

# Prostitution

Sex Work, Policy & Politics



Teela Sanders

Maggie O'Neill

Jane Pitcher

2nd Edition

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SAGE Publications Ltd  
1 Oliver's Yard  
55 City Road  
London EC1Y 1SP

SAGE Publications Inc.  
2455 Teller Road  
Thousand Oaks, California 91320

SAGE Publications India Pvt Ltd  
B 1/1 1 Mohan Cooperative Industrial Area  
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Editor: Natalie Aguilera  
Assistant editor: Delayna Spencer  
Production editor: Sarah Cooke  
Marketing manager: Susheel Gokarakonda  
Cover design: Stephanie Guyaz  
Typeset by: C&M Digitals (P) Ltd, Chennai, India  
Printed in the UK

© Teela Sanders, Maggie O'Neill and Jane Pitcher 2018

First published 2009

This edition published 2018

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**Library of Congress Control Number: 2017940493**

**British Library Cataloguing in Publication data**

A catalogue record for this book is available from  
the British Library

ISBN 978-1-47398-934-4  
ISBN 978-1-47398-935-1 (pbk)

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We would like to dedicate this book to all of those  
who are campaigning for sex worker rights.

In solidarity.

‘A superb introduction to the sociology of prostitution. The book synthesizes the best research on sex workers, their customers, legal issues, youth involvement, migration, and struggles for rights, and shows that prostitution is much more richly variegated than is commonly thought.’

**Ronald Weitzer, George Washington University**

‘Benefitting from their vast collective experience as researchers and advocates for sex workers’ rights, the authors of this text have produced an authoritative, balanced and accessible guide to a topic often shrouded in myth. Avoiding simplistic assertions that all sex work is exploitative, or conversely that prostitution is a job like any other, the book draws on an impressive range of primary sources to describe the complexity and contingency of contemporary sex work. An impressive book, and one that should be appreciated by students and researchers alike for its sympathetic and sensitive handling of its subject matter.’

**Phil Hubbard, Kings College London**

‘In this second edition of *Prostitution*, Sanders, O’Neill and Pitcher provide an excellent, comprehensive and updated overview of sex work. These top researchers provide us with an insight into contemporary debates on perspectives of sex work, regulation of sex workers and/or third parties, and how sex work is transforming in an increasingly globalized world. They also draw on their expertise to provide sound advice on methodological approaches to prospective sex work researchers on how to conduct rigorous and ethical research in the field of sex work. This book should be the go-to resource for students and anyone else wanting to broaden their knowledge on sex work.’

**Gillian Abel, University of Otago**

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# 1

## THE SOCIOLOGY OF SEX WORK

This first chapter will describe and debate the different theoretical and sociological/criminological perspectives on selling sex and the sex industry. Introducing students to the complexities of language and the implications of the different feminist debates, this chapter moves beyond the polarized perspectives of prostitution as either ‘violence against women’ or ‘sex as work’, to explore theories of involvement in sex work and how theories are grounded in data evidence or ideological morality.

The chapter begins with a brief look at the place of ‘the prostitute’ in historical texts that includes contemporary analysis of the construction of ‘the prostitute’ in official discourses (medical, legal and political). Next, we outline the key theoretical positions on prostitution and sex work and offer some examples of empirical work undertaken on this issue. Feminist debates on the ‘prostitute body’ demonstrate divided views that focus upon victimhood and exploitation in contrast with agency and choice. The rise of the ‘sex as work’ perspective is described in relation to the advent of activism among sex workers and campaigns for rights. Analysing these debates, we look beyond the binary of either ‘exploitation’ or ‘choice’ to the nuances of theoretical analyses that attempt to understand the lives of women, men and young people who are involved in selling sexual services. Finally, drawing on the differing perspectives, this chapter argues that this body of literature, including philosophical, criminological and sociological debates, results in a ‘sociology of sex work’ which has developed over recent years and combines the global and local politics of the sex industry.

### Historical Constructions of the ‘Prostitute’

The meanings associated with prostitution are socially constructed and while contemporary discourses tend to construct it as ‘deviant’ this was not always

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the case. The earliest records of prostitution show that it took place in temples: to visit a prostitute was to make paeans to the goddess. In fact, one of the earliest known deities was Inanna – a female prostitute (Bassermann, 1993). Later forms took place in religions that were referred to as ‘cults’ of Venus, and all through ancient history there is evidence of temple prostitution across Mesopotamia and the Near East. Though goddess worship persisted, resistance to prostitution began in around 1200 BC when ancient Israel disapproved of erotic religions in surrounding societies (Eisler, 1995). In 350 AD, Christians succeeded in prohibiting temple prostitution in Rome and, as time went on, the systematic denigration of sexuality, particularly female sexuality, engendered increasingly intolerant attitudes towards prostitutes. Since then, as we document in Chapter 6, sex workers have been organizing for their rights and staging resistance to oppression sporadically throughout history. Prostitution came under harsher regulations during the Victorian era and even more so in times of war, as prostitutes were blamed for the venereal diseases prevalent among soldiers (Laite, 2011). As we see in Chapter 7, the current discourses and laws regulating sex work continue to be framed around morality, which maintains the making of an outcast group.

Historical constructions of ‘the prostitute’ in literature, media, political and official discourses have been fascinated with the ‘whore’ image which has dominated the cultural imagination. Pheterson (1989: 231) neatly summarizes: ‘The prostitute is the prototype of the stigmatized woman’ defined by unchastity which casts her status as impure. The ‘prostitute’, or the ‘whore’, is contrasted to the female mirror image of the ‘Madonna’ which portrays the image of pure femininity: that is, sacred and holy. The ‘Madonna/whore’ binary projects the status of the prostitute woman as a failed example of womanhood, defined by her immoral sexual behaviours, and someone to be avoided (Pheterson, 1993).

O’Neill (2001: 124–53) argues that the status and representation of the prostitute in the public imagination are maintained through and by a set of self-sustaining discourses which are part of the representation of women more generally from tradition to modernity and postmodernity. Moreover, it is important to look at the cultural texts that symbolically represent the sex worker through time. On the one hand, the sex worker is made morally reprehensible, a victim, impure, depraved and suffering marginalization and ‘whore stigma’ (Pheterson, 1989), and on the other hand, she is a body-object of fascination and desire. We can find many examples of the aestheticization of female sex workers that include fantasies and desires associated with the ‘whore’ and the purchase of sex (Corbin, 1990). In current times, prostitution is seen as part of a postmodern leisure phenomenon, yet ‘One response to the diseased/ adored, menace/remedy dichotomy of the “prostitute” is the formal and informal regulation of prostitution’ (O’Neill, 2001: 130).

Currently women working as sex workers are perceived as ‘bad girls’, contravening norms of acceptable femininity, and increasingly criminalized by state,

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policing practices and the lack of effective action taken by policy-makers. It has been argued that such offender/victim led policies fail to address the complexities of women's and men's lives in the broader context of poverty, globalization and capitalism and any pragmatic understanding that, within consumer capitalism, 'sex sells' (Scouler and O'Neill, 2007). Some aspects of sex workers' experiences are not so different from the experiences of sex workers in earlier centuries. Social stigma, social exclusion and reduced personal safety are central to the lived experience of sex workers as they have been throughout the documented history of prostitution. Yet, with the opening up of sex markets and a growth in the commercial sex industry, especially in relation to the 'adult entertainment' industry, one would expect a loosening of regulation and control (Brents and Sanders, 2010). How then might we theorize prostitution and what do sociology and criminology offer?

### Theorizing Prostitution

Davis (1937: 744) asks, 'Why is it that a practice so thoroughly disapproved, so widely outlawed in western civilisation, can yet flourish so universally?' In his article in the *American Journal of Sociology*, he presents a functionalist approach: that the complexity of buying and selling sex boils down to the fact that as an institution, prostitution serves a useful function – it is a 'necessary evil'. Alongside the 'functional' approach is the pathological approach developed by Lombroso and Ferrero. *Criminal Woman, the Prostitute and the Normal Woman*, originally published in Italian in 1893 offers a pathological approach to why some women sell sex. Lombroso is considered a founding father of criminology, bringing scientific methods to the study of crime. Lombroso's theory of the atavistic offender is that a criminal is born, not made, a throwback to earlier, more primitive times, bearing the evidence on their bodies of small heads, heavy jaws and more body hair than their 'normal' counterparts. *Criminal Woman* was a key text, and still inspires some scholars of biological positivism. Female sex workers had the smallest cranial capacity of all female offenders – even lower than 'lunatics'. 'Almost all anomalies occur in prostitutes than in female criminals, and both categories have more degenerative characteristics than do normal women' (Lombroso and Ferrero, 2004: 8). The argument follows that the propensity for evil in criminal women far surpasses that of criminal men.

Mary McIntosh (1978), arguing against functional and pathological models, provides a more rigorous sociological analysis, asking why should it be that men demand sexual services and women supply them especially in so-called 'liberated times'. For McIntosh, the answer resides, in part, in the ideology of male sexual needs. Taking an ethnographic approach, Hoigard and Finstad (1992) argue that it is involvement in criminal sub-cultural milieus that leads some

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people into sex work. Eileen McLeod's (1982) feminist socialist research develops the sub-cultural theory by arguing that it is economic conditions that shape involvement in sex work. 'Women's generally disadvantaged position in the context of capitalist society is central to their experience as prostitutes ... Women's entry into prostitution is characterised by an act of resistance to the experience of relative poverty or the threat of it' (1982: 26). McLeod's research highlights the experiences of sex workers who explain the economic reasons for their sexual labour:

I do it purely for the money. I did work for six years as an office junior and in factories and then I became unemployed. When I was out of work I was at a friend's house when one of her clients called and he said 'I like your friend!' I was really desperate and that is how I got into it. (1982: 26)

Feminist analysis has developed since McLeod's early work and incorporates and develops sub-cultural as well as economic/poverty analyses with theories of patriarchy, as well as sex worker rights and more complex understandings of the multiple subject positions of women who sell sex (O'Neill, 2001, 2007).

In the initial stages of feminist analysis of prostitution in contemporary society, prostitution was treated in a reductionist way as a deviant activity, and as sexual slavery (see Barry, 1979; Dworkin, 1981; Hoigard and Finstad, 1992). More recently it has been treated as an understandable (and reasonable) response to socio-economic need within the context of consumer culture, and within a social framework which privileges male sexuality (O'Connell Davidson, 1998; O'Neill, 2001; Pheterson, 1989; Phoenix, 1999). Feminist work in this latter area has mostly focused upon violence against women, sexuality and/or the pornography debate (see Hanmer and Maynard, 1987; Segal and McIntosh, 1992). Jo Brewis and Stephen Linstead have produced an interesting exploration of the temporal organization of sex work in relation to the labour process (1998); and Jackie West has explored the politics of regulating sex work focusing upon comparative analysis between Australia, New Zealand, the Netherlands and the UK (2000).

West's analysis explores the complex intersections between local politics, sex worker collectives and regulatory contexts marked by increasing differentiation within prostitution and a blurring of the boundaries between legalization and decriminalization. These debates have complex implications for sex workers. For example, these include opening up debates on labour law reform; the significance of sex worker discourse upon local initiatives such as zoning in Utrecht; a combination of industry growth and legalization encouraging investment; and the links between mainstream leisure industries and prostitution becoming more extensive. West's analysis focuses upon the impact of sex worker discourse, and the influence sex worker collectives have on the changing regulation of prostitution. The impact of sex worker discourse is an important and under-theorized aspect of the sociology of prostitution, as we see in Chapter 6.

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Phoenix (1999: 3) argues that involvement in prostitution is made possible for some women by the social and material conditions in which they live. In her ethnographic work she explored the structural influences operating on individual women and the subjective symbolic landscape within which their involvement in prostitution was made meaningful. Similarly, O'Neill (2001, 2007) problematizes feminist theorizing and feminist research, specifically the epistemological and methodological issues involved in knowledge production, and recommends that we develop more participatory, constellational and hybrid ways of doing and re-presenting research with women and young people working as sex workers. This may include working through participatory action research and using creative methodologies with performance artists and/or photographers. She also problematizes the categories 'prostitute' and 'prostitution' by drawing upon self-reflexive ethnographic accounts of women's lived experiences, the available literature and fictive or cultural texts to explore neglected gender issues, especially around subjectivities and difference.

Sanders (2005a, 2008a) has developed a feminist analysis of the contemporary sex industry focusing upon violence, off-street working, exiting and clients. Sanders is one of a number of sex worker theorists who combine activist work with sociological and criminological analysis. Moving away from framing prostitution as 'deviant' and drawing heavily on individuals' experiences and narratives about their involvement in sexual labour, Sanders notes the similarities between sex work as a profession with other forms of body and emotion work.

Yet, despite the richness of the feminist literature, two polarized feminist perspectives emerged as the most salient and are subsequently represented in public discourses. The arguments are reduced to a small number of basic assertions which avoid the complexities of prostitution. First, women working as sex workers are exploited by those who manage and organize the sex industry (mostly men). Moreover, prostitution and the wider sex industry serve to underpin and reinforce prostitution as a patriarchal institution that affects all women and gendered relations. Second, in contemporary society, prostitution for many women is freely chosen as a form of work, and women working in the sex industry deserve the same rights and liberties as other workers including freedom from fear, exploitation and violence in the course of their work. Additionally, sex work or erotic labour can actually be a 'liberatory terrain for women' (Chapkis, 1997: 1). Both perspectives are overly simplistic and ignore the relevance of economic circumstances and inequalities between men and women, as well as the diversity of workers in the industry.

The subject of selling sex has been the subject of ongoing feminist debate between radical, socialist, liberal, neo-liberal and postmodern feminists for many years. How did these binaries emerge? One point of commonality across the binary positions is that modes of regulation have been exercised on the bodies of women selling sex both in the UK and Europe as well as across the globe. So, it is across the bodies of sex workers that feminist debates play out.

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It must be pointed out that the theory as well as the policy has consistently concentrated on the 'female' body in relation to sex work: male sex workers and transgendered sex workers have not been problematized through these theoretical binaries in the same way that gender and power relations have been central to theoretical frameworks that attempt to understand prostitution (Comte, 2014). It is the female body, and the use of a woman's sexuality and sexual body, that become the focus for theory and consequentially, policy which misrepresents diversity.

### Feminist Debates on Sex Work and Prostitution

Prostitution became an ideological and political target of early wave feminists who sought to address the inequalities of a patriarchal culture which disadvantaged women in all areas of public and private life. Early Western feminist theorizing on prostitution looked upon the place of the female body as 'a female object'.

The 1970s saw a further turn as the social construction of gender became the latest lens through which women's position in society and culture could be understood. A critique of the differences between sex and gender was strengthened by 'feminisms of difference' (such as women of colour, lesbians, and women in the sex industry). This critique of the essentialist position of the reproductive female role promoted a view that minimizes difference between the sexes. This allows a new perspective on how bodies can be viewed and dissociated from biology. It is within these wider feminist discussions that theorizing about prostitution also shifted.

Bell (1994: 2) examined how the 'othering' of the 'prostitute body' was evident in the discursive construction of 'the prostitute' across a spectrum of historical periods and information sources from Plato, to feminism, and media portraits. Bell documents how there has been a continual construction of 'the prostitute' body through a process of 'othering'. This has been done by contrasting the failed prostitute body with some primary image of female perfection: good/bad; healthy/diseased; agent/victim.

Bell (1994: 12) notes that 'the prostitute body was produced as an identity and prostitution as a deviant sexuality'. This is very evident in the medical and legal discourses amongst popular texts in the 1900s (such as Freud, Havelock Ellis, William Acton). From analysing these texts, Bell concludes: 'The prostitute body was produced as a negative identity by the bourgeois subject, an empty symbol filled from the outside with the debris of the modern body/body politic, a sign to women to sublimate their libidinal body in their reproductive body' (1994: 72). In short, Bell states that the enduring image of the failed prostitute body is a symbol and signal to all other women in society to act up

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to the reproductive sex role of 'the female' and to suppress other forms of desire. There was a continuation of the 'othering' of the prostitute body beyond male writers, commentators and decision makers in the second wave of feminism in the 1980s.

Second wave feminists looked at prostitution in relation to wider gender relations in society, in particular, the oppressive institutions that existed which ultimately gave men control over women. Pateman (1988) wrote in *The Sexual Contract* that the marriage contract was fundamental to patriarchy as it was a socially acceptable way that men could get access to women's bodies. Pateman saw that prostitution was an extension of this form of oppression, and that the institution of prostitution gave men privileged access to purchase the sexual acts of women. Pateman states: 'Prostitution is an integral part of patriarchal capitalism ... men can buy sexual access to women's bodies in the capitalist market' (1988: 189). Pateman goes further by stating what she terms 'the contractarian' perspective on prostitution: that the prostitution contract is a free exchange between a 'prostitute' and a customer and that it can be considered a trade. Pateman then goes on to contest this argument by relying on a traditional Marxist perspective that condemns capitalism for the status and position of wage labourers. Pateman compares the prostitution sexual contract to that of the ordinary employment contract between a wage labourer and an employer. She states that the prostitution contract comes to symbolize everything that is wrong in the employment contract. The image of the prostitute mirrors the status of the wage labourer and 'patriarchal capitalism is pictured as a system of universal prostitution' (1988: 201). Other writers supported this view that prostitution was ultimately the oppression of women, whether these accounts were arrived at via an economic argument (Pateman), or were simply stated from a gender and power perspective. For example, MacKinnon (1987, 1989) argued that prostitution was the extreme example of how society constructs female sexuality as only an object of male desire.

There have been criticisms of these feminist perspectives. Pateman (1988) appears to accept the separation of women into (bad) prostitutes and (good) wives, continuing the 'othering' of women. Scoular (2004: 345) concludes how this 'domination theory' over-determines gendered power dynamics and reduces prostitution and women just to their sex acts. Scoular goes on to note that this essentializes women and 'fails to move outside the phallogocentric imaginary' (2004: 345). Further, the radical feminist theories reduce women's identity to a single trait, regardless of the structural effects of money, culture and race.

The radical feminist arguments have been developed since the 1980s and appear in more recent feminist arguments that connect prostitution to sexual slavery and the overall oppression of women on a local and global level. Barry (1995) defines prostitution as sexual exploitation: 'when the human being is reduced to a body, objectified to sexually service another, whether or not there is consent, violation of the human being has taken place'. Barry describes

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a four-stage process in which prostitution becomes sexual exploitation: (1) distancing; (2) disengagement; (3) dissonance; and (4) disembodiment. It is these stages, Barry argues, that objectify the female body and separate sex from the human being. Similar arguments about the theoretical contradiction that women can consent to prostitution when it is fundamentally sexual exploitation have been made by Raymond (1999), Farley (2004) and Jeffreys (1997). Further, Farley (2005) puts forward theoretical arguments that state that prostitution is always harmful to both the women who 'prostitute' themselves and women's position in society in general. More recently, Jeffreys (2008) argues that states which have legalized prostitution, or made provisions for regulation, are acting as pimps and are continuing the male domination of women.

This argument has come to be known as the 'abolitionist' or 'prohibitionist' perspective because the solutions focus only on the eradication of prostitution, concentrate on the suffering and victimization of women and argue that because the nature of prostitution commodifies the body for the use of men, there can be no consent. This reading of victimization states that a woman can never be a 'sex worker' because she is turned into a 'sex object' by structural and power inequalities between men and women (Barry, 1979; Dworkin, 1996).

Theoretical perspectives that locate oppression and violence in the intrinsic nature of prostitution are somewhat supported by the evidence of the difficulties and distress associated with some types of sex work. Few scholars would argue about the connections between some forms of sex work and groups of sex workers – particularly street level – with violence, murder (Kinnell, 2008), drug use (May and Hunter, 2006; Surratt et al., 2004), homelessness (McNaughton and Sanders, 2007), poor health and HIV (Jeal and Salisbury, 2013; Rusakova, Rakhmetova and Strathdee, 2014), and other indicators of social deprivation. However, despite these realities, motivations and consequences of abuse and addiction being part of the story for some people, there have been long-standing criticisms of making simplistic links between the survival strategies of sex work with a lack of choice, consent or voluntarism (Phoenix, 2007/8). Comte (2014) notes how the abolitionist perspective usually discounts male sex work, which when considered re-constructs our understanding of sex work. The negative elements of prostitution are only one side of the story, as those involved in sex work express a diverse range of experiences, many far removed from stories of abuse, coercion and control.

### Critiques of the victimhood perspective

Bell (1994) analyses the narratives of Pateman and MacKinnon and concludes that these writings and perspectives which became dominant in the 1980s actually reproduce 'the prostitute body'. Bell argues that this line of thinking which locates the sex worker as a powerless victim within a masculine

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discourse actually silences the voices of women, refuses to acknowledge women's agency and results in the reproduction of 'the prostitute body'. Equally, as Maher (2000: 1) notes, taking the position that woman who sell sex are only victims, powerless and not in control of their circumstances leaves women 'devoid of choice, responsibility, or accountability'. In addition, in terms of thinking about workable solutions and approaches to managing prostitution from a policy perspective, the pursuit of eradication does not provide a viable solution to address wider social inequalities. Consequently, the 'victimhood' perspective has been greeted with challenges from other branches of feminist thought and women's rights groups.

There are strong arguments against the idea that women cannot consent to selling sex. Empirical evidence from studies which examine the relationships that sex workers have with their clients identifies how the transfer of power from the sex worker to the client is not always done in such a way that the client has complete control over the worker (see Hart and Barnard, 2003). Bodily exclusion zones (Sanders, 2005b), and strategies to separate out selling sexual services exist, preventing 'selling the self' (Brewis and Linstead, 2000) as some radical commentators would imply.

There are indeed other important dynamics to consider in the commercial sex relationship. Factors of class, power relations and wealth all interplay with gender and race relations to influence the client–sex worker relationship. O'Connell Davidson (2002) criticizes the social and political inequalities that form the basis of market relations which underpin selling sex. Questioning whether sexual capacities constitute property that can be legitimately offered as a commercial transaction, O'Connell Davidson (2002: 85) highlights the complexities of labour, and in particular sexual labour, as a 'transfer of powers of command over the person'. Arguing from a Marxist perspective, O'Connell Davidson (1998) describes how labour is not separate from the person but through the process of buying labour, the purchaser has direct power over the person. This argument leads O'Connell Davidson to argue that prostitution is

an institution which allows certain powers of command over one person's body to be exercised by another ... he pays in order that he may command the prostitute to make body orifices available to him, to smile, dance or dress up for him, to whip, spank, massage him or masturbate him. (1998: 10)

O'Connell Davidson offers a more sophisticated examination of the relationships of power that exist in the prostitution relationship. Her concerns are more about the conditions under which women can make choices and the fact that there is often an imbalance of power in the transaction between sellers and buyers of sex. This raises some more interesting questions about how power plays out in transactions between women and men. These considered ideas about the economic and contractual relationship between the seller and buyer has been developed by the later works of Carol Pateman (1988) where she

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argues that while prostitution may be seen as employment, it differs from many other forms of employment because of the lack of reciprocity in the sexual contract. Pateman's point is that the way in which women's bodies are commodified in prostitution cannot be considered equal to the way in which people use their bodies and labour power in employment relations because the contractual relationship is so problematic.

Other critiques of the victimhood model have risen out of a critical analysis of the concept of 'vulnerability' that has been mobilized in theoretical debates about sex work, largely feeding off the way in which the concept is embedded in policy and practice discourses as well as interventions (Scoular and O'Neill, 2007). Munro and Scoular (2012) dissect how the term 'vulnerability' is applied in a way which identifies those in need, but also a second use of the term is deployed as a tool of control to make individuals responsible for their own circumstances, choices and contexts. Brown and Sanders (2017) explore how the mobilization of the concept of 'vulnerability' amongst key stakeholders such as police and local government can assist in providing resources and scarce interventions (such as drug treatment and prioritized housing) for a marginalized group. Yet at the same time the care/control nexus is evident where sanctions are given to this group for not changing behaviour.

### Shifting Ideas: Agency, Choice and Difference

The feminist rift that began between the radical feminists and the radical/cultural feminists in the late 1960s and early 1970s found a new battlefield in discourses around the issue of sex work as work. The emergence of second wave feminism signalled the development of the sex worker rights discourse to counteract other arguments promoted by radical feminism which some 'sex positive' feminists would argue have been damaging to the position of women and even dangerous for the experiences, livelihoods and political power of women in the sex industry. Emerging arguments from the 1970s spoke out against the 'victimization' of sex workers' perspectives but instead put forward a perspective that was based on human rights, sexual freedom and diversity amongst women's experiences. While the 'sex positive' perspective is less dominant now, replaced by a more nuanced analysis of the economic relationships and labour processes involved in sexual services, much has been taken forward by a focus on language which began in the 1970s through critical voices from those empowered by sex work.

The ideological shift to 'sex as work' was symbolized by a change in language, as the use of the word 'prostitute' was considered problematic because it separated out this category of women from all other women, and explained her existence only through her identity as a 'prostitute'. Introduced in the 1849 Vagrancy Act, the term 'common prostitute' was finally removed under the

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Criminal Justice and Immigration Act 2008, signally a formal recognition of the derogatory and stigmatizing nature of the term. The historical legacies of the word 'prostitute' was a legal term which signalled crime, deviance, and the need for 'reformation' of a group of women who were considered nefarious. This term also was a significant way in which stigma continues to be directed at this group of women.

In the 1980s the focus on language problematized the taken for granted acceptance of the word 'prostitute'. The term 'sex worker' was coined as a way of identifying that sexual labour could be considered work and that the woman's identity was not only tied up with the performance of her body. Carol Leigh, a COYOTE (Call Off Your Old Tired Ethics) member and sex worker also known as Scarlot Harlot (see her testimonies in Delacoste and Alexander, 1987), coined the term 'sex work' in the 1980s to avoid the 'connotations of shame, unworthiness or wrongdoing' of the word *prostitute* and assert 'an alternative framing that is ironically both a radical sexual identity ... and a normalization of prostitutes as "service workers" and "care-giving professionals"' (Bernstein, 1999: 91). The new terminology solidified the movement's demand for recognition as workers entitled to labour rights (see Chapter 6 for further details).

The backlash against radical feminist ideas centres on the notion that by constructing women involved in prostitution as only 'victims', the objects of male oppression and passive in their own lives, the 'agency' of women is denied. This argument about 'agency' essentially refers to women's free will and their ability to make decisions about their circumstances and how they use their bodies. What has come to be known as the 'choice' argument strongly acknowledges that women can recognize the constraints they face by the structures around them (i.e. economic structures such as job opportunities and oppressive conditions caused by poverty or living on welfare benefits). This perspective does not wholeheartedly or simplistically assert that women choose to work in the sex industry in the way that they may decide on a career as a beautician or nurse. The routes to which women enter into prostitution are varied (see Chapter 3), but recognizing elements of consent and choice are key to this 'sex work' argument. Phoenix (2009: 38) states that there are certain conditions through which women are sustained in prostitution, therefore, for some women, prostitution 'makes sense' within their limited economic, social and material conditions. Findings from observations of Chicago's ghettos suggest that sex work is a rational 'resource exchange' for men and women who are part of an overall low-wage economy, where life is structured by persistent poverty, risks and destitution (Rosen and Venkatesh, 2008). These authors argue that 'sex work offers *just enough* money, stability, autonomy, and professional satisfaction', rendering the decision as rational within the context of their lives (2008: 418). Within the recognitions of structure (e.g. wanting to change the poor conditions they experience, or wanting to provide a better life for their families), and by recognizing opportunities to use sexual and body labour in the sex industry, women make choices about entering and working in the sex industry.

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The nuances of this argument are important as scholars define this theoretical position beyond the simple concept of 'free will'. Chapkis (1997: 67), for instance, explains how some women make an informed 'rational choice' to work in prostitution, rather than a 'free choice', available to few individuals in a society that is structured hierarchically by race, sex and class. Kesler (2002: 223) summarizes that women may not be presented with a free choice, absent from constraints of opportunity, but ultimately all women who make decisions about entering into marriage or employment do so within a particular set of constraints under the present patriarchal capitalist system. It is within these wider contexts of women making decisions about their circumstances, survival and future that some theorists move away from the radical feminist perspective that reduces prostitution to sexual exploitation and force.

The debates about agency and choice are intensified when discussing the situation of women in developing countries who make stark choices between extreme poverty, starvation and the likely infection of HIV, and using their sexual bodies to survive (Shannon et al., 2014; Wojcicki and Malala, 2001). Campbell (2000: 479) conducted research with sex workers in a South African gold mining community and concluded that to speak only of sex workers' powerlessness is 'unduly simplistic'. Law (2000: 98) describes how women in South-East Asia migrate around the province to work in sex tourism destinations. Yet these women are constructed by many official agencies as passive victims who are being coerced and trafficked across borders into prostitution rather than considering that the women are actively responding to their poor economic situation and the wider economic infrastructure of a neo-colonial country.

Many protagonists of the 'sex as work' and 'choice' perspectives have come from the sex work community, and the testimonies of sex workers play an important part in these perspectives. Nagel (1997: 2) and other feminists who work as porn actresses, peep show workers and sex providers recognize that their certain 'economic and racial privilege' means their participation in the sex trade is by choice, yet there are many women for whom this is not the case. It is in the testimonies of sex workers that the diversity of experience is real. Testimonies range from exploitation, coercion, survival strategies, to women who place themselves somewhere along the 'choice' spectrum (see, e.g. the collections by Delacoste and Alexander, 1988; Nagel, 1997; Ditmore et al., 2010).

The shifts in theoretical thinking relating to women involved in the sex industry are evident through the political positions and grassroots activities of non-governmental organizations (NGOs) and advocacy groups. Law (2000), who researched sex workers and assistance agencies in South-East Asia (Bali, the Philippines and Thailand), saw how the discursive practices, attitudes and activities of NGOs that carry out HIV/AIDS programmes are in the process of shifting away from the dominant idea that the 'prostitute' is always the victim. These changes stem from practical priorities to 'empower' women to protect

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themselves from HIV and keep themselves safe. Such priorities have been attacked by those against the harm reduction perspective as taking a more 'agency-centred' approach to participatory education that has been viewed as encouraging prostitution by some who believe in the 'victimhood perspective'.

### The limitations of 'sex as work'

The 'sex as work' discourse (see Brewis and Linstead, 2000) that prioritizes attention to the skills, labour, emotional work and physical presentations which the sex worker performs, has been the theoretical underpinning of legal and social changes that have made provisions for legitimate sex work. There has been some progress made by the sex workers' rights movement and in some countries (e.g. Germany and New Zealand) working conditions and employment rights have been achieved (see Chapter 6). Yet in countries such as the UK, where sex workers face criminalization rather than the recognition of rights, the notion of 'sex as work' becomes further problematized at a theoretical and practical level.

One of the complexities of the 'sex as work' arguments lie in the very nature of work. Weeks (2011) observes that while substituting 'sex work' for 'prostitution' moves the debate away from a moral to an economic discourse and that while it is important for inclusion of sex workers as citizens, it does not challenge the problems inherent in work itself. Exploitation and coercion take many forms and, as Weeks (2011) has noted, the workplace may often be a key site of inequality and domination. While economic need may influence transitions into sex work, however, it is not the only rationale for engaging in the work and it is important to note that most people undertake any paid work primarily for economic reasons. As Weeks (2011: 37) comments, 'we work because we must: while some of us may have a choice of where to work, in an economy predicated on waged work, few have the power to determine much about the specific terms of that employment, and fewer still the choice of whether or not to work at all'.

There are striking differences between the sex industry and mainstream employment, such as the significant likelihood for sex workers of being robbed, attacked, raped or even killed (Kinnell, 2008). It is on the issue of violence that O'Connell Davidson (1998: 64) draws out the reasons why sex work is not like other occupations. She points out there are other professionals, such as plumbers, sales personnel and estate agents, who enter houses alone to meet strangers, and occasionally we hear of violence or even fatalities. Only in sex work is it prevalent that if a customer is unhappy, he will beat, rape or murder the service provider because 'there is no popular moral doctrine which tolerates hostility towards "dirty plumbers" only "dirty whores"' (O'Connell Davidson, 1998: 64). The lack of social acceptance of 'sex workers', in both cultural, social and political terms, means that women who work in all areas of the sex industry are still affected by

the social stigma that is connected to the 'whore stigma' (Weitzer, 2017). It is this evidence, despite whether consent and choice have been exercised, or whether there is resistance to stigma, that makes working in the sex industry different from working in mainstream occupations which have legitimacy.

## Beyond Binaries

Models of 'victim' or 'worker' have also been criticized because they tend to 'dichotomize agency' (Maher, 2000: 1) and ignore the complexity of power and resistance that defines the sex worker's experience. Empirical findings from a study of homeless women in an English city, half of whom had engaged in street-level sex work, argue that women's motivations were in part related to systemic familial abuse and coercive, abusive partners (Harding and Hamilton, 2008). However, the interpretation of these life circumstances argues that locating the consequences of 'abuse' and 'coercion' should not necessarily mean victimhood, as this framework misunderstands the women's positions and therefore any practical assistance (such as social work) intervenes from the wrong starting point. Instead, the authors argue that 'respecting a woman's decision to sex work, however diminished her ability to choose for herself might be, is crucial in demonstrating a non-judgemental attitude towards vulnerable women' (Harding and Hamilton, 2008: 15). Bungay et al. (2011) point out the reasons why the dichotomous theoretical positions that explains involvement in sex work as either victim of structural and interpersonal constraints or by others exercising autonomous choice prevents any real understanding of the issues. Using Habermas's theory of the lifeworld perspective, their analysis demonstrates how economy, law and interpersonal factors are significant to individual decision making.

There are alternative ways of understanding the place of vulnerable people in the sex industry without adopting either the 'exploitation' or 'choice' argument. Phoenix and Oerton (2005: 97) criticize the uni-dimensional simplification that reduces involvement in prostitution to victimhood. These authors argue that while it may appear that defining women in the sex industry as 'victims' may suggest they will be provided with more assistance and welfare interventions, on the contrary, the recent (regurgitated) official discourse of 'victimhood' justifies government regulation, criminalization and exclusion of women and children involved in prostitution. They argue that this happens for two reasons: (1) the rhetoric of victimhood is used to blame individuals for their own situation (i.e. they are involved and stay in prostitution because they are victims); and (2) in order to blame individuals, the concepts of 'consent', 'voluntarism' and 'coercion' are simplified. This means that official agencies who adopt the 'victimhood' approach can use the argument that women are 'choosing' to stay

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in prostitution, and therefore can mobilize sanctions, disposal orders, compulsory drug treatment and other 'orders' to change behaviour through the criminal justice system (see Chapter 7).

The further problem of the 'victimhood' philosophy is that the approach makes individual women responsible for the existence of commercial sex (and in local areas this is reduced to names and lists of 'prolific street prostitutes' who are to be removed). The wider social implications and reasons for the existence of the sex industry are not addressed as part of any solutions, but instead the 'social problems' of prostitution become individualized to 'problem women' (see Scoular and O'Neill, 2007). Scoular and O'Neill challenge the ideological effects of policy, practice and representations that mark sex workers out as stigmatized Others and argue for a politics of inclusion that brings sex workers into research, debates and dialogue as subjects (not objects).

More recent theories of sexuality and sexual identity, such as queer theory, bring a new dimension to discourses of sex work. They challenge conceptions of heteronormativity and societal exclusions, offering an alternative to traditional binary conceptions of sexuality, gender identity and family relationships based on heterosexual norms. Queer theorists argue that gender and sexuality are fluid and contingent, enacted through particular discourses or scripts. Butler (1993) argues that cultural norms 'perform' heteronormative constructions of sex and gender, leading to perceptions of 'insiders' who conform to these norms and 'outsiders' who present other forms of sexuality seen as deviant. Theorists such as Rubin (1999: 151) have also noted the 'hierarchical system of sexual value' adopted by modern Western societies, which places marital reproductive heterosexuality at its apex, followed by other forms of stable monogamous relationships. Sex workers and other socially marginalized groups are at the bottom of the hierarchy. Hubbard (2002) suggests that queer theory contests moral conceptions of acceptable forms of sexuality premised on a simple divide between 'good' and 'bad' sexuality. Applying queer theory to sex work, Pendleton (1997) notes that the 'good wife' as a social concept cannot exist without its opposite, the 'whore', which may include not only prostitutes but other fallen women such as teenage mothers. Queer theory's challenge to heteronormative discourses of the sexual world confronts the traditional binary divides between pure/impure womanhood, or good/bad sexuality, presenting an alternative construction of sexuality which views sex workers as neither deviants nor victims, but as one group within a world of diverse sexual actors. Pendleton (1997) argues that female sex workers challenge heterosexual norms, by being paid to perform and parody the stereotypical heterosexual feminine role. McKay (1999) sees queer theory as consonant with a construction of prostitution as work, where the traditional economic exchange between (heterosexual) women and men is subverted. More recently, queer theory has been applied to diverse forms and spaces of commercial sex and the workers within different sectors (Laing et al., 2015).

## The wider context of work

West and Austrin (2002) note that gender relations, sexuality and work, which are central dynamics of the sex industry, become overlooked in theoretical debates as the preoccupation tends to be bifurcation of exploitation or choice. Instead they call for a more nuanced approach to understanding the sex industry through the lens of work, occupations and networks. Drawing on the work of Adkins (1995) and McDowell (1997) amongst other scholars, West and Austrin (2002: 486) argue that gender relations in the context of the sex industry need to be understood in terms of the production of identities and the wider networks in which the markets operate. Taking on this criticism of the way in which the sex industry is studied, Sanders (2008b) examines how there are ancillary industries that support the sex industry, providing a robust and ever-expanding informal economy around the sex industry. Six ancillary industries that facilitate and support the sex markets are sketched: premises, advertising, security, transport, presentation, recreation and hospitality. These supporting industries provide work for both men and women who are not sex workers but provide services and facilitate the operation of the sex industry.

Taking the economic relationship as the primary focus, current theorists grapple with the ambitions of moving beyond the traditional Marxist constructions of the relationship. Kotiswaran (2010) brings to the debate a materialist feminist analysis which raises the importance of intersectionality as a lens through which sex work, and individual involvement in sex work, can be understood. Kotiswaran provides a sharp analysis of the treatment of women who work in dancing bars where their efforts were considered sexual labour as opposed to brothel workers in Mumbai, India, noting how their relationship to the state is different because of their place in the broader economic structures (2010).

There are broader issues to consider when understanding why sex work becomes a labour decision, given the limited nature of flexible, well paid work available. Maher et al. (2012) explore why parents and students engage in brothel work in Victoria, Australia (where sex work is legal). Participants determined their need for flexible work that pays decent wages, dismissing typically gendered work such as hospitality, childcare or clerical work. The context in which individuals make decisions to work is crucial to understanding the sex industry.

## A Sociology of Sex Work

Scoular (2004) reviews how different feminist theorists who assume a range of positions offer a spectrum of interpretations on the subject of prostitution. By reviewing different theoretical lenses, Scoular (2004: 343) concludes that prostitution cannot be viewed in just one way but is contingent on a 'diversity of

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structures under which it materializes'. An example of the localized climates and conditions under which people who work in the sex industry understand their experiences is explored in the collection of works by Kempadoo and Doezema (1998). This collection debates and recognizes the complex conditions under which sexual labour is exchanged. Their concentration on non-Western perspectives of sex work highlights how the transnational, socio-cultural and economic structures that operate at a global level are influenced by the local context of lifestyles, familiar patterns, sexual norms and values, experiences of racism, colonial histories and sexism. Other forms of power beyond those of gendered inequalities need to be central to any theorizing about the rights and wrongs of prostitution. With these differences at the forefront, Scoular calls for a 'discursive space for a transformative feminist theory which seeks to utilize the disruptive potential of the counter-hegemonic and "resisting" subject to challenge hierarchical relations' (2004: 352).

Weitzer (2000: 3) calls the differences in the feminist arguments the 'sex war' between 'sex objects vs. sex workers'. The differences in perspectives somewhat reflect the diversity of the sex industry and the complexities of situational experiences which are influenced by the local and global context. This statement by a peep show worker sums up how there cannot be any generalizations made and how rigid standpoints that refuse to recognize diversity fall short of any complete explanation of the nature of the sex industry, exploitation, consent and choice:

There is no standard sex worker. Each woman has her own reasons for working, her own responses of boredom, pleasure, power and/or trauma, her own ideas about the work and her place in it. This work can be oppression or freedom; just another assembly-line job; an artistic act that also pays well; comic relief from street realities; healing social work for an alienated culture. What is at work within each woman that lets her accommodate this situation? Intense denial, infallible sense of humor, co-dependency, incredible strength, a liquid sense of self? The only safe thing to say is that we're all in it for the money. (Funari, 1997: 28)

Perhaps the future of building theoretical frameworks through which the sex industry can be understood is in the fertile, international social movements that exist around the sex industry. It is in identity politics which speaks from the experiences of those involved in working, managing and living within the sex industry, that the complexity of the issues are most evident. Continually side-tracked by criminalization, contemporary policy debates which are often circular, and the stigma of sex work, research attentions need to be diverted to what we do not know or least understand. While macro structural forces affect all our opportunities for work, economic survival and lifestyle choices, there are variables such as geography, gender, class and ethnicity that are equally as powerful in determining our choices. In addition, the state, with its both oppressive and transformative mechanisms, is a crucial dynamic that affects the status of sex workers, especially their experiences of rights and justice.

## Suggested Reading

Scoular, J. (2016) *The Subject of Prostitution*. London: Routledge.

Offering an advanced social theory analysis of the state of prostitution, this book provides much needed explanation and debate bringing together sex work studies, socio-legal studies and the law. Drawing on national and international changes in the law, the book explores contemporary citizenship discourse and the law's ability to meet the competing demands of empowerment by sex workers and protection by radical feminists who view prostitution as the epitome of patriarchal sexual and economic relations.

Scoular, J. and O'Neill, M. (2007) 'Regulating prostitution: social inclusion, responsabilization and the politics of politics of prostitution reform', *British Journal of Criminology*, 47 (5): 764–78.

This article charts the rise of the welfarist social policy approach to controlling sex workers in contemporary society, demonstrating the ways in which the criminal justice apparatus have been mobilized to control the behaviour of women who do not live up to expectations of good citizenship.

Comte, J. (2014) 'Decriminalisation of sex work: feminist discourses in light of research', *Sexuality & Culture*, 18 (1): 196–217.

This paper sets out the three dominant ideologies relating to prostitution and sex work: abolitionism, sex-positive feminism and decriminalization. This paper provides a detailed analysis of contemporary feminist perspectives on this controversial topic and has a range of critical comments to debate on each point. Dealing directly with the dichotomy of oppression and agency, this paper will have students understand the reasons for diverse opinions on the matter.

## Websites

To hear what sex workers have to say about different perspectives and current issues on sex work, go to [www.thewhoresofyore.com/](http://www.thewhoresofyore.com/).

Sex Work Europe: [www.sexworkeurope.org/](http://www.sexworkeurope.org/)

Sex Work Europe is the website for International Committee for the Rights of Sex Workers in Europe (ICRSE) who established the 'Declaration of the Rights of Sex Workers in Europe' and 'Sex Workers in Europe Manifesto'. ICRSE actively supports network members to collaborate to promoting positive

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images and news about ICRSE activism and advocacy achievements, supporting national campaigns to oppose policy proposals that threaten to undermine the rights of sex workers. The website enables communications for sex worker rights organizations across Europe and is resource for sex workers, the public and other advocates.

Global Network of Sex Work Projects: [www.nswp.org](http://www.nswp.org)

### Study Questions

- Describe the theoretical perspectives that attempt to explain the experiences of sex workers.
- What are sex worker rights and why are they important?
- How has contemporary social and criminal justice policy approached the sex industry?

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