution of obscenity through interstate commerce, but first the material must be determined to be obscene. The courts have stated that child porn is definitely obscene.

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Re:Legal vs illegal

Posted by Francis - 2008/03/31 18:21

Unites States v Thomas 74 F.3d 701 (6th Circuit 1996) states that the Miller test can be applied to an internet business. The Court said that obscenity is determined by the standards of the community (or by the standards of the internet if the internet is where it is published). Porn sites claim that the right to porn is a fundamental right under the 1st and 14th Amendment and among consenting adults.

Its a heavily debated issue.

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