

**THE POLITICAL ECONOMY OF (FEMALE) PROSTITUTION
A FEMINIST INVESTIGATION**

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ABSTRACT

The original impetus for this investigation into prostitution comes from an economic inquiry into one form of work performed largely by women. But as a feminist study, this investigation cannot look simply at the economics of prostitution. Prostitution is both work and sex and an analysis must therefore also explore the question of sexuality, and the nature of sexual relations between men and women. This study seeks to offer a conceptual understanding of prostitution, and in particular, to examine the structural determinants of the sex industry. The analysis is couched within a feminist framework, taking cognisance of the theoretical divisions within feminism itself. The study attempts further to examine the question of policies towards prostitution, an issue which has been brought to the fore by the AIDS pandemic. In so doing, it refers to historical examples of state control of the sex market and draws on feminist challenges to such regulation. These challenges have exposed a fundamental contradiction for feminist praxis between the need both to protect and empower women. In exploring the nature and implications of this contradiction, the investigation looks also at the feminist debate around the censorship of pornography, a debate which highlights the kinds of questions feminists must confront when considering the issue of control. An attempt is made to resolve this contradiction by drawing a distinction between short-term and long-term policies towards prostitution. Although the long-term feminist project is the creation of a society where the structural determinants of the sex market have been eliminated, it is argued that this vision ignores the reality of prostitution and the problems faced by those women who work in the sex industry. Prostitution must be legalised to ensure the rights and protection of prostitutes, but these measures must be complemented by policies that challenge the structural basis of prostitution, and the oppression of women in society in general.

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CHAPTER 1 : INTRODUCTION

1.1 Feminism and Prostitution: Objectives of the Study

Is prostitution a matter of sexual privacy and free speech? Or is prostitution sexual domination and exploitation? Does prostitution exist because of sociobiology or because of the social construction of sex roles? Is prostitution a product of a patriarchal system or of a capitalist one?¹

This feminist study of the political economy of prostitution focuses on women prostitutes. There are of course increasing numbers of male prostitutes, but as Mills notes: "**prostitute** is one of the few words in the English language where the norm is female rather than male".² Since 1948, she explains, the act of male prostitution has been applied to a man who undertakes homosexual interactions for payment, "but he is usually referred to as a **male prostitute**".³ When the interaction is heterosexual, the man conventionally is described as a "gigolo", a term which lacks the disapprobatory connotations of "prostitute". A gigolo is portrayed generally as a younger man who is paid by an older woman, thereby implying the deterioration of her sexual attractiveness, and hence reinforcing the greater acceptance of the male role at her expense. Not surprisingly then, the Oxford dictionary describes a prostitute as "a **woman** who is devoted, or (usually) who offers her body to indiscriminate sexual intercourse, especially for hire; a common HARLOT".⁴

In traditional discourse and public commentary, discussion of the prostitute and the act of prostitution is conducted on two levels. On one level, the act of prostitution is described, almost clinically, as the selling of sexual (and possibly other related) services for a fee. It is generally recognised that "prostitutes are readily available at all levels of the market for any man who can afford one"⁵, and furthermore, that prostitutes "are frequently provided as part of business, political and diplomatic transactions"⁶. The concept of a sexual market is thus invoked, a market that is distinctive only by virtue of the services that are provided. The supply of sexual services is matched by a demand for these services, and the price functions as a regulator of the exchange. On another level, however, the description and

representation of prostitution is more emotive and morally based. 'The dominant perception of the prostitute is aptly conveyed in the "whore label", a label which "is attached to anyone who works or has worked in the sex industry, as a prostitute, pornography model, strip-tease dancer, masseuse, sexual surrogate or other provider of sexual service or entertainment."⁷

The prostitute, as a whore, is the prototype of the stigmatised women and invokes images of immorality, promiscuity and uncleanness. Not only prostitutes are labelled whores; "any woman may be designated 'whore' within a particular cultural setting, especially if she is a migrant, target of racist discrimination, independent worker or victim of abuse"⁸. According to Stanley, "prostitute" and "whore" are just two of more than two hundred terms in the English language for women who are seen to be sexually promiscuous.⁹ In contrast, there are relatively few terms for promiscuous men. This disparity, she continues, is not accidental. Rather:

The names that men have given to women who make themselves sexually available to them reveal the underlying metaphors by which men conceive of their relationships with women, and through which women learn to perceive and define themselves. The metaphors that underlie the terms for sexually promiscuous women define and perpetuate the ambivalent sex-role stereotypes that a male-dominated culture sets forth for women.¹⁰

This dissertation seeks to challenge stereotyped representations of prostitutes, and to raise questions about the social norms and prescriptions that these stereotypes reflect. In exploring what prostitution represents, what it implies about society, and women's position in society, and what social attitudes towards prostitutes reflect, the study challenges conventional assumptions about women, the sexual division of labour and sexuality. It rejects, as the starting point of its investigation, the assumption that one's biological sex naturally and necessarily determines one's abilities (in production and reproduction), sexuality, or behaviour. But it questions why this assumption exists and what it has implied for women's position in society. The examination further rejects the double standard of sexual morality, in terms of which the prostitute and the act of prostitution have historically been cast as sinful and immoral, whereas the demand for these services has been seen as (biologically) understandable. This study therefore challenges legislation, premised on this double standard, which seeks to suppress or regulate the sexual market, and looks at possible alternative policies towards prostitution.

The principal concern of the conceptual study of prostitution is not to examine the nature of women and men who participate in the sex industry. It does not look at the psychological dynamics of prostitution, nor does it inquire into prostitution culture or the secret lives of prostitutes, their clients or pimps. Furthermore, the analysis does not intend to cast prostitutes as "passive victims enslaved by procurers nor as heroic rebels rejecting social conventions".¹¹ Rather, the study inquires into the structure of prostitution as an institution. It seeks to examine those factors which provide the foundations or pre-conditions for the existence of a sexual market. This distinction in focus may be likened to that between a micro- and a macro- investigation. Whilst it is recognised that prostitutes are not an homogeneous group of workers, and that women may supply sexual services for a variety of reasons, this examination attempts to identify the broad (macro) structures within which these individual decisions can be understood. Similarly, rather than examine the characteristics of the clients of the sex industry, an attempt is made to understand why **men** demand, and pay for **women's** sexual services. This study is then used to inform a consideration of policies towards prostitution.

1.2 Method of Analysis: The Nature of a Feminist Investigation

The re-emergence of the women's movement in the late 1960s prompted the development of feminist discourse and debate around the position of women in society. Feminism, however, is not a monolithic body of thought. As Jaggar writes:

Contemporary feminists share certain concerns that distinguish them both from non-feminists and from earlier feminists. But the very breadth of contemporary feminist concerns means that there is a 'division of feminist labour', so that some feminists are preoccupied with some political struggles, some with others. Some feminists work in universities, some are active in left groups or in community organising, some are black, some are lesbian. The variety of work and life experience of contemporary feminists results in a variety of perceptions of social reality of women's oppression.¹²

Whilst it is important to recognise a diversity of feminist thought, it is equally important to acknowledge the existence of a set of common principles and values that define the specific characteristics of feminist studies. There are, as Ruth explains, "certain beliefs, values, and attitudes common to all feminists", which provide a "context within which to comprehend the rich variety of feminist thought".¹³ The

ways in which these basic tenets of feminism are incorporated into an understanding of society depends on the specific theoretical studies of respective feminists.

"First wave" (nineteenth century) feminists asserted the uniqueness of women, "the mystical experience of motherhood and women's special purity".¹⁴ Contemporary feminists have largely rejected this restrictive definition in favour of a more "inclusive definition" of feminism. The basic feminist idea as outlined, for example, by Bouchier is that: "Feminism as a philosophy shares with all traditions of progressive thought since the Enlightenment the principle of the equal worth of all human beings".¹⁵ Charvet examines the feminist premise of "equal worth" more rigorously, suggesting that "in respect of their fundamental worth there is no difference between men and women. At this level there are not male beings and female beings, but only human beings or persons".¹⁶

In arguing that men and women are of equal worth, feminism is not claiming that all human beings have the same mental and physical capacities. Rather, it is suggesting that "as free beings individuals are capable of directing themselves to ends of their own choosing, and ... that in respect of this capacity for self-direction individuals have the same worth".¹⁷

Contemporary feminists compare the position of women and men in history and society in terms of this ethical basis, and argue that women and men have been treated unequally. As Ruth, for example, explains:

As feminists we point out that for centuries we have been denied our rights as citizens and as human beings. The right to vote, the right to earn a substantive living commensurate with effort, the freedom to determine whether to bear children - the denial of these and other freedoms constitutes the concrete instances of oppression.¹⁸

This inequality, in turn, is the focus of feminist study.

The development of a specifically feminist theoretical practice, explain Kuhn and Wolpe, arises "quite simply from the very urgent and specific need for constructing an analytical and effectual understanding of women's situation".¹⁹ Feminist analysis, argues Benston, attempts to find "answers to important questions about the world"²⁰, the focus of these questions being on the position of women and how this situation has been influenced, and is influenced by social processes and relationships. As

Benston continues: "Feminism begins with the situation of women and analyses the way that women's situation has been shaped by and in turn shapes the whole social world".²¹ Although feminist studies focus on women, the "basic [feminist] enterprise is an attempt to understand and evaluate human affairs", where "no social relationship is left unturned, if only by implication, in this endeavour".²²

Feminist scholarship rejects "the distortions of present male scholarship"²³ and challenges the fundamental assumptions of sexual difference adopted by "traditional" theories. Specifically, feminists reject a traditional reliance on "the natural" to define the roles and characteristics of men and women (and ultimately their worth):

As feminists we reject attitudes that regard the traditionally masculine characteristics of aggression, power, and competition as good and desirable and the traditionally feminine characteristics of compassion, tenderness, and compromise as weak and ridiculous. We tend to reject both the practice of separating human qualities into two categories - one of them for men and one for women - and the valuing of one of those categories above the other. Rather we recognise that all such characteristics may appear in either sex, and we evaluate each of them on its own merit, relative to its effect on the quality of life.²⁴

In this regard, argues Harding, feminism "has played an important role in showing that there are not now and never have been any generic 'men' at all - only gendered men and women".²⁵ This is not to suggest that feminists dismiss a consideration of biology in an understanding of social processes. But they reject any attempt to reduce complex social relations to biological terms.

In their critique of traditional analyses, Peattie and Rein explore the distinction between "the natural" (as that which cannot be changed because it is in the order of things) and "the artificial". This distinction, they argue, "is basic to policy research, to political argument, and to social-scientific analysis, as it constitutes an implicit element in the conceptual definition of the field"²⁶. They continue that most societies, including socialist ones, "see a natural realm of the personal, familial, and traditional which lies outside the reach of policy".²⁷ This boundary, however, is not settled, but is continually being renegotiated as "both the product of and a weapon of struggle".²⁸ Moreover, different societies define different lines between the realm of the natural and the artificial. In challenging attempts at a biological justification of sexual inequality, feminism seeks to explain how the boundary between the natural and the artificial has developed, and thereby, to identify its social construction. To this end, feminists distinguish between sex, in terms of biology, and gender, as the

social construction of sex differences:

Sex mean[s] the biological sex of a child - [is] it born anatomically a male or a female member of the human species? Gender [is] the culturally and socially shaped cluster of expectations, attributes, and behaviours assigned to that category of human being by the society into which the child was born.²⁹

Feminism attempts to redefine the boundary between the natural and the artificial not only in theoretical discourse, but also in practice. Feminism, therefore, should be seen both as social theory "and also as practical politics, as an engagement in struggle to change the world".³⁰ As Ramazanoglu, for example, explains:

[feminism] is not simply ideas. Its point is to change the world, to transform the relations between women and men so that all people can have more chance to fulfil their whole human potential; feminism is logically then a set of ideas which are also a political practice.³¹

Benston examines the link between feminist scholarship and practice, arguing that:

As scholars, feminists are explicitly committed. We are feminists because we believe not only that the evidence shows the oppression of women, but, further, that such oppression is wrong. We also believe that society should be changed to end all forms of oppression. Our scholarship is done in that context, but also in the belief that the closer one gets to the truth the better the cause of women will be served.³²

The diversity of feminist thought is reflected in varied political practices among feminists, "from consciousness-raising groups and struggles over the washing up, to struggles for separation from men, to organised demands for civil liberties and economic and political power".³³ All these practices, however, are aimed at challenging and changing the relations between the sexes. In seeking to challenge sexual inequality, feminist studies must explore the structure of women's oppression and then use this understanding to develop strategies for the liberation of women. In other words, "feminism is by definition ... provocative"³⁴, and a feminist study must reflect on proposals for change.

1.2.1 A Feminist Investigation of Prostitution

As a feminist inquiry, this examination of prostitution seeks to explore the relationship between prostitution and the position of women in general. It looks at how ideas about, and the practice of, sexual difference have shaped the dynamics of the sex industry and the understanding of prostitution. It examines the effects of the social construction of biological differences on women's participation in the economy and in the sphere of sexuality. The study therefore takes the question of gender seriously, and considers the significance of prostitution being a predominantly female profession.

Prostitution is one form of work performed largely by women. Women supply sexual services for a fee, and men demand these services at a cost. The price of the service is a function of the type or "class" of prostitute and of the nature of the service that is provided. It is also influenced by the levels of the demand for, and supply of these services. To focus simply on these aspects of the sexual market, however, obscures the dynamics of that market. It takes for granted the existence of a supply and a demand without questioning the determinants of these market forces. In traditional economic literature, this kind of question is rarely asked of any type of service or commodity that is offered across a market. The reasons why people demand certain kinds of commodities over others is seen to be a product of tastes, and traditional economic theory rarely claims, or intends, to unpack this particular "black box".

A feminist investigation of prostitution must explore the relationship between prostitution and gender relations. It cannot therefore ignore the determinants of commercial sex, and simply examine the mechanics of the sexual market. It also cannot explain these determinants simply in terms of an individual's choice without inquiring into the constraints on this choice. The analysis, therefore, must look beyond the individual in the sex market, and question the broader social processes that create and re-create the demand for, and the supply of commercial sex. In so doing, it must escape the confines of a narrow economic investigation, and examine the sexual dimension of prostitution. As Hobson argues: "to characterise prostitution as work is to sever the prostitution exchange from sexuality... Prostitution is both work and sex, and prostitutes are sexual actors who play out the drama of power and submission in sexual exchanges".³⁵

Feminist analyses, in general, "are totalising theories".³⁶ Harding suggests: "[b]ecause women and gender relations are everywhere, the subject matters of feminist theories are not containable within any single disciplinary framework or any set of them".³⁷ Feminist research topics are rarely the exclusive province of any one discipline; "feminist claims touch every aspect of our lives".³⁸ Prostitution, as both work and sex, illustrates the necessity of such an interdisciplinary perspective. A study of prostitution further offers insight into the interaction between economic and sexual processes, and how this interaction shapes and is shaped by gender relations. Thus, although the initial impetus for this feminist study of prostitution comes from an economic inquiry into the sexual market, the inquiry cannot be limited to economics alone. The sexual market cannot be understood in isolation from sexual relations, as one form of the social relations between men and women.

There are two objectives which inform this investigation. The first, as has been argued, is to explore the structural determinants of prostitution, asking also why prostitutes and their clients have been treated unequally. The second objective is to identify policy implications for change. Insofar as feminist studies seek to challenge sexual inequality, their analyses include both an understanding of the structure of women's oppression and the political dimension of developing strategies for the liberation of women. A feminist investigation into prostitution cannot therefore simply seek to understand the determinants of the sexual market. It must go further and consider the future of prostitution. Specifically, it must address the politics of prostitution in light of the ultimate feminist objective of eliminating the causes and forms of sexual inequality.

As yet, feminists have failed to develop a common strategy towards prostitution. This failure may be attributed partly to the divisiveness of the feminist approaches themselves. However, it also reflects a dualism in feminist praxis between sexual pleasure and sexual danger, sexual freedom and protection from sexual abuse, and generally between the protection and the empowerment of women. Examples of these contradictions can be found in the history of feminist campaigns. When considering the question of marriage and divorce, for example, feminists have argued that marriage has limited the opportunities available to women, particularly within the formal labour market. In challenging women's economic dependence on men, feminists have campaigned for the rights of single women, one aspect of which has been the demand that divorce be easier to obtain. Simultaneously, however, some feminists have argued that because many married women are economically

dependent on their husbands, divorce should be made more difficult.

Feminist campaigns around prostitution reflect a similar contradiction. In the nineteenth century, feminists challenged the state regulation of prostitution in Britain, expressed in the Contagious Diseases Acts, on the grounds that that regulation institutionalised male sexual access to women and simultaneously penalised women for engaging in the same sexual "vice" as men. In this sense, women were seen as victims who needed protection from the regulation system, and therefore from the police. Campaigners thus called on men to protect their wives and daughters, thereby, argues Walkowitz, "buttressing a patriarchal stance and a sexual hierarchy within the organised working class that feminists had vigorously challenged in other contexts".³⁹

The feminist emphasis on the need for the protection of women by men allied their campaigns with those of the repressive moralists who sought to control young women's sexuality, sexual knowledge and experience. At the same time, however, feminists, and particularly the women's suffrage movement were demanding "women's right to protect their own persons against male sexual abuse"⁴⁰, through women's empowerment.

In recent years, the question of appropriate policy towards prostitution again has been raised in the wake of the AIDS pandemic, responses to which reflect "wider anxieties ... about the current place of sexuality in our society".⁴¹ The moral panic that has accompanied the AIDS crisis testifies to the powerful set of beliefs that continues to connect "sins and diseases" in society's "imagination and fears"⁴². As Weeks comments: "... it was the apparent connection between unorthodox sexual activity and the disease that chiefly fuelled the major elements of panic in the industrialised West".⁴³

Initially AIDS was perceived of as a homosexual disease, an association which fueled the scape-goating of the homosexual community as sexual "deviants". In its extreme representation, AIDS was cast as "a divine retribution or nature's punishment for sexual misdemeanours".⁴⁴ When it was recognised, however, that AIDS was not a peculiarly homosexual disease, and that the HIV virus could be transmitted through heterosexual intercourse, public concern shifted away from homosexuals to prostitutes. In the second stage of the AIDS crisis, prostitutes were targetted as primary causes and carriers of the HIV virus. Prostitutes epitomised sexually

promiscuous actors, and the association between prostitutes and disease "as a metaphor for dirt, disorder and decay"⁴⁵ was reinforced. The sexual double standard continues to inform society's perceptions and attitudes towards prostitutes. Both the voices of prostitutes, and the role of clients in the transmission of the disease, are overlooked.

The dangers of, and public response to, the AIDS pandemic make it necessary for feminists to "create a synthesis in the dialectic of rights and protections"⁴⁶, and to assist in the formulation of policy which recognises prostitution as high risk work, but which simultaneously challenges the double standard of sex morality. Although feminists agree on the gender bias of existing anti-prostitution laws, they have not reached consensus on what kind of new system, if any, should replace the old. Many feminists would point to an ideal solution where the structural causes of prostitution, and other forms of the sexual objectification of women, are eliminated. In addressing the nature of prostitution as it exists in contemporary society, however, feminists (and policy-makers in general) are confronted with one of three possibilities: the legal suppression of prostitution; its decriminalisation, allowing prostitution to operate according to the vagaries of market forces; or the regulation of prostitution through legalisation.

The question of the future of prostitution is a complicated one, and not one which has an easy and unambiguous resolution. Whilst it may not be possible therefore to offer a conclusive set of policy recommendations, this study attempts at least to explore the alternatives from a feminist perspective, and to expose the important issues that should be considered in a discussion of policy proposals.

1.3 Structure: Chapter Detail

This dissertation is divided into two sections: in the first section (Chapters 2, 3 and 4) an attempt is made to develop a theory of prostitution along the lines spelled out above; the second section (Chapters 5, 6 and 7) examines policy towards prostitution.

Although "the individual causes of prostitution are complex and varied",⁴⁷ one primary reason why women become prostitutes is because of the money that they can earn as prostitutes. Economic considerations on their own, however, need not

account for a women's choice to engage in prostitution. But they explain why prostitution should exist as an option, if sometimes a forced option, for some women. Chapter 2 examines prostitution as a form of work for women. It considers why some women should see prostitution as their only means of economic subsistence or as a more lucrative alternative to other forms of employment. This chapter seeks, therefore, to contextualise the understanding of prostitution in a broader examination of the economic status of women, examining the economic position of women in industrialised countries in particular.

Whilst prostitution represents an employment option for women, it would be naive to divorce prostitution from sexual politics.⁴⁸ Economic circumstances may account, at least in part, for a woman's decision to supply sexual services, but they do not explain why there should be a demand for these services, nor more generally, why women's sexuality should have become "commoditised". Prostitution raises questions about the nature of sexuality and those factors which shape sexual practices. Chapter 3 therefore explores the relationship between prostitution and sexual politics and suggests that prostitution can be understood as an explicit representation of the objectification of women. The chapter focuses on the sexual double standard, an hypocrisy which underpins traditional views on sexuality. The double standard informs the public image of the prostitute as the deviant actor or criminal type, and influences the nature of policy towards prostitution. The chapter examines the challenge to this double standard by feminists who point to the social construction of sexuality and the implications of this construction for the position of women.

Chapters 2 and 3 thus seek to provide an overview of the relationship between prostitution and gender relations. By examining women's economic status and the construction of sexuality respectively, they explore the kinds of issues and questions prostitution raises from a feminist perspective. Simultaneously, a broad comparison between the ways in which traditional literature and feminist discourse would analyse women's position in the economy and the nature of sexuality is offered.

Chapter 4 recognises that feminism is not an homogeneous body of thought, and that whilst feminism can be distinguished as a philosophical perspective, one must also distinguish between differences within feminism itself. The chapter therefore examines how specific feminist approaches would confront the question of prostitution. Five feminist tendencies or "directions" are considered: libertarian; liberal; Marxist; radical; and socialist feminism. These approaches are compared and

evaluated by analysing the extent to which they can or do account for the existence of the sex market. In appraising the spectrum of feminist thought, it is suggested that socialist feminism potentially offers the most comprehensive explanation of the structural determinants of the sex market. Its "advantage" lies in its explicit attempt to formulate an understanding of the relationship between the processes of production and reproduction.

In exploring the different feminist approaches, the study not only looks at how each understands the causes and consequences of prostitution, but further, it examines how the various feminist directions would confront the future of prostitution. The second section of this dissertation therefore explores policy alternatives towards prostitution. By considering the impact of AIDS on the sex industry, Chapter 5 examines the relationship between prostitution and sexually transmitted diseases, and how this affects the nature of policy. Chapter 6 looks at efforts to suppress the sex industry historically, and at the effects of these attempts. It points to the limitations of calling for the forcible abolition of prostitution. Drawing on the insights of the pornography debate, it is suggested that suppression could be used to renew social and public control over sexual behaviour, and sexuality in general. Such measures conflict sharply with feminist demands for the empowerment of women, and their right to sexual freedom. Chapter 7, then, looks at the debate over the decriminalisation or the legalisation and regulation of prostitution, and explores arguments for and against an active government intervention in the sex industry. The chapter attempts to reconcile the problems faced by prostitutes, and their demands to improve their working conditions with the feminist project which seeks to challenge the sexual objectification of women. An attempt is made not so much to develop a definitive set of policy prescriptions, but rather to identify a framework within which appropriate policy can be developed.

Endnotes

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SECTION 1

TOWARDS A THEORY OF PROSTITUTION

CHAPTER 2 : PROSTITUTION, FEMINISM AND ECONOMICS

It is too early to think about whether prostitution is or is not a profession. In practice, in our society, it is the way many women earn their living. It is better than being a maid, I believe.¹

Introduction

This chapter looks at the economics of prostitution. A fundamental concern of economics is with the question of choice under constrained circumstances. This question has two major aspects. Firstly, an adequate inquiry should consider the **nature** of choice, examining the question of why choices are constrained, what these constraints are and what the implications of this choice could be. Secondly, the study should examine the **mechanics** of choice in the market in which that choice is expressed or realised.

"Traditional" economics, it is argued, has some (limited) ability to deal with the second concern, the mechanics of choice. However, the first inquiry unfortunately leads precisely to the area where traditional economics is weakest. Usually, constraints on choice are treated as *a priori* conditions, or as exogenous factors, and an economic approach is one that is confined to examining how a particular market operates within these parameters. When addressing earnings differentials between men and women, for example, traditional theories of the labour market do not question a sexual division of labour which sees women as being primarily responsible for reproduction and men as responsible for production. The studies therefore do not challenge the implications of this sexual division of labour for women's employment, but rather describe women's employment within these (given) constraints. In general, women have been "added on" to existing analysis, where the understanding of women's employment, for example, has been viewed according to variables such as "number of children", "age of children" and "spouse's income". As Bell argues, however, surely one must question why

these variables are included for women and not for men?

The analyst will reply (any probably with some impatience) that these variables have proved significant in explaining employment patterns among married women, although correlation does not imply causation. Nonetheless, the analytical-structure itself does imply, by these choice of variables, that women (and not men) have 'home responsibilities' for child care and housework.²

By not questioning a sexual division of labour, Sawhill suggests that these theorists have done little more than "describe the *status quo* in a society where sex roles are 'givens'".³ In its reliance on methodological individualism, traditional economic theory therefore does not address the question of power relations adequately. The theory does not consider the nature of social relations between men and women, even though the analysis reflects these relations.

Although Neoclassical economics, in particular, examines a world held to consist of independently-minded individuals making decisions, it accounts for these decisions in terms economic-maximising behaviour only. For an explanation of other reasons why certain choices should be made over others, traditional economic theory points frequently to the contributions of psychology and the concept of individual "motivations". In her examination of prostitution, Barry writes that most research on prostitution "looks at female motivation rather than the objective conditions which bring many women into prostitution".⁴ In so doing, these studies shift "the causal assumptions" about prostitution to "the psychological states of the women themselves".⁵

When accounting for the supply of sexual services, associations have been drawn by moralists between the prostitute, as a "whore", and "connotations of greedy, rampant female sexuality".⁶ More sympathetic explanations by psychologists and social service professionals have identified "common denominators" in the psychology of prostitutes. As Shedlin explains: "[p]rostitutes tend to have been sexually abused or physically abused and/or neglected as children. Many were throwaway children. Another common factor ... is an overwhelming lack of ego ... and sense of self-worth".⁷

These arguments therefore account for prostitution by pointing to "characteristics" of individual prostitutes. The implication is that prostitutes

are not "normal" woman: they are either inherently immoral, rampant nymphomaniacs or have a history of sexual (and other) abuse. To study the determinants of prostitution, and the choice to prostitute at the level of the individual, however, is inadequate. Moral "explanations" rely upon stereotyped notions of women's (and men's) sexuality, and offer little more than a personal indictment of commercial sex workers. Psychologists and social workers may rightly identify a sense of worthlessness among some prostitutes. Nonetheless, as explanations of prostitution, their accounts do not go far enough. A prostitute's lack of self-esteem may be as much an effect of her activities as a cause. Furthermore, one would have to ask why it is that all women who have been abused or molested as children do not turn to prostitution.

The focus on "female motivation" has contributed to the "invisibility" of the processes underlying the sex industry.⁸ It has reinforced "a neat and socially sanctioned separation between [women as] madonna and whore" and in so doing, it has made the context within which choices are made invisible.⁹ By emphasising the "sinful" nature of the prostitute's sexual activity, for example, commentary on prostitution has often obscured the fact that prostitution is a form of work and income for many women.¹⁰ Prostitutes themselves insist that a primary factor in the supply of their services is an economic one. The higher wages that prostitutes earn in the "sexual market" as opposed to the rates of remuneration and opportunities available in the "formal" labour market are often given as the reason for the choice to engage in prostitution. As one escort working in Durban stated: "The problem is that once you are earning reasonable money it's almost impossible to go back to earning a pittance".¹¹ Many women with families to support feel they have little alternative but to supply commercial sex. As a single mother who has been a prostitute for the past few years in Cape Town explains:

I have three children who stay with my mother. I have to pay my own rent and give my mother money to support my children and pay their school fees. I've been to welfare organisations, but I don't get enough money there to give my children what they need. It's dangerous work, but what can you do?¹²

In the same report, it was claimed that: "Thousands of Cape Town women struggling to make ends meet have been forced into prostitution to keep

themselves and often their families alive".¹³

This chapter points to a feminist analysis of the economics of prostitution. In exposing the structural determinants of prostitution, and the choice to engage in prostitution, it is suggested that the study must be contextualised in the broader examination of the economic status of women. The chapter therefore sketches the economic position of women in industrialised countries in particular and examines the increased "feminisation"¹⁴ of the labour force. Although the feminisation of the labour force has affected "relations between women and men, [and] parents and children within individual households"¹⁵, it will be argued that this trend has not fundamentally challenged the sexual division of labour and the concomitant sex differences in employment opportunities and earnings.

The analysis, however, does not advance an economic determinist explanation of prostitution, or the position of women in general. It does not seek to cast women exclusively as "victims" of social and economic circumstances beyond their control. It is suggested that some women are driven to prostitution as a means of survival, but it is also argued that for other women, prostitution is a more lucrative alternative than available employment opportunities. Furthermore, it is recognised that when economic explanations are elevated to being the causal variable in the sexual market, the sex dimensions of that market "usually remain unidentified and unchallenged".¹⁶ The study attempts to identify the economic context within which a women's decision to become a prostitute can be understood. This economic analysis is then complemented by a study of the ideology which underpins the demand for women as sex objects.

2.1 Non-Feminist Economics

In the past, economics tended not to take the differences between male and female participation in the economy seriously and therefore it did not examine the implications of these differences. As Bergmann points out, however, "(w)e are now emerging from this period of almost complete indifference because of three interrelated developments".¹⁷ These developments she cites as the

increase in women's participation in paid work, the increase in the number of single mothers and the revival of the ideology of feminism in the late 1960s.

In extending traditional labour theories to the question of women's employment, however, these studies largely have failed to challenge the sexual division of labour. Rather they have assumed a division between what is "naturally" women's work and men's work. Thus, women workers have been represented as:

as a separate category the boundaries of which are determined biologically and the characteristics of which are derived primarily if not exclusively from the traditional gender division of labour and particularly women's family responsibilities.¹⁸

A primary assumption of Mincer's analysis of women's employment, for example, is that: "Work at home is still an activity to which women, on the average, devote the larger part of their married life. It is an exclusive occupation of many women, and of a vast majority when young children are present".¹⁹

Neo-Classical economics, which is underpinned by the methodological individualism of subjective preference analysis, focuses on economic activity as the interaction of rational beings. These individuals are seen as endowed with tastes and talents and represent the basic atoms of economic practice. This approach thus ignores that fact that:

people, even those with above-average rational abilities, may have false beliefs about women's abilities, may be influenced by tradition or religion, or may be proud of having been born with the superior status of a male, a status they may desire to protect.²⁰

In extending the Human Capital explanation of labour supply and earnings differences, Neo-Classical economists argue that women (as wives and mothers) experience work discontinuity, and therefore exercise rational choice in investing less in human capital. Similarly, employers invest less on-the-job training in women not as a result of sex discrimination, but in accordance with rational economic maximising behaviour. To the extent that wages are seen to be dependent on the labourer's investment in human capital, women will then earn less than men. As Mincer and Polachek explain:

Since job-related investment in human capital commands a return which is received at work, the shorter the expected and actual duration of work experience, the weaker the incentive to augment job skills over the life cycle. With labour-force attachment of married women lasting, on average, about one-half that of men, labour-market activities of women are less likely to contain skill training and learning components as a result of women's own decisions and decisions of employers who may be expected to invest in workers' skills to some extent.²¹

Women's lower wages, in turn, are used to "explain" the division of labour in the household. The household is represented as economic unit which aims at reducing costs and maximising utility. The allocation of market and non-market time amongst household members depends on where each member's comparative advantage lies. Or as Mincer and Polachek argue: "[t]he attempts to promote family life are necessarily constrained by ... comparative advantages due to differential skills and earnings powers with which family members are endowed".²² Because of the lower rates of remuneration available to women in the labour market, it is thus economically rational for women to take primary responsibility for non-market time, and therefore, housework and childcare.

There is a strong element of circularity in this reasoning. The division of labour within the household is seen to be a function of wage rates. Yet, these wage rates are understood as being dependent on the division of labour. Whilst this circularity mirrors the vicious circle in which women are trapped, these studies do not identify it as a problem for women. Rather, their analysis is an accurate reflection of the rationality of the capitalist calculation in the employment of women.

Ultimately, this Neo-Classical analysis assumes that the sexual division of labour is given, or at most, it justifies sex roles in terms of economic maximising behaviour. Consequently, Bakker insists that at best, this analysis "can be only a partial explanation and, to the extent that it is useful, it is probably as a description".²³ As she continues:

Generally, the approach can be criticised for its middle-class bias and for its characterisation of the home as a 'little firm', with economic actors having equal power and being engaged in a process of rational decision-making.²⁴

An analysis which defends and describes the existing sexual division of labour offers no insight into the difficult conditions faced by women in performing both waged and domestic labour. Nor does it recognise:

... the complicated ways in which all social actors, including women themselves, both incorporate existing patterns of gender relations into their behaviour and simultaneously - through their behaviour under new conditions - innovate in the social construction of gender relations.²⁵

Gender is at once too present in such an approach and simultaneously too absent. It is too present insofar as women are treated as an undifferentiated group whose inequality in the labour market ultimately is seen as "natural". Yet, gender is also too absent. By not challenging or explaining the implications of traditional assumptions, the approach defines women's problems out of existence and remains "hostile to any suggestion that the economic position of women needs improvement".²⁶

2.2 The Task of a Feminist Economics

The basic enterprise of feminist discourse is "an attempt to understand and evaluate human affairs".²⁷ In so doing, "feminist analysis is committed to finding answers to important questions about the world and to a development of the best tools possible to arrive at those answers".²⁸ The primary objective of a feminist economics, as a subset of the larger feminist project, is to examine and explain the relation between the economic position of women, reflected largely in the type of work that women do, and the broader subordination of women in society.

Although feminist economics is not an homogeneous discipline, the various strands of analysis are united in rejecting the sexual division of labour as an exclusively natural division. As MacKintosh explains, in its discussion of the activities and relations of men and women, feminist economic inquiry "does not assume that any of the divisions studied can be deduced from differences between the biological sexes".²⁹ Or as Alexander argues:

Whatever the starting-point of its dissatisfactions - lack of education, men's property over women in marriage, 'domestic drudgery', the prohibitions on female labour, ... feminists ... have refused to concede that relationships between the sexes belong outside history in any conception of the natural world, which is where [theorists], until provoked, have been content to abandon or place them.³⁰

The sexual division of labour appears to have characterised all societies in one form or another. The boundary between what constitutes the natural and the artificial, however, has not been a constant. Rather, as Peattie and Rein suggest:

... the setting of the boundary between the natural and the artificial is a part of the struggle of interests, ideas about the nature of reality and the boundary between the natural and the artificial are both the product of and a weapon of struggle. At any given time, the institutions available for action shape ideas of the possible, and hence of the boundary between the natural and the artificial. On the other hand, ideas of the natural shape organisation.³¹

The sexual division of labour in contemporary society "appears to express, embody and furthermore to perpetuate, female subordination".³² Thus, feminists argue "that to understand the sexual division of labour is crucial to any attempt to understand, and to change, the social position of women as a whole".³³ Feminist economics, therefore, attempts to document and explain the problems that women face in economic life. Furthermore, it seeks to challenge economic inequalities that are justified on the grounds that they reflect "the natural order of things", and are therefore unavoidable.³⁴

In introducing gender and gender ideology into its analysis of women's employment, feminist analysis has raised questions about the relationship between woman's position in the family and woman's position in the labour market, about the ways in which domestic labour can be conceptualised, and about the relationships between production and reproduction. As the feminisation of the labour force has increased, feminists have sought to account for changes in the labour force and to examine how gender has affected, and continues to affect the organisation of work. Studies have therefore explored the ways in which gender ideology operates in "the realm of 'the economic', not only in the definition of skill, but also in the more general division between women's and men's jobs".³⁵ These studies have pointed to the role of gender in:

the distinction between skilled/non-skilled work, in defining jobs as either women's or men's, in constructing the distinction between full-time and part-time work, in affecting women's experiences of technology, in leading to different forms of authority and supervision in the workplace, in influencing women's and men's hours of work and their views about the future organisation of working time, in affecting the extent to which men and women benefit from the unpaid labour of their spouses, in influencing men's and women's capacities to participate actively in trade unions, and in affecting their experiences of redundancy and unemployment.³⁶

Unlike traditional economic theories, which can be criticised for being gender-blind, and even gender-biased, feminist economics argues that "gender matters", and that gender must be taken seriously in any discussion of the processes of production and reproduction.

2.2.1 Women in the Economy. The Feminisation of the Labour Force

[Women's] rising rate of participation in the labour force is most commonly referred to as a prime measure of women's altered economic status after World War II.³⁷

Since the 1960s, women have entered the paid labour force in increasing numbers. Statistics provided by the International Labour Office suggest that between 1970 and 1980, an additional 100 million women world-wide obtained wage employment.³⁸ In the decades that women's participation in the formal economy has increased, the rate of men's participation has been slowly decreasing, such that the gap between the two has narrowed. Between 1950 and 1984, the male participation rate in the OECD³⁹ area as a whole declined from 87.4% to 84.3%. During the same period, the female participation rate increased steadily from 38.2% to 55.9%.⁴⁰

When seeking an explanation for the increase in women's wage employment, Bakker cautions that:

Despite growing popular recognition that women are a vital part of the labour force, underestimation of women's work and the inability to quantify fully the economic position of women makes it difficult to say with certainty why women's formal economic participation in the labour

force so dramatically changed after World War II.⁴¹

One attempt to explain this change is offered by Hagen and Jenson who argue that the economic basis of the feminisation of the labour force lies in "two distinct economic regimes".⁴² These regimes respectively correspond to a period of economic growth and stability and to a period of economic crisis and restructuring. Both periods, Hagen and Jensen note, have been experienced by the economies of the advanced industrial countries, and have affected the composition and organisation of their labour forces.

During the period of economic growth (which they identify broadly as being between 1945 and late 1960s), the economies of the advanced industrial countries were characterised by a system of mass production. This system necessitated the existence of stable demand in mass markets to prevent a "realisation crisis" and to facilitate economic growth. As a result, Keynesian policies were implemented in many industrialised countries both to maintain stable demand and to expand the welfare state, contributing generally to the maintenance of social equilibrium.

Although the implementation of Keynesianism varied in different countries, depending on respective commitments to the "social democracy movement", it had similar effects on the situation of women. The interaction between mass production possibilities and mass consumption demands led both to "tight labour markets" and to rising costs of a "mass consumption life style".⁴³ These changes precipitated an increase in the demand for, and supply of labour, in turn, drawing more women into the paid labour force. Women's employment also increased during these years following the expansion of the welfare state and the concomitant growth of the service sector. As Hagen and Jenson observe, the service sector "was a major source of job opportunities for women because so many of them were in the area of care-giving and social services long associated in popular discourse with 'feminine' talents".⁴⁴

A 1982 report released by the OECD identified that the public sector in OECD countries had become more female-intensive over time. It also identified a positive correlation between the growth in the public sector and the feminisation of public-sector employment.⁴⁵

During the second period, that of economic crisis and restructuring, (1970s and early 1980s), the economies of the advanced capitalist world experienced lower rates of growth and rising rates of unemployment. Hagen and Jenson suggest that during this general downturn, the economies of the advanced industrialised countries had not simply undergone a temporary recession, but rather "that they had experienced fundamental changes in their economic structures".⁴⁶

Capital responded to declining rates of growth and increasing competition by reducing production and rationalising production techniques. The emphasis of the process of economic restructuring was on cost-cutting and increasing flexibility in the production process, thereby enabling production to respond more easily to unstable market conditions. These changes in the production process affected both the extent and nature of women's employment.

Firstly, a major form of cost-cutting was through the reduction of the wage bill, either by retrenching workers or by shifting to part-time employment, and through the introduction of new production technologies. Because of women's discontinuity of work experience, and their lower rates of unionisation than men, women have been "cheaper" to employ. Furthermore, women have been more willing to accept part-time employment, in light of their "domestic responsibilities". Part-time employment not only accounts for a large portion of the jobs held by women, but further as Hagen and Jenson suggest, in all countries, "part-time workers are overwhelmingly female. It is safe to say that the part-time labour force is a feminised one".⁴⁷ In 1981, women's share of part-time employment in the UK, for example, was 94.3 per cent and in Germany, 93.8 per cent of all part-time workers were women.⁴⁸

Secondly, in capital's attempts to introduce more flexibility into production, Hagen and Jenson note that:

Women have emerged as very desirable employees in these circumstances because their relationship to the labour market traditionally displayed the characteristics of flexibility ... Individual women have had a less continuous relationship to the labour market, moving in and out of employment in response to their demand for labour and their personal possibilities.⁴⁹

Women form an important part of the labour force. Moreover, most (if not

all) women are not working for pin money but for wages essential to the income of the whole family. On the whole, however, "there has not been much to cheer about in this achievement of record levels of female participation in the paid labour force."⁵⁰ Women's employment during the economic boom "was at the bottom of the occupational hierarchy, in low-paid, low-skilled jobs; often they were jobs which came into being as a result of deskilling reorganisations of the labour processes in workplaces."⁵¹

The increase in women's employment during periods of economic crisis was largely a reflection and utilisation of their subordinate position in the labour market. Whilst the expansion in women's paid labour thus seemed to exemplify women's growing independence and status in society, the reproduction of sexual inequality has not been challenged substantially. It is indisputable that since the 1960s, working women have "finally entered the public consciousness and become a subject of political debate and action".⁵² Partly through the efforts of liberal feminists, legislation (such as the equal pay act) has been introduced to erode some of the past discriminatory practices in the labour force. However, as Taylor, argues:

... though tinkering with wage laws can do, and has done, a great deal to reduce the inequality between women's and men's earnings, it can do nothing to affect the more fundamental inequality underlying the fact that, despite the new laws, women continue to earn less than men doing similar work. In the end it is women's social role, the role that compels them to carry the burden of domestic work alone - that is lodged at the heart of the problem.⁵³

In modern industrial societies, jobs have always tended to be created on the assumption that workers have no domestic responsibilities. Workers are expected to be available at places and times to suit the employer.⁵⁴ For many women, their presumed responsibility for the reproduction of labour implies that they must constantly negotiate a compromise between market work and domestic responsibilities. One such compromise is through part-time employment, where, as Taylor explains:

Women's domestic responsibility cuts into their ability, and inclination, to do shiftwork and overtime. It also means they are more likely to try for part-time work when it is available. Both factors result in a shorter paid working week than men. In the U.K., for instance, 41 per cent of women with jobs are working part-time, compared with just 2 per cent of men.⁵⁵

The sex composition of the labour force thus may have changed considerably over the past decades, but these events do not reflect a dramatic change in the economic status of women - in women's access to economic resources relative to men's. As Amsden notes, although women may now be more active economically, politically and socially, "co-existent with such change has been one constant: the continued reproduction of sexual inequality".⁵⁶

Women's increased labour force participation has failed to challenge the allocation of certain tasks exclusively or predominantly to women. Women's domestic responsibilities continue to influence the nature and extent of their wage employment. Consequently, in her discussion of the relationship between the sexual division of labour and the economic status of women, MacKintosh emphasises the importance of recognising the ways in which "the sexual division of labour is created and recreated as the wage labour market develops".⁵⁷

As economic expansion has occurred, and new industries and factories have been established, so new categories of "women's work" have been created, with "relatively disadvantageous wages and conditions".⁵⁸ Thus Beechey and Perkins argue that "despite women's increasing participation in the labour market, most of them remain at the bottom of the occupational hierarchy, in part-time, low-paid, unskilled, 'women's jobs'".⁵⁹ One primary example of the "recreation" of the sexual division of labour can be found in the expansion of the service sector. As Taylor observes:

... jobs in the services (as secretaries, cleaners, filing clerks, canteen workers) dovetail so neatly with women's traditional domestic roles of supporting and cleaning up after men that they have quickly become seen as 'women's jobs' in most countries.⁶⁰

A society where men and women were equal, argues MacIntosh, "would be one where the arbitrary fact of sexual difference did not mark out the possibilities and limitations of economic activity for the individual".⁶¹ It is only in a society where men and women exist as unequal genders, she explains, that there is any reason why gender should be an "important organising principle of the social division of labour, with the exception of the physical process of childbearing".⁶² The fundamental premise of MacKintosh's

argument, and indeed of all feminism, is that beyond childbearing, the sexual division of labour is not a natural division and thus cannot be justified as embodying complementary roles for women and men. Rather, the sexual division of labour represents the sex-typing of activities along the lines of gender, the social construction of sex differences, and it both reflects and perpetuates sexual inequality.

2.3 Implications for a Study of Prostitution

2.3.1 The Mechanics of the Sexual Market

According to Perkins and Bennett, "to be a prostitute, one has to treat the exchange of sexual gratification for an established fee as a business deal, that is, without any pretence of affection, and continue to do this as a form of financial occupation, whether casual, part-time or full-time".⁶³ Prostitution entails the sale of sexual services in a market. In many ways, this market operates just like any other. The price of commercial sex is strongly influenced by the demand for, and the supply of sexual services. When the demand for prostitution increases, so the price of prostitution rises. One example of this can be found in Seoul where, as a result of the influx of tourists to the Olympic Games held in 1988, the demand for prostitution increased. Prostitutes adjusted their rates for sexual services accordingly, and their prices rose by 50 per cent in one month.⁶⁴ The price of commercial sex is also a function of the nature of services provided - the more "specialised" the sexual service, the more expensive is the interaction.⁶⁵

Prostitution, however, also reflects the commoditisation of women's sexuality and the demand for women as sexual objects. Traditional economics might view prostitution as a private enterprise, where the contract between client and prostitute is understood as a private arrangement between a buyer and a seller. However, as Pateman notes: "[p]rostitution is not a mutual, pleasurable exchange of the use of bodies, but the unilateral use of a woman's body by a man in exchange for money".⁶⁶ Prostitution entails payment for sex. Although this payment is income to the prostitute, "money doesn't just benefit the women who receive it, but also the client".⁶⁷ For, as Jeffreys argues:

Through payment men gain power over the woman for a period of time. They can avoid the dangers of emotional attachment by either party. Payment allows them to use the woman without guilt. Payment reduces the woman to a bought object. It reduces the threat to their primary servicing relationships because the women in them are unlikely to find out.⁶⁸

Furthermore, the prostitute may only receive a portion of the fee for the sexual transaction. If she is not self-employed, the rest of her income will go to an agency, and most often to pimps. A pimp is defined as "one who lives off the earnings of prostitutes".⁶⁹ Most (if not all) pimps are men. The forms pimping take, Barry argues,

range from loose networks of pimps who help each other control their 'stables', to tightly organised gangs and syndicates involved in other forms of organised crime, from which it is often impossible for a woman to escape.⁷⁰

The pimp-prostitute relationship is generally an exploitative one. As one prostitute explained:

They gamble, they drink, they beat you up. They ride around in their Cadillacs. They look pretty ... Pimps don't do a damn thing for you. They spend all their money. That's what they do for you. They'll bail you out of jail only cause you're their money.⁷¹

The market for sexual services therefore cannot be divorced from "the relations between men and women within the social process as a whole and the way these relations work to the detriment of women".⁷² The supply of, and demand for sexual services cannot be viewed merely as an economic transaction between a buyer and a seller. The "favours" that are offered by women are also a fundamental and specific product of the nature of male-female sexual relations. Simply examining the mechanics of the sexual market without questioning why this market exists, why women "choose" to prostitute, and what kinds of constraints they face when making this choice, is therefore inadequate. A feminist analysis must explore the relationship between prostitution and the position of women in general.

2.3.2 The Economic Determinants of Prostitution

Working in the sex industry is one of the myriad ways in which women struggle to survive all over the world.⁷³

Identifying "a personal biography" of prostitutes may explain why, within a set of limited choices, prostitutes "choose" the profession that they do; why, given a market for sexual services, some women, and not others, become sex workers. But in order to account adequately for the market for prostitution itself, a study must look beyond individual characteristics of prostitutes. A feminist inquiry into the economics of prostitution must examine the relationship between prostitution, the economic status of women and the sexual division of labour. This is not to suggest that economic circumstances be seen as the only cause of the supply of sexual services. More generally, the market for prostitution cannot be explained exclusively in terms of economic determinants. Firstly, financial need is neither a necessary nor a sufficient cause of prostitution. Most women who are in financial need do not engage in sex work, and some women who are financially independent make that choice.⁷⁴ Furthermore, a study of the determinants of prostitution cannot isolate economic factors from the more general question of the subordination of women.

The existence of a market for sexual services mirrors the sexual division of labour in contemporary society:

Everywhere, men expect to be serviced by women - to be looked after, cleaned up after, by wives and girlfriends, and to be sexually serviced by them too. And the sex industry is part of that system; it's yet another service for men that's provided by women.⁷⁵



The supply of sexual services is both an example and a consequence of the sexual division of labour. Some women turn to prostitution as the only means to secure their (and their families') survival. They either cannot find employment in the formal economy, or employment that offers enough to support themselves, and possibly their children and/or their (common-law) husbands. In this regard, McLeod contends that entry to prostitution often

constitutes "an act of resistance' in the face of relative poverty".⁷⁶ The dependence on prostitution is "most acute for women who have never had the chance to develop skills needed to earn a living, including many women who marry early and later face a breakdown in their marriage".⁷⁷ As Roberts, a former prostitute states:

The source of supply for these services (is) working-class women whose only other 'choice' would be a lifetime of drudgery and poverty. Unpaid drudgery in the home, or low-paid drudgery in the factory ... Working-class women are expected to accept the life of a drudge without a murmur of complaint. What I and others like me left behind us when we ran away from our home towns was the grey life.⁷⁸

Throughout history, prostitution has thus provided a solution to the problem of economic hardship.⁷⁹

The decision to engage in prostitution, however, is often more than a question of economic survival. When examining the economic determinants of prostitution, Hobson argues:

Expectations play a key role in a woman's decision to enter prostitution. To underscore the role of expectations in a prostitute's life choices is not to deny the existence of economic necessity as a driving force behind a woman's decision to sell her sexual services.⁸⁰

*

Not all prostitutes are from economically depressed families, "nor are they women on the verge of starvation".⁸¹ They turn to prostitution because the earnings potential of this form of work is that much higher than that available for them in the formal labour market. "Simply put, men are willing to pay more for sexual access than for almost all other forms of female labour".⁸² As streetwalkers in South Africa, for example, prostitutes can earn between R200 and R1500 a night, depending on the number of clients, the area "worked" and importantly, the race of the prostitute.⁸³ Working as escorts, they can earn R150 per hour, or R200 for two hours working in a massage parlour.⁸⁴ One escort stated that: "I did a typing course, but the most money I could earn without experience was a take-home pay of R1450 a month. [By joining an escort agency] even in a bad month I can earn a decent income".⁸⁵

Prostitutes further cite their ability to choose their hours of work⁸⁶, thereby offering (single) mothers a compromise between domestic responsibilities and

working time, a compromise which is not readily available in formal paid employment.

- * Nonetheless, many prostitutes do not see their participation in the sex market as permanent. The "advantages" of this form of work are easily outweighed by other considerations: the risk of sexually transmitted diseases and AIDS in particular; their lack of protection under the law and the gender bias of anti-prostitution laws that assume women to be the guilty parties in prostitution, ignoring the role of clients; and the nature of their work itself. Moreover, given that the demand for their services frequently depends on their "attractiveness", a prostitute's working life is often seen to be short.

Many prostitutes thus view prostitution as a temporary occupation that anticipates some long-term alternative. For many women, however, this alternative is not forthcoming and they get trapped in a vicious circle of work. The circle is most acute in those prostitutes who work for pimps and/or who use drugs, where drugs may act as both a cause and an effect of the decision to prostitute. For other women, such as high-class escorts, a large proportion of their income is needed to sustain their image. Furthermore, given the way society stigmatises prostitutes, a prostitute would be severely disadvantaged in seeking alternative employment. As one prostitute in Durban explained:

I want to give it up. It is going to be difficult. I have learnt how to support my family this way and I do not have any qualifications to do any other type of work. I wish I could find a good job as I desperately want to start a new life ... but who will employ an ex-prostitute.⁸⁷

The "choice" to prostitute reflects adverse working conditions facing women in the labour market, as well as the sex-typing of activities along lines of production and reproduction. In their discussion of the determinants of prostitution, for example, Scambler *et al* note that:

[prostitution] rightly suggests both that women are especially disadvantaged in relation to the labour market, more likely than men to be unemployed, under-employed and low paid, and that prostitution can be the more attractive option. Its rates of remuneration tend to be high when compared with other 'female' work..⁸⁸

In her examination of prostitution and the American reform tradition, Hobson

argues that "[w]omen's lack of access to skilled jobs and limited participation in the labour force was the bitter root from which prostitution grew in the Victorian city, and the same conditions nourish the prostitution economy today".⁸⁹ Prostitution thus serves both as a means of economic survival for women with no other alternative and as a more lucrative form of employment than that available in the formal labour market. But economic circumstances are not the only factors which influence a woman's decision to prostitute. As Jaget highlights:

What makes a prostitute is the nature of sexual relationships as they are viewed, created and practised by men. And the other thing that makes a prostitute is that this same society provides the 'goods' needed to fill this demand, through unemployment, poverty, low pay or bad working conditions - the list is endless. In the end, what makes a prostitute is an ideology of commodity and consumption. Once the body is transformed into a object, metamorphosed by a mutilated, handicapped, repressed sexuality, the next thing is to consume it.⁹⁰

Economic factors, however, do help to explain why women would supply their sexual services in a market; why they would satisfy a demand that exists for women as sex objects. In order to explore why this demand exists, the analysis must investigate the questions of sexuality, sexual relations between men and women and sexual power.

Endnotes

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 36. *ibid*
 37. I Bakker, *op cit*, p.18.
 38. In 1985, it was estimated that 676 million women world-wide had wage employment. ILO sources define a member of the labour force as a person who is working for remuneration or profit, or one who is seeking such work during a specified period. *ibid*.
 39. Countries who are member of The Organisation for Economic and Co-operation Development include: Canada, North America, the United States, Austria, Denmark, Finland, France, Germany, Italy, Norway, Spain, Sweden, Switzerland and the United Kingdom.
 40. I Bakker, *op cit*, p.19. Bakker refers to the OECD Report, *The Integration of Women in the Economy* (Paris: OECD).
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CHAPTER 3 : PROSTITUTION, FEMINISM AND SEXUALITY

Introduction

Traditional morality, religion, and established convention combine to promote not only the extreme of rigid abstinence but also that of reckless license.¹

There has not yet been sufficient work on the collective effect of all the various forms of male sexual behaviour on women's lives so that an estimate can be made of the total importance of male sexual control in the maintenance of women's subordination. However, enough work has been done to indicate that we must look at the area of sexuality, not merely as a sphere of personal fulfillment, but as a battleground, an arena of struggle and power relationships between the sexes.²

The discussion of prostitution in traditional literature and discourse has been influenced strongly by moral considerations, and particularly those surrounding the understanding of sexuality. The supply of prostitution has been viewed as a wicked sin, with prostitutes as the sinners, or as an understandable way for women to make a living, given adverse working conditions in other forms of paid employment. When considering the demand for prostitution, traditional views suggest either that men should exercise moral restraint (extrapolated to the proposition that sex be confined to marriage) or that the demand for women's sexual services is perfectly natural, allowing (unmarried) men an avenue for sexual release. Richard Lewinsohn, who has examined the history of sexual customs, for example, suggests that "men have a basic need for a sexual relationship less complicated than marriage ... They would prefer a simple transaction in which there remains only the sexual act ... sole and undisguised".³

Traditional studies of prostitution frequently embody a "double standard" of sex morality:

... that frequenting prostitutes, perhaps more than other forms of promiscuity, is forgivable in the male while being a prostitute, again perhaps more than other forms of promiscuity, is totally reprehensible in

the female.⁴

The aim of this chapter is to elucidate and compare such views of prostitution, and sexuality in general, with feminist perspectives. In so doing, it will be argued that sexuality "is not a primordially 'natural' phenomenon". Rather, what counts as sexuality must be understood as "a product of social and historical forces".⁵ Holland *et al* explain that "by sexuality we mean not only sexual practices, but also what people know and believe about sex, particularly what they think is natural, proper and desirable".⁶ Feminists refer therefore to the "social construction of sexuality", reflecting "the intricate and multiple ways in which our emotions, desires and relationships are shaped by the society we live in".⁷

Sexuality is not a given form, nor does it represent an arena where there is a unity of interests between men and women. Rather, as many feminists have indicated, it constitutes a fundamental sphere of interaction between men and women, as two groups of people, who have "different access to social, economic and political power".⁸ It will be suggested that a primary advance of feminist analyses of sexuality over traditional views, lies precisely in their attempt to address and unravel the nature and manifestation of this power relationship between the sexes.⁹

3.1 Traditional, Non-Feminist Views on Sexuality and Prostitution.

The nineteenth century saw a proliferation of analyses and articles on the question of sexuality. The differences between men and women had been examined previously, but before the mid-nineteenth century, these studies largely had been "the province of folklore, theology, and philosophy".¹⁰ In many senses, the nineteenth century may be seen as a turning point in the understanding of sexuality, a transition from a moral inquiry to a **science** of male and female nature and of the differences between them. The rise of sexology, or sexual science, argues Russett, must be understood partly in terms of "an ongoing inquiry into the varieties of human existence"¹¹, and also "as a response to the particular historical moment in which women were asserting new claims to a life beyond the domestic hearth".¹² Russett continues that the scientific conception of **women's** sexuality, in particular, was distinctive in a number of ways, offering a more precise, empirical account, as well as claiming more authority than any previous studies:

... it was able to draw on new developments in the life sciences as well as on the new social sciences of anthropology, psychology, and sociology. And, ... it spoke with the imperious tone of a discipline newly claiming, and in large measure being granted, decisive authority in matters social as well as strictly scientific.¹³

The content and general orientation of sexology continues to have a fundamental influence on contemporary non-feminist analyses of sexuality. An overview of the claims of the sexologists who were writing in the late nineteenth, and early twentieth centuries (such as William Acton (1857), Havelock Ellis (1897), Ernest Jones (1923) and Kingsley Davis (1937)) therefore provides insight into the general orientation of traditional views on sexuality.

The arguments of this group of sexologists are grounded in an empiricist formulation of male-female differences, where male sexuality is argued to be biologically and thus fundamentally different from female sexuality. In general, male sexuality is seen to be more spontaneous, more genital in goal, more easily aroused and demanding release. Female sexuality is perceived of as weaker and more dependent on emotional stimulation. These assumed biological differences, in turn, are built into the construction of "femininity" and "masculinity".

William Acton, writing on "The Function and Disorders of the Reproductive Organs" (1857), thus claims:

... the majority of women (happily for them) are not very much troubled with sexual feeling of any kind ... The best mothers, wives and managers of households, know little or nothing of sexual indulgences. Love of home, children and domestic duties, are the only passions they feel.¹⁴

The nature of these arguments suggest that women are to be evaluated in terms of their sexuality. Women may be either virginal, honourable, caring, married and thus feminine, or promiscuous, dishonourable and unfeminine. As McIntosh then explains, these assumed differences between male and female sexuality:

.. correspond to our everyday beliefs and to many of our everyday experiences of our own sexuality and that of other people. People who do not fit the stereotype tend to be treated as abnormal. Men who do not feel impulses towards sex for its own sake or who do not care for erotic fantasies are despised. Women for whom sex is not subordinated to a relationship are treated much more harshly.¹⁵

Havelock Ellis, a key figure in the development of sexology has been applauded by some feminists for being one of the first sexologists to champion a woman's right to sexual pleasure.¹⁶ Nonetheless, his analysis ultimately does not escape a biologically reductionist interpretation of sexuality. He still insisted that nature has defined women's true role as motherhood, and even suggested that women's brains are "in a certain sense ... in their wombs".¹⁷ Women are not only defined "in the last instance" as reproductive entities, but it is implied further that there are certain identifiable elements of female sexuality. These include:

- (i) that the female sexual drive is as spontaneous as the male sexual drive;
- (ii) the female sexual drive manifests itself in the desire to be conquered;
- (iii) females may offer a pretence of resistance;
- (iv) most women indicate a tendency to delight in the suffering of pain.¹⁸

Thus, although he proclaims an ideology of sex liberation, Ellis constrains the meaning of this liberation by suggesting that "[p]leasure in submission to male domination is therefore inherent in female sexuality".¹⁹ He recognises the existence of power in the area of sexuality only to undermine its significance by defining it as "natural".

The biological distinction between female and male sexuality, femininity and masculinity, provides the reference point from which these theorists begin their examination of the forces of prostitution. By equating masculinity with sexual potency and femininity with virtue and mothering, the demand for prostitution can be explained as the **expression** of men's natural, biological needs and as the **product** of some "normal marital practice". Ernest Jones thus suggests that: "in a large number of typical cases potency is incompatible with marital fidelity, and can only be achieved at the cost of adultery."²⁰

Kingsley Davis accounts for the demand for prostitution with an analogous argument:

On the one hand, the demand is the result of a simple biological appetite. When all other sources of gratification fail, due to defects of person or circumstance, prostitution can be relied upon to furnish relief. None of the exacting requirements of sex attraction and courtship are necessary. All that is needed is the cash... But in addition to the sheer desire for sexual satisfaction, there is desire for satisfaction in a particular (often unsanctioned) way.²¹

The resounding implication of these suggestions is that the male sexual drive is far greater than the female's, such that even in marriage, men need other avenues for sexual release. Unmarried, "feminine" women are not seen to be available for sexual interactions either by definition, or because it is only at "the somewhat late period at which in women the tendency for passion to become strong has yet arrived".²² In his examination of "The Causes of Prostitution", Ellis thus claims that:

... prostitution is not an accident of our marriage system, but an essential constituent ... Some of the superfluous or neglected women ... many of whom could never expect to become wives ... utilising their money value, find their social function in selling their favours to gratify the temporary desires of men who have not yet been able to acquire wives".²³

By satisfying the demands for sexual gratification that cannot be met inside or outside of marriage, prostitutes can therefore be seen to serve a "social function".

The distinction between male and female sexuality is also implicit in the explanation of the supply of sexual services. Ellis' analysis suggests that women are "available" for prostitution to the extent that they are "superfluous or neglected" in the selection of marriage partners, and therefore without economic support. When explaining why women should choose this form of employment over others, however, Ellis speaks of a "**biological** predisposition"²⁴ that separates prostitutes from other women:

On the whole it would appear that prostitutes, though not usually impelled to their life by motives of sensuality, on entering and during part of their career possess a fairly average amount of sexual impulse, with variations in both directions of excess deficiency as well as of perversion. Masturbation, especially, is extremely common among prostitutes everywhere; however prevalent it may be among women generally it is held to be still more prevalent among prostitutes, indeed almost universal... So far as the evidence goes it serves to indicate that prostitutes tend to approximate to the type which there is reason to regard as specially indicative of developed sexuality."²⁵

Ellis mentions also that prostitutes can be distinguished by certain visible characteristics:

... it remains true that ... comparative investigations as have so far been made, although inconclusive, seem to indicate that, even apart from the prevalence of acquired anomalies, the professional selection of their vocation tends to separate out from the general population of the same social class, individuals who possess anthropometrical characters varying in a definite direction.²⁶

Specifically, he claims that:

prostitutes tend to be in weight over the average, though not in stature, that in length of arm they are inferior though the hands are longer (this has been found alike in Italy and Russia); they have smaller ankles and larger calves, and still larger thighs in proportion to their large calves. The estimated skull capacity and the skull circumference and diameters are somewhat below the normal, not only when compared with respectable women but also with thieves; ... the cheekbones are usually prominent and the jaws developed; the hair is darker than in respectable women though less so than in thieves; it is also unusually abundant, not only on the head but also on the pudenda and elsewhere; the eyes have been found to be decidedly darker than those of either respectable women or criminals.²⁷

In his report, "Prostitution Considered in its Social and Sanitary Aspects" (1870), Acton makes mention also of the type of women who becomes a prostitute:

What is a prostitute! ... She is a woman with half the woman gone, and that half containing all that elevates her nature, leaving her a mere instrument of impurity; degraded and fallen she extracts from the sin of others the means of living, corrupt and dependent on corruption, and therefore interested directly in the increase of immorality - a social pest, carrying contamination and foulness to every quarter to which she has access ...²⁸

Whilst Acton argues that "the sexual passion is strong in every man", he argues further that "it is strong in proportion as it is encouraged or restrained; and every act of indulgence only makes future abstinence more hard, and in time almost impossible".²⁹ The prostitute is thus cast as the temptress, who exploits the man's natural sexual urge for her own pecuniary gain:

Prostitutes have the power of soliciting and tempting. Gunpowder remains harmless till the spark falls upon it; the match until struck, retains the hidden fire, so lust remains dormant till called into being by an exciting cause... Such women, minister of evil passions, not only gratify desire, but also arouse it... they ... suggest evil thoughts and desires which might otherwise remain undeveloped.³⁰

The demand for prostitution is therefore viewed as dependent on its supply, thereby removing the responsibility for the sexual transaction from the client and placing it firmly with the prostitute. The clients of prostitutes are seen simply as exercising a biological need. This need, however, is aggravated by the prostitute's blatant

invitation to lust. The prostitutes who satisfy male desires are identified as different and distinctive types of women, both in terms of their sexuality, and as a corollary, in terms of their moral character.

The defining characteristic of these analyses of sexuality, in general, and their extension to the question of prostitution, is that ultimately they are built upon the assumption of fundamental biological differences between men and women. Or as Weeks so aptly explains: "The genital and reproductive distinctions between biological men and women have been read not only as a necessary but also as a sufficient explanation for different sexual needs and desires".³¹

Sexology continues to enjoy "an international reputation for scientific research into sexual behaviour".³² More contemporary sexologists, such as Alfred Kinsey, William Masters and Virginia Johnson³³, have not challenged a biological model of sexuality which identifies natural differences between male and female sexuality. Rather, like the early sexologists, they have offered a scientific legitimization of this view, where Masters and Johnson in particular, "'revolutionised' sex research by taking it into the laboratory, where they observed and measured sexual activity directly".³⁴ In their sex research,

[s]ex is conceptualised as a natural urge or drive dependent on internal, biological factors, such as hormones, but capable of being triggered off by external stimuli. The erotic stimulus, which can be almost anything, but is usually a member of the opposite sex, triggers man's (sic) deep-seated sexual impulse, which in turn provokes response.³⁵

Although sexologists insist on the scientific objectivity of their work, and have sought to "present themselves as disinterested seekers after the truth",³⁶ feminists have suggested that their scientific model of sexuality is male-defined, and further, that it serves as "little more than a legitimization of the form of male sexuality which exists under, and is central to male supremacy".³⁷ The arguments of contemporary sexologists have echoed earlier views which identified the greater submissiveness of women and the greater aggressiveness of men ultimately as biological "facts". As Masters and Johnson, for example, argued:

You see, if we take a girl with a basically traditional background, we can be almost certain that one of the things that turns her on is being pursued. The chase is delightful, and it has erotic value for her because being pursued intensifies her sense of herself as a female person.³⁸

In so doing, these theorists have suggested that power is not only inherent in sexual activity, but that this power is biologically determined and therefore natural.

3.2 Feminist Views on Sexuality and Prostitution

To politicise sexuality has been one of the most important achievements of the women's liberation movement. Whatever differences of theoretical perspective there may be, feminists have insisted on examining the role of sexuality in the construction of male domination and female subordination, and this has at least created the space in which women can refuse sexual exploitation and begin to reflect on our own desires.³⁹

Feminists have challenged the traditional understanding of prostitution and sexuality in general, for invoking and perpetuating a double standard of sexuality and for naturalising the exercise of male power which accompanies this double standard. Feminism rejects a strictly biological explanation of sexuality, which sees biology as being causal in patterning sexual life. This is not to suggest that feminists deny the importance of biology, but they qualify its role as being "a set of potentialities which are transformed and given meaning only in social relationships".⁴⁰ These theorists therefore might accept the idea of some generic sex drive that is natural. However, they argue further that what counts, and has been experienced as, male and female sexuality, has been socially constructed:

... the specific ways in which it [a sex drive] will be expressed, and indeed whether these will be recognisably 'sexual' at all, depends upon the way in which the individual handles the general culture and the specific life-experiences she confronts.⁴¹

The patterning of sexuality thus is not fully specified by some biological given. On the contrary, biological differences themselves have been imbued with social meaning. The ways in which the human biological potential is realised as sexuality must therefore be seen as a complex product of society, reflecting the dynamics of that society. As Weeks argues:

[Sexuality] is a result of diverse social practices that give meaning to

human activities, of social definitions and self-definitions, of struggles between those who have power to define and regulate, and those who resist. Sexuality is not given, it is a product of negotiation, struggle and human agency.⁴²

Specifically, the social scripting of sexuality is closely bound up with the perpetuation and exercise of male domination, so that:

[t]he way little boys learn to act towards women and girls is partly the result of social influences such as education, the media, parental expectation and peer group pressure, but also partly the result of realising, consciously or unconsciously, how their best interests are served.⁴³

Traditional, biological explanations of sexuality, which reflect and reinforce this social construction, therefore are themselves related to a "specific social ideology".⁴⁴ Feminists understand the evaluation of women as either virginal, honourable, caring and married or as promiscuous, seductive and dishonourable as being a product of patriarchal definitions and norms which mirror and reproduce male control over women. Female sexuality has been "defined as both different from and the same as male sexuality"⁴⁵: on the one hand, it is seen to be less easily aroused and more emotional; while on the other hand, it seen as "stemming from the same biological drive".⁴⁶ Jeffreys explores this paradox, arguing that:

Its 'otherness' has been used to show how it [female sexuality] complements male sexuality, and thus to legitimate heterosexuality, while its 'sameness' has been used to legitimate the form male sexuality takes, and to defuse challenge by proclaiming it as genderless, as a kind of unisexuality.⁴⁷

The feminist emphasis on the social construction and male definition of sexuality does not imply, however, that "women's sexuality is passive and simply moulded by patriarchal power relations".⁴⁸ As Holland *et al* explain:

We have also to recognise that patriarchal power is not necessarily unified, coherent and centralised. It should more properly be seen as dispersed constellations of unequal relationships which leaves spaces for human agency, in contrast to a conceptualisation of patriarchal power which suggests a unified subordination of women.⁴⁹

Although women are increasingly engaged in constructing their femininity and sexuality, the negotiation of sexual encounters is a contradictory process in which

women generally lack power. Furthermore, the discovery of hidden power relations in the sexual arena is particularly difficult because, "however they are experienced, they must be conceptualised in order to be recognised".⁵⁰ For example, Holland *et al* continue:

Young women are encouraged to attach themselves socially to young men in order to succeed as conventionally feminine women, but they are then inhibited from seeing this desired and expected relationship as a structurally unequal one.⁵¹

The sexual double standard, implied in the elaboration of biological differences, creates the expectation that in the sexual interaction between "normal" men and women, it is the male who should take the initiative, who should dominate the nature and expression of sexual activity while women retain their softness and vulnerability. Male sexuality is ultimately associated with male power and potency, which in its extreme, manifests itself as aggression and sexual abuse. As a direct corollary, it is implied that "normal", feminine women are incapable of meeting all the sexual requirements of men and thus the need for pornography and prostitution arises. These polar standards of women's sexuality, as implied by the double standard, discount women's right to sexual expression and sexual pleasure. As one prostitute has thus exclaimed: "Women as either virgins or whores is one of the greatest lies men ever created about us".⁵²

In short, feminists argue that the sexual double standard serves to objectify women, dictating that women be evaluated according to their sexuality. It simultaneously allows men the license to "regard their sexuality as uncontrollable and to fear ill-health or some unspecified disaster if they cannot gain sexual satisfaction whenever aroused".⁵³

In rejecting a biologically deterministic interpretation of sexuality, feminism therefore challenges the sexual objectification of women. It rejects the traditional and naturalised assumption that it should be "men who must resist or indulge their sexual urges while women must resist or exploit the possibility of using their sexual attractiveness for profit"⁵⁴, arguing that this view both reflects, and perpetuates, a patriarchal ideology.

When examining the issue of prostitution, feminists must therefore question and explain, rather than accept as natural, why it should be men who demand commercial

sex and women who should supply it. To the extent that prostitution is seen to be an outlet for married men with "frigid", or less sexually active wives, feminists must contextualise the reasons for that frigidity and challenge the stereotypical images that such an argument would evoke.

Challenging the sexual double standard implies further that whilst feminists may reject the institution of prostitution itself, it cannot stand in judgement of individual prostitutes. To do so would be to support the dichotomy between women as "Madonna" and "whore", between "pure" and "fallen" women. Rather, feminists must hear the voice of the prostitute, and thereby "fight the division of the 'class' of women".⁵⁵ Prostitutes must be included in the feminist debate on prostitution "so that we may pool our knowledge and engage in the fight against male sexuality as social control of women"⁵⁶. The main question for feminists is how they "can both support women who work as prostitutes whilst working to eliminate the institution of prostitution"⁵⁷.

3.3 Feminism and Sexual Liberation

In seeking to demystify and challenge patriarchal ideology:

organised feminism has been united in endorsing sexual freedom for women, including the right to express our sexual needs freely, to engage in sexual activity for our own pleasure, to have sex and bear children outside marriage, to control our fertility, to refuse sex with any particular man or all men, to be lesbian.⁵⁸

Feminism is not an homogeneous body of thought. Although feminists agree on sexual liberation as a fundamental feminist goal and therefore challenge traditional, non-feminist views in this regard, there is no unanimity in how this sexual freedom is to be attained. The re-emergence of the women's liberation movement in the 1960s occurred in a liberal political and social climate. One feature of this prevailing climate was the "sexual revolution" which advocated a single standard of sexual freedom for both men and women, including freedom from conventional moral restrictions and sexual guilt, and freedom to explore sexual pleasures. Whereas in the nineteenth and early twentieth centuries, the feminine had been constituted as sexless, the sexual revolution claimed to reconstruct woman as man's sexual counterpart. There is no consensus among feminists, however, on whether the

attitudes of the sexual revolution constitute a desirable development for female sexuality or whether they merely have served to reinforce a male bias in this arena.

Those feminists on the left who were critical of liberalism, attacked the sexual revolution for a male bias in its identification of sexual freedom. The sexual liberation movement, it was argued, "displayed no insight into the social reasons for women's greater inhibition and conformity to moral norms".⁵⁹ In advocating a single standard of sexual freedom, the libertarian ideology blamed women, "often in virulently misogynist terms for adhering to the sexual prohibitions men and a patriarchal society had forced on them".⁶⁰ It thus addressed the symptoms of sexual repression rather than the causes itself. Feminists have argued further that the ideology of the sexual revolution did not succeed in overcoming a sexual double standard. Rather, those women who sought to explore sexual freedom were labelled as "easy" or "promiscuous", and therefore remained trapped in a sexual double bind. As Angela Neutstatter, in her look at twenty years of feminism, comments:

Promiscuity was voguey for the chaps, but a double standard still applied for the other half, who, after all, had the role of guardian of men's morals as well as their own, thrust upon them for centuries ... feminists began to question whether [the sexual revolution] was one more example of a culture designed to benefit men being marketed to women as avant garde pleasure".⁶¹

Nor did the sexual revolution offer a serious challenge to societal taboos on lesbianism and homosexuality in general, but rather reflected and reinforced social pressure for women to be with men.

The sexual revolution, however, also provoked another set of critics - the conservative moralists or the "new right" - who sought to suppress all non-marital, non-procreative sex and who defended the nature and values of the traditional family. This revival of conservative morality forced feminists to reconsider both their understanding of sexual freedom and how this freedom was to be realised. Willis explains the dilemma thus:

Confronted with right-wing backlash bent on suppressing all non-marital, non-procreative sex, feminists like me, who saw sexual liberalism as deeply flawed by sexism but nonetheless a source of crucial gains for women, found themselves at odds with feminists who dismissed the sexual revolution as monolithically sexist and shared many of the attitudes of conservative moralists.⁶²

Some feminists therefore felt apprehensive that if they rejected the general impetus of the sexual revolution (by virtue of its male bias), they would be licensing sexual repression, thereby endangering any climate of cultural demystification which sexual liberation ideology offered.⁶³

The feminist debate over the question of sexual freedom is reflected primarily in the debate over the future of the sex industry, and particularly the censorship of pornography. The politics of pornography remains trapped between two sides of an argument, both of which must be accorded legitimacy and credibility. Some feminists (Dworkin, Faust, Griffin)⁶⁴, argue that pornography must be repressed for it reinforces and recreates the image of women as Eve, as sexual temptresses, paradoxically implying that women are the passive receptacles for male desire. Other feminists who ally themselves with "Women Against Women Against Pornography", insist that banning pornography serves simply to entrench a system of social control that has been used to oppress women historically.

Although the question of the legalisation or the suppression of prostitution has received less attention in feminist literature, it is likely to precipitate the same kind of feminist dilemma. Legalising prostitution can be seen as entrenching male sexual access to women as sexual objects to be bought and sold. Prostitution represents the exploitation of "women's sexuality by profiteers, and some of us feel, instinctively, that prostitution supports the objectification of women's sexuality and of women, that is somehow related to the pervasive violence against us".⁶⁵ Simultaneously, however, "there is a growing realisation among feminists that the laws against prostitution, and the stigma imposed on sex work, keep all women from determining their own sexuality".⁶⁶ As Ellis, O'Dair and Tallmer argue:

We believe that the feminist movement must not be drawn, in the name of protecting women, into the practice of censoring 'deviant' sexual representation or expression ... We must speak out when we are victims, but also acknowledge what excites us, and support women who make their living providing that excitement to men and to ourselves.⁶⁷

The debate over sexual freedom thus incorporates the contradiction between the twin feminist goals of the protection and the empowerment of women. Workers in the sex industry, and women in general, need protection from male abuse and violence. The fact that prostitution and pornography extend male control over women's sexuality

constitutes an argument for their abolition. Simultaneously, feminists fight to create an environment within which women have the right to control their own bodies. In turn, this implies the right for women to decide when and how sexual activity should take place. If the elimination of prostitution, and more generally, the complete erosion of male-female relations that are dominated by sexism and material inequality, anticipates "the supercession of modern patriarchal capitalism by a new social order"⁶⁸, then this tension around sexual liberation complicates feminist policy towards prostitution in contemporary society.

Any examination of the future of prostitution therefore must confront the feminist dilemma over the attainment and expression of sexual freedom. To this end, it will prove useful in a later part of this study to examine the pornography debate more closely. Insights into the protection-empowerment debate may also be gained by examining the history of moral reform and its impact on women.

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CHAPTER 4 : FEMINISM AND THE ANALYSES OF PROSTITUTION

Introduction

... to study prostitution [is] to confront a society's definition of social justice, its aims for equality between men and women.¹

From the late 1960s, a fundamental concern of the burgeoning women's movement has been to examine the social control of women in society.² Feminists have sought to account for the position of women, examining the ways in which women have been discriminated against, oppressed and exploited in both the home (the so-called private sphere) and the labour market (the public arena). Two important ways in which the social control of women has been realised, feminists have suggested, is through the work that women do and through the construction of their sexuality. As Neustatter explains:

The crux ... of the feelings which were gradually being unearthed, was that an inequality existed which was enshrined not just in law in the form of unequal pay and discrimination in job and education opportunities, but which also underpinned the whole culture in which women were living, providing an underlying valuation of women as inferior to men and an acceptance that women were programmed by gender to perform different tasks from men, to play a specific and separated role in society.³

Feminist theory, however, is "not one, but many theories or perspectives".⁴ As Tong explains: "Feminism, like most broad-based philosophical perspectives, accommodates several species under its genus".⁵ Although feminist analysis takes the subordination of women as its central problem, the ways in which this is identified and understood, and accordingly, the means by which it is to be addressed, differ depending on the specific feminist approach adopted. Explanations of the fundamental cause of the inferior position of women include an emphasis on legal structures and control; the economic system and specifically the nature of the capitalist system; and the system of male domination entrenched in patriarchy.

This chapter attempts to identify how various feminist perspectives would confront

the question of prostitution. Five broad feminist directions will be considered and compared - the libertarian (or contractarian), liberal, marxist, radical and socialist. The examination draws on scattered references to prostitution that have been made by the various feminists. Existing analyses, however, are largely incomplete. Their respective methodological foundations therefore are used to inform, substantiate and contextualise their fragmentary comments on, and allusions to the question of prostitution.

Any understanding of the diversity of feminist discourse must make mention of certain qualifications. Firstly, it must be noted that the system of categorisation that has been chosen is only one possible way of distinguishing between, and among, feminist thought. This study largely adopts Jaggar's classification of the feminist directions, but further includes libertarian feminism as a "separate" feminist category.⁶ By distinguishing between five broad feminist directions, the study does not offer a "taxonomic classification of as many subspecies [of feminism] as possible".⁷ Rather, an attempt is made to "reduce rather than to proliferate theories"⁸ on the basis of "fundamental" methodological differences, with the objective being to distinguish between feminist views on prostitution. In the process, however, it is possible that certain feminist theories may have been omitted or that these views have been included within the above categories, where some theorists might prefer that they be kept distinct. In particular, theorists might question an omission of black feminism, anarchist feminism and lesbian feminism from this list of feminist theories. As Jaggar suggests, however, these approaches are reflected (at least partially) within her system of classification. Black feminism, for example, is not treated as a separate theory "because black feminists utilise a variety of theoretical approaches"⁹, largely those of Marxist, radical or socialist feminist frameworks. Similarly, argues Jaggar, "anarchist elements can be found in the liberal suspicion of the state, in the classical Marxist hope that the state ultimately will 'wither away', in the radical feminist attacks on patriarchal power in everyday life and in their self-help alternatives, and in the socialist feminist critiques of hierarchy and authoritarianism on the left".¹⁰

Secondly, within this broad classification of the different feminist directions, it must be recognised that each feminist perspective has its own strengths and weaknesses. As Tong insists, "each of these views has made a rich and lasting contribution to feminist thought, and it would be ungrateful and dishonest to denigrate any in the process of making a case for another".¹¹ Nonetheless, these perspectives all cannot

be equally correct. Rather, theories can be judged as partial or provisional in terms of what is omitted in their analyses, what is not said or questioned, and the implications of these omissions.

Thirdly, then, it must not be assumed that the categories of the different feminist positions are mutually exclusive.¹² Rather, these categories "serve a useful analytic purpose ... to locate the spectrum of feminist thought ... [but] these categories can be both limiting and distorting".¹³ Feminist theorising must be seen in a dynamic context. As feminism has progressed, so the different writers have responded to critics and expanded ideas or reconsidered their propositions, blurring a rigid distinction between the various feminist directions. Furthermore, within each feminist perspective, differences of opinion exist over how the position of women can best be conceptualised, explained and challenged. Nevertheless, it remains possible to distinguish between the different writers largely by identifying the ways in which they account, "in the final analysis", for the position of women. Marxist feminists, for example, believe that "class ultimately better accounts for women's status and function(s)".¹⁴ Radical feminists, on the other hand, insist that "women's oppression is the most fundamental form of oppression"¹⁵, which cannot be reduced to any other forms - class or race.

Indeed, because of their differing emphases, an initial examination of the various feminist schools might suggest that the economic and sexual oppression of women each exist as distinct forms of social control. As feminist theory has progressed, however, some feminists are now attempting to highlight the interaction between these two dynamics, and in so doing, develop a more holistic understanding of the position of women within the framework of socialist feminism.

Prostitution, as the sale of women's sexual services, could be used to illustrate the intersection of these two dynamics. Throughout history, prostitution has been a form of work for women, offering some women an option of economic independence. Nonetheless, as argued earlier, prostitution cannot be viewed merely as an economic transaction between a buyer and a seller. The "favours" that are offered by women are also a fundamental and specific product of the nature of male-female sexual relations.

Insofar as prostitution points to the connections between the facets of women's oppression, it is surprising that contemporary feminists have paid so little attention to

understanding the nature of commercial sex. Studies of women's labour force participation rarely consider the market for sexual services. The examination of sexuality and sexual violence suffered by women has focussed extensively on the problems of pornography, rape, domestic violence and abortion with only a cursory conceptual analysis of prostitution.¹⁶

Rather obviously, prostitution requires that there be a buyer and a seller of sexual services. When examining the forces which make up the institution of prostitution, therefore, an adequate analysis would have to identify the determinants of the demand for, and the supply of commercial sex. Each feminist approach can thus be compared and evaluated in terms of two overlapping criteria: firstly, the extent to which they (can) account for both "sides" of the sexual market; and secondly, the ways in which they confront the interaction of these two forces, both in theory and in policy recommendations. Although it is recognised that each feminist direction is neither homogeneous nor mutually exclusive, the chapter seeks to consider and compare the general orientation of the different feminist perspectives.

4.1 The Libertarian Feminists

The libertarian (feminist) understanding of prostitution is neatly summarised in the assertion that "prostitution is a combination of sex and free enterprise. Which are you against?"¹⁷ For many feminists, this statement might seem a trite commentary on the sex industry. Nonetheless, it is consistent with the methodological foundations of the subjective preference theory which underpins libertarian feminism. Libertarianism locates analysis at the level of the individual and his/her freedom of choice, offers unqualified support for the operation of unfettered markets and accordingly challenges public policy and existing institutions for restraining the competitive forces of the market.

Within this framework, a prostitute is defined as someone who contracts out sexual (and possibly emotional) services for a given period of time in exchange for money. As Block suggests: "A prostitute may be defined as one who engages in the voluntary trade of sexual services for a fee."¹⁸ The only difference then between a prostitute and other forms of waged labour is in the kind of service that is supplied. By emphasising the sale of services, the analysis implies that prostitutes (and other

waged labourers) are not selling their bodies or themselves, but merely the capacity to labour. As Pateman explains, the libertarians suggest that "the body and self of the prostitute are not offered in the market".¹⁹ She can thus contract out use of her services without detriment to herself. Furthermore, the sexual exchange is cast as a **voluntary** transaction where one party receives a service and the other, a fee. For, as Block continues:

[i]f all the participants were not willing, the trades would not have taken place ... the prostitute obviously prefers her work, otherwise she would not continue it. The life of the prostitute is as good or as bad as she wishes it to be. She enters it voluntarily, qua prostitute, and is free to leave at any time.²⁰

In other words, like any form of contract that operates across the market, prostitution is viewed as a relation between two consenting individuals.

Contractarians defend prostitution as a form of employment for women by insisting that "**people have a human right to engage in commercial sex**".²¹ They question social disapprobation and prohibition of prostitution, arguing rather that "all voluntary human relationships, from love relationships to intellectual relationships, are trades".²² And "if there are trades, there are also payments".²³ Far from prostitution being an immoral pursuit, these theorists suggest:

... all relationships where trade takes place, those which include sex as well as those which do not, are a form of prostitution. Instead of condemning all such relationships because of their similarity to prostitution, prostitution should be viewed as just one kind of interaction in which all human beings participate.²⁴

Many prostitutes are seen to operate as individual entrepreneurs, who take economic risks and who operate with the incentive to earn as much as they like. Libertarians thus associate prostitution with capitalist endeavour.²⁵ The demand for and the supply of commercial sex (as with other kinds of employment) is therefore cast in economically, politically and sexually neutral terms. The demand for certain services is met by a supply of these services, with price regulating the exchange. Although libertarians recognise "many negative aspects experienced by prostitutes"²⁶, they argue that:

These sordid aspects have little to do with the intrinsic career of prostitution. There are nurses and doctors who are kidnapped and forced

to perform for fugitives from justice; there are carpenters who are drug addicts; there are bookkeepers who are beaten by muggers. We would hardly conclude that any of these professions or vocations are suspect, demeaning, or exploitative.²⁷

In their defence of prostitution, contractarians do make one qualification, however, a stipulation that ultimately characterises their defence of capitalism in general. To ensure that the price mechanism accurately reflects the tastes and preferences of both the buyers and the sellers of commercial sex, they insist on the existence of free markets. This emphasis on free exchange underpins the libertarian (feminist) position on the politics of, and policies towards, prostitution.

The libertarian conception of individualism implies that an individual will only experience freedom of choice and autonomy if he or she operates in a market free from legal and political constraints:

... the libertarians emphasise the importance of free markets as providing the opportunities for individuals to make decisions for their own lives by determining their relations to others on the basis of contracts rather than on the basis of tradition or of centralised decisions.²⁸

By viewing all human interactions as trades, and thus as governed by market forces, libertarians reject government intervention both in the formal economy and in the more loosely defined private economy. Indeed, these theorists question the effectiveness of laws by challenging both the authority and the ability of governments to decide what is right for the individual and what is not. In transferring this general analysis to that of prostitution, the libertarians would reject a policy of legalisation, and therefore legal regulation, for two reasons.

Firstly, they argue that no business, including prostitution, should be regulated by government. Policy is not seen as serving the aggregate interests of the public. Rather, it is viewed as distorting the neutrality of a market mechanism founded on the "natural" regulatory forces of competition and individual self-interest. The assumption that all individuals are rational and act in their own self-interest applies also to those individuals involved in political decision-making. Politicians or public employees therefore are not seen as selfless economic eunuchs, but as responding instead to incentives.

Secondly, as feminists, these theorists argue that "laws concerning prostitutes are part

of the general legal position of all women ... (they) are not just anti-prostitute, they are anti-women as well".²⁹ The implicit argument is that male domination is legally initiated, entrenched and protected in society. The analysis, however, does not question why there should be the incentive for this domination.

With their emphasis on free markets and individualism, the libertarians advocate that prostitution be decriminalised, with all laws pertaining to this profession eliminated. This would allow prostitutes and their clients the freedom to "pursue their own, uncoercive lifestyles".³⁰ Consequently, they reject the licensing of prostitutes, for example, because this would empower the government with the right to decide who could be a prostitute and who could not. Similarly, they argue that if it is mandatory for prostitutes to have regular check-ups, then everyone who engages in sexual intercourse should be made subject to a similar requirement. In short, these theorists protest that "legalisation just exchanges the existing set of laws for another, and is neither a feminist nor a libertarian solution".³¹

4.1.1 Appraisal

In arguing that prostitutes, and women in general, are victims of prevailing law, the libertarian analysis points to an important dynamic in the oppression of women. In this regard, it highlights the extent to which women "are at the same time especially protected and especially punished".³² For example, libertarians show how the institution of marriage is subject to a variety of legal controls, in terms of which the man is usually ascribed the status of the primary bread-winner and accordingly, is empowered as the protector of the wife. Yet, in most countries, married women historically have not had access to legal protection in the event of physical abuse by their husbands. The libertarian position suggests that laws against prostitutes are an extreme form of laws against women in general, and actively deny a woman the right to control her own life and body.

Nonetheless, one may be forced to challenge the cogency of a position that assumes the sex industry to be coercive and oppressive only because of its immediate legal constraints. In particular, the libertarian analysis of prostitution as a contract between two consenting individuals begs one fundamental question. If hypothetically, a prostitute can be of either sex, why is it that historically, most prostitutes have been

women? Why is it that men "demand" sex and women "supply" it? Libertarians respond to this inquiry by seeing female prostitution merely as "a contingent fact about prostitution".³³ But this response simply questions why **this** particular contingency should have arisen historically over others.

A study of female prostitution must consider what circumstances and conditions precipitated the development and ideology of female (and not male) sexuality as a service. This, it has been argued, requires an investigation that examines the role of socialisation, patriarchal standards and economic inequalities and expectations. Such questions fall outside the scope of an analysis which focuses on individual choices between competing goods. As Peattie and Rein suggest, libertarian theory:

does not usually inquire into the sources of preference; it further has difficulty in dealing with actions taken out of coercion or commitment. Thus it has serious difficulty with the complex combinations of coercion, commitment, and group belief and value structure which make up human institutions.³⁴

It becomes extremely difficult to view prostitution in sexually and economically neutral terms once an analysis inquires into the constraints on individual choice.

In this sense, the libertarian understanding does not go far enough, focussing on legal constraints without looking beyond or behind these factors, or questioning why they should exist at all. A further criticism may be leveled at their analysis, however, one that challenges the internal consistency of the libertarian position itself. If sex (and emotions) are both viewed as services to be offered in a market between consenting adults, then surely the contractarians should question the survival of marriage, as (ideally) a long-term commitment between two individuals. As Pateman suggests:

Contractarians who defend an ostensibly sexually neutral, universal, sound prostitution have not, as far as I am aware, taken the logic of their arguments to its conclusion. The final defeat of status and victory of contract should lead to the elimination of marriage in favour of the economic arrangement of universal prostitution in which all individuals enter into brief contracts of sexual use when required.³⁵

Pateman's observation is important, for it highlights the limitations of an analysis which accepts unquestioningly the existence of the sex industry, which casts the demand for, and the supply of sex in purely economic terms, and which bases its policy prescriptions on such a premise.

In this regard, the liberal feminist investigation may be seen as an advance over the libertarian position. Although both feminist directions concentrate almost exclusively on the political discrimination against women, liberal feminists at least attempt to situate this discrimination in a dynamic rather than a static context. They recognise ways in which existing laws and public institutions have socialised people into defining women in terms of their sexuality. More recently, liberal feminists have acknowledged that simply eliminating sex-biased laws would not eliminate these socialised attitudes and norms, and consequently they have identified the need for active and affirmative state intervention. The main methodological difference between the libertarian and liberal feminists therefore lies in how the respective theorists envisage the creation of an environment free from sex (and all other forms of) discrimination, and, accordingly, the weight that should be attached to public policy.

4.2 The Liberal Feminists

... liberal feminists believe that the treatment of women in contemporary society violates their rights to liberty, equality and to justice - as well as constituting an irrational use of society's human resources.³⁶

When addressing the nature and "desirability" of prostitution, liberal feminists use the liberal political values of equality, liberty and justice as the benchmark of their analysis.³⁷ The pursuit of these goals, they argue, is important if women are to achieve independence, dignity, and self-fulfillment. A just society is therefore one which "allows individuals to exercise their autonomy and to fulfill themselves ... [where the] whole system of individual rights is justified because these rights constitute a framework within which we can all choose our own separate goods, provided that we do not deprive others of theirs".³⁸

In evaluating the position of women in general, liberal feminists suggest that these values are precisely those that have been violated by the existence of sex discrimination. The labelling of women as a group, rather than in terms of their individual interests and abilities, has prevented women from developing their full human potential and has denied them the possibility to pursue their self interest.

Prostitution, as one form of work undertaken primarily by women, highlights the liberal feminist concern with the constraints on women's freedom of choice and human fulfillment. In present (capitalist) societies, liberal feminists question whether many women have freely chosen prostitution as a form of employment. Rather, they suggest that the existence of sex discrimination has curtailed their choices in three ways.

Firstly, and as the fundamental constraint, liberal feminists argue that because of discriminatory practices, women have been denied the opportunity to develop their "rational faculties".³⁹ As a result of a socially constructed division of labour, women's autonomy has been limited in all aspects of their lives. Women have come to accept that they are best suited to work such as child-care and domestic labour, which these theorists argue is unskilled, menial and degrading work that "does not allow the exercise of the human capacity for reason".⁴⁰ Thus Friedan, in *The Feminine Mystique*, argues:

The feminine mystique says that the highest value and the only commitment for women is the fulfillment of their own femininity. It says that the great mistake of Western culture, through most of its history, has been the undervaluation of this femininity. It says this femininity is so mysterious and intuitive and close to the creation and origin of life that man-made science may never be able to understand it. But however special and different, it is in no way inferior to the nature of man; it may even in certain respects be superior. The mistake, says the mystique, the root of women's troubles in the past is that women envied men, women tried to be like men, instead of accepting their own nature, which can find fulfillment only in sexual passivity, male domination, and nurturing maternal love. But the new image this mystique gives to ... women is the old image: 'Occupation: housewife'. Beneath the sophisticated trappings, it simply makes certain concrete, finite, domestic aspects of feminine existence ... into a religion, a pattern by which all women must now live or deny their femininity.⁴¹

Friedan rejects therefore the notion of a separate female identity which is biologically based and which dictates to women the nature and purpose of their existence. She also challenges the substance of this existence, arguing:

But forbidden to join men in the world, can women be people? Forbidden independence, they finally are swallowed in an image of such passive dependence that they want men to make the decisions, even in the home. The frantic illusion that togetherness can impart a spiritual content to the dullness of the domestic routine, ... betrays the measure of women's loss and the emptiness of the image.⁴²

Secondly, liberal feminists challenge contemporary definitions of sexuality, in terms of which women's sexual liberty has been constrained. In particular, they suggest that women have been portrayed, and come to perceive of themselves as sex objects. They have been socialised by sex education, social expectations and the socially constructed sexual division of labour to "express their sexuality in a way pleasing to men".⁴³ Friedan refers to the process of "the sexual sell", which integrates the objectification of women with the rise in consumerism and the manipulation of women's needs:

Like a primitive culture which sacrificed little girls to its tribal gods, we sacrifice our girls to the feminine mystique, grooming them ever more efficiently through the sexual sell to become consumers of the things to whose profitable sale our nation is dedicated.⁴⁴

Thirdly, liberal feminists identify the existence of customary discrimination which has prevented women from acquiring skills, equal education and equal job opportunities. This form of discrimination exists inside the labour market directly, where employers deny women access to on-the-job training and job promotion by virtue of the fact that they are "women". It originates in primary education, however, which Friedan suggests is "sex-directed" and which moulds the expectations and abilities of young girls:

Instead of stimulating what psychologists have suggested might be a 'latent' desire for autonomy in the girls, the sex-directed educators stimulated their sexual fantasy of fulfilling all desire for achievement, status, and identity vicariously through a man. Instead of challenging the girls' childish, rigid, parochial preconception of woman's role, they cater to it by offering them a potpourri of liberal-arts courses, suitable only for a wifely veneer, or narrow programmes such as 'institutional dietetics', well beneath their abilities and suitable only for a 'stop-gap' between college and marriage.⁴⁵

Liberal feminists see the individual as responsible for the choices that they make. But they understand women's choices as being more constrained than men's. The fundamental implication of sex discrimination is that it limits women's potential in life, and entrenches her economic (and sexual and social) dependence on men. Whilst many women still choose to become housewives and to "fit the stereotype", liberal feminists point to the limited alternatives to this choice.

Prostitution, as a specific type of work performed, possibly, by unskilled women,

similarly must be seen in context of these constrained choices. Whilst women may "choose" to become prostitutes, the liberal feminist analysis would identify the act of choosing to do so as reflecting also limited employment opportunities, discriminatory sexual norms and social constraints on women's autonomy and potential for rationality. As a direct corollary, the demand for prostitutes may be seen to be a product of men's greater economic bargaining power in the market and their perceptions of women's sexuality. On these grounds, the existence of prostitution would represent an infringement of the liberal feminist commitment to equality and liberty.

Importantly, however, the liberal feminist evaluation of prostitution is expressed in terms of liberal political values and not moral considerations. Consequently, these feminists are able to distinguish between prostitution as it exists in contemporary countries which discriminate against women, and prostitution as it could exist in a non-sexist society. Prostitution *per se* is not portrayed as a consequence of discriminatory norms and practices. Furthermore, like the libertarian feminists, they do not condemn the sale of sexual services itself, provided this pursuit is freely chosen. For, as Jaggar explains, "[l]iberals do not conceive one's body to be an essential part of oneself, so there seems to be no reason why one's sexual services may not just as well be sold as one's other abilities".⁴⁶

Liberal feminists identify the most important goal of women's liberation as that of sexual equality, or "gender justice". Their conception of this equality assumes that contemporary society "remains structured in ways that favour men and disfavour women in the competitive race for the goods with which our society rewards us: power, prestige, and money".⁴⁷ Liberal feminists do not question the nature of these rewards⁴⁸, and seek therefore the complete integration of women into the main arenas of contemporary society - the public life of industry, education, commerce and politics. The intrinsic nature of existing economic and political structures is not called into question, although their contemporary manifestations are. These feminists advocate a progressive capitalism, free from all forms of sex-based (and other) discrimination, to be achieved through the process of reform. Within the context of such a reformed environment, they then concur with the libertarian feminist argument that prostitution be allowed to operate as any other occupation, free from government intervention and regulated by the market forces of competition. The question of the future of prostitution is thus translated into the more general question of how a non-sexist society may be established. But it is on this point of how to

remove the hurdles of sex discrimination that the liberal feminists disagree.

It is possible to identify two strands of liberal feminism: the classical liberal feminists who are more closely aligned with the libertarian position; and the welfare liberal feminists who focus on economic justice rather than merely on civil liberties.⁴⁹ In general, liberal feminists concentrate largely on the nature of existing sex-biased laws which, they argue, are a primary determinant of the injustices presently experienced by women. Early feminists, who identified with the classical liberal position, demanded that both the application and the formulation of the law be neutral, so that the legal mandate for sex discrimination could be removed. In this sense, gender justice:

... requires us, first, to make the rules of the game fair and, second, to make certain that none of the runners in the race for society's goods and services is systematically disadvantaged; gender justice does not also require us to give the losers as well as the winners a prize.⁵⁰

Many contemporary liberal feminists, however, have found that *de jure* formal equality between men and women has not produced *de facto* equality. Rather, they have been forced to recognise the pervasive and powerful effects of a discrimination that has socialised people to view women as inferior and as sexual objects, a discrimination which therefore remains resistant to rational arguments for its removal. Friedan's *The Second Stage*⁵¹, written nearly twenty-five years after *The Feminine Mystique*, may be understood as a progression from a classical liberal feminist position to a welfare liberal feminist position. For, in *The Second Stage*, Friedan:

reminded her readers that single mothers living on welfare, widowed homemakers living on social security, and divorced women living on substantially reduced incomes cannot be said to have the same opportunities to compete in the marketplace as do women who are fully supported by men. If equal opportunity is society's goal ... then the government must provide single mothers, as well as widowed and/or divorced homemakers, with an adequate subsidy.⁵²

In moving away from her 1960s statement of gender neutral laws to her 1980s advocacy of positive intervention, Friedan identified the second stage in women's fight for equality, a stage that "has to transcend the battle for equal power in institutions. The second stage will restructure institutions and transform the nature of power itself".⁵³

In essence, she attempted to translate the idealism of the "superwoman", who could combine career and family simply by being efficient, with the reality of single women and mothers who needed state support, and with the practical difficulty of career-marriage combinations. Friedan therefore insisted that in the second stage:

its mode of necessity leaves behind fixed positions of ideological purity. We now have to deal with the problems of the second stage politically, as women and men are already dealing with them personally, with a diversity of fluid, shifting approaches, geared to the concrete demands of the individual situation, with whatever means are available.⁵⁴

This recognition separates the policy proposals of the welfare liberal feminists very clearly from those of the libertarian feminists. For the former's demands now rely on the law to both remove a legal basis for discrimination and to actively overcome sexual inequalities. Equality for women and men no longer implied treating them in the same way.

In the pursuit of equality for women, welfare liberal feminists advocate the creation of affirmative action projects, state-funding of special job-training programmes for women and the provision of public childcare facilities. The realisation of these demands, together with the re-education and resocialisation of people, would minimise the constraints on a woman's occupational choice. Even if the constraints on this choice had been reduced to an absolute minimum, however, some women might still choose the option of prostitution out of self interest.

By removing sex injustices, these feminists also suggest that prostitution would shed its image as a female occupation. Sexual services would then become simply one other service offered in the market, with its demand and supply being independent of gender. With the eventual creation of a free market, and the elimination of sex (and other) discrimination, prostitution would be regulated by competitive forces and the price mechanism.

4.2.1 Appraisal

When evaluating the liberal feminist analysis it may be argued that rather than merely accepting the existence of a market for sexual services, as do the libertarians, the liberal feminists attempt to account, at least in part, for its institutional form in contemporary capitalist societies. Although they do not question the institution of prostitution itself, their work extends the understanding of the demand for, and the supply of sexual services in its historically specific forms, by identifying those factors (unequal opportunities, social practices and the sexual double standard) which influence these market forces and the nature of choice. Ultimately, however, the two approaches concur in their vision of the future of prostitution. They may differ on how a sexually "neutral" market for these services may be created, but they do not question the desirability or the feasibility of such a market.

What divides libertarian and liberal feminists from Marxist, radical and socialist feminists is the explicit rejection of prostitution by the latter, as opposed to its implicit or explicit (in the case of the libertarians) acceptance by the former. The defining characteristic of the Marxist, radical and socialist feminist directions is the attempt to uncover the structural nature of women's oppression. For the Marxist feminists, this entails examining the dynamics of the capitalist mode of production of which exploitation and oppression are an objective component. Accordingly, they highlight the structural dimension of the supply of sexual services, unpacking the reasons for the commoditisation of labour power in general, and within these relations, accounting for the unequal economic opportunities available to women. For the radical feminists, the oppression of women is understood as a function of patriarchy which is seen to "intersect only incompletely with capitalism".⁵⁵ In this context, these theorists could be argued to concentrate more exclusively on the structural determinants of the demand for sexual services, questioning why it is, in terms of patriarchal structures, that women's sexuality should be seen as a commodity at all. In its claim to offer a holistic understanding of the position of women, socialist feminism seeks to provide a more rigorous analysis of the interaction between capitalism and patriarchy, and between women's economic and sexual oppression. As a confluence of Marxist and radical thought, one that accords class and gender oppression equal explanatory weight, socialist feminism could be seen to provide an analysis of prostitution that accounts for the structural determinants of both the demand for, and the supply of sexual services.

All three approaches are sceptical of the extent to which reform and the freeing of markets could liberate women. By questioning why it is, for example, that laws are sex-biased in the first place, or why women's sexuality should have been commoditised and not men's, they challenge the vision of a sexually and economically neutral prostitution. Although it can be argued that decriminalising and legalising prostitution would alleviate some of the immediate problems faced by prostitutes, the liberation of all women is argued to entail the demise of capitalism and patriarchy, and the creation of a society in which the foundations of, and reasons for prostitution would be eliminated.

4.3 The Marxist Feminists:

In arguing that the roots of the secondary status of women are in fact economic, it can be shown that women as a group do indeed have a definite relation to the means of production and that this is different from that of men. The personal and psychological factors then follow from this special relation to production ... If this special relation of women to production is accepted, the analysis of the situation of women fits naturally into a class analysis of society.⁵⁶

The Marxist feminist understanding of prostitution (in capitalist societies) rests on two broad analogies: that between prostitution and wage labour under capitalism; and that between prostitution and the nature of the (bourgeois) marriage. Consequently, this analysis must be seen in the context of the general Marxist critique of the capitalist mode of production, a critique which attempts to demystify social reality, thereby revealing the oppression, alienation and exploitation of the working class. Indeed, the distinguishing characteristic of Marxist feminism, as the extension of the classical Marxist tradition to questions of gender, is precisely its emphasis on capitalism and class in its explanation of the position of women:

What is distinctive about Marxist feminism, then, is that it invites every woman, whether proletarian or bourgeois, to understand women's oppression not so much as the result of the intentional actions of individuals but as the product of the political, social, and economic structures associated with capitalism.⁵⁷

In this sense, Marxist feminists have tended to focus on "women's work-related concerns"⁵⁸, thereby providing an understanding of the relationship between the institution of the family and capitalism, and of the nature of women's domestic work and labour force participation. Although Marxist feminists have not offered a comprehensive conceptual analysis of prostitution, the starting point of their examination of prostitution (and women in general) would be to draw a distinction between the labour force participation of men and women under capitalism.

In pre-capitalist society, the household was largely self sufficient, and women and children were involved actively in the production process. With the removal of production from the home, the sexual division of labour came to be defined more rigidly in terms of production and reproduction.⁵⁹ In theory, at least, women were seen to be responsible for the reproduction of the male labour force, an assumption which was upheld partly by the "family wage".⁶⁰ As a result, they were denied adequate access to the newly defined work place (acting as a reserve army of labour), and thus to economic independence. The material basis for women's inferior status lies thus in the separation between the spheres of production and reproduction, and men's responsibility for the former. As Benston, for example, argues:

... women are not excluded from commodity production. Their participation in wage labour occurs but, as a group, they have no structural responsibility in this area and such participation is ordinarily regarded as transient. Men, on the other hand, are responsible for commodity production; they are not, in principle, given any role in household labour ... The material basis for the inferior status of women is to be found in just this definition of women. In a society in which money determines value, women are a group which works outside the money economy. Their work is not worth money, is therefore valueless, is therefore not real work.⁶¹

Women's responsibility for reproduction, which was unpaid, implied that they had to "connect themselves financially to men"⁶² to survive.

Women's dependence on men could take on one of two forms. Women could either marry, and "sell" their sexual services implicitly, or they could sell sexual services explicitly as prostitutes. In either case, they were selling themselves, as women. Thus, for Marxist feminists, the difference between a prostitute and a wife ultimately is seen "as merely a difference of degree, not of kind. Both sell themselves - that is, their sexual services and, in the case of wives, also their domestic and nurturing services - for economic livelihood".⁶³ Engels drew the analogy between a wife and a

prostitute explicitly in *The Origins of the Family, Private Property and the State*, arguing that the wife "differs from the ordinary courtesan only in that she does not hire out her body, like a wage-worker, on piecework, but sells it into slavery once and for all".⁶⁴

Prostitution, then, either in terms of the explicit sale of sexual services or in the form of a marriage contract, is seen to be a function of economic need. This need is created by the lack, or nature of opportunities available to women in the capitalist production process, but it derives, more fundamentally, from the separation of labour from the means of production.

The economic necessity of selling one's services further highlights the relationship between prostitution and wage labour. With the emergence of capitalist production for exchange as opposed to for use, and the creation of "free" labour that had been divorced from the means of production, labourers were forced to sell their services in the labour market for a wage. Labour power, as the capacity for useful labour, became a commodity that had to be sold to capital for survival. Similarly, under capitalism, women's sexuality became a commodity to be sold, not to capital but to men. Marxist feminists would argue further that like other forms of wage labour, prostitutes are alienated from their work. They would thus reject the liberal and libertarian contention that the sale of sexual services can be distinguished from the sale of the labourer and the person, rather insisting that "selling oneself, whether as a wife or a prostitute, alienates one from one's work because that work is being done for another, not for oneself".⁶⁵ Indeed, it may be argued that the alienation of the prostitute is "particularly appalling", for she is selling "what is closest to her: her body, her sexuality".⁶⁶

The fundamental distinction between the Marxist feminist analysis and the previous two approaches to prostitution is best exposed by examining the question of policy. Both the liberal and the libertarian feminists consider the future of prostitution in terms of their belief in the capitalist system. Specifically, it is argued that through reform and the creation of free markets, the sexual objectification of women and inequality in opportunities would be eroded, thereby allowing prostitution to become simply one occupation available to both men and women.

Marxist feminists, however, deny that this is possible. They argue that there is a structural relationship between capitalism, prostitution and women's oppression.

Marxist theory suggests that in general:

... the proclaimed legal and political equality granted by bourgeois liberal society is undermined by the fundamental inequalities in real power created by the economic system. The economic powerlessness of the workers, with no resources but their labour, leaves them at the mercy of individual employers and of booms and slumps. This lack of economic power means that, in practice, the state and the law operate against the interests of the workers, whilst dominant social attitudes and the institution which shape opinion assert the justice and necessity of the capitalist system.⁶⁷

As Marxists, these feminists therefore point to a material basis to the sex-specific oppression of women, which by definition is resistant to the process of reform. As Carter argues:

The position of women seems in some ways analogous [to that of the working-class]: women appear to form a permanent underclass in terms of low wages, low status and lack of political influence, and a Marxist critique of liberalism seems to offer an approach to uncovering the roots of women's inequality behind a facade of equal opportunities.⁶⁸

Prostitution in capitalist societies is seen to reflect the economic position of women and highlights the sex-specific nature of women's oppression in general. To legalise prostitution, then, serves simply to legalise the subordination of women. The question of the sex industry therefore must be seen in the broader context of the liberation of women. To this end, Marxist feminists call for the transformation of society and a fundamental restructuring of the sexual division of labour. As Trodd argues, "nothing will really be solved until the central question of women's responsibilities for housekeeping and child rearing is dealt with, and **that will take a complete reorganisation of society**".⁶⁹

Marxist feminists do not address, therefore, the future of prostitution within capitalist societies but rather, they refer the question to the creation of a society where the material basis for all forms of oppression would be eliminated and where prostitution would no longer be an economic necessity for some women. A developing Marxist feminism on prostitution, however, might point to an interim policy towards prostitution, one that is informed by the analogy made between the wage labourer and the prostitute. The ultimate goal of Marxists is to create an economy free from exploitation and alienation. Recognising, however, that workers have to sell their labour power to survive, they suggest that workers act so as to protect their interests

from capital, as well to form a basis for political struggles against capitalism. Similarly, if one is to argue that prostitution provides a form of living for some women, one could infer that for as long as capitalism exists, prostitutes need both to protect their interests from, and offer some opposition to the *status quo*. As workers then, they should form trade unions. These would offer prostitutes recourse to legal protection in the event of sexual harassment on the job, violence, abuse, rape, theft and intimidation as well as adding their voice to the broader debate.

4.3.1 Appraisal

Marxist feminism focuses on women's relations to the production process, specifically the capitalist production process. The sexual dynamic is understood as a by-product of this force. Their emphasis, it can be argued, limits their understanding of prostitution, and more generally, of the position of women, to a specific historical period and to particular economic structures. The Marxist feminist understanding raises questions of why prostitution should have existed in pre-capitalist societies; why it continues to exist in "socialist" countries; why historically women have been defined in terms of their "sexuality"; why this sexuality has been objectified in the ways that it has been; and accordingly, why men should demand women's sexual favours.

In arguing that prostitution is a function of economic need, the Marxist feminists draw a structural link between this need and capitalist relations of production. Although their approach accounts for the form of prostitution under capitalism, they do not (or are unable to) account for the existence of prostitution under other relations of production. Their arguments imply that once economic exploitation and oppression have been eliminated, with a fundamental restructuring of the relations of production, relations between men and women would also be transformed and sex would cease to be a commodity.

In 1979, a Soviet historian confidently declared that the Soviet Union was the first country in the world to have eradicated prostitution: "The experience of the USSR has proved that prostitution is explained by social reasons and exists only where there is private property".⁷⁰ This report reflects a silence on the subject of Soviet prostitution, a silence which was only broken at the beginning of 1986, rather than the

reality of prostitution in the USSR. This silence, Waters argues, was part of a propaganda that "compared the unhappy women of the west, frequently driven by economic need onto the streets, with Soviet women who enjoyed every right and equality".⁷¹

Before 1986, prostitution was perceived of as an isolated phenomenon, and where it did exist, it was understood as a moral problem about the kinds of women who chose this profession. Prostitutes were described by the Soviet press as "weak-willed, unable to resist the lure of the bars and restaurants, self-centred, caring inordinately for fine clothes and cosmetics, thinking only of themselves and their material comfort".⁷²

After Gorbachev took over as General Secretary of the Soviet Communist Party, and the policy of *glasnost* (openness) became more firmly established, the press began to acknowledge the prevalence of prostitution, "previously recognised only as [an] affliction of capitalist society".⁷³

Although one may question the extent to which the USSR succeeded in transforming capitalist relations of production, the experiences of women in the Soviet Union show clearly that women's oppression is not exclusive to capitalism. In the early 1930s, the Communist party declared that the "woman question" had been solved, and that "women were sufficiently equal to fend for themselves without special organisations".⁷⁴ As Waters notes, however: "[w]omen's rights have not so far emerged as a major issue because no one ascribes special importance to them, neither the Communist Party, nor the general public, nor the Soviet intelligentsia".⁷⁵

The Soviet "commitment" to socialist ideology did not include challenging the assumptions that women should shoulder the major responsibility for childcare and that waged work was not as central for women as it was to men: "Women's secondary position in the labour force, their lack of skills and low wages, and their social subordination in the family and public life are not recognised as urgent issues".⁷⁶

These arguments suggest that an adequate understanding of prostitution, and the position of women in general, must look beyond capitalist relations of production to the question of whether there are other processes that uphold sex inequalities and that determine the nature of gender relations.

4.4 The Radical Feminists

Whereas Marxist feminists use a materialist analysis to account for the prevalence of prostitution, radical feminists focus on the sexual oppression of women and address the demand for the services of (female) prostitutes in all (and not simply capitalist) societies. This difference in emphasis, and its implications for their respective studies of prostitution, may be attributed to the radical feminist argument that the sexual dynamic is fundamental in all societies. Sexual oppression, in this view, is seen to have preceded the advent of private property and class oppression. As Firestone, in her statement of radical feminism insists:

... an economic diagnosis traced to ownership of the means of production ... does not explain everything. There is a level of reality that does not stem directly from economics... It would be a mistake to attempt to explain the oppression of women according to [a] strictly economic interpretation. The class analysis is a beautiful piece of work, but limited: although correct in a linear sense, it does not go deep enough. There is a whole sexual substratum...⁷⁷

The claim that women's oppression is the most fundamental form of oppression has been interpreted by Jaggar and Rothenberg as meaning:

1. That women were, historically, the first oppressed group.
2. That women's oppression is the most widespread, existing in virtually every known society.
3. That women's oppression is the deepest in that it is the hardest form of oppression to eradicate and cannot be removed by other social changes such as the abolition of class society.
4. That women's oppression causes the most suffering to its victims, qualitatively as well as quantitatively, although the suffering may often go unrecognised because of the sexist prejudices of both the oppressors and the victims.
5. That women's oppression ... provides a conceptual model for understanding all other forms of oppression.⁷⁸

The radical feminist understanding of prostitution is premised on the primacy of sex oppression and, accordingly, on an identification of patriarchy as "the ... mode which defines the system of male domination and female subjugation in any society".⁷⁹ Patriarchy is argued to govern the relation between men and women, where individual personal and sexual relationships are seen as reflecting "the social structure of power relationships and the associated psychological attitudes".⁸⁰ Prostitution, therefore, is viewed as only one aspect of the sexual enslavement of women. It is one

manifestation of the male definition of, and control over women's sexuality, a process which ranges from the social definition of femininity to rape, pornography and sexual abuse in general.

The demand for prostitutes' services, however, is an overt expression of patriarchal ideology which "defines women in a way specific to their sex, as beings whose special function is to gratify male sexual desires and to bear and raise children".⁸¹ "Men's need to maintain their private property in women", O'Hara argues, and their contradictory need "to express their sexual hostility towards all women", has created a dichotomy between the "wife" and the "whore".⁸² Prostitution serves both to maintain and obscure this dichotomy, a division which O'Hara suggests:

... partially hides their real status as sexual property from women who are supposedly 'respectable', whose attitude towards women who work as prostitutes is often one of hostility and contempt. This arises partially out of an attempt to deny that men see all women in essentially the same way as they see all women who work as prostitutes.⁸³

In confronting the question of prostitution, radical feminists therefore expose the double standard of patriarchal culture which evaluates women in terms of their sexuality and depicts them either as virginal, honourable, caring and married or as promiscuous, seductive and dishonourable.

Dworkin makes this polarity in sexual standards explicit in *Right-wing Women*⁸⁴ when she identifies two models that best explain the definition of women within patriarchy. These two models, she suggests, are the "farming model", which relates to motherhood, and the "brothel model", which refers to prostitution. Both models reflect and consolidate male power over women, and entrench the objectification of women, with women represented not as whole persons, but as mere functions.

For men, Dworkin argues, the "brothel model" functions effectively as an ideology for legitimating male power. Male control over women's bodies is enforced by the determinants and nature of prostitution; through hunger, drugs, alcohol, desperation and manipulation. "Made to depend on men not simply for their livelihood but also for their very lives, prostitutes hand over their bodies to men who literally use them up or waste them."⁸⁵

The "farming model", however, is less effective as a mode of control. Dworkin draws

an analogy between the farmer's relationship to his land and his crops, and the man and the woman within this system. Whilst the farmer has ultimate control over his land, he is also dependent on its product. Care of the land requires energy and considerable input, and still there is no guarantee that the land will produce a good yield. Similarly, in order to receive the best domestic and reproductive returns from his wife, "it is not in any husband's best interest to use up or waste his wife too quickly. A wife, it turns out, is not as easily replaceable as a prostitute is".⁸⁶ Thus, argues Dworkin:

The farming model requires the constant application of force (explicit or implicit, usually a nice combination), incentive, reward; and a lot of plain luck with respect to fertility and reproductive vigour. When a man wants sons, as most do, the inefficiency inherent in the model is particularly emphasised: no matter how many babies she has, there is no certainty that any of them will be male.⁸⁷

The function of the prostitute, to satisfy male sexual needs and to provide sexual gratification, is more easily controlled and requires considerably less effort and no emotional input. This control is enforced further by the juxtaposition of the prostitute with the wife, and the use of legal structures to protect and nurture the woman as wife, and to criminalise the woman as prostitute.

Radical feminists insist that the same system which creates the "farming model", creates also the "brothel model". Patriarchy has not only defined women's sexuality as existing in one of two polar opposites, but it has also defined all male sexuality in terms of a stronger sex drive that is spontaneous, genital and demanding release. These characteristics form the definition and identification of masculinity, which men are encouraged to express by gaining sexual experience before marrying.

The contradiction emerges that if men are to marry the honourable feminine and thus desirable women, as wife and mother, they can only indulge their sexual prowess with "fallen" women, the archetype of which is the prostitute. Prostitution also serves the sexual needs of married men who are away from home, or whose wives who may be "frigid". A wife who is sexually disinterested is foreseen as a real possibility, for the sexuality of wives and mothers is understood ultimately in reproductive terms. It is not surprisingly, then, argue the radical feminists, that extra-marital exploits by men, if not actually condoned, are regarded as far less reprehensible and more understandable than the infidelities of "manipulative" women.

Prostitution is therefore portrayed by patriarchal ideology as a necessary evil, which offers an outlet for men's sexual energy, shielding the nuclear family and marriage from more threatening emotional attachments. Prostitution is thus created by patriarchy to satisfy male sexual needs, yet the prostitutes themselves are condemned by the very same ideology. Yasmin, a prostitute, summarises this contradiction when she argues: "Men call us 'whores' or 'slags' but really it's them. They are condemning us for the job that they make happen because without them, there wouldn't be us".⁸⁸

Radical feminism thus seeks to demystify patriarchal ideology which suggests that men are enticed by prostitutes (given men's natural sexual urges) by pointing out "the total coerciveness of a social system in which the primary criterion for evaluating women, other than their fertility, is their sexual attractiveness to men".⁸⁹

The ultimate objective of radical feminism is to eliminate completely the male domination of women, allowing women to "escape from the cages of forced motherhood and sexual slavery".⁹⁰ In the short term, these feminists thus point to the need for women to gain control over their own bodies and to limit the power of male sexuality, thereby challenging the system of sexual politics, of power-structured relationships "whereby one group of persons is controlled by another".⁹¹ As Shulman argues, having recognised that sexual relations are deeply affected by "the general power relations prevailing between the sexes", the way to change these sexual relations is "through solidarity and struggle to change the power relations, and that the way to discover how these relations oppressed women [is] through consciousness raising".⁹²

To the extent that heterosexual relationships will always assume an oppressive power relationship, however, some radical feminists have identified the long term goal of creating a superior and self-sufficient female culture, informed by the values of "wholeness, trust and nurturance, of sensuality, joy and wildness".⁹³ To this end, radical feminists may express a sympathy with prostitutes themselves as victims of patriarchy, but they completely oppose the existence of prostitution itself.

In asking women actively to reject male definition of their sexuality, radical feminists may support "women who work as prostitutes against unjust laws, the police and pimps"⁹⁴, but in the long-term, they would demand that these women overcome their "victimisation" and leave the sex industry.⁹⁵ Ultimately, the institution of prostitution, and all forms of the sexual objectification of women are seen to be an

anathema to the liberation of women. Women must fight to eliminate male power, be it expressed in the sex industry or in the home, and thereby, actively challenge the structures of patriarchy.

4.4.1 Appraisal

The radical feminist investigation takes issue with some of the limitations of the Marxist feminist approach. It examines women's relation to the reproduction process, emphasising biology and the relation between the sexes. This focus, however, is at once a source of strength and of weakness in their approach to prostitution. Prostitution, they argue, is an important example of how men have objectified and enslaved women in all (and not simply capitalist) societies. The demand for the services of prostitutes, they thus argue, exemplifies male control over a woman's body: "... prostitution is part of the exercise of the law of male sex-right, one of the ways in which men are ensured access to women's bodies".⁹⁶

Although their approach draws attention "to the commonalities of women's experience of oppression", it simultaneously "obscures wide differences in the oppressive experiences of different women and even the fact that some women dominate others".⁹⁷ By seeing all women universally as victims of patriarchy, the radical feminist exposition dismisses the differing extents to which women resist and submit to instances of oppression, and it discounts the experiences of women, of different class and race, who supply sexual services. As a general critique of radical feminism, Hamilton suggests that:

[t]he analysis has been couched in an ahistorical framework in terms of both the race and the individual. While biological differences are constant, the institutions which have emerged from them and then turn back to magnify or lessen their effects are not.⁹⁸

In her examination of radical feminism, Barrett argues that "even in the areas where it has contributed most, such as the analysis of sexual politics, radical feminism refuses to attend to issues that cannot be incorporated into the elemental mode of male supremacy".⁹⁹

Whilst radical feminism identifies the sexual basis of the institution of prostitution

itself, it does not account adequately for (or does not have the ability to deal with) the historically specific forms of prostitution, and particularly, the **commoditisation** of women's sexuality. Radical feminism therefore does not complement its study of the sexual dynamic with references made by prostitutes themselves, "to the degree of independence and flexibility that the work allows, and to the relative ease with which prostitution can be combined with housework and care of children".¹⁰⁰

4.5 Conclusion: Moving Towards a Socialist Feminist Understanding of Prostitution

The central project of socialist feminism is the development of a political theory and practice that will synthesise the best insights of radical feminism and of the Marxist tradition and that simultaneously will escape the problems associated with each.¹⁰¹

Marxist and radical feminist studies, it could be argued, emphasise the supply of, or the demand for sexual services respectively. Neither approach, it would seem, is able to account adequately for both dynamics and thereby explain their interaction. Ultimately, an analysis is required which grants equal weight to these forces and, accordingly, which examines the interaction between the processes of production and reproduction as they exist in different modes of production. Prostitution, then, must be analysed both as "one of the myriad of ways in which women struggle to survive all over the world"¹⁰², and as "yet another service for men that is provided by women".¹⁰³ This suggests that prostitution needs to be examined in terms of the interplay between the economic and the sexual oppression of women. To the extent that women have been defined and controlled in terms of their sexuality, the reasons for the development of a **market** for sexual services must be addressed. Similarly, to the extent that women face limited opportunities in the formal labour market, and given the commoditisation of labour power in general, it must be explained why a market for **sexual** services should exist.

It will be argued below that this investigation necessitates a combination of the Marxist and radical feminist analyses. This synthesis is precisely the more general project of socialist feminism which calls for a recognition of the advantages of both the Marxist approach and the specific insights of radical feminism. Ultimately,

socialist feminism seeks to develop an analysis that combines class and sex consciousness "to provide a complete explanation of women's oppression".¹⁰⁴

4.5.1 Capitalism and Patriarchy

The primary question raised by socialist feminists such as Jaggar (1983), MacKintosh (1988) and Young (1980) concerns the interaction between capitalism and patriarchy and the ways in which this interaction can be explained. An integral aspect of this investigation is the problem of how to conceptualise patriarchy: is it to be understood outside of a material structure, such that one analyses patriarchy in the realm of ideas and ideology; or can one identify a material basis to patriarchy? This question can be reframed, particularly given the focus of a study of prostitution, to ask whether or not an analysis of sexuality, which an examination of patriarchy necessarily involves, should be in terms of "social processes which are outside the realm of production relations"?¹⁰⁵

Socialist feminism is not an homogeneous feminist direction, nor is it a completely formulated position. Not surprisingly, questions on patriarchy have produced diverse analyses, whose progressive development must be seen partly in response to critical "cross-fertilising". Mitchell, an early socialist feminist, for example, offered a nonmaterialist account of patriarchy and a materialist account of capitalism.¹⁰⁶ Patriarchy and capitalism were thus conceived of as two separate phenomena with distinct forms of social relations and sets of interests. Mitchell's understanding of patriarchy emphasised the role of the family, and particularly women's life within the family, the nature of which, she argued, was determined not only by changes in the mode of production, but also, importantly, by biosocial forces (and particularly, the interplay between biology and the social environment) and by the ideological construction of sexuality.

Hartmann, by contrast, defined patriarchy as "a set of social relations between men which have a material base, and which, though hierarchical, establish or create interdependence and solidarity among men that enables them to dominate women".¹⁰⁷ Hartmann identified the material base of patriarchy to be men's control over women's labour power, a control which restricted women's access to economic resources and which undermined women's control over their own sexuality, and

particularly their reproductive capacities. Like Mitchell, however, Hartmann is a "dual-systems" theorist who distinguishes between the social relations underlying capitalism and patriarchy.

Irrespective of whether or not patriarchy is understood in material terms, the general framework of dual-systems theory, (or the conceptualisation of patriarchy and capitalism as two distinct social forms), has been seen as problematic by other socialist feminists. Young, for example, challenges the identification of patriarchy in the family and capitalism **outside** the family, when a distinction between "inside" and "outside" the family only emerged with capitalism.¹⁰⁸ Furthermore, if class oppression is to be understood outside of the family, or more generally, in terms of capitalism, and sex oppression, inside the family or broadly in terms of patriarchy, then one may question how to conceptualise the sex oppression of working-class women within a dual-systems approach.

Rather than examine the interaction between capitalism and patriarchy in terms of a separate-spheres model, some socialist feminists are moving towards the development of unified-systems theories, which attempt to analyse capitalism and patriarchy together through the use of one central concept. Possibly the most important of these studies have been those that take the sexual division of labour, (as reflecting a gendered division), as a central category of analysis (Young (1980), MacKintosh (1988)). The primacy of the sexual division of labour, of "some sex-typing of activities", argues MacKintosh, "is a very persistent fact of human society".¹⁰⁹

In her statement of socialist feminism, MacKintosh suggests that to the extent that socialist feminists adopt a materialist methodology, their understanding of patriarchy should be sought ultimately in a material process. Whereas in "conventional" Marxist theorising, material is used to reflect production relations, however, MacKintosh argues that: "the attempt to understand ideologies of gender differentiation suggests that we may have to widen out concepts of the 'material' beyond economic processes to include the area of sexuality".¹¹⁰

MacKintosh attempts to identify the material basis of society in terms of both production and reproduction relations, which she sees as being mutually dependent. Reproduction, MacKintosh argues, must be understood as the reproduction of labour, which includes biological reproduction, as well as the care and socialisation of

children; the maintenance of adult labour power; and the relations of human reproduction "which circumscribe and determine the operation of fertility and sexuality, and construct the context for the bearing, care and socialisation of children".¹¹¹ Under capitalism, the reproduction of labour involves, for example, the production by wage labour of goods and services for consumption; the provision of state services, such as health and education; and domestic work, such as housework and child-care.

In "unpacking" the categories of the reproduction of labour, MacKintosh shows that the reproduction of labour includes many of the productive activities undertaken in society, although not all of them. She therefore argues that there is "no way in which we can divide up social activity into distinct spheres of production and reproduction ... the two concepts are not of the same order".¹¹²

She suggests further that there are some activities embodied in the reproduction of labour which appear to be more closely tied to the relations of human reproduction than others. In developed industrial capitalist societies, for example, "housework and childcare are the activities most directly influenced by the relations of marriage, or the relations of human reproduction".¹¹³ Their characteristic feature is that they are highly structured by gender and a greater rigidity in the sexual division of labour. Consequently, MacKintosh infers that "gender-typing is most rigid in areas crucial to the social relations ... of human reproduction, and which generally incorporate male dominance and control of women's sexuality".¹¹⁴

MacKintosh, therefore, is making two claims for an understanding of women's oppression. The first identifies the dependence of production relations on the relations of reproduction: "... the subordination of women through an unequal division of labour in the wage sphere ... is ultimately derivative of subordination within the marriage-based household."¹¹⁵ In her analysis of prostitution, McIntosh offers a similar argument, suggesting that "the institution of marriage and the social dominance of men provide the main conditions for the prostitution of women to men".¹¹⁶

This interdependence between the relations of production and reproduction can be understood more broadly by recognising that the sexual division of labour in reproduction relations preceded the transition to capitalist production relations. This explains how gender, and the sexual division of labour, historically become an

embedded feature of an emerging economic structure. The development of capitalism utilised and adapted this existing division, so that, as Connelly explains, "women's subordination became entrenched in the capitalist system to the point where it became crucial".¹¹⁷ Through its historical interaction with a well-entrenched gender division of labour, therefore, capitalism necessarily becomes patriarchal capitalism. Gender divisions need not have been a prerequisite for the existence of the capitalist mode of production. Historically, however, they have become an integral component of that system.

Although the relations of production, in this sense, are dependent on the relations of reproduction, MacKintosh's second claim recognises that "once established, each area of economic subordination has considerable independent momentum and acts to reinforce the other".¹¹⁸ For example, women's subordinate position in the labour market reinforces their dependence and subordination within the home, constantly recreating gender-typing in the relations of human reproduction. Importantly, this reciprocal determination implies that "changing forms of economic production ... may induce changes in the organisation of activities related to sexuality within the household and community at large"¹¹⁹, thereby affecting the nature of sexual norms, and the relations of reproduction in general. Truong, for example, argues that whilst female sexuality has been male-defined historically, the value of women's sexuality has changed with a transformation of production relations. Under feudalism, the inheritance system was such that women were valued in terms of "chastity and virginity, wedlock and property interests", but with the introduction of wage labour, "the value of their sexuality changed and their labour became a new form of property, forcing them to use it in the ways which could meet their survival needs under the new conditions".¹²⁰

The ways in which reproduction relations are channelled largely reflects the "requirements of a given form of production ... communal and state interests".¹²¹ In societies undergoing rapid industrialisation, for example, unurbanisation and labour migration often intensify, and kinship systems and patterns of sexual organisation change accordingly. In this context, prostitution can be understood as helping to maintain the labour force of single young men and as providing female migrants with a form of income aside from low-paid factory work or domestic employment. In Nairobi in the late 1930s and 1940s, for example, White suggests that "prostitution ... was domestic labour".¹²² Prostitutes offered sexual services to male migrant workers as well as a range of domestic services, which included cleaning, cooking,

companionship and bed space: "... sets of tasks that literally reproduced male labour power".¹²³ In 1938, Nairobi's Municipal Native Affairs Officer recognised that the city saved money on "proper native housing" because "the needs of eight men may be served by the provision of two rooms for the men and one for the prostitute".¹²⁴

The analyses of White and Truong complement the basic framework for a socialist feminist investigation that is offered by MacKintosh. For, their studies illustrate that although the value attached to women's sexuality changes in accordance with newly emerging economic and social forces, these changes do not "fundamentally alter the types of work women perform".¹²⁵ Importantly, "they only alter the confines and conditions under which reproductive services are provided by women".¹²⁶ By recognising that gender divisions predated capitalism, these arguments imply further that the end of capitalism need not signal the end of gender divisions. The "revolutionary" transformation of the relations of production historically has not liberated women, or fundamentally challenged the sexual division of labour, as the experiences of women in the USSR clearly illustrate.

Socialist feminism is still in the formative stages of theoretical development. Consequently, it would be inaccurate to applaud it for the provision of a complete and entirely cohesive programme. Nonetheless, socialist feminism, and the unified-systems approach in particular, has moved beyond the limitations of Marxist feminist and radical feminist studies. The most important contribution of socialist feminism to a study of contemporary prostitution is its recognition of the interrelationship between the relations of production and reproduction.

In conceptualising the material base "as that set of social relations which structures the production and reproduction of the necessities of daily life, the production of people, including the production of sexuality, as well as the production of goods and services"¹²⁷, socialist feminism offers an explanation of the position of women that is not reducible simply to either class or sex. Prostitution epitomises the interplay between women's sexuality and economic status. Its study therefore can contribute greatly to clarifying the interaction between the processes of production and reproduction. As the question of policies towards prostitution receives increasing international and public attention, so socialist feminists may begin to use the question of prostitution as a pivotal one in their understanding of women's oppression.

Endnotes

1. B Hobson, *The Politics of Prostitution and the American Reform Tradition*. New York: Basic Books, 1987, p.viii.
2. Insofar as the "second wave" of feminism gained impetus initially in Britain and the United States, the focus of the women's movement was on the oppression of women in the more advanced capitalist societies. Since then, extensive work has been, and is being conducted, that confronts the specific problems faced by women in the so-called underdeveloped, or undeveloped countries.
3. A Neustatter, *Hyenas in Petticoats. A Look at Twenty Years of Feminism*. London: Harrap Books Limited, 1989, p.9.
4. R Tong, *Feminist Thought. A Comprehensive Introduction*. London: Unwin Hyman, 1989, p.1.
5. *ibid.*
6. Some theorists may question the inclusion and validity of libertarian feminism as a feminist direction. The libertarian position, however, has been an important voice in the politics of prostitution, where many prostitute unions, who cast themselves as feminist, adopt a libertarian position.
7. A Jaggar, *Feminist Politics and Human Nature*. Sussex: Rowan and Allanheld, 1983, p.10.
8. *ibid.*
9. *ibid*, pp.10,11.
10. *ibid*, p.11.
11. Tong, *op cit*, p.8.
12. In other words, there is an intersection of the feminist positions.
13. *ibid*, p.8.
14. *ibid*, p.39.
15. *ibid*, p.71.
16. Admittedly, information about the sex industry is extremely difficult to obtain. People working in "illegal" jobs do not readily disclose information about their working conditions. In fact, this points to one of the self-defeating aspects of criminalising prostitution, for its scope as a "social problem" cannot be measured.
17. quoted in W McElroy, *Freedom, Feminism and the State*. USA: Cato Institute, 1982, p.111.
18. W Block, *Defending the Undefendable*. New York; Fleet Press Corporation, 1976, p.19.
19. C Pateman, *The Sexual Contract*. Polity Press, 1988, p.191.
20. Block, *op cit*, p.20.
21. D Richards, *Sex, Drugs and the Law: An Essay on Human Rights and*

- Decriminalisation*. New York: Rowan and Littlefield, 1982, p.121, emphasis added.
22. Block, *op cit*, p.22.
 23. *ibid*.
 24. *ibid*.
 25. Some prostitutes see themselves in this light. See, for example, an interview with a prostitute "Danielle", quoted in McElroy, *op cit*, p.111.
 26. Block, *op cit*, p.20.
 27. *ibid*.
 28. J Charvet, *Feminism*. London: J M Dent and Sons Ltd, p.136.
 29. McElroy, *op cit*, p.112.
 30. *ibid*, p.115.
 31. *ibid*, p.114.
 32. *ibid*, p.112.
 33. Pateman, *op cit*, p.190.
 34. Peattie L and Rein M, *Women's Claims: A Study in Political Economy*. Oxford: Oxford University Press, 1983, p.16.
 35. *ibid*.
 36. Jaggar, *op cit*, p.181.
 37. The philosophy of liberalism emerged with the growth of capitalism and espoused the goals of democracy, liberty and equality for all individuals - goals, it was argued, that could all be attained within the structures of the capitalist system. Liberal theory did not specifically include women in the declaration that all individuals should be free. Nonetheless, many of the principles of liberalism, and particularly the emphasis on the rights of individuals, provided a firm basis for an initial examination of women in society.
 38. Tong, *op cit*, p.11.
 39. Jaggar, *op cit*, p.181. Although liberals are not completely unanimous on what constitutes "rationality", they assume that rationality is a "mental capacity", and is a distinguishing characteristic of human beings. As Jaggar explains, however, it is possible to "distinguish both a moral and a prudential aspect of the liberal conception of rationality" (p.29). Kant and Rousseau, for example, suggested that the "essence of reason was the ability to grasp the rational principles of morality" (*ibid*). Hobbes and Bentham, however, argued that rationality must be seen in "instrumental terms as the capacity to calculate the best means to an individual's ends" (*ibid*).
 40. *ibid*, p.177.
 41. B Friedan, *The Feminine Mystique*. Harmondsworth: Penguin, 1976, p.38.
 42. *ibid*, p.44.
 43. Jaggar, *op cit*, p.181.
 44. Friedan, *op cit*, p.203.
 45. *ibid*, p.144.

46. Jaggar, *op cit*, p.180.
47. Tong, *op cit*, p.29.
48. As a corollary, liberal feminists do not challenge the contemporary structuring of work by the mental/manual distinction. As Jaggar notes, however: "As long as work appears to be organised around a division between mental and manual labour, most people will be relegated to some form of manual work and so will be subject to the apparently superior knowledge of the so-called experts. Even in its own terms, therefore, liberal feminism is incapable of guaranteeing a fulfilling life for all" (*op cit*, p.190).
49. Tong, *op cit*, pp.12,29.
50. *ibid*, p.2.
51. B Friedan, *The Second Stage*. London: Abacus, 1983.
52. quoted in Tong, *op cit*, p.26.
53. Friedan (1983), *op cit*, p.28.
54. *ibid*, pp.342,343.
55. Tong, *op cit*, p.65.
56. M Benston, "From Feminism to Liberation". E H Altbach (ed), *From Feminism to Liberation*. USA: Schenkman, 1980, p.231.
57. *ibid*, p.39.
58. Tong, *op cit*, p.51.
59. For a discussion of the impact of capitalism on the family and women's economic status, see, for example: C Hall, "The home turned upside down? The Working-Class Family in Cotton Textiles 1780-1850". Whitelegg E, Madeleine A, Bartels E, Beechey V, Birke L, Himmelweit S, Leonard D, Ruehl S and Speakman M, *The Changing Experience of Women*. Oxford: Basil Blackwell, 1987; R Delmar, "Sexism, Capitalism and the Family". *Conditions of Illusion*. Feminist Books Ltd, 1974; C Middleton, "Patriarchal Exploitation and the rise of English Capitalism". Gamarnikow E, Morgan D, Purvis J and Taylorson D, *Gender, Class and Work*. London: Heinemann, 1983.
60. The family wage is a wage on which a man can keep himself, his wife and children at a decent level. In discussing the nature and significance of the family wage, Barrett and McIntosh argue that: "[t]oday the idea of a family wage is so much taken for granted that it is standard trade union practice to draw up pay claims for low-paid workers which refer to the need to maintain the level of living of a standard married man with two children... The principle is articulated most clearly in a social security system that differentiates radically between breadwinners and their dependents..." ("The Family Wage", *The Changing Experience of Women*, *op cit*, p.71.). Historically, the family wage has been an important bargaining tool of trade union movements. As Barrett and McIntosh continue: "[t]he survival of the idea of the family wage means that there is real risk of a concerted effort to push women back into dependence and deny them the right to employment. A bourgeois state intent on saving public spending and on strengthening the ideological role of the family could well find allies among those male sections of the trade union movement that fear dilution and deskilling as a result of competition from married women and that have traditionally relied upon the idea of the family wage both as a bargaining counter and as a righteous rallying point for their rank and file membership" (*ibid*, p.84).

61. Benston, *op cit*, pp.233,234.
62. Tong, *op cit*, p.64.
63. *ibid*.
64. F Engels, *The Origins of the Family, Private Property and the State*. New York: International Publishers, 1972, p.63.
65. Tong, *op cit*, p.65.
66. *ibid*.
67. A Carter, *The Politics of Women's Rights*. New York: Longman, 1988, pp.169,170.
68. *ibid*, p.170.
69. F Trodd, "Some Facts About Equal Pay", *Condition of Illusion*. Feminist Books Ltd, 1974, p.308, emphasis added.
70. Chirkov, 1979, quoted in E Waters, "Restructuring the 'Woman Question': Perestroika and Prostitution". *Feminist Review*, no 33, Autumn 1989.
71. Waters, *ibid*.
72. *ibid*.
73. *ibid*.
74. *ibid*.
75. *ibid*.
76. *ibid*.
77. S Firestone, *The Dialectic of Sex. The Case for Feminist Revolution*. London: The Women's Press, 1979, pp.15,14. Indeed, in her statement of the primacy of sexual oppression, Firestone recasts the Marxist conception of class to one that has "its roots in the biological division of the sexes", and restates the materialist conception of history in terms of this premise: "[h]istorical materialism is that view of the course of history which seeks the ultimate cause and the great moving power of all historic events in the dialectic of sex: the division of society into two distinct biological classes for procreative reproduction, and the struggles of these classes with one another; in the changes in the modes of marriage, reproduction and child care created by these struggles; in the connected development of other physically-differentiated classes (castes); and in the first division of labour based on sex which developed into the (economic-cultural class system" (p.20).
78. A Jaggar and P Rothenberg (eds), *Feminist Frameworks*. New York: McGraw-Hill, 1984, p.186.
79. R Hamilton, *The Liberation of Women. A Study of Patriarchy and Capitalism*. London: George Allen and Unwin, 1978, p.12.
80. Carter, *op cit*, p.175.
81. Jaggar, *op cit*, p.255.
82. O'Hara M, "Prostitution - towards a feminist analysis and strategy." D Rhodes and S McNeill (eds), *Women Against Violence Against Women*. London: OnlyWomen Press Ltd, 1985, p.72.
83. *ibid*, p.73.
84. A Dworkin, *Right-wing Women*. New York: Coward-McCann, 1983.

85. *ibid*, p.184.
86. Tong, *op cit*, p.81.
87. Dworkin, *op cit*, p.184.
88. Yasmin, a prostitute, quoted in N Roberts, *The Front Line. Women in the Sex Industry Speak*. Glasgow: Grafton Books, 1986, p.141.
89. Jaggar, *op cit*, p.264.
90. *ibid*, p.270.
91. K Millett, *Sexual Politics*. New York: Ballantine Books, 1979.
92. A K Shulman, "Sex and Power: Sexual Bases of Radical Feminism". *Signs: Journal of Women in Culture and Society*. vol.5, no.4, 1980, p.601.
93. *ibid*.
94. S Jeffreys, "Prostitution. D Rhodes and S McNeill (eds), *op cit*, p.70.
95. See, for example, K Barry, *Female Sexual Slavery*. New York and London: New York University Press, 1979, p.120.
96. Pateman, *op cit*, p.194.
97. Jaggar, *op cit*, p.118.
98. Hamilton, *op cit*, p.88.
99. M Barrett, *Women's Oppression Today*. London: Verso Editions, 1980, p.4.
100. Pateman, *op cit*, p.195.
101. Jaggar, *op cit*, p.123.
102. Roberts, *op cit*, p.238.
103. *ibid*, p.236.
104. Tong, *op cit*, p.175.
105. MacKintosh M, "Gender and Economics. The Sexual Division of Labour and the Subordination of Women. K Young *et al*, *Of Marriage and the Market. Women's Subordination Internationally and its Lessons*. London: Routledge and Kegan Paul, 1988, p.10.
106. J Mitchell, *Women's Estate*. Middlesex: Penguin Books, 1976.
107. H Hartmann, "The Unhappy Marriage of Marxism and Feminism: Towards a More Progressive Union". L Sargent (ed), *Women and Revolution: A Discussion of the Unhappy Marriage of Marxism and Feminism*. Boston: South End Press, 1981, p.14.
108. I Young, "Socialist Feminism and the Limits of Dual Systems Theory". *Socialist Review* 10, nos. 2-3, March-June 1980, p.176.
109. MacKintosh, *op cit*, p.3.
110. *ibid*, p.10.
111. *ibid*, pp.11,12.
112. *ibid*, p.12.
113. *ibid*.
114. *ibid*, p.13.

115. *ibid*, p.14.
116. M McIntosh, "Who needs prostitutes? The ideology of male sexual needs". C Smart and B Smart (eds), *Sexuality and Social Control*. London: Routledge and Kegan Paul, 1978, p.53.
117. P Connelly, "On Marxism and Feminism". P Armstrong *et al*, *Feminist Marxism or Marxist Feminism*. Toronto: Garamond Press, 1985, p.56.
118. MacIntosh, *op cit*, p.14.
119. Truong T-D, *Sex, Money and Morality. Prostitution and Tourism in Southeast Asia*. London: Zed Books, 1990, p.75.
120. *ibid*, p.76.
121. *ibid*.
122. L White, "Prostitution, Identity and Class Consciousness in Nairobi during World War II". *Signs*, Winter 1986, p.256.
123. *ibid*.
124. quoted in *ibid*.
125. Truong, *op cit*, p.77.
126. *ibid*.
127. Jaggar, *op cit*, p.332.

SECTION II

POLICIES TOWARDS PROSTITUTION

CHAPTER 5 : AIDS AND ITS IMPACT ON PROSTITUTION

Introduction

Prostitution, as a form of women's oppression, has been examined from the perspective of feminist discourse. There is no single feminist understanding of prostitution. Rather, the different feminist approaches to prostitution reflect the diversity of feminist thought. The fact that the theories exist within the broad rubric of feminist thought, however, implies that they embrace certain common principles. Although feminists have written relatively little about commercial sex, all of them (except perhaps the libertarians) take issue with what prostitution reflects about the position of, and social attitudes towards women. In so doing, they reject the social stereotype of the prostitute as "the fallen women", and question (to varying degrees) why a market for sexual services should exist. A fundamental aspect of this inquiry is to challenge, and examine the implications of the double standard of sexual morality, an hypocrisy which reflects patriarchal constructions of sexuality.

A feminist approach therefore can be distinguished from other perspectives by the kinds of questions that it raises. In a discussion of prostitution, it insists that an examination of prostitution be extended beyond a subjective preference analysis of why individual would become prostitutes and why individual men would demand these kind of sexual services. It demands that gender be taken seriously and that the gender dynamic in prostitution be seen as reflecting the position of women and men in society. The feminist project does not end here however. An understanding of prostitution must be complemented by praxis, a praxis that seeks ultimately to challenge the construction of gender and gender roles, and thereby, sex inequality.

As the urgency of dealing with AIDS has gathered momentum, so increasing attention has been focussed on the nature and future of the sex industry. In considering policy alternatives to reduce the spread of the AIDS virus, the possibility of legalising brothels to contain prostitution, and the insistence on regular medical examinations (of women) are being weighed against the possibility of abolishing commercial sex altogether.

The relationship between prostitution and sexually transmitted diseases, as a catalyst for policy initiatives, has historical precedents in England in the 1860s and in the United States of America in the early 1900s. Irrespective, however, of the reforms that were advocated, whether they were prevention, probation, incarceration, medical inspection or red-light abatement acts, none successfully alleviated those conditions which made prostitution such dangerous and degrading work for women.¹ To the extent that reforms were motivated by "health criteria" rather than the more general question of the position of prostitutes themselves, it is not surprising that policy merely replicated the double standard of sex morality.

Once more, the future of prostitution in contemporary society is being examined primarily in terms of health considerations, this time in the context of the AIDS epidemic. History suggests that the objective of feminists in this regard must be to assist in formulating gender-sensitive policy proposals that recognise prostitution both as one instrument in the spread of the HIV virus and as an example of the oppression of women. This may require that some feminists temper their vision of the long term future of prostitution with immediate and pragmatic concerns.

This chapter addresses the relationship between the sex industry, and prostitution in particular, and AIDS. In so doing, it looks at how the advent of AIDS has affected the nature of prostitution. It examines the broad social response to AIDS, suggesting why prostitutes have been portrayed, not as victims, but as causal agents in the spread of that disease. The study seeks therefore to complement the conceptual feminist analyses of prostitution with policy considerations, and specifically, with the problem of AIDS.

To focus on prostitutes, as opposed to other victims of that disease is not to invoke age-old stigmas of uncleanness and immorality. Indeed, the women's movement should come to the defence of prostitutes, should prostitutes be scape-goated in this manner. It must be acknowledged, however, that prostitution is a factor in the spread of sexually transmitted diseases. Prostitutes' work is sex work, and prostitutes and their clients therefore are at risk.

5.1 The Nature of AIDS

It has been argued that:

AIDS is undoubtedly one of the most formidable public health perils faced by mankind this century. Attempts to play down the extent of the menace by comparisons with mortality figures of other major infectious and non-infectious diseases ignore the compendium of features that make AIDS so fearsome. There is no other human condition that has the combination of being an infectious terminal disease with no known recovery from infection, no clearly established mechanism for either individual or herd immunity as well as a host-parasite relationship so cunningly designed as to defy all scientific efforts to date to reach the stage of a realistic blueprint for an effective vaccine or curative drug. Furthermore, on a community level, AIDS presents as an inexorably expanding epidemic with an ever-increasing reservoir of infection, involving a progressively greater proportion of this and future generations.²

Figures released by the World Health Organisation (WHO) indicate that by January 1991, a global total of 314 610 cases of AIDS had been reported.³ Between eight and ten million people are estimated to be HIV positive, of whom some three million are women.⁴ WHO projects the cumulative incidence of AIDS in women to more than 6 million by the end of 1992.⁵ According to a United Nations report, "current estimates are that about fifty per cent of adults with HIV will develop AIDS within ten years, and eighty per cent of infected children will develop AIDS within five years".⁶

In South Africa, 893 cases of AIDS had been reported by September 1991⁷, while approximately 250 000 people are estimated as being HIV positive. The port city of Durban rates as the second highest AIDS centre in South Africa after Johannesburg.⁸ The highest incidence rates in Durban have been for African women between the ages of 15 and 25 of which group, 11 per cent are estimated to be HIV positive.⁹ Several studies have been conducted which attempt to forecast the expected cumulative incidence of AIDS in the country by the turn of the century. One such projection predicts that with a doubling rate of every eight to ten months, there are likely to be more than a million AIDS cases in South Africa by 2001.¹⁰ A recent report by the Centre for Health Policy at the University of the Witwatersrand states that, given available evidence, "South Africa is at the early stage of a potentially massive epidemic".¹¹ Its forecast of expected AIDS incidence is slightly lower, however; it estimates that by the year 2000, there will be 5,2 million people in the

country who are HIV positive and cumulative AIDS deaths of 667 000. By 2005, there could be "7,4 million HIV infected individuals and cumulative AIDS deaths of around 2,9 million".¹²

Despite advances made during the past year in understanding the AIDS virus¹³, it appears as if the development of a vaccine will take at least six or seven years. One of the difficulties facing researchers is knowing how many types of HIV virus there are, and whether it will be possible to produce a single vaccine that can fight them all. Moreover, even when a virus is produced, two or three years of testing will be required before it can become marketable. There are drugs available which may retard the replication of the HIV virus and thus delay the onset of AIDS. It has also been predicted by some researchers that AIDS may become a manageable chronic disease.¹⁴ At present, however, AIDS remains fatal. Nonetheless, what is important is that AIDS is a preventable disease. Consequently, as Richardson notes, it is vital "that people learn to recognise the real risks of contracting HIV and protect themselves against it".¹⁵

The AIDS virus is spread through five broad processes: sexual intercourse; the transfusion of contaminated blood; transmission through artificial insemination; the use of contaminated injection needles and syringes; and from mother to child during pregnancy and birth.¹⁶ In the case of sexual transmission, vaginal secretions and semen have been identified as virus carriers, and it is thought that "menstrual blood from women carrying the virus holds a greater risk".¹⁷ The AIDS virus may be spread by vaginal or anal intercourse, and other forms of sex, such as oral sex, "also may be risky if they allow blood, semen or vaginal secretions containing the virus to enter the body".¹⁸

5.2 The Social Response to AIDS

Since AIDS was first identified in 1981, it "has been 'organised' in terms of two discrete modes of discourse or rhetoric, reflecting equally discrete realities".¹⁹ AIDS has been identified medically as a disease, but its sufferers have been stigmatised socially on moral grounds. In general, the response to AIDS, as a sexually transmitted disease, reflects social attitudes to sexuality. As Brandt argues, "[s]ocial values continue to define the sexually transmitted disease as uniquely sinful - indeed,

to transform disease into an indication of moral decay".²⁰

Weeks identifies three distinct phases in the social response to AIDS, labeling them as: "the dawning crisis" (1981-1982); "moral panic" (1982-1985) and "crisis management" (1985-).²¹ During these phases, certain sectors of the population have been scapegoated as causal agents in the spread of that disease. Morally, AIDS has been seen to be caused not by a virus, but by the actions of certain groups of people.²² The labeling of specific sectors of the population as high-risk by researchers, rather than certain kinds of behaviour, reinforces the stigma.

Initially, AIDS was portrayed as a "gay disease", resulting in increased hostility towards the homosexual communities and little public sympathy for the victims of the virus. By the mid-1980s, however, it was recognised that AIDS could be transmitted through heterosexual interactions. The levelling off of AIDS within homosexual society, and the rapid increase of the disease among heterosexuals²³, precipitated the social scape-goating of other groups:

Women prostitutes apparently fitted the bill nicely. This has been especially true in Africa, where prostitutes have been blamed for the rapid spread of infection in a number of Central African countries. Similarly, in the United Kingdom and the United States the association of prostitutes with the spread of AIDS gave right-wing moralists another reason to condemn prostitution as 'morally wrong'.²⁴

Prostitutes, as a social category, have been defined as causal agents, rather than markers or victims in the spread of the HIV virus in the heterosexual population. Yet, the clients of prostitutes generally have been bypassed in the condemnation. As Scambler *et al* note: "... any criticism of their male clients has been ritualistic and muted".²⁵

This association between prostitution and sexually transmitted diseases is not new. As Richardson notes: "To be a prostitute is to belong to a normally despised category of women which (like homosexuality) has long been linked with disease and contagion".²⁶ In the nineteenth century in England, the significant increase of prostitution in the wake of industrialisation and the concomitant intensification of venereal disease, particularly among British soldiers, led to the passing of the Contagious Diseases Acts. In terms of these Acts, all women suspected of working as prostitutes in ports and garrison towns could be subjected to a compulsory medical examination. Feminist opposition to these laws was led by Josephine Butler who

objected to the double standard of sexual morality "which enforced ... abuse of women in order to protect the health of men who, as they pointed out, had infected the prostitutes in the first place".²⁷

The AIDS pandemic has brought the double standard of sexual morality to the surface once more. By blaming prostitutes for the spread of AIDS and effectively absolving their clients of any responsibility, social response merely reinforces the view that it is more understandable and acceptable for a man to pay a woman for sexual services than it is for a woman to offer those services. Implicit in the operation of this double standard is the gender-specific understanding of the word "promiscuous".

Graham Hancock and Enver Carim, in their book *AIDS: The Deadly Epidemic*, state that the HIV virus is definitely transmitted through "the shared use of needles by drug users, and promiscuous sex of any kind".²⁸ What counts as promiscuous behaviour differs, however, between men and women. Traditionally, "casual sex" by men is understandable given the "natural" male sexual drive. In women, it is socially reprehensible and is seen to reflect the character and morals of "loose", as opposed to "feminine" and therefore ideal women. It is not surprising, then, that the image of a prostitute should be that "of someone who is unclean and spreads infection and is immoral".²⁹

The double standard of sexual morality obscures the fact that although the number of sexual partners may increase the chances of HIV infection, ultimately, it is not so much the number of sexual partners but the way in which sex is conducted, that creates risk for infection.

5.3 Prostitutes and AIDS: The Reality

Statistics indicate that at present, the rigid correlation that has been drawn between all prostitutes and AIDS is a spurious one, based more on supposition and stereotyping than on well-documented research. This is not to suggest that prostitution, as sex work, is not high risk work. But several qualifications must be made when drawing any association.

Firstly, "a characteristic feature of HIV is its differential appearance and spread

across even neighbouring geographical areas".³⁰ The incidence of AIDS amongst prostitutes reflects this demographic spread. McKeganey *et al* note:

... the available data as it relates to North America and Europe seems to indicate that at present sexual transmission through prostitution *per se* is not a significant risk factor. Evidence from the United States shows rates of HIV infection among prostitutes as being proportionate to the rates for the total population in each area.³¹

In Africa, as Richardson comments, the "situation appears to be rather different. Studies of prostitutes in several countries in Central Africa report relatively high rates of infection".³² It has been reported in the media that in some African cities, between sixty and eighty per cent of prostitutes are HIV positive.³³

One explanation that has been given for demographic differences in the incidence of AIDS draws on general socio-economic conditions. Poverty, and the prevalence of other untreated sexually transmitted diseases, may facilitate the transmission of the HIV virus. Some studies indicate that susceptibility to HIV infection can be increased with concurrent infection by other sexually transmitted diseases. They suggest further that "low socio-economic status and a poor general level of health may also affect susceptibility".³⁴

The United Nations report on AIDS and the "advancement of women" states that:

Research among prostitutes in Africa, Asia, Europe, Haiti and the US has shown very different levels of HIV infection. In some African cities, studies have indicated that as many as eighty per cent of female prostitutes are HIV-infected. Similar figures have been recorded in Haiti. But in Asia, Europe and the US, studies have found much lower rates. Unless the prostitutes have a history of drug-use, the prevalence of HIV is low in these countries.³⁵

When considering the incidence of AIDS among prostitutes, a distinction must be drawn between those prostitutes who use intravenous (IV) drugs and those who do not. McKeganey *et al* report that the "primary risk for heterosexual transmission of HIV infection outside Sub-Saharan Africa appears to be through sexual contacts, between those who inject drugs and those who do not".³⁶ Research that has been conducted on prostitution and AIDS indicates a strong correlation between drug use and HIV infection. In 1987, the Center for Disease Control in Atlanta, USA, estimated that the infection rate is three to four times higher in prostitutes who inject

drugs than non-IV drug using prostitutes.³⁷ A study conducted in West Germany found the seropositivity rate (HIV infection) among prostitutes who were largely drug users to be between twenty and fifty per cent.³⁸ Similar studies found the rate of infection to be seventy-eight per cent in Zurich, Switzerland, and seventy-one per cent in Pordenone, Italy.³⁹

The incidence of HIV infection among prostitutes who use drugs may be high for several reasons. Firstly, the shared use of unsterile injecting equipment greatly increases the risk of transmission. In an examination of street prostitutes in Glasgow, researchers found that:

Many of the drug-using women interviewed reported that they did not use other people's injecting equipment and said that they would refuse any such request to lend theirs. However, instances of sharing were reported to us by women who had lent their equipment to other women and this was confirmed by our own observations and from the reports of other women.⁴⁰

Secondly, the same study revealed that injecting drug users prostitute more often and for longer hours than non-drug using prostitutes, thereby increasing the probability of contact with HIV-positive clients. Thirdly, "it is likely that a proportion of those women who were not injecting themselves were prostituting in order to finance their partner's injecting drug use".⁴¹ Finally, women who are experiencing the effects of drugs or who need money to finance their habit may be less insistent on safer sex practices than other sex workers.⁴²

The above analysis indicates that the association between prostitutes and seropositivity must be unpacked. Blaming prostitutes for the spread of the HIV virus ignores the dynamics of this particular form of work, and specifically the relationship between the prostitute and her client and the prostitute and her boyfriend or pimp. In broad terms it conceals the interaction between the demand for, and the supply of, commercial sex. In so doing, it in no way considers that "it may well be that women themselves are at greater risk of infection than are their clients".⁴³

5.4 Prostitution as High Risk Work: AIDS and Power in Commercial Sex

AIDS is much more than a health issue. It affects and is affected by women's relationships with their partners and families, their living conditions, their economic livelihood, their status in the community, their human rights, their access to services ...⁴⁴

Two important ways in which the risk of HIV infection may be reduced are through the correct use of condoms and the use of sterile injecting equipment. Concentrating on the former, Richardson suggests it ironic that prostitutes should have been scapegoated for the spreading of AIDS. For, as she notes:

Contrary to popular belief, prostitutes are often among the best informed as to how to protect themselves and others from sexually transmitted diseases, including AIDS. After all, it makes good business and health sense for them to know.⁴⁵

The Womanist offers a similar comment, stating that "some reports have shown that prostitutes in some countries have played an important role in slowing the spread of the disease, by insisting on the use of a condom with their client".⁴⁶ Commentary in the media, however, suggests contradictory practices by prostitutes. For example, a recent report in *Time Magazine* states that "health workers combatting AIDS have a difficult job, especially when it comes to persuading prostitutes and their customers to take precautions".⁴⁷ These arguments are not as contradictory as they may sound initially, and would correspond to the earlier distinctions drawn between those prostitutes who use drugs, and those who do not, and between "classes" of prostitutes.

Prostitutes are not an homogeneous category of workers, nor do they operate as autonomous transactors in the sale of commercial sex. In blaming prostitutes for the spread of AIDS, it is not recognised that prostitutes are often not in a position to demand or insist that their customers use condoms. The sexual transaction between a prostitute and her client embodies dynamics between the man and the woman and between the buyer and seller of a (sexual) "service". The extent to which a prostitute can control the nature of sexual services offered depends largely on her general economic predicament and position, of which drug use could be an important component. The more economically dependent women are on prostitution on a daily basis, the less control they have over the nature of the transaction and therefore over

the demands of the clients.

Reports indicate that many clients (ignoring or unaware of the threat of AIDS) prefer unprotected sex, even offering to pay more for condom-free sex.⁴⁸ There have been instances recorded where clients have allegedly attempted to break, or have broken condoms with prostitutes, thereby asserting their perceived "right" to control the sexual interaction.⁴⁹ With no legal mandate to insist on the use of condoms, the choice is stark for many women: either they take the risk of AIDS with their clients or they forfeit their economic livelihood. As a prostitute working in Pattaya in Thailand remarked: "most girls [are not] concerned about AIDS. Their only worry is sending money to their families back home in the country. They don't worry about a disease that may appear in five years. They worry about now".⁵⁰

Prostitutes who are injecting drug-users would have little power over the conditions of the sexual transaction. Many women may also not be in position to refuse client's demands for fear of antagonising their pimps. Thus, a report on streetwalkers in New York City reveals that:

['Street girls'] worry that if they insist on using a condom, the john will refuse and move up the street to another girl. The addict earning money for her next fix, or the prostitute threatened with a beating by her pimp if she does not bring in the required money, is not likely to risk losing a customer. They are also afraid that if they insist on the use of a condom, the john will think they already have AIDS.⁵¹

Clients may also insist on anal sex which increases the chances of infection. Oral sex, a frequent service of the street prostitute, is a further risk factor in HIV transmission. Some studies have shown that "prostitutes are occasionally paid extra to swallow the ejaculate"⁵², and that condom use in this regard is generally infrequent.

The lack of control that these women have over their working conditions is reflected in their low self-image and esteem which influences general attitudes to AIDS infection and drug use. Condom use among those prostitutes who are better off and do not inject drugs, and who thus have greater leverage in their working environment, is more consistent, as the low incidence of seropositivity among these women would suggest.

5.5 Concluding Comments

The incidence of AIDS among prostitutes therefore cannot be analysed without reference to the determinants of both sides of the sexual market - the nature of the supply of sexual services, the class of prostitute and the prostitute's relationship to her "employer", and the nature of the demand for sexual services by the clients. To focus on one dynamic, to the exclusion of the other, as the scapegoating of prostitutes implies, conceals the role played by the customers of the sex industry in the spread of that disease. Indeed, it obscures the very strong probability that "prostitutes may be at greater risk from their clients than their clients are from them".⁵³ This argument is supported by recent research which reveals that "female to male transmission is less likely than the reverse".⁵⁴

"The message that AIDS has no cure and that it is fatal **has** reached the streets. Prostitutes ... know that it is transmitted by sexual contact; addicts know that it is transmitted through shared needles".⁵⁵ The prostitute's ability to act on her awareness of AIDS, however, is substantially restrained by her lack of autonomy in the sexual market. Consequently, AIDS-prevention programmes which would direct education only at prostitutes, and policy prescriptions that would insist on medical examinations for the prostitutes alone, cannot hope to confront adequately the risks involved in commercial sex. They would, however, renew and intensify antagonism towards, and misconceptions about, prostitutes.

Endnotes

1. See for example, R Rosen, *The Lost Sisterhood: Prostitution in America, 1900-1918*. Baltimore: The John Hopkins University Press, 1982.
2. Editorial, "The AIDS epidemic in South Africa - perceptions and realities". *South African Medical Journal*, vol 77, June 1990, p.607.
3. *The Natal Mercury*, 9 January 1991.
4. *The Weekly Mail*, 14 - 19 December 1990.
5. *The Natal Mercury*, 24 January 1991.
6. From "Effects of the acquired immunodeficiency syndrome (AIDS) on the advancement of women", from the Commission on the Status of Women, of the United Nations Economic and Social Council, quoted in *The Womanist*. Ottawa: May/June 1989.
7. *The Natal Mercury*, 4 October 1991.
8. Truckers descending on the city from countries such as Malawi, Zimbabwe, Zaire, Tanzania, Zambia and Botswana constitute a major factor accounting for the transmission of the disease. (see *The Natal Mercury* 3 October 1990; *The Natal Mercury*, 17 October 1990; *The Sunday Tribune*, 11 November 1990).
9. *AIDS Analysis Africa*. vol 1 no 2, August/September 1990.
10. *AIDS Analysis Africa*, vol 1 no 1, June/July 1990.
11. quoted in *The Weekly Mail*, 5 July -11 July 1991. The same report indicates that research on the economic impact of AIDS has been overblown. Whilst in no way attempting to minimise the vast human tragedy facing South Africa, the researchers note that "faulty research leading to huge total costs creates a sense of helplessness and paralysis in the face of the epidemic". The report continues that "most research on the economic impact of AIDS in South Africa has been limited and superficial, and in many cases, has stemmed from parochial sources with a narrow perspective".
12. *ibid*. Yet another prediction suggests the incidence of AIDS in South Africa by the year 2005 to be slightly lower, with one million people expected to have 'full-blown' AIDS, one half of these people dying in that year. In terms of these figures, "just under 19% of the population would be HIV-positive" (quoted in *Finance Week*, 27 June - 3 July 1991).
13. At the annual international AIDS conference in 1991, findings were presented which suggested a strong link between 'dendritic' cells, which are a type of white blood cell found on the linings of the mouth and female genitals, and the transmission of the AIDS virus. "Researchers from Harvard University's Dana-Farber Cancer Institute said ... that inhibiting infection of these white blood cells ... could lead to treatment of AIDS as well" (quoted in *The Daily News*, 27 June 1991).
14. see *The Natal Mercury*, 24 October 1990; *The Daily News*, 20 December 1990.
15. D Richardson, *Women and the AIDS Crisis*, United Kingdom: Pandora, 1987.
16. Dr R Sher, quoted in *The Sunday Tribune*, 24 April 1988.

17. *Women and AIDS*, published by The Terrence Higgins Trust.
18. Richardson, *op cit*, p. 14.
19. G Scambler, R Peswani, A Renton and A Scambler, "Women prostitutes in the AIDS era". *Sociology of Health and Illness*, vol 12, no 3, 1990.
20. A M Brandt, *No Magic Bullet: A Social History of Venereal Disease in The United States Since 1880*. Oxford University Press, 1987, p.202.
21. J Weeks, "AIDS: the Intellectual Agenda". P Aggleton, G Hart and P Davies (eds), *AIDS: Social Representations, Social Practices*. Lewis: Falmer Press, 1989.
22. See Richardson, *op cit*, p. 14.
23. *The Natal Mercury*, 19 June 1990; *The Natal Mercury*, 12 December 1990. See also B D Schoub *et al*, "Considerations on the further expansion of the AIDS epidemic in South Africa - 1990". *South African Medical Journal*, no 77, 1990, p. 613.
24. Richardson, *op cit*, p.37.
25. Scambler *et al*, *op cit*, p.264.
26. Richardson, *op cit*, p.44.
27. S Jeffreys, "Free from all uninvited touch of man: Women's campaigns around sexuality, 1880-1914". L Coveney, *et al*, *The Sexuality Papers. Male Sexuality and the Social Control of Women* London: Hutchinson and Co., 1984, pp. 26,27.
28. quoted in Richardson, *op cit*, p.15.
29. *ibid*, p.44.
30. N McKeganey, M Barnard and M Bloor, "A Comparison of HIV-related risk behaviour and risk reduction between female street working prostitutes and male rent boys in Glasgow". *Sociology of Health and Illness, A Journal of Medical Sociology*, vol 12, no 3, September 1990, p.274. Three world patterns of the spread of AIDS have been identified:
 Pattern 1: most cases occur among homosexual or bisexual men, and intravenous drug users, where heterosexual cases are few but increasing. This pattern characterises North America, Western Europe, Australia, New Zealand and part of Latin America;
 Pattern 2: most cases occur among heterosexuals, where an equal number of women and men are infected. As a result, the number of mother-to-infant infections is high. Intravenous drug use is rare, if not non-existent, but contaminated blood and unsterilised needles for medical use are common. This pattern characterises sub-Saharan Africa, the Caribbean and increasingly in Latin America;
 Pattern 3: very few cases have been reported, where HIV apparently did not arrive until the early to mid 1980s. Most cases are from people who have travelled to other parts of the world where it is more widespread, or who have had contact with travellers from elsewhere. This pattern is evident in Eastern Europe, North Africa, the Eastern Mediterranean, Asia and most of the Pacific. (quoted in *The Womanist*, May/June 1989).
31. *ibid*, p. 277.
32. Richardson, *op cit*, pp.42,43.
33. *The Natal Mercury*, 17 October 1989.
34. Scambler *et al*, *op cit*, p.265. See, for example, N Padian, "Prostitute women

and AIDS: epidemiology". *AIDS*, vol 2, pp. 413-419. Schoub, in his comment on the AIDS epidemic in South Africa argues that: "As with other sexually transmitted diseases, HIV infection in the heterosexual population is unequivocally consequent on the social, economic and political factors that produce the poverty, squalor, inadequacy of facilities and destruction of family life so characteristic of the rapid urbanisation of blacks in South Africa" (Schoub, *op cit*, p.609).

35. quoted in *The Womanist*, *op cit*.
36. McKeganey, *op cit*, p.277.
37. quoted in Scambler *et al*, *op cit*, p.264.
38. W A Haseltine, "HTLV-III/LAV-antibody-positive soldiers in Berlin". *New England Journal of Medicine*, vol 314, no 1, 1986, pp.55,56.
39. Centers for Disease Control, "Antibody to Human Immunodeficiency Virus in Female Prostitutes". *Morbidity and Mortality Weekly Report*, 27 March 1987, vol 36, no 11, pp. 157-161.
40. McKeganey, *op cit*, p.282.
41. *ibid*, p.278.
42. Scambler *et al*, *op cit*, p.264.
43. *ibid*, p.265.
44. The United Nations Report, *op cit*.
45. Richardson, *op cit*, pp.43,44.
46. *The Womanist*, *op cit*.
47. *Time Magazine*, 4 March 1991.
48. see, for example, reports in H Kinnell, "Prostitutes, their clients and risks of HIV Infection in Birmingham". *Occasional Paper*, Department of Public Health Medicine, Birmingham, 1989; N McKeganey, M Barnard and M Bloor, *op cit*; *The Sunday Tribune*, 27 March 1988; *The Daily News*, 19 July 1989.
49. Scambler *et al*, *op cit*, p.265. One prostitute who was interviewed explained that: "You get ones that deliberately break the Durex as well; they sort of nick it with their nails".
50. quoted in *The Natal Mercury*, 11 February 1989.
51. M G Shedlin, "An Ethnographic Approach to Understanding HIV High-Risk Behaviors: Prostitution and Drug Use". C G Leukefeld *et al*, *AIDS and Intravenous Drug Use*, New York: Hemisphere Publishing Corporation, 1990, p.146.
52. *ibid*, p.140.
53. McKeganey, *op cit*, p. 277.
54. *ibid*. Richardson for example notes that "very few men in the United States are known to have become infected through sexual contact with a woman. Semen, however, has been shown to be a very effective means of transmitting the HIV virus. It could be that infected semen remaining in the vagina from one customer could later infect another customer" (*op cit*, p.45).
55. Shedlin, *op cit*, p.145.

CHAPTER 6 : PROSTITUTION AND POLICY

Part 1. The Legal Suppression of Prostitution.

Introduction

Prostitution has proved a difficult issue for the women's movement, causing intense debates in the movement's 'spurts' beginning in both the 1860s and the 1960s.¹

Feminists have not adopted an unambiguous position on the future of prostitution. The inability of the women's movement to develop a common strategy in this regard may be attributed partly to the divisiveness of the feminist theories themselves. Each broad feminist approach differs in terms of its understanding of the social dynamics of the oppression of women and therefore identifies different means for ending that oppression. Cutting through these methodological divisions is the more fundamental feminist dilemma of the need to protect women in the short-term versus the importance of empowering all women in the long-term, so that the source of their oppression, and therefore the need for protection, is eliminated.

The question of the politics of prostitution exposes sharply the debate within feminism over these twin goals. For some feminists, the very "acceptance of prostitution implies a deep cynicism over women's chances for empowerment in economic and social life".² The goal of feminism should therefore be to bring about a situation where the basis, and hence existence of prostitution, is abolished. The Marxist, radical and socialist feminists, who seek to identify the structural determinants of prostitution, all point to the extent to which prostitution is entrenched in capitalist and patriarchal societies. Their arguments thus provide the foundation for a set of long-term policy proposals which aim at the empowerment, and therefore the liberation of all women, including prostitutes.

The transformation of the present economic environment and the overthrow of patriarchy are not, however, imminent. If the structural determinants of prostitution will only be eroded through the transformation to a new social system, then feminists must confront the reality of prostitution in contemporary society. To this end, there

are three policy alternatives: the legal suppression of prostitution; decriminalisation³ with no accompanying legal control; or regulation through legalisation.

This chapter offers a preliminary exploration of the politics of prostitution by examining one of these alternatives for the future of prostitution, *viz.* an attempt to suppress the market for sexual services by legislative means. The legal suppression of prostitution refers to the "attempt to prohibit all acts of prostitution, as well as activities that support or promote it".⁴ Attempts at suppression thus would be underpinned by the law, actions of the courts and by police. The legal suppression of prostitution does not imply, however, that the determinants of either the demand for, or the supply of commercial sex would be abolished. Rather, it would seek to eliminate the market across which these transactions could be realised.

Calls for the "abolition of prostitution" come usually from two camps: feminists who object to this sexual objectification and exploitation of women and moralists who argue that prostitution sanctions promiscuity and promotes crime, drugs and indecent sex. Some feminists would argue that attempting to abolish prostitution reflects more general efforts to erode the sexual oppression of women. Moral reformers would seek suppression in order to protect the moral purity of society. Feminists and moral reformers thus oppose prostitution on different grounds and advocate its suppression for different ends. Both argue for the abolition of prostitution, however, and it is this tacit (and unintended) alliance that arguably undermines the effectiveness of feminist campaigns in this regard.

Feminist demands for the suppression of the sex industry have been severely criticised by some members of the women's movement. Focussing largely on the future of the pornography industry, these women argue that a ban on any form of women's sexual activity can be used to entrench precisely that system of social control which has oppressed women historically. The debate over the immediate future of prostitution should therefore be couched in terms of the advantages of the legalisation versus the decriminalisation of the commercial sex industry.

Attempts to prohibit consumption of a commodity or service, especially by the criminalisation of consumption activity, usually have unintended economic consequences. The effects of Prohibition in America in the 1920s⁵, for example, illustrate the economic implications of attempting to legally suppress a market. Total alcohol consumption in the mid-1920s in the United States had decreased by

approximately two-thirds of the norm for the years 1911-1914.⁶ But neither the demand for, nor the supply of alcohol was eliminated. Although the consumption of alcohol was "made difficult by Prohibition, [it was] pursued none the less, with the added zest given by illegality".⁷ Prohibition provoked bootlegging and gangsterism, as bootleggers sought to protect themselves from hijackers and to monopolise or protect an increasingly profitable trade. In short, prohibition "undermined respect for the law ... and in the end did not stop the consumption of alcohol".⁸ It can be argued similarly that efforts to legally prohibit prostitution have not eliminated the sex market, although, historically, they have increased the criminal element in prostitution.

In exploring the alternative of legal suppression, this chapter looks at its historical effects on prostitution and at feminist opposition to the demands for (sexual) censorship. Feminists have written relatively little about the implications of suppressing prostitution in contemporary society, but have focussed more on the question of pornography. Both pornography and prostitution are part of the sex industry, however, and the feminist challenge to the censorship of pornography can be extended to that of prostitution. These arguments provide a reference point for a consideration of the legalisation or decriminalisation of prostitution.

6.1 Abolition and the History of Moral Reform

The prohibitionist system is probably the most overt practice of the double standard. It overwhelmingly punishes the women while virtually ignoring the men.⁹

Attempts to legally suppress prostitution are not new. During the latter half of the nineteenth century in England, for example, challenges to prostitution, and calls for appropriate legislative reforms, came from two separate, but overlapping groups: moral repressionists who related morality to a stable society and early feminists who objected to the ways in which male sexual behaviour had abused women. A fundamental demand of moral reformers was that prostitution be forcibly abolished.¹⁰ The aim of moral reform in this regard was to create a single standard of morality, "the morality essentially of the chaste woman"¹¹. To the extent that the early feminists allied themselves, or became allied with the moral purists, their

objections to the double standard of sexuality came to be subverted into an objection that actually served to entrench it. For the demands of the social moralists "stressed domesticity and ... worked to restress the importance of female chastity".¹²

The social purity campaign was premised on the dichotomy of "the private" and "the public" spheres. The private sphere (the home) was seen to represent decency, hygiene, safety and morality. In contrast, the public sphere was perceived of as the place of vice, danger and corruption. Moral reform sought to counter these "public manifestations of vice",¹³ and moral purity "became a metaphor for a stable society".¹⁴ The Reverend J M Wilson, for example, argued that social purity was necessary "for the good of your nation and your country ... Rome fell; other nations are falling".¹⁵ The Reverend W Arthur insisted: "In all countries the purity of the family must be the surest strength of a nation; and the virtue from above is mighty in its power over the homes below".¹⁶

The impetus for the social purity campaigns came from a series of scandals and causes. In England, calls for moral reform were prompted largely by the expose of the sexual entrapment of young girls in W T Stead's articles on "The Maiden Tribute of Modern Babylon". These journalistic pieces, which were published in *The Pall Mall Gazette* in 1885, suggested the entrapment of children into prostitution in London and a foreign "traffic in women". Although these articles caused a public furore, Walkowitz notes that the accuracy of this sexual scandal has subsequently been called into question.¹⁷ She argues that there is little evidence to substantiate the stories of the widespread entrapment of British girls. Rather, girls and women became prostitutes largely because of limited choices and opportunities available in the formal labour market.¹⁸

The significance of these scandals, however, was that they shifted the cultural image of the prostitute to the innocent child victim. This image then provided a rallying point around which moral purists could demand extending the social regulation of sexual behaviour. It was argued that until such time as men could control their sexual urges and the sexual conduct of all men had been transformed, repressive legislation was required in the public sphere to protect girls and women, the nuclear family and the morality of society in general. This emphasis on reform as a means of control, was the common ground shared by the early feminists and the social purity campaigners.

Like the moral reformers, early feminists opposed the double standard of sexual morality, but this opposition was originally on different grounds. Moral reformers condemned the double standard for sanctioning men's "promiscuous" behaviour and thereby threatening the sanctity of the (monogamous) marriage. Feminists, led by Josephine Butler, rejected the hypocrisy which allowed men the sexual license to exploit women and which simultaneously penalised those women who had been exploited.

Early feminist opposition to the double standard of sexual morality was directed initially at the Contagious Diseases Acts which subjected all women suspected of working as prostitutes in ports and garrison towns to a compulsory medical examination and ignored the role of the male clients in the spread of sexually transmitted diseases. Three of these Acts were passed between 1864 and 1869, and were introduced initially as "exceptional legislation"¹⁹ to control the spread of venereal disease among enlisted men. The guiding principle of these Acts, as reflected in the *Royal Commission on the Administration and Operation of the Contagious Diseases Acts*, was that:

We may at once dispose of any recommendation founded on the principle of putting both parties to the sin of fornication on the same footing, by the obvious but no less conclusive reply that there is no comparison to be made between prostitutes and the men who consort with them. With the one sex the offence is committed as a matter of gain; with the other it is an irregular indulgence of natural impulse.²⁰

The terms of these Acts allowed a plainclothes police officer to identify, at his discretion, a woman as a "common prostitute". As Trollope explains:

His powers were very broad indeed. When stopped, a woman was expected to submit voluntarily to regulations which required her to be registered as a prostitute and then to be examined fortnightly for evidence of infection. If she awkward about such treatment, she was brought to trial before a magistrate and required to prove that she never had sexual encounters with men, whether for money or not.²¹

If a woman was found to be diseased, she was confined to a lock²² hospital or lock ward in a general hospital. Lock hospitals dated from the 1740s. The earliest institutions, Trollope suggests, most probably had been for lepers, "outcasts of respectable society just as diseased prostitutes were".²³ Lock hospitals entrenched the association between prostitutes as reservoirs of infection, and imputed to the

prostitute the sole responsibility for the spread of sexually transmitted diseases. With the rise in the incidence of venereal disease, and especially syphilis and gonorrhoea, the prostitute was cast as "the 'conduit' of infection from the great unwashed of the gutter to the higher ranks of society who in turn exploited her".²⁴

Lock hospitals were designed to confine these diseases and operated on the assumption that a prostitute, as a fallen woman, had no self-respect left to be injured.²⁵ It is not surprising, then, that there were "no shortage of lurid stories from lock hospitals nor of accusations of 'instrumental rape' during examination. The whole system was inevitably brutalising".²⁶

Josephine Butler, Trollope suggests, "was the brightest star of the sixteen-year campaign ... waged against the Contagious Diseases Acts".²⁷ Whilst Butler viewed prostitution as being destructive of human dignity, she still supported the rights of (adult) prostitutes to choose their own occupation free from harassment, and she therefore championed their political, legal and economic rights. In "An Appeal to the People of England on the Recognition and Superintendence of Prostitution by Governments" (1870), Butler insisted:

By this law a crime has been created in order that it may be severely punished; but observe, that has been ruled to be a crime in women which is not to be considered a crime in men. There are profligate men who are spreading disease everywhere, but the law does not take effect on them.²⁸

The early feminists' understanding of prostitution, however, reflected their ambivalence on how to challenge the position of women in society. On the one hand, they sought the empowerment of women. In believing in individual choice, Butler had focussed attention on the prevailing economic system and on attitudes that limited women's opportunities in the formal labour market, factors which, she argued, created a supply of prostitution. In her "Letter to my Countrywomen, Dwelling in the Farmsteads and Cottages of England" (1871), Butler noted:

... more than half of all the women who live by prostitution fall into it through lack of food, and clothes, and shelter. Are we sure, you and I, that, in like case, we should not have done the same? Hunger and cold are hard to bear; it needs the courage of a martyr to die rather than to sin...²⁹

In her defence of the character of prostitutes, Butler concluded defiantly that:

... even if a woman be utterly vile - the tempter not the tempted - ought she to be deprived of all her rights and liberties? It has always been the boast of Englishmen that the law of England treats every accused person as innocent until he has been proved to be guilty. The burglar, the murderer is not asked to defend himself; he is tried in open court, so that all his countrymen may know what has been said for and against him, and judge whether he has been fairly treated; he has lawyers to defend him, twelve men to listen to the evidence, and a judge to help them to understand the law ... All these safeguards against injustice and oppression the Law of England gives to the man accused of the darkest crime, but for the last two years Parliament has denied every one of them to women only charged with sin, whose accomplices it not only does not punish, but even tries to protect against those penalties.³⁰

The demand for the rights of prostitutes confused the views of feminists who simultaneously labelled prostitution, and its association with promiscuous behaviour, as "sinful". In this regard, they cast prostitutes as the "sacrificial" victims of the exercise of male sexuality, thereby implying that women were helpless in the face of male sexual behaviour. As feminist Flora Tristan remarked:

I have never been able to look at a prostitute without being moved by a surge of compassion for our societies, without contempt for their social organisation and hate for those who dominate them. These latter, having no sense of decency, no respect for humanity, no love for their fellow creatures, reduce God's creature to the lowest degree of abjection! - lowering her below the level of the beast.³¹

Early feminists thus sought to protect women by insisting that the demand for prostitution be eliminated. Accordingly, they looked to men, urging them to recognise that their male sexual urge was a socially constructed phenomenon that could be, and needed to be controlled. The corollary of this view was that women were seen to be the responsibility of men. By emphasising the victimisation of the prostitute, the early feminists thus failed to transcend a sexual morality that divided women into the "good" and the "bad". As J Ellice Hopkins argued in a pamphlet, "The Ride of Death":

For who has driven them into that position? Men; men who ought to have protected them, instead of degrading them; men, who have taken advantage of a woman's weakness to gratify their own selfish pleasure, not seeing that a woman's weakness was given to call out a man's strength. Ay, I know that it is often the woman who tempts; these poor creatures must tempt or starve. But that does not touch the broad issue, that it is men who endow the degradation of women; it is men who, making the demand, create the supply. Stop the money of men and the

whole thing would be starve out in three months time"³²

Butler, in "Letter to my Countrywomen ..." (1871), offered the following suggestions to reduce the forces of prostitution, and thereby, to lessen the incidence of contagious diseases:

What we need are ... laws to hinder men from leading children astray, before they can have any knowledge of the gulf of misery and sin into which they are being plunged; secondly, education, true moral education, to teach every boy and girl in the land that vice is mean, and selfish, and unmanly; that their passions are not their rulers, but their servants; that they are allied to God as well as to the brutes, and that it lies with them choose with which of the two they will claim kinship".³³

In this sense, the demands of both the moral reformers and the early feminists were effectively the same. Both insisted that men were to take some (and maybe all) responsibility for their sexual interactions and that legal repression was required to remove all forms of sexual temptation. These views thus ensured that the notion of the protection of women³⁴ was given priority over (and even to the exclusion of) the empowerment of women, thereby undermining the efforts of the early feminists who had simultaneously campaigned for a woman's right to individual choice. As Weeks argues, the social purity "alliance" implied that:

the legislative changes of the 1880s and afterwards were to have effects probably quite different from those that reformers such as Butler intended, and much more in the direction of increased control rather than of assertion of individual choice.³⁵

Social purity legislation in Britain, such as the Criminal Law Amendment Act of 1885, did not succeed in eliminating prostitution, or "vice" in general. Rather, it changed its form. With the suppression of brothels in 1885, prostitutes were uprooted and had to find alternative lodgings in different areas. As a result, the number of street prostitutes increased and "a much clearer subculture of prostitution"³⁶ emerged. Prostitutes moved into flats and began leading a more atomised existence. Their activity became more covert and furtive and thus they came to rely increasingly on pimps for emotional security and protection.

All of the early feminists' attempts at the empowerment of prostitutes became subverted in the process of moral reform. By the early twentieth century, prostitution shifted from being a female-dominated to a male-dominated trade. Repression

"effectively destroyed the brothel as family industry and center of a specific female subculture". It "further undermined the social and economic autonomy of prostitutes ... and increasingly rendered them social outcasts".³⁷ Thus Pheterson, for example, argues that through the social purity alliance, the early feminist campaigners:

... lost more and more power to the purists until the ... movement strayed entirely from its original intent. Preservation of female liberty had been twisted into a drive for male chastity, male protection and control of women, and state restriction of working women's social and sexual behaviour.³⁸

In short, prostitutes were neither empowered nor protected. Instead, the moral reforms of the late nineteenth century made "ever clearer the distinction between respectable and unrespectable behaviour"³⁹, a distinction which had been embraced by the Contagious Diseases Acts. Prostitutes became socially isolated, and were exposed to far greater risks as streetwalkers than they had faced in the brothel.⁴⁰ The sexual double standard continued to define sexual behaviour. The demand for prostitution was not eliminated, but the view of the prostitute as the "fallen woman" was more firmly entrenched. The impact of moral reform thus exposed the contradiction "between the ostensibly humanitarian instincts of those who campaigned for legal change, and the controlling impact they had on people's lives, particularly working-class girls".⁴¹

It is precisely this contradiction which underpins recent feminist opposition to the censorship of sexual behaviour, and pornography in particular. These feminists point to history to illustrate that attempts to abolish the sex industry can create a license to use reform as means of control, and specifically, the control of women's sexuality.

6.2 The Pornography Debate: Insights for the Politics of Prostitution

Unlike the question of prostitution, which has received relatively little attention in contemporary feminist discourse, the issue of pornography has engendered intense debate in the feminist community. When considering what stance to adopt towards the future of pornography, feminist responses have ranged from calls for its complete abolition to a seemingly uncensored support for that industry. By way of analogy, a brief consideration of the debate on pornography would help clarify feminist

considerations for the politics of prostitution.

Prostitution and pornography are part of the sex industry, reflecting the commercialisation of sex for financial returns⁴² and the sexual objectification of women. The origins of the word "pornography" highlight the historical connections that have been drawn between women involved in the pornography industry and in prostitution. Literally, pornography, as derived from the Greek words *porne* and *graphos*, means the "writing about prostitutes".⁴³ Mills argues further that "in fact, *porne* is best translated by the more derogatory word whore, since *pornoi* was the term for the lowest class of prostitutes, or a term of denigration when applied to others".⁴⁴

Pornography, as it is commonly understood, permits the vicarious, rather than the actual "consumption" of sexual services. In conceptualising pornography, Faust suggests: "Pornography is an aesthetic genre that presents a variety of sexual material by emphasising content at the expense of all other considerations".⁴⁵ It is recognised generally that a more specific definition of what constitutes pornography is difficult to provide, given problems of objectively distinguishing pornography from "good" eroticism.⁴⁶

The feminist debate on pornography has proceeded through three broad stages. In the first stage of the debate, feminists argued that pornography illustrated the nature and extent of sexist ideology. As such, pornography exemplified the commoditisation of women's sexuality. The second stage of the debate, which coincided with the growth of radical feminism, saw a strengthening of feminist opposition to the marketing of sex. Pornography was no longer perceived of as a symptom of the sexual oppression of women, but as cause of that oppression, and a primary cause at that. Thus Dworkin and MacKinnon, prominent anti-porn feminists, wrote that pornography represented "a systematic practice of exploitation and subordination based on sex that differentially harms women".⁴⁷ In *Letters From a War Zone*, Dworkin argued:

The second-class status of women itself was constructed through sexual abuse; and the name of the whole system of female subordination was pornography - men's orgasm and sexual pleasure synonymous with women's sexually explicit inequality. Either we were human, equal citizens, in which case the pornographers could not do to us what they did with impunity and, frankly, constitutional protection; or we were inferior, not protected as equal persons by law, and so the pimps could

brutalise us, the normal men could have a good time, the pimps and their lawyers and normal men could call it free speech, and we could live in hell. Either the pornographers and the pornography did violate the civil rights of women, or women had no rights of equality.⁴⁸

Or, as Griffin in her critique of pornography insisted:

Over and over, pornography depicts acts of terrible violence to women's bodies. Yet even as part of these images of women beaten and dying and always as a ghost image behind these sufferings, a more silent and invisible death takes place. For pornography is violent to a woman's soul. In the wake of pornographic images, a woman ceases to know herself.⁴⁹

The shift in the feminist understanding of pornography reflected, in part, the growing emphasis of radical feminism on the relationship between sexuality and the oppression of women. Moving away from the prioritisation of economic dynamics which characterised Marxist literature, and the belief in the power of reform which was embraced by liberal philosophy, feminists focussed attention on the "personal as political". They began to emphasise the nature of heterosexual relations, which, they argued, could only assume an act of violence against women. In a sexist society, it was argued, all sexual activity is male-defined. Consequently, all heterosexual activity was seen to replicate a power relationship in which male sexuality was understood as being inherently aggressive. These arguments thus implied that under a patriarchal system, women can never choose to engage in sexual relations with men freely.

With this change in perception, feminists started to campaign actively against the pornography industry. Pornography, in using women in ways that are often violent and degrading, and in depicting women as powerless sexual objects, was seen as entrenching and renewing the basis of the patriarchal system. Anti-porn feminists adopted the slogan "pornography is the theory and rape is the practice". In America, anti-porn feminists who formed "Women Against Pornography" campaigned to have pornography outlawed. In 1985, Dworkin and MacKinnon drafted anti-pornography ordinances which would give women the right to sue "pornography's makers, marketers and consumers if they felt it was being used as a means of sexual abuse or discrimination".⁵⁰

Although this feminist understanding of pornography helped to challenge the image of women as manipulative and seductive, it was (unintentionally) less successful in countering the alternative portrayal of women as virginal, virtuous, nurturing and

feminine. In a virtual repeat of history, the feminist position on pornography, and on the censorship of commercial sex in general, allied these feminists with the Moral Majority and traditional religious ideology which defined women almost exclusively as wives and mothers. As Weeks explains: "Their starting points might be different, as are their ultimate goals. Nevertheless the alliance meant a blurring of the edges of differing campaigns".⁵¹

The effects of the legislation proposed by Dworkin and MacKinnon clearly illustrate this argument. The legislation was not in the form of a criminal law, which would have made certain forms of obscenity illegal. Rather, it was put forward as a civil law which would have enabled individuals to sue the makers and distributors of pornography, a law that was to be enforced by court injunctions. In this way, it was suggested that legal measures against pornography would constitute a feminist enactment of women's rights, and not a form of right-wing censorship. This subtlety was lost, however, when the law was used as a model elsewhere, "most notoriously in Indianapolis, where it was supported by extreme right-wing religious fundamentalists, while there was no local feminist support".⁵² For the public, this tacit alliance obscured the basic feminist opposition to pornography. It simply suggested that the one image of women be replaced with the other stereotype, and not that the broader process of the sexual objectification of women itself be rejected.

The often virulent feminist opposition to pornography was important insofar as it highlighted questions such as sexual violence, rape and the sexual exploitation of children, questions which often had been ignored in politics or which had been dismissed as secondary to other issues. "But it also led to a new emphasis on the differences between male and female sexualities, and upon women as victims of male power and desire."⁵³ Thus Alice Echols comments: "as recent feminism has become synonymous with the reclamation of and establishment of a so-called female principle, it has come to reflect and reproduce dominant assumptions about women".⁵⁴

Contemporary feminist opposition to the commercialisation of women's sexuality, and their associated calls for its suppression, thus gave rise to the same problems as it had done in nineteenth century England, where Walkowitz notes:

There were times, particularly during the anti-regulationist campaign, when feminists were able to dominate and structure the public discourse on sex and to arouse popular female anger at male sexual license. Yet

this anger was easily subverted into repressive campaigns against male violence and sexual variation, controlled by men and conservative interests whose goals were antithetical to the values and ideals of feminism.⁵⁵

The feminist alliance with the moral right precipitated the third stage in the pornography debate and led to the formation of "Women Against Women Against Pornography" and the "Feminist Anti-Censorship Task Force" (FACT). Some feminists began to challenge the radical feminist understanding of sexuality, arguing that frustration within the women's movement at the continuation of women's oppression had led these theorists "to scapegoat sexual images in their search for the real cause of this seemingly incurable social evil".⁵⁶ The question of sexual freedom was re-explored, and feminists now began to argue that:

We reject the analysis of the problem of male violence, seeing it as a dangerous over-simplification that is ultimately harmful to women. It is possible, we believe, to be dedicated to eliminating violence against women while supporting freedom of sexual expression.⁵⁷

These feminists remained critical of pornography as a manifestation of sexist culture, but they rejected both the weight that had been attached to pornography in understanding women's oppression and the prescriptions for change that accompanied this analysis. Thus Bearechell suggests that:

the power of a critique of fundamental social structures is lost as individual men are seen as the source of women's problems ... there are still feminists who have the important targets in sight .. They know that an obsession with victimhood can derail a movement that must concern itself with power - who has it, how they got it, and how to take it for ourselves. It must be up to those feminists to point out the ever-more-apparent dangers of allegiances with those who, despite their superficial commitment to common concerns, are enemies of freedom and justice.⁵⁸

Although the link between pornography and sexual violence had been established in existing theoretical discourse, some feminists questioned whether it was substantiated adequately by empirical evidence. For example, one could argue that:

... in South Africa where pornography is banned, we have one of the highest occurrences of sexual abuse in the world. And in Denmark, where pornography is a way of life, there is comparatively little sexual violence.⁵⁹

In questioning the alleged relationship between pornography and violence, some

feminists began to redefine the nature of sexual liberation as a feminist goal and, accordingly, how this goal was to be realised. An important aspect of their reconsideration was the insistence that women fight for the freedom to choose their sexual relations and forms of sexual pleasure. In so doing, they challenged the earlier feminist calls for the complete suppression of the sex industry.

The new feminist opposition to censorship was grounded in two complementary arguments. Firstly, these feminists pointed to the unintended alliance that had developed between the anti-porn feminists and the moral conservatives, and emphasised its historical precedents. Calling for the repression of pornography, they argued, had been used historically to narrow the limits on what constituted acceptable sexual behaviour. Specifically, it had offered, and would continue to offer, moral conservatives the space to re-assert the importance of traditional values, of the role of the virtuous wife and mother within the nuclear family. But as Willis insists:

The suppression of women's sexual desire and pleasure, the denial of our right to control reproduction, and the enforcement of female abstinence outside marriage have been - together with our exclusion from equal participation in economic and political activity - primary underpinnings of male supremacy.⁶⁰

Although these feminists recognised the sexually exploitative basis of the sex industry, they argued that women's magazines, which preyed on the slenderised and idealised images of the feminine women, wife and mother, were equally sexist. Thus, Ellis *et al* explain:

[these feminists] share an agreement that the way to deal with that influence is not through silencing ideas or images that may disturb people. [They] question whether sexually explicit materials are more potent (or more harmful) conveyors of sexism than materials less vulnerable to censorship.⁶¹

Historical and cross-cultural evidence indicated that when sexual expression becomes relegated to the private sphere alone, as traditional values would insist, so "women become more vulnerable to sexist practices, and women's concerns have a harder time claiming space in the realm of public discussion".⁶²

These feminists then argued further that the complete censorship of the sex industry and its workers would not only inhibit avenues for the freedom of sexual expression, but further this would occur "at a time when women are only beginning to listen in on

and participate in hitherto largely male-dominated conversations, and to hold conversations of our own".⁶³ Debates about the sex industry had offered women the opportunity to talk about sex and sexual variation explicitly for the first time. Calling for the complete suppression of that industry, it was argued, would in turn "endanger the climate of cultural demystification that has made these welcome beginnings possible".⁶⁴

Those feminists who supported "Women against Pornography" insisted that if the possibilities of sexual expression were not explored in debate, given the context of a sexist society and a legacy of male prescriptions of the nature of female sexuality, restrictions could be imposed on women's behaviour. In turn, this would limit women's self-expression, which is precisely one of the processes by which women become objectified.

Although all feminists seek ultimately the empowerment of all women, the pornography debate illustrates the differing feminist opinions on how this empowerment is to be achieved. The empowerment of women suggests the creation of an environment within which a woman has the right to control her own body. This includes the right to decide when and how sexual activity should take place and the decision of whether or not to have children. As Faust argues:

If the women's movement can be summed up in a single phrase, it is 'the right to choose'. Women must decide for themselves whether to have premarital intercourse ... whether to remain celibate. Women must be free to choose partners of their own sex, the opposite sex, or both ... Motherhood must be optional - not obligatory.⁶⁵

The realisation by women of sexual (and economic) autonomy is constrained by the nature of a patriarchal society, which historically has used biological differences between men and women to delineate gendered attributes, roles and responsibilities. In seeking to overcome the oppression of women, feminists cannot wait for the structural transformation of that society. Rather, they must contribute both to its erosion and to improving the immediate position of women. To this end, the pornography debate highlights two alternatives. Either feminists can seek to eliminate the visible forms of patriarchal society, by calling, for example, for the repression of pornography and prostitution. Or they can attempt to work within these limits, and offer women the power to overcome patriarchal restrictions in their daily lives.

Neither option is unproblematic and, indeed, each exposes the difficulties of attempting to challenge a deeply entrenched status quo. Ultimately, however, the choice of feminist policy must depend on pragmatic considerations such as the practical effectiveness of one alternative over the other. The history of moral reform and the insights of the pornography debate suggest that feminists' attempts to protect women from the double standard of sex morality and from sexual exploitation, by demanding the complete suppression of the sex industry, are likely to prove counter-productive. As Willis argues:

crusading against pornography as a symbol of male violence will impede feminism rather than advance it; that focussing primarily on issues of women's safety ... is more problematic and less effective than focussing on issues of women's sexual freedom; that it is important for feminists to defend people's (including men's) freedom to engage in consensual sexual activity, including acts we may find distasteful.⁶⁶

Furthermore, it would alienate those women who worked in the sex industry. Legally repressing pornography, without confronting its causes in the first place, will not eliminate that industry. It would merely serve to end any attempts to improve conditions, "since illegality and stigma form the worst possible basis for organising".⁶⁷

These arguments illustrate, by way of analogy, the limitations of calling for the forcible abolition of prostitution. Importantly, they show that repression would serve to mystify the reasons for prostitution itself. The abolition of prostitution would be tantamount to repressing a symptom of women's oppression without confronting its causes. Simultaneously, it would alienate those women who are prostitutes earning their living in the sex industry, thereby undermining their own attempts at empowerment. It would further subvert the long-term feminist objective of empowering all women by silencing debate on sexual expression and experiences and could instead renew social and public control over sexual behaviour, and sexuality in general.

Endnotes

1. G Scambler, R Peswani, A Renton and A Scambler, "Women prostitutes in the AIDS era". *Sociology of Health and Illness*, vol 12, no 3, 1990.
2. B Hobson, *Uneasy Virtue. The Politics of Prostitution and the American Reform Tradition*. New York: Basic Books, 1987, p.viii.
3. The concept of the 'decriminalisation' of prostitution was coined, says Margo St James, by Jennifer James, a professor in anthropology in Seattle, and member of the National Organisation of Women. *Preface to A Vindication of the Rights of Whores*, (ed) G Pheterson, Seattle: The Seal Press, 1989, p.xix.
4. Scambler *et al*, *op cit*, p.266.
5. In January 1920, the Volstead Act came into effect in the United States, legislation which prohibited the sale and consumption of alcoholic beverages, "defined as those containing over one-half of one per cent alcohol" (J Potter, *The American Economy Between the World Wars*. New York: MacMillan, 1974, p.170).
6. *ibid*, p.48.
7. *ibid*.
8. M Friedman and R Friedman, *The Tyranny of the Status Quo*. Middlesex: Penguin, 1985, p.132.
9. K Barry, *Female Sexual Slavery*. New York and London: New York University Press, 1979, p.125.
10. Similar calls were made in America during the early twentieth century. See R Rosen, *The Lost Sisterhood: Prostitution in America 1900-1918*. Baltimore: The John Hopkins University Press, 1982.
11. J Weeks, *Sex, Politics and Society. The regulation of sexuality since 1800*, second edition. London: Longman Group Ltd, 1989, p.81.
12. *ibid*, pp.82,83.
13. *ibid*.
14. *ibid*, p.87.
15. from *Sins of the Flesh*, quoted in Weeks, *ibid*.
16. from "The Political Value of Social Purity", quoted in Weeks, *ibid*.
17. J R Walkowitz, *Prostitutes and Victorian Society: Women, Class and the State*. Cambridge University Press, 1990.
18. *ibid*.
19. J Trollope, *Britannia's Daughters*, London: Hutchinson, 1983, p.169.
20. quoted in Trollope, *ibid*, p.168.
21. *ibid*, pp.169, 170.
22. The name "lock" derived from the French word *loques*, meaning "rags or bondages" (Trollope, *ibid*, p.170).

23. *ibid*, p.170.
24. *ibid*, p.169.
25. Trollope suggests that these hospitals further provided medical students with training in "one of the major problems of the age", as well as serving the "expiation of upper-class guilt, as they were run as subscribers' charities" (p.170). In this regard, the lock hospitals were seen as 'houses of potential reform' that would instruct younger prostitutes, as women susceptible to correction, on personal cleanliness and respectability.
26. *ibid*, p.171.
27. *ibid*, p.172.
28. reproduced in S Jeffreys (ed), *The Sexuality Debates*. London: Routledge and Kegan Paul, 1987, p.113.
29. reproduced in *ibid*, p.152.
30. Butler, "Letter to my Countrywomen ...", reproduced in *ibid*, p.157.
31. Flora Tristan, *Promenades dans Londres*. Paris and London; 1840, quoted in E O Hellerstein *et al* (eds), *Victorian Women*. Harvester 1981, p.420.
32. quoted in Jeffreys, "'Free from all uninvited touch of man'. Women's Campaigns around sexuality, 1880-1914". L Coveney *et al*, *The Sexuality Papers. Male Sexuality and the Social Control of Women*. London: Hutchinson and Co., 1984, p.28.
33. reproduced in Jeffreys, *op cit*, p.168.
34. This protection was elicited by appealing to the area of sexual morality, where feminists often sought the support of the Church of England in the transformation of male sexual behaviour.
35. Weeks, *op cit*, p.89.
36. *ibid*, p.90.
37. Walkowitz, *op cit*, p.85.
38. Pheterson, *op cit*, p.11. At the end of the nineteenth century, Butler and other leading spokeswomen of the prostitution campaign resigned when its repressive nature became apparent.
39. Weeks, *op cit*, p.90.
40. Moral reform in America during the early twentieth century had similar effects on prostitution. Between 1900 and 1918, anti-vice moral reformers advocated the Red Light Abatement Acts which saw the closure of red light districts around the country. As a result, prostitutes were forced onto the streets, making them vulnerable to police harassment and exploitation by pimps.
41. Weeks, *op cit*, p.87.
42. By the early 1980s, pornography was estimated as being a \$5 billion industry in the USA (Weeks, *ibid*, p.93).
43. see *The Oxford Dictionary of Etymology*.
44. J Mills, *Woman Words*. London; Virago Press, 1991, p.191.
45. B Faust, *Women, Sex and Pornography*. England: Penguin Books, 1982, p.17.
46. Indeed, Faust argues that it is easier to describe pornography in detail than it is to actually define it in one sentence. Pornography, she continues, "is literal

- and, at the same time, out of touch with reality, distorting sexuality and its place in daily life. ... The men are always potent, the women are always willing ... Complex experiences are pared down to stereotyped routines between stereotyped actors" (*ibid*, p.16).
47. quoted in G Chaster and J Dickey (eds), *Feminism and Censorship: The Current Debate*. London: Prism Press, 1988.
 48. A Dworkin, *Letters From a War Zone*. London: Secker and Warburg, 1988, p.313.
 49. S Griffin, *Pornography and Silence*. New York: Harper and Row, 1981, p.202.
 50. M Gevisser, "Porn in the RSA", *The Weekly Mail*, 3-8 May 1991. See also, R Tong, *Contemporary Feminist Thought. A Comprehensive Introduction*. London: Unwin Hyman, 1989.
 51. Weeks, *op cit*, p.107.
 52. quoted in the "Introduction" to *Sexuality. A Reader*, edited by Feminist Review, 1987, p.6.
 53. Weeks, *op cit*, p.108.
 54. A Echols, "The new feminism of yin and yang". A Snitow, C Stansell and S Thompson (eds), *Pleasure and Desire. Exploring Female Sexuality*. London: Virago, 1985, p.62.
 55. Walkowitz, *op cit*, p.89.
 56. K Ellis, B O'Dair and A Tallmer, "Feminism and Pornography". *Feminist Review*, no 36, Autumn 1990, p.16.
 57. *ibid*.
 58. C Bearchell, "Pornography, Prostitution and Moral Panic". *The Body Politic*, no. 101, March, 1984.
 59. Gevisser, *op cit*.
 60. Willis, "Sexual Politics". I Angus and S Jhally (eds) *Cultural Politics in Contemporary America*. New York: Routledge and Kegan Paul, 1989, p.169.
 61. Ellis, *et al*, *op cit*, p.17.
 62. *ibid*, p.17.
 63. *ibid*, p.16.
 64. *ibid*.
 65. Faust, *op cit*, p.2.
 66. Willis, *op cit*, p.181.
 67. Feminists Against Censorship Leaflet. *Feminist Review*, Summer 1989, no 36, p 28.

CHAPTER 7 : PROSTITUTION AND POLICY
Part 11: Prostitution Reform. Aspects of the Legalisation of Prostitution.

Introduction

This chapter seeks to examine the practical issues and problems of the politics of prostitution, with the ultimate objective being to identify a (tentative) framework for the development of appropriate policy. It looks at the risks and problems faced by prostitutes in the sex industry and at their own suggestions for changing the nature of that industry. In so doing, the merits of a free market approach to commercial sex will be weighed against that of an interventionist position. When examining policies towards prostitution, consideration will also be given to the impact of AIDS and the broader implications for the position of women in general.

In the nineteenth century, calls for some sort of prostitution reform were made by "first wave" feminists and social purity campaigners. The question of prostitution reappeared in the reform agenda in the 1970s¹ (in America in particular), and again, as Hobson suggests, "prostitution reform ... rode on the coattails of other social movements".² Specifically, she cites the impetus for renewed prostitution politics as coming from the civil rights movement of the 1960s, and "sexual revolution" of the same period.

Unlike the prevailing campaigns for gay rights and reproductive freedom, however, "no mass movement coalesced around prostitutes' rights".³ Firstly, as Hobson continues, "there was no emotional issue available in the 1960s and 1970s to galvanise the public as white slavery had"⁴ done in the late nineteenth and early twentieth centuries. Secondly, "the movement to change prostitution laws lacked a platform and a common strategy for reform".⁵

Prostitution campaigners were united in a rejection of the criminal justice system and the gender bias of anti-prostitution laws. On the whole, it was recognised that "the enforcement of prostitution laws reflects the inequalities in the system through punishing only women, mainly poor and black women".⁶ Beyond this, however, they could not agree on what kind of new system should replace the old. For feminists, in

particular, the question of prostitution was a difficult one. Indeed, Hobson suggests that:

The divisiveness within the feminist movement over sexual politics and the ambivalence of feminists towards the prostitute's cause may explain why no campaign around prostitution has materialised within the American feminist movement".⁷

The feminist dilemma over policies towards prostitution is clearly expressed by the writers of *The Politics of Prostitution*:

As feminists, many of us are idealistic when we first encounter the issue of prostitution. Because of the sexual exploitation involved in prostitution, we are tempted to initially say that this is an improper use of human beings. Prostitution, we say, should be eliminated, not legislated.⁸

Many feminists identify as the ideal solution a situation in which the sexual double standard has been eroded and where "a social and cultural system (which) will accept women as equals" has been created.⁹ Ultimately, the long-term goal of this feminist project is a society where the causes of prostitution, and other forms of the sexual objectification of women, are eliminated. Viewed against that the standards of this long-term project, defining prostitution as work and repealing laws against prostitution could institutionalise commercial sex as an option for women. In turn, this could suggest "that women would always lack economic opportunities and thus would serve men as sex objects".¹⁰ Furthermore, it might reinforce the notion that prostitution exists as a service industry for men, responding to a legitimate demand for sexual variety. This implicitly assumes that men have a greater sex drive than women with its associated implications for the nature of male and female sexuality.

As the writers of the *Politics of Prostitution* observe, however: "To speak only to the ideal of no sexual exploitation - in the face of current sexual, economic and legal realities - is self-serving".¹¹ Calls for the prohibition of commercial sex would (unintentionally) ally feminists with similar demands made by the New Right and moralists who seek a return to those traditional values which feminism has challenged. Attempting to eliminate prostitution is tantamount to suppressing the symptoms of prostitution without recognising or addressing its causes. As long as the structural determinants of prostitution, in terms of economic factors and the sexual objectification of women, remain intact, the prohibition of prostitution would not

eliminate the sex industry. However, it would lead, and has already led, to its criminalisation. Several theorists have documented that "most of the negative aspects of prostitution (are) side effects caused by its illegal status".¹² Finally, the incidence and spread of AIDS, as a fatal and non-curable sexually transmitted disease, demands that idealism be replaced by pragmatism, and, accordingly, that policy be developed to reduce the risk of infection among prostitutes and their clients.

Since criminal sanctions are, at best, ineffective and often counterproductive for addressing prostitution, the first step should be to decriminalise prostitution, removing all antiprostitution laws from existing legislation. The elimination of one set of laws on prostitution, however, immediately raises the question of what kinds of new laws - if any - should replace the old. Importantly, strategies towards prostitution must consider the extent of state intervention in prostitution: should prostitution be integrated into a legitimate business enterprise and work environment, where its operation is governed by a set of state laws; or should there be no regulation at all such that the sex industry operates according to a free market system?

Either alternative encounters difficulties. On the one hand, as Hobson notes: "... the legal hook of the state ha[s] always used protection as a pretext to incarcerate and stigmatise women".¹³ On the other hand, prostitution cannot be viewed as an economic transaction alone. It cannot be divorced from aspects of the broader sexual objectification of women. Calls for a free market in prostitution contrast sharply with feminists' attacks on the state for failing to intervene in the private sphere in the event of marital rape and wife and child abuse.]

It is not surprising, then, that Hobson should note: "When it [comes] to finding practical solutions for prostitution, the issues [become] extremely complicated".¹⁴ A feminist intervention in policy is needed to ensure that women's choices and priorities find public voice among policy-makers. The question of prostitution, however, not only exposes methodological differences among the various feminist directions as to what these priorities should be and how they should be attained. Confronting the reality of prostitution further reveals the difficulty of identifying short-term policy measures that complement the long-term feminist goal of the liberation of women. Short-term policy must occur alongside, but also be fundamentally incorporated into, a more long-term vision that challenges the *status-quo* that is embodied in a socially constructed sexual division of labour.

7.1 Existing Legal Practices and the Problems faced by Prostitutes

In all its variant forms, modern sexuality is policed by laws which regulate and oversee sexual desires, actions and identities.¹⁵

In South Africa, prostitution is illegal in terms of the Immorality Amendment Act. Soliciting (any form of activity inviting customers, be it by word or gesture) is subject to a maximum fine of R4000 or two years in jail. For "loitering" (standing on the street for purposes of prostitution) women pay a fine of between R100 and R200, and for performing "indecent acts", the prostitute will be fined or face a four month jail term, suspended for four years. The legal prohibition of prostitution is not unique to South Africa. In most countries, prostitution is illegal, or at best, legally tolerated.¹

(The examination of the economic determinants of prostitution conducted above suggests that one recognise prostitution as a form of work (albeit often undesirable) for women, as well as being a source of income or profit for their employers or pimps. Unlike other forms of employment, however, a prostitute is not recognised as a working citizen. By virtue of her illegal status, a prostitute has no right to social welfare, state pension, health allowance and unemployment pay.¹⁶ Nor are the profits to the trade taxed.)

(Furthermore, prostitutes have no legal protection in the event of rape, theft or physical abuse. A prostitute is severely disadvantaged in prosecuting a rapist. As a prostitute, with "sex as her business", it is conventionally argued that she cannot be raped, an assumption that makes prostitutes "easy targets for men who assume they can act out their misogyny with impunity".¹⁷ Barry notes that street prostitutes, in particular, are often the target of sexual violence, and cites as recent examples, the "Los Angeles strangler" and the "Yorkshire Ripper", (late 1977 to early 1978), who carried out several rape-murders, most their victims being prostitutes.¹⁸ Because her money is earned illegally in the first place, a prostitute further has no legal protection if she should get robbed on the job. As one prostitute working in Johannesburg remarked: "You're on your own - if the client gets violent, or refuses to pay - well, it's part of the job".¹⁹ Or as a street prostitute in Durban said: "As a street prostitute operating independently, each man poses the threat of rape and robbery".²⁰

In South Africa, the activities of massage parlours and escort agencies are also regulated by The Immorality Amendment Act. Many owners protect themselves, however, by insisting that: "Upon being hired, you (the escort) must sign a form promising that you will not engage in sexual intercourse of any nature. A similar form must be signed each time you give a client a massage."²¹

Nonetheless, as an escort working in Johannesburg notes: "99.9 per cent of clients want the real thing".²² Or as a Durban escort remarks: "In all my years at the game I have never heard of a customer paying an agency fee for a girl and not wanting sex. It's never happened to me".²³ Agency rules simply allow the agency to disclaim any responsibility for an escort's actions should she be arrested. Aside from this stipulation, "[e]scort agencies do not have formal contracts of employment with the women who work for them and there is no form of job (or personal) security".²⁴

Many women, however, prefer working for an escort agency or massage parlour to street-walking. Agencies claim to screen clients (if minimally), and to record their names and numbers. Escorts may have to phone the agency when they arrive at the client's hotel or home and some must inform the agency if they will be longer than the allocated time (usually two hours). Escort agencies and massage parlours thus offer prostitutes some form of "in-house" protection in the absence of their formal legal standing. One owner of a Durban escort agency even declared: "... my main job is to care for the girls ... mak[ing] sure that [they] come back safely".²⁵ This concern is not characteristic of all agencies, however, where the profit incentive often operates strongly to the detriment of the escorts themselves. A recent report on agencies in Durban claims that:

Escorts are regularly beaten up by the agency bosses, male and female, and are coerced into sleeping with male bosses; If an escort refuses to accept a 'booking' she is then forced to pay the agency the fee lost from that booking; If an escort refuses to sleep with a client after a few dates, the client will be refunded and the escort has to pay the agency back.²⁶

Existing legal practices which define prostitution as a criminal offence rest on three assumptions about the nature of the sexual transaction. Firstly, it is assumed that women do the soliciting in the prostitution exchange and therefore that women are the guilty parties in the transaction. Secondly, it is assumed that women are the repeat offenders and who thus need to be discouraged by fines and imprisonment. Finally, it is assumed that only women profit from the transaction, with no or little

consideration being given to those women who are not self-employed, or to the hotels, clubs and agencies which profit in the process. Although "living off immoral earnings" is illegal in most countries, a charge can only be brought against a pimp if it is proved that he is receiving money from a woman who is working as a prostitute. The prosecution of pimps is thus dependent on charging women first with prostitution.)

(Feminists have objected to the nature of existing legal practices on the grounds that they are unconstitutional, insofar as they do not recognise individual rights and freedoms, and reflect a strong gender-bias.) As feminists have insisted historically, even if prostitution is held to constitute a criminal offence, "men and women [are] both participants in, and initiators of the sexual exchange, so why should the laws apply only to women?"²⁷ As one prostitute in Durban remarked: "It's amazing, it is men who make the law and men who are quite willing to pay for sex".²⁸

Feminists have rejected the double standard which assumes women to be the main actors in the prostitution exchange. This assumption is implicit in the use of male decoys as a means of enforcement. Yet it has been found in studies conducted in the USA, for example, that "when police departments employed female decoys, ... men were doing the soliciting in prostitution exchanges".²⁹ As regards the question of monetary gain, Hobson notes that:

Other persons - that is, pimps, hotel managers, and hotel owners - reaped far greater financial rewards from prostitution than did the prostitute on the street. But the criminal justice system ignored their role in the prostitution system, as it always has.³⁰

An escort working in Durban points to the legal hypocrisy, arguing that: "The girls are the ones that suffer while the agencies sit back and just collect money. It's our bodies and faces that pay for their underpants and cars... They are the ones who should be nailed."³¹

On the whole, the notion of a gender difference in responsibility is deeply embedded both in the law and in its enforcement. The male-bias of existing laws and this differential system of justice, Symanski suggests, reflects attempts by "males who control the state" but who may also "wish to consort with prostitutes", to resolve their moral dilemma³²:

This differential system of justice satisfies social demands that arise from visibility and the image of prostitutes, is consistent with the general pattern of sexism by males, and permits access to what is ostensibly denied as morally accessible.³³

Street prostitutes, who are the most visible of prostitutes, are harassed and fined, "but never to the point of eliminating them from the streets".³⁴ As Barry notes, "as long as there is a demand, there will be no major interference with supply".³⁵ Harassment of street prostitutes, however, "is a way of assuring the community that morality is being upheld".³⁶

Recently, the gender bias in prostitution has been exposed once more in the stigmatisation of prostitutes as causes and carriers of the HIV virus. Prostitution is high risk work, but the mandatory testing of prostitutes (only) in some countries "lets everyone else off the risk hook and [represents] measures designed to protect clients, not the women themselves".³⁷ Indeed, the first decade of the AIDS pandemic "has seen conflict, imprisonment and court cases as a result of attempts to police sex workers".³⁸

In the USA, for example, AIDS worker Priscilla Alexander reports that "thirteen US states require anyone convicted or charged with prostitution to be tested for antibodies to HIV".³⁹ In Sweden, Germany and Australia, she continues, authorities "have quarantined some women who continued to work as prostitutes after learning they were HIV-positive".⁴⁰ In India, HIV-positive prostitutes have been detained (sometimes for years).⁴¹ Recent investigative journalism in South Africa clearly reveals the gender bias of law enforcement, as well as dangerous ramifications of this bias. A journalist, who posed as a prostitute, sought to "verify allegations made to me by many escorts about the abusive behaviour of the South African Narcotics Bureau".⁴² She discovered, upon being arrested by police, that they confiscate condoms as "evidence" of solicitation. The effect of this procedure is to discourage escorts from carrying condoms as a form of protection against AIDS: "... because they know it will be used as evidence against them, most of the girls don't carry condoms with them".⁴³

In the same report, the "under-cover" journalist notes:

We were warned to plead guilty to the charges. At no time was anyone informed of any rights. Only threats of fines and prison sentences were issued ... They threatened us with prison, with suffering and ranted about

whores burning in hell if they didn't mend their ways. But then they got all of us to pose for a 'happy families' photo, diving in between us and striking macho poses. They behaved like a group of men at a successful stag party.⁴⁴

Simply changing the letter of the law will not necessarily change the day-to-day practice of enforcement against the female prostitute. On its own, legal change will not erode the deep-seated prejudice against prostitutes as "sluts", "tarts" and "whores". Similarly, whilst attempts at the legal repression of prostitution have contributed to the criminalisation of the sex industry, striking anti-prostitution laws from the statute book will not automatically, nor necessarily, eliminate the violence and crime that has evolved in prostitution culture.

As a result of legal measures to suppress prostitution in England in the nineteenth century, prostitution shifted from being a female- to a male-dominated trade. As the number of legal prosecutions increased, so prostitutes came to rely increasingly on pimps for protection and emotional security, and crime invaded the sex industry. Similar effects were reported in Italy where brothels were banned in 1958 following a law introduced by Senator Angelina Merlin. Prostitution did not disappear. On the contrary, the number of prostitutes increased from an estimated 40 000 women in 1958 to 500 000 women in 1989. Reports indicate that repression has worsened the situation, the number of sex crimes having increased simultaneously with the invasion of pimps into the sex industry.⁴⁵

In criminalising prostitution, legislation has aggravated the working conditions of prostitutes and the environment of prostitution itself. Because prostitution is illegal, prostitutes seek assistance from those who can make the job of prostituting easier. Illegality and discriminatory treatment has therefore encouraged "prostitutes to form dependency bonds with numerous predators and parasites". In examining these relationships, Symanski suggests that:

For the streetwalker, and even other prostitutes, the pimp has proven to be the axial pillar in the search for solutions to insolvable dilemmas. Assistance, of course, is needed in a great many ways beyond what a pimp can provide. Cabdrivers, bellhops, lawyers and bartenders also make the job of prostitution easier. But as do pimps, they charge high fees ... The women become enmeshed in a quandary. Once criminalised they find it difficult to return to the 'straight' world. Yet, to survive in an illegal environment they must actively seek the support of people who exploit them.⁴⁶

If prostitution were not illegal, and if the social status of prostitutes were different, Symanski argues, "there would be little need for predators, or those that did exist could more easily be pursued and prosecuted".⁴⁷ "The sharper and more profound the moral cleavage" in prostitution, he continues, "the greater the leverage outsiders have in exploiting prostitutes".⁴⁸ In many cities, the sex industry is now highly organised and tightly controlled by the "invisible hands"⁴⁹ of pimps and and/or drug-dealers. These links to drugs and organised crime, Hobson argues, "reveal the difficulty of implementing prostitutes' rights proposals that seek to treat prostitution as a service profession or as a licensed trade".⁵⁰

The problems faced by prostitutes and the effects of existing legal practices insist that a change in the legal system cannot be seen as an end in itself. Rather, prostitution policy must be placed in the wider context of sexual relations and women's economic and political power. This is not to suggest that there is no relationship between legal change and "the end" goal of feminist strategy. But legal change, which seeks to protect the rights of prostitutes, must not contradict the long-term feminist project which seeks to empower women in all sphere of their lives. The erosion of existing legislation on prostitution, and decriminalisation, therefore raises questions about what kind of new legislation would be desirable.

7.2 The Process of Struggle

By identifying women's **oppression**, feminists are making specific claims about the emphasis, if not the content, of feminist praxis. Oppression, originating from the Latin for "press down" or "press against", suggests certain kinds of restrictions on people's freedom, restrictions that are humanly imposed and which unjustly constrain the freedom of groups or individuals. Jaggar offers this definition of oppression: "Oppression is the **imposition of constraints**; it suggests that the problem is not the result of bad luck, ignorance or prejudice but is caused rather by one group actively subordinating another group to its own interest".⁵¹

To talk of oppression introduces a perspective that "presupposes a dynamic rather than a static view of society".⁵² It is a "world view", argues Jaggar, that strongly suggests that liberation, the correlate of oppression, "is unlikely to be achieved by rational debate but instead must be the result of political struggle".⁵³ Thus Cockburn

argues that "[i]f the course of history is not sweeping away the sexual division of labour for women, we clearly have to terminate through our own struggles".⁵⁴ A significant aspect of that struggle is to reconceptualise constraints that were once viewed as natural necessities or "givens", into instances of oppression, and then to challenge these constraints. Part of the struggle, therefore, is a constant extension of the "possible domain of human liberation".⁵⁵

The dynamic nature of feminist praxis implies importantly that it is not always possible for feminists to offer a complete specification of the end at which they aim. The focus is rather on the **process** of struggle: "In principle, therefore, liberation is not some finally achievable situation; instead, it is the process of eliminating forms of oppression as long as these continue to arise".⁵⁶ The emphasis on liberation as a process, Jaggar notes, "weakens the temptation to plan utopias by the recognition that our conception of what it is to be liberated must be subject to constant revision".⁵⁷

In discussing the relationship between the "means" and the "end", de Beauvoir examines the process towards liberation, arguing that: "Our hold on the future is limited; the movement of expansion of existence requires that we strive at every moment to amplify it; but where it stops our future stops too".⁵⁸ In trying to realise the future in the present, de Beauvoir insists that before specifying and defining the end, we must take into account the concrete limitations of the present. These limitations refer not only to existing barriers obstructing change, but furthermore, she explains, "we must decide upon the opportuneness of an act and attempt to measure its effectiveness without knowing all the factors that are present".⁵⁹ Bacchi points to implications of these limitations for feminist policy, suggesting that:

Feminists operate within specific political and historical contexts. ... It means that feminists work with inherited legal structures and ideas which constrain their analyses in some ways. The inheritance includes ... concrete and cumbersome collections of rules enshrined in constitutions or legislative precedent ... and political structures ... unwilling to accept responsibility for human needs.⁶⁰

In translating ideal solutions into workable feminist strategies, feminism⁶¹ therefore must acknowledge a limited range of political options, options which are shaped by the "the interaction of political culture, legal doctrine and historical circumstance".⁶²

Attempting to identify a short-term policy on prostitution that complements the more fundamental feminist goal is not an easy task. Policy is both necessitated and

complicated by entrenched prejudices in society; by the invasion of crime and drugs into the sex industry and by the high-risk nature of the prostitute's work. Although many feminists would willingly campaign for the complete elimination of the sex industry, these problems force them to recognise prostitution as a reality, and, accordingly, to confront that reality on a practical level. It is precisely this reality which limits the choice of desirable policy.

7.3 The Voices of Prostitutes: Free Market or State Regulation?

Never have prostitutes been legitimised as spokespersons or self-determining agents, not by those who defend them against male abuse and not by those who depend upon them for sexual service.⁶³

Gabriela Silva Leite (a former prostitute, now a key activist in the prostitutes' movement in Brazil) points out that society's perceptions of, and prescriptions for prostitutes do not take "account of them as human beings with wishes of their own, as needing to struggle for their rights".⁶⁴ Feminists would not be exempt from such an indictment. As Hobson recognises:

In the past, feminist reformers had always spoken for the prostitute; yet few had encountered one. Those who had had been their sisters' keepers, in positions of authority as directors of homes for fallen women, as social workers, or as probation officers.⁶⁵

The suggestion that prostitutes seek other forms of employment, for example, may well be informed by feminist principles, but as a woman in the sex industry has responded: "Why", she asked, "should I have to put up with middle-class feminists asking me why I didn't do anything, scrub toilets even?" ... What's so liberating about cleaning up other people's shit?".⁶⁶

Feminism can oppose the institution of prostitution in principle, but in challenging the nature of patriarchal ideology, it cannot stand in judgement of individual prostitutes.⁶⁷ As O'Hara argues, "workable feminist strategies around prostitution can only come out of dialogue between women who work as prostitutes and women who don't".⁶⁸ This dialogue, she continues, must be seen as the first step towards any strategy, serving to "break down the division between women which ... has [been]

created through the institution of prostitution".⁶⁹ Millett also emphasises the importance of challenging this division, arguing that:

Change would of course involve specific legal reforms, decriminalisation, also a redirection of public policy; but it would also imply more basic changes ... Essential to bring about such change in attitude is a dramatic shift in perspective in the world of 'straight' women, historically divided from the prostitute by their respectability. There must be a new climate of awareness, of trust and self-respect between women, a feeling of community.⁷⁰

In some countries, prostitutes have formed unions for solidarity and for the protection of their rights. Unions largely serve as defensive organisations against police repression, attempting to raise public consciousness about the problems faced by prostitutes. Prostitutes' unions are not trade unions in the conventional sense. "Prostitutes [do] not set out to bargain collectively with pimp managers for higher wages or more autonomy."⁷¹ They function rather as lobbyists or legal advocacy groups, and seek to make prostitutes' demands heard in the legislature and in the media. In 1989, for example, a conference of prostitutes was held in Brazil at which a national association was formed. Its work agenda "includes health, the children of prostitutes, literacy, police violence, the rights of the prostitute and an ongoing debate on the role of prostitution in society".⁷²

The first contemporary prostitute union, COYOTE (Call off Your Old Tired Ethics), was founded by Margo St James⁷³ in San Francisco in 1973. COYOTE inspired the development of other organisations in America in the late 1970s and the 1980s, some of which include PONY (New York), CAT (Los Angeles), PASSION (New Orleans) and CUPID (Detroit). From the mid-1970s, "prostitutes in other parts of the world began to organise as well"⁷⁴. Unions have been formed, for example, in Australia (the Victoria Prostitutes' Collective); in Amsterdam (the Red Thread⁷⁵); in England (PLAN - Prostitution Laws are Nonsense); and in Zimbabwe (Bulawayo Social Club). In Durban, an informal association was formed when forty-two prostitutes who operate in Point road met in July 1989 to air their grievances about their treatment. They pointed, in particular, to police behaviour, and at a formal protest meeting they objected to "the use of abusive and disgusting language by certain policemen on the streets and at the police station".⁷⁶

Prostitutes' unions or rights groups have been important in stimulating camaraderie among prostitutes. Older and more experienced prostitutes have offered guidance to

newcomers. In Brazil, for example, it has been reported that fewer prostitutes belonging to the union are enticed into pimp relationships. Since prostitution is a criminal offence in most countries, however, to form a prostitution organisation has often been a risky business. In general, "numerous attempts to organise have been blocked by violence or social control".⁷⁷ In the USA, for example, "COYOTE Howls"⁷⁸, St. James's newspaper, noted that women known to be union members were singled out by San Francisco police for arrest and harassment".⁷⁹ In Ireland, "a prostitute who tried to organise her colleagues was killed; fire was set to her house and she was burned to death".⁸⁰ Attempts to undermine a solidarity amongst prostitutes would not be unexpected, particularly from the managers of prostitutes who would fear that their control over their "workers" was being challenged or usurped. In Ecuador, for example, "brothel managers purposely rotate prostitutes each week to prevent them from grouping together and expressing their grievances about ill treatment and bad working conditions".⁸¹

Despite these obstacles, the unions have been effective in publicising the prostitute's adverse working conditions and in campaigning for prostitutes' rights. As Gabriela Silva Leite declares, until such time as there exists a different relationship between men and women, "we [prostitutes] must organise as professionals so that tomorrow they don't gather all the prostitutes up and put them in factories without asking if that is what they want".⁸²

The high point of prostitutes' organisation was the *First World Whores' Congress*, held in Amsterdam in February 1985.⁸³ At the congress, a Charter of prostitutes' demands was drafted, the over-riding theme of which was the call for prostitutes' self-representation and for their "rights and protection as ordinary citizens".⁸⁴

On the whole, however, prostitutes' organisations have not identified a common stance towards prostitution. Whilst the basic goal of prostitutes' rights campaigns has been the decriminalisation of prostitution, unions are divided on what the legalisation of prostitution should entail. Differences arise largely over the degree of state intervention that is required in the sex industry.

Prostitute unions in the 1970s in the USA were based on "a libertarian view of prostitution as a private matter between consenting adults, epitomised by the slogan 'My ass is mine'".⁸⁵ Prostitution was characterised as a service occupation that responded to a legitimate demand for sexual variety. Accordingly,

[p]rostitute unions sought to create a sex commerce that followed the rules of the marketplace ... there should be no restrictions on who could become a prostitute, whom she chose to be her manager, and where she chose to practice her trade.⁸⁶

Dolores French, founder president of HIRE (Hooking is a Real Profession) insisted, for example, that "prostitution is a business, like typing or writing or dancing, and has to be approached that way".⁸⁷

These views "echoed an earlier and essentially nonfeminist tradition of prostitution reform",⁸⁸ and were in conflict with those of feminists who insisted that prostitution was sexually exploitative and degrading work. This discord accounts, in part, for the failure of the feminist movement in the USA to mobilise around the question of prostitute rights. For "to treat prostitution strictly as a right to privacy issue undermined feminist critiques of the gender bias within legal definitions of private and public".⁸⁹

If the long-term objectives of the feminist project are to challenge stereotypes of femininity and "appropriate" female behaviour and to eliminate the sexual objectification of women, then to view prostitution merely as economic transaction contradicts this end. The historical preponderance of prostitutes who are women makes it clear that prostitution cannot be divorced from the commoditisation of women's sexuality. In this sense, reference to a "free market" in the sex industry ignores the social, sexual and political dimensions of the sexual transaction and it ignores the role of pimps in industry - factors which effectively rob the concept "free market" of meaning.

It is not surprising that many prostitutes reject state intervention in the sex industry, given their experience with the police and the double standard of legal practices. In the name of protecting women, the state has often entrenched the conventionally defined boundaries of acceptable behaviour and traditional social values. In so doing, it has not only failed to provide protection to women who work in the sex industry, labelling them rather as criminals. It has further "disempowered" prostitutes and undermined their "right to choose". In a chronicle of the international movement for prostitutes' rights, Pheterson notes:

Prostitutes explain the law as an institutionalised attempt to isolate and

silence whores. The corrupt cop, they say, wants to hide his bribes and rapes of prostitutes and continue using them as informants, the exploitative boss wants to keep prostitutes from revolting against bad working conditions, and the customer wants to prevent prostitutes from revealing his sexual dependence, perversion or impotence.⁹⁰

Not all prostitute groups, however, have favoured a free market stance on prostitution. In 1985, for example, a collective of prostitutes in the USA formed a new organisation which challenged some of the basic assumptions of the prevailing prostitute union movement. WHISPER (Women Hurt in Systems of Prostitution Engaged in Revolt) rejected the notion of prostitute autonomy in the sexual transaction, declaring:

We will no longer whisper furtively about the ways that we have been used and hurt by men, while they brag about, celebrate and profit from our abuse. We also reject the self appointed 'experts' or spokespersons who pimp prostitution as a pleasurable, lucrative, economic alternative that women freely chose, while they decline this 'choice' for themselves.⁹¹

Rather than view the prostitute as empowered in the sexual transaction, WHISPER cast the prostitute as a victim. Physical and emotional abuse by pimps, juvenile prostitution and drug abuse, in turn, suggested the need for some form of intervention and support structure for prostitutes.

Members of the Bulawayo Social Club have also favoured active state intervention in the sex industry, arguing that prostitution "is here to stay and can be wholly accepted by all communities only if the government legalises it by monitoring its operations from registered premises like any other business".⁹²

In recent years, in response to the AIDS pandemic, calls for the state regulation of prostitution have increased. These calls have come largely from non-feminist quarters and have been premised on the assumption that prostitutes represent "reservoirs of infection", 'pools of disease', and 'the single most important factor in HIV transmission'.⁹³ Not surprisingly, the form of state intervention that has been recommended is remarkably similar to reforms implemented in nineteenth century England, for example, to control the spread of venereal diseases. It has either been suggested that governments tighten their control over the sex industry, and enforce stronger measures to eliminate prostitution; or it has been argued that governments should register prostitutes, and a monthly medical examination should be made a

mandatory aspect of that work. Some prostitutes have come out in favour of the latter recommendations. In South Africa, for example, it was reported that: "All the escorts who spoke to *The Weekly Mail*, said they believed prostitution should be legalised. A system to register prostitutes would be welcomed, and AIDS tests should be compulsory for all prostitutes".⁹⁴

In some countries where prostitution is legalised or at least legally tolerated, screening of prostitutes already has been introduced. In Thailand, for example, AIDS-free cards are distributed to prostitutes who test HIV-negative.⁹⁵ Until August 1988, Thailand had adopted an "official policy of silence and even misinformation about AIDS".⁹⁶ Although prostitution is illegal, there are estimated to be approximately 700 000 prostitutes in the country⁹⁷, and the sex industry is estimated to cater for some three million tourists a year. The policy of silence was designed to protect this tourist trade.

In recent years, Thailand has been forced to acknowledge the seriousness of AIDS. In January 1989, 3 352 people tested HIV-positive, although the actual number could have been as high as 10 000.⁹⁸ At the second international conference on AIDS in Asia, delegates warned that "Thailand was ripe for the spread of AIDS", with the possibility that "HIV-positive cases could soar to about 50 000 in the next three years".⁹⁹ The recent testing of prostitutes for the HIV virus is a policy that is being used "to say that Thailand can offer AIDS-free women" to international sex tourists.¹⁰⁰ It is not designed to protect prostitutes from the risk of infection.

In 1988, participants at a World Health Organisation consultation on the prevention and control of sexually transmitted diseases among prostitutes and their clients criticised the compulsory screening of prostitutes for HIV and the distribution of cards which indicated a non-infected status. These steps, they argued, "impede the application of effective prevention measures"¹⁰¹ by encouraging male clients to refuse to use condoms, on the grounds that they are not at risk from prostitutes. They ignore the fact that clients can also be HIV positive and the role that they play in the spread of the disease.

The association between prostitutes and AIDS, and a criminal sub-culture in general, has been used to justify calls for implementing a "zoning system" in prostitution. By limiting prostitution to certain areas, it is argued, law enforcers would have more control over the screening of prostitutes, the incidence of crime and the use of drugs

in the sex industry. It is further argued that whilst an individual might, in abstract, express a tolerance towards prostitution, in reality, the existence of prostitution in one's own community might produce a "shift in one's ideological ground".¹⁰² By concentrating prostitutes in specified areas, the visibility of prostitutes and prostitution is reduced. As Symanski argues, "it has usually been felt better to have an 'undesirable' population isolated and in one or a few places than everywhere".¹⁰³

One contemporary example of the zoning of prostitutes can be found in Nevada. In 1971, the legislature of Nevada state passed a local option law in terms of which any county whose population was less than 200 000 could license, tax or prohibit brothels in cities and towns. Four rural counties chose to legalise prostitution, but as Hobson argues, "one finds some of the worst feature of legalised prostitution in the Nevada system. Prostitutes are isolated in remote areas, and they are subject to all kinds of infringements on their personal liberties".¹⁰⁴

Hobson cites the example of Lyon county where brothels must be located in an uninhabited area at least five miles from any area where people generally reside. Furthermore, the work hours, days of business, number of prostitutes in a brothel and the size of the building itself are all limited by a local sheriff. Other ordinances have also been introduced which restrict the prostitute's activity outside the brothel. For example, prostitutes "are often confined to certain sections of town and [are] permitted out only at certain times of day. One municipality prevents prostitutes from leaving brothels on Sundays".¹⁰⁵

These regulations have effectively turned prostitutes into pariahs in these communities who are kept apart from the daily life of the permanent residents. Limiting the geographical and, implicitly, the social space that prostitutes can inhabit, has not afforded prostitutes greater freedom to pursue their trade. Rather, it has undermined the very idea of prostitution as a profession, and prostitutes as normal women. It is not surprising, then, that "prostitute unions, feminists and civil libertarians have all found the Nevada system an unattractive alternative".¹⁰⁶

The importance of the Nevada system is that it illustrates that "legalised prostitution does not in itself necessarily result in the integration of prostitutes into communities or the acceptance of prostitutes as service workers".¹⁰⁷ On the contrary, it suggests that "when the state becomes a manager of prostitution, the stigma and isolation of prostitutes can become even greater".¹⁰⁸

Thus, even when prostitution is legalised or legally tolerated, state intervention has not necessarily improved the working conditions of prostitutes. An early example of this can be found in legislation passed in France in the nineteenth century. William Acton argues that the objective of this state regulation was designed "to repress private or secret, and to encourage public or avowed prostitution".¹⁰⁹ A fundamental aspect of that regulation was a set of *Obligations and Restrictions Imposed on Public Women*. "Public women" (self-employed prostitutes) were issued with tickets on the reverse of which were printed the following:

Public women, en carte, are called upon to present themselves at the dispensary for examination, once at least every fifteen days.

They are called upon to exhibit this card on every request of police officers and agents.

They are forbidden to practise the calling during daylight, or to walk in the thoroughfares until at least half-an-hour after the public lamps are lighted, or at any season of the year before seven o'clock, or after eleven p.m.

They must be simply and decently clad, so as not to attract attention by the richness, striking colours, or extravagant fashion of their dress.

They must wear some sort of cap or bonnet, and not present themselves bareheaded.

They are strictly forbidden to address men accompanied by females or children, or to address loud or anxious solicitations to any person.

They may not, under any pretext whatever, exhibit themselves at their windows, which must be kept constantly closed and provided with curtains.

They are strictly forbidden to take up a station on the foot-pavement, to form, or walk together, in groups, or to and fro in a narrow space, or to allow themselves to be attended to followed by men.

The neighbourhood of churches and chapels, within a radius of twenty-five yards, the arcades and approaches of the Palais Royal, the Tuileries, the Luxembourg, and the Jardin des Plantes, are interdicted.¹¹⁰

In general, regulation that is premised on the association between prostitutes, seropositivity (or sexually transmitted diseases in general) and immorality, is often used to justify the implementation of further restrictions on the prostitute's working conditions. Historically, the view of the prostitute as a "dangerous woman" has provided the rationale for policies of discrimination, policies that reflect the double standard of sex morality and which lead to the further isolation and alienation of prostitutes. Unless the rights and needs of prostitutes, and the role of clients and pimps are recognised, there is a strong possibility that these discriminatory practices will continue in the name of protecting prostitutes and society as a whole.

Prostitute unions have not identified a common set of policy proposals on the future of prostitution. They are united, however, in their insistence that prostitutes' rights and needs be recognised by society and that they be afforded protection from emotional and physical abuse as well as from the risk of AIDS. In short, prostitutes call both for their empowerment and their protection. The fundamental question for feminists is what kind of policy should be developed which, in the short term, would allow for both this protection and empowerment and which, in the long term, challenges the social institution of prostitution, as one example of the commoditisation of women's sexuality.

7.4 The Future of Prostitution: The Nature of Government Intervention

Attempting to formulate a set of policy prescriptions for prostitutes and prostitution is replete with difficulties. [When prostitution is placed in its sexual, social and economic context, the credibility and desirability of a free market approach to commercial sex is severely limited.] The alternative to a "free market" in prostitution is some form of regulation. Historical experiences, however, illustrate how regulation can, in fact, exacerbate the prostitute's working conditions.

For feminists to recognise prostitution as a reality and to act positively on this recognition is not to suggest that they view prostitution as a desirable alternative for women. By the same token, as Pateman notes, "[t]o argue that there is something wrong with prostitution does not necessarily imply any adverse judgement on the women who engage in the work".¹¹¹ In explaining this distinction, Pateman draws an analogy to working class politics where she argues: "[w]hen socialists criticise capitalism and the employment contract they do not do so because they are contemptuous of workers, but because they are the workers' champions".¹¹²

[There is an analogy between prostitution and waged labour. Prostitutes see themselves as "workers", but as many feminists (bar the libertarians) would argue, their work reflects more than an economic relation. Prostitution is both work and sex, where the sexual contract must be understood in the context of patriarchal society. In turn, this insists that prostitution be seen, not as a problem about women, but as one about society. For as long "prostitution enables women to make more money than they can earn at most other jobs open to women in patriarchal

capitalism", and for as long as "men demand that women's bodies are sold as commodities in the ... market"¹¹³, prostitution will remain one aspect of patriarchal capitalism.)

(The analogy between the prostitute and the waged labourer under capitalism is a useful reference point for the formulation of appropriate policy. It provides the framework for feminists to call both for the protection and empowerment of prostitutes, and yet simultaneously to seek the ultimate elimination of the sex industry. In their critique of capitalism, socialists historically have argued for trade union rights of labourers while calling for the abolition of capitalist waged labour. In a similar fashion, feminists can call for the rights of prostitutes and their protection whilst also challenging the institutions of patriarchy. The starting point, then, would be to reject the idea that legalisation is an end in itself. Rather, the legalisation of prostitution must be viewed as a means to confronting an immediate reality, a means that must be supplemented by more fundamental strategies.)

(In detailing the form that the legalisation of prostitution should take, it is important that the specific characteristics of prostitution be recognised and addressed. On a general level, feminists should seek policy that offers prostitutes similar rights to those afforded other workers. These rights would include the right to work, free from harassment, and the premises from which to work, and the right for prostitutes to form trade unions. In this regard, it may be argued that "[l]egalising prostitution businesses will make it easier for prostitutes to make contractual agreements with their employers and will thus improve their working conditions".¹¹⁴)

(Beyond this, however, it must be acknowledged that prostitution is high risk work and that the formulation of policy is complicated by the risks of AIDS,¹¹⁵ crime and drugs. Legalisation that attempts to address these problems must not victimise prostitutes in the name of protecting society as a whole. Rather, as historical experiences illustrate, it must recognise and address the role played by clients, pimps and drug dealers.)

(The incidence of AIDS¹¹⁶ makes it imperative for prostitution to be conducted in terms of certain safety regulations. Insisting that prostitutes (only) undergo compulsory medical examinations ignores the client as a possible carrier of the HIV virus. In order to overcome this double standard, one possibility is that both parties undergo medical examinations to certify a clean bill of health. The screening of prostitutes and clients, however, is practically difficult and not a foolproof means for detecting

the virus.) It may take several months before results reflect seropositivity which, in turn, would necessitate long-term planning for a sexual transaction. (The only way of reducing the risk of AIDS infection in prostitution is for the wearing of condoms to be made compulsory.) As Cheryl Overs of the Victoria Prostitutes' Collective in Australia argues: "Safer sex is the only option for women sex workers like everyone else".¹¹⁵

Policy designed to reduce the risk of infection in prostitution must recognise that:

At the beginning of the 1990s, evidence of women changing their sexual behaviour to protect themselves against HIV is slight. One area where positive examples of change in response to information can be found is among sex workers.¹¹⁶

[The legal insistence on the use of condoms in the sexual exchange must be supported by information networks on the threat of AIDS.) These should be included in a more general AIDS prevention programme, but should also target prostitutes who would encounter resistance to the wearing of condoms, under the guise of "reduced sensation". It has been discovered, in areas where these projects have already been introduced, that:

Education projects run by and with women sex workers provide some of the best examples of programmes which support behaviour change by encouraging women to take on leadership roles, and where access to information has led to effective action.¹¹⁷

[AIDS education networks which seek to target prostitutes thus are likely to be most effective with the active participation of prostitutes as "peer group educators". They should also include or be attached to general support structures for prostitutes. As researchers have noted: "The possibility of behaviour change relies on educators offering positive, realistic and sustainable alternatives to existing patterns of behaviour".¹¹⁸ The risk of HIV infection is increased among those prostitutes who use drugs and share needles. AIDS education should thus be linked to drug programmes which offer women condoms and literature about AIDS, as well as needle-sterilising kits and, if requested, drug treatment programmes.] In Brooklyn, New York, for example, the Association for Drug Abuse Prevention and Treatment (ADAPT) runs a street outreach project in areas with high rates of drug abuse. "Most of the women ADAPT reaches are aged between 16 and 25, and Latina or black. The majority work as prostitutes and many inject drugs, as do their clients."¹¹⁹ In addition

to AIDS and drug support, ADAPT also offers "support groups and a drop-in centre".¹²⁰

In many instances, the nature of the prostitute-client dynamic has undermined the prostitute's ability to insist on the use of condoms. Prostitutes should thus have access to legal proceedings and legal aid, if necessary, should a client refuse to wear a condom or knowingly break a condom during the sexual transaction. Although a violation of the safety regulation should be made a criminal offence, there will be situations where the client uses force, or a substantial incentive, for condom-free sex. Prostitutes who are dependent on a daily basis on the sexual exchange may not resist such an incentive, but ultimately all prostitutes face the possibility of rape "on the job".

The reduction of the risk in prostitution thus cannot be divorced from the institution of prostitution as a whole or from the nature of the sexual dynamic. As Holland *et al* note:

If public health campaigns are to be at all successful in curtailing the heterosexual spread of HIV, then they must address the complexities of heterosexual encounters and acknowledge that negotiation is shaped though the inequalities inherent in gendered power relations..¹²¹

Furthermore, even if prostitution were legalised or classed as "adult entertainment", the violence and crime that has evolved in prostitution culture will not necessarily disappear. These factors necessitate the active protection of prostitutes and some form of control over the industry. Firstly, they provide a strong argument for prostitution being centred in brothels which can provide a form of "in-house" protection, as opposed to prostitutes working from the streets. Brothels may be privately or state-owned but the women who work in them should be given representation in their administration. Whether private or public, brothels should further provide health insurance and old age pensions to prostitutes, and should be subject to taxes on their income.¹²²

Secondly, the high-risk nature of prostitution makes it imperative that projects address "involuntary prostitution" among women who have no other forms of livelihood. Programmes should be divided into two stages. The first stage would provide the women (and their children if necessary) with primary health care facilities, advice on health, drugs, sex education, condoms and nutrition and offer

social and psychological support. The second stage would build on improvements in physical and mental health and should provide training for prostitutes as a way of introducing "income-generating activities as a long-term alternative to prostitution".¹²³

Thirdly, the gender dynamic of prostitution reinforces Hobson's argument that: "To completely integrate prostitution into mainstream social and economic life would require a radical transformation in the way society views sexual relations, women, and the poor".¹²⁴ Simply changing the legal status of prostitutes would not eliminate age-old prejudice of, and disdain for prostitutes. Moreover, unless perceptions of prostitutes are changed, the enforcement of the law itself may entrench a gender bias against prostitutes. The legalisation of prostitution on its own would not confront the reasons for the supply of prostitution, including economic inequality and drug addiction, and the lack of alternatives available for those women who seek to find other employment. Nor would it challenge male access to women's bodies as commodities.

In other words, the content of legal change cannot be divorced from the process of policy itself. The adoption of any immediate strategies towards prostitution therefore must be integrated into broader social and economic measures that address the position of women (and therefore men) in society. As Hobson notes:

Remedies for prostitution need to be linked to social policy reforms around poverty, unemployment, child welfare; more specifically, the growing feminisation of poverty - as a result of divorces and non-marital pregnancies - needs to be addressed. Changing the course of prostitution history will require beginning with a recognition that prostitution is not a private contract between consenting adults but an issue that is intrinsically bound up with long-term agendas for social and sexual equality.¹²⁵

Feminists must demand that the legalisation of prostitution be supplemented by a process that begins to inculcate new sexual values in people, which seeks to redress a socially constructed and enforced sexual division of labour and which challenges economic inequality. This is indisputably the long-term agenda of the feminist movement, the success of which will entail a radical restructuring of society. Mobilisation around the question of prostitution can and must be used to provide an important input to this long-term goal.

Endnotes

1. When accounting for the lull in policies towards prostitution, Hobson suggests that during World War II, the issue of prostitution shifted from a moral question to an administrative one, where the concern was "how to keep prostitutes away from soldiers". In the 1950s and the 1960s, "the problem of prostitution lay buried under postwar complacency, as did other issues of class, race and gender inequality". B Hobson, *Uneasy Virtue. The Politics of Prostitution and the American Reform Tradition*. New York: Basic Books, 1987, p.209.
2. *ibid*.
3. *ibid*, p.210.
4. *ibid*.
5. *ibid*, p.211.
6. *ibid*, p.222.
7. *ibid*, p.220.
8. J James *et al*, *The Politics of Prostitution: Resources for Legal Change*. Seattle, 1977, quoted in Hobson, *ibid*, p.219.
9. R Anderson, "Making Prostitution Legal is a Tricky Business". *Seattle Post Intelligencer*, 9 January 1972, quoted in Hobson, *op cit*, p.219.
10. *ibid*.
11. quoted in Hobson, *op cit*, p.219.
12. *ibid*, p.225. Hobson refers to independent studies conducted by B Millman, "New Rules for the Oldest Profession: Should We Change Our Prostitution Laws?". *Harvard Women's Law Journal*, Spring 1980; R Symanski, *The Immoral Landscape: Female Prostitution in Western Societies*. Toronto, 1981.
13. *ibid*, p.224.
14. *ibid*.
15. S Watney, *Policing Desire. Pornography, AIDS and the Media*. Minneapolis: University of Minnesota Press, 1987, p.58.
16. A Swift, "Brazilian Prostitutes Organise". *Agenda*, no 3, 1988, p.69.
17. K Barry, *Female Sexual Slavery*. New York and London: New York University Press, 1979, p.124.
18. *ibid*. In the Yorkshire Ripper case, the Attorney General expressed concern that "perhaps the saddest part of this case" was the fact the some of Sutcliffe's victims were not prostitutes (quoted in N Roberts, *The Front Line. Women in the Sex Industry Speak*. Glasgow: Grafton Books, 1986, p.235). In January 1980, the English Collective of Prostitutes responded: "To the Ripper AND to the police, prostitutes are not decent, we are not "innocent victims". What are we guilty of to deserve such a death? 70% of prostitute women in this country are mothers fighting to make ends meet and feed their children. But because we refuse poverty for ourselves and our children, we are treated as criminals. In the eyes of the police we deserve what we get, even death" (*ibid*).

19. quoted in *The Weekly Mail*, 19 - 25 April 1991.
20. quoted in *The New African*, 22 October 1990.
21. *ibid.*
22. quoted in *The Weekly Mail*, 19 - 25 April 1991.
23. *The Natal Mercury*, 30 November 1991.
24. *ibid.*
25. quoted in *The Sunday Tribune*, 10 February 1991.
26. quoted in *The Daily News*, 1 August 1991.
27. Hobson, *op cit*, p.212.
28. quoted in *The Sunday Tribune*, 24 April 1988.
29. Hobson, *op cit*, p.212. Hobson notes further that: "One Californian city tried an experiment in which female decoys, wired with tape recorders, stood on the sidewalk for two to five hours in the prostitution section. In three months they had received 150 solicitations by men and made 100 arrests, an average of about 8 a week; male undercover agents testified that they rarely averaged more than 3 arrests a week" (pp. 212,213).
30. *ibid*, p.213.
31. *The Daily News*, 1 August 1991.
32. R Symanski, *The Immoral Landscape. Female Prostitution in Western Societies*. Toronto: Butterworths, 1981, p.3
33. *ibid.*
34. Barry, *op cit*, p.125.
35. *ibid.*
36. *ibid.*
37. O Bennett (ed), *Triple Jeopardy. Women and AIDS*. Panos Dossier, The Panos Institute: Budapest, London, Paris, Washington, 1990, p.83.
38. *ibid.*
39. *ibid.*
40. *ibid.*
41. *ibid.*
42. quoted in *The Weekly Mail*, 20-26 September 1991.
43. *ibid.*
44. *ibid.*
45. quoted in *The Sunday Tribune*, 13 August 1989.
46. Symanski, *op cit*, p.4.
47. *ibid*, p.13.
48. *ibid*, p.4.
49. The "invisible hands" of the pimps should not be confused with Adam Smith's conception of the invisible hand of competition guiding the operation of the market.

50. Hobson, *op cit*, p.230.
51. A Jaggar, *Feminist Politics and Human Nature*. New Jersey: Rowan and Allanheld, 1983, p.6, emphasis added.
52. *ibid*.
53. *ibid*.
54. C Cockburn, *Machinery of Dominance: Women, Men and Technical Know-How*. London: Pluto Press, 1985, p.11.
55. Jaggar, *op cit*, p.6.
56. *ibid*.
57. *ibid*.
58. S de Beauvoir, *The Ethics of Ambiguity*, Fourth edition, New York: Citadel Press, 1968, pp.119,120.
59. *ibid*, p.123.
60. C L Bacchi, *Same Difference. Feminism and Sexual Difference*. Sydney, Wellington, London, Boston: Allen and Unwin, 1990, p.156.
61. All political actors who seek a transformation of contemporary society face similar difficulties.
62. Bacchi, *op cit*, p.257.
63. G Pheterson, "Not Repeating History", G Pheterson (ed), *A Vindication of the Rights of Whores*, Seattle: The Seal Press, 1989, p.3.
64. quoted in Swift, *op cit*, p.70.
65. Hobson, *op cit*, p.214.
66. N Roberts, *op cit*, p.13.
67. Josephine Butler pointed the way in this regard. Although she condemned prostitution, she also refused to judge prostitutes themselves as "wicked". M Foster, *Significant Sisters*, Penguin, 1984, p.199. See Chapter 6.
68. M O'Hara, "Prostitution - towards a feminist analysis and strategy". D Rhodes and S McNeill (eds), *Women Against Violence Against Women*. London: Onlywomen Press Ltd, p.70.
69. *ibid*.
70. K Millett, *The Prostitution Papers*. New York, 1971, p.13.
71. Hobson, *op cit*, p.216.
72. Swift, *op cit*, p.68.
73. St James was, in fact, the first contemporary prostitute in the United States to spoke out publicly for the rights of sex workers. Besides the acronym of COYOTE, St James chose this name for her prostitutes' rights organisation "To symbolise the animal which is forced by persecuting ranchers to migrate and which, despite a promiscuous reputation, mates for life" (Pheterson, *op cit*, p.4).
74. *ibid*, p.5.
75. In Dutch, *De Rode Draad* is an expression meaning the 'bottom line' or 'central issue'.

76. quoted in *The Sunday Tribune*, 30 July 1989.
77. Pheterson, *op cit*, p.7.
78. This newsletter was published for five years, from 1974-1979 and "reported national and international news on prostitution, first-hand accounts of abuses, feminist theory and research on prostitution and poetry by prostitutes" (Pheterson, *op cit*, p.xix).
79. Hobson, *op cit*, p.216.
80. Pheterson, *op cit*, p.7.
81. *ibid*.
82. quoted in Swift, *op cit*, p.71.
83. Subsequently, the *Second World Whores' Congress* was held in Brussels in October 1986.
84. Pheterson, *op cit*, p.43.
85. Hobson, *op cit*, p.218.
86. *ibid*, p.219.
87. quoted in *The Natal Mercury*, 10 June 1989.
88. Hobson, *op cit*, p.218.
89. *ibid*, p.218.
90. Pheterson, *op cit*, p.8.
91. *ibid*, p.221.
92. quoted in *The Sunday Tribune*, 26 June 1988.
93. Priscilla Alexander, quoted in *Women and AIDS. Triple Jeopardy*, *op cit*, p.81.
94. quoted in *The Weekly Mail*, 19 April-25 April 1991.
95. *Women and AIDS. Triple Jeopardy*, *op cit*, p.83.
96. quoted in *The Natal Mercury*, 11 February 1989.
97. *ibid*.
98. *ibid*.
99. *ibid*.
100. D Smith, "Green Cards for Thai Sex Workers", *World AIDS*, July 1990, quoted in *Triple Jeopardy. Women and AIDS*, *op cit*, p.84.
101. quoted in *ibid*.
102. Hobson, *op cit*, p.225. These sentiments were expressed clearly by a resident in Berea, Durban, who complained of the presence of prostitution in Durban's suburbs: *I can understand in this economic climate that people have to do what they can to make a living but when they force themselves upon you or are abusive towards you because you are not interest, it's a bit much* (quoted in *The Sunday Tribune*, 27 October 1991).
103. Symanski, *op cit*, p.2.
104. *ibid*, p.227.

105. *ibid*, p.228.
106. Hobson, *op cit*, p.225.
107. *ibid*.
108. *ibid*.
109. William Acton, *Prostitution Considered in its Moral, Social and Sanitary Aspects in London and other Large Cities, with Proposals for the Mitigation and Prevention of its Attendant Evils*. second edition, London: 1870, quoted in E O Hellerstein *et al*, (eds), *Victorian Women*, Harvester, 1981, p.411.
110. quoted in *ibid*, p.413.
111. C Pateman, *The Sexual Contract*, Polity Press, 1981, p.191.
112. *ibid*.
113. *ibid*, p.194.
114. This is the view of the Red Thread in Holland, quoted in Hobson, *op cit*, p.231.
115. quoted in *Triple Jeopardy. Women and AIDS, op cit*, p.81.
116. *ibid*.
117. *ibid*, p.82.
118. *ibid*, p. 75. See, for example, D Taylor, "The evolution of dignity: role of Cook county hospital (CCH) support group for HIV-infected women". *Abstracts of the VIth International Conference on AIDS*, San Francisco, June 1990.
119. *ibid*, p.76.
120. *ibid*.
121. J Holland, C Ramazanoglu, S Scott, S Sharpe and R Thomson, "Sex, gender and power: young women's sexuality in the shadow of AIDS". *Sociology of Health and Illness*, volume 12 number 3, September 1990, pp. 289,290.
122. This thesis does not consider who should bear the incidence of tax, the prostitute or the client. This would ultimately depend on the prevailing tax system in each society.
123. *Triple Jeopardy. Women and AIDS, op cit*, p.83.
124. Hobson, *op cit*, p.233.
125. *ibid*, p.236.

CONCLUSION

In politicising sexuality and examining its role in the construction of male domination and female subordination, feminism has had to confront, and is still confronting two major problems. The first is the very extent and power of what might be called the 'masculinisation' of human sexuality. In addressing this question, feminists have sought to make visible the extent to which sexuality has been defined by men, and the extent to which this male definition has been experienced by women as coercive and objectifying. The second problem lies in what to do about this construction of sexuality: "Where [is] the personal space to fight back?"¹ Feminists have had to consider what kind of alternative society they envisage and furthermore, how this society could be created.

The feminist inquiry into, and strategising around sexuality must be understood in the context of (at least) two major and recent developments in the area of sexuality. The first change has been the "secularisation of sex".² Sexual values have become increasingly detached from religious values. Although this process began in the nineteenth century, with the emergence of sexology, the science of sexuality, the trend intensified during the 1960s, with the explosion of discourses around sexuality and the "sexual revolution". To speak of the secularisation of sex is not to suggest that religious bodies have given up their attempts to regulate sexuality. "We only have to observe the rise of religious fundamentalism tied to moral authoritarianism in the Christian and non-Christian worlds to counter that argument."³ Nonetheless, sexuality has increasingly become the "province of non-religious experts - in sexology, psychology, welfare services and social policy".⁴ An important and related aspect of this process has been the growing involvement of sex and the market, "the drawing into commodity relations and relations of exchange of ... areas of 'private life'".⁵ The "commoditisation" of sex and sexuality has seen the rapid expansion in the pornography industry, the use of sex, and particularly female sexuality in advertising, and the growth and differentiation of prostitution, where all types of sexual services and sex acts are available in the market.

The second major trend has been the "liberalisation"⁶ of sexual attitudes, particularly

in the industrialised West. People largely are more accepting of birth control, divorce, co-habitation of non-married partners and pre-marital sex. This trend has been accompanied by a new willingness to speak about sex, and a proliferation of theories around sexuality, and female sexuality in particular.

In general, these broad changes have signaled and reflected a new "sexual freedom" to explore the question of sex and its relationship to personal destiny. This "freedom", however, has produced contradictory implications, particularly for men and women. The secularisation of sex has offered people the latitude to escape a sexual authoritarianism and has provided new opportunities for sexual experience. At the same time, this "freedom" has precipitated the rise of a new moralism and the revival of attempts to regulate sexuality. Furthermore, the commoditisation of sexuality has:

increased the possibilities for exploitation, and their ill-effects can be seen in the form of degrading and objectifying imagery of women, in the seediness of the sex areas of major cities, in a romanticisation of sexual violence, and the commercialisation of sexual pleasures.

The liberalisation of sex has opened the space for women to express their sexuality and to seek sexual fulfillment. However, as it has been argued, these opportunities have developed in a "culture which remains resolutely male-dominated, ... in situations defined by men, for the benefit of men".⁸

A feminist investigation into the political economy of prostitution clearly reveals the tension within the women's movement and within feminist analysis over how to evaluate these changes. Prostitution, as one form of work performed largely by women, offers these women the means of economic survival and the opportunity to earn a higher income than would be available to them in the "formal" labour market. Yet, prostitutes are meeting a more general demand for women as sex objects and they are working in an industry that upholds the commercialisation of sexuality, and women's sexuality in particular. In supporting the right for women to choose their sexuality, and to explore sexual experiences and sexual partners, feminists reject a socially constructed division between women as "Madonna" and "whore". In this context, they would challenge the social discrimination against prostitutes, and the tolerance of their clients, and demand that prostitutes be allowed to operate as working citizens, with the premises from which to work, and the protection of their rights as workers. Yet, in rejecting patriarchy and the patriarchal construction of women's sexuality, feminists challenge the objectification of women and many would

seek the elimination of a sex market that satisfies the demand for women's sexual services.

In its focus on prostitution, this dissertation has attempted to explore the nature and implications of these contradictions - between sexual pleasure and sexual danger, sexual freedom and the existence of male-defined parameters to this freedom, and between the protection and the empowerment of women - for feminist analysis and policy. Feminists have written relatively little about prostitution, and have focussed more extensively on other examples of the sexual objectification of women. This study, however, has sought to contextualise their (often fragmentary) comments on prostitution within the theoretical framework of each feminist direction, and in so doing, point to how each school would conceptualise prostitution and its relationship to the position of women in society in general.

Each of the feminist approaches identified has made important contributions to an understanding of prostitution. The libertarian feminists illustrate the ways in which laws have discriminated against women. Anti-prostitution laws, which reflect a double standard of sex morality, are an important example of the male-bias in existing legislation. Liberal feminists point to the effects of a socialisation process which has constrained women's choices (more so than men's) and the ways in which women and men are socialised in terms of socially defined standards of "femininity" and "masculinity". Marxist and radical feminists offer the possibility of a structural inquiry into (aspects of) the determinants of prostitution, by examining how the capitalist system and patriarchy respectively create and perpetuate gender inequality.

In evaluating the feminist approaches, however, the study has looked to an analysis that recognises prostitution both as a form of work performed by women and as the supply of their sexual services within patriarchal society. Socialist feminism, it has been argued, is best equipped to explain the dynamics of prostitution and to identify the structural determinants of both the demand for and the supply of sexual services in the sex market. Although socialist feminism is still developing its conceptual understanding of the position of women, its study of the relationship between capitalism and patriarchy highlights the interaction between the processes of production and reproduction, and how this interaction affects and shapes gender inequality. And it is precisely this interaction which must be acknowledged and addressed in exploring the nature of prostitution as both work and sex. A study of prostitution, in turn, offers insights into the interrelationship between the economic

and sexual oppression of women, and may provide some clarity on how capitalism and patriarchy intersect.

Any feminist analysis which seeks to explain the position of women in structural terms encounters difficulties in its attempt to reconcile the reality of gender inequality with the long-term feminist project of the liberation of women. In identifying the structural basis of prostitution, for example, the Marxist, radical and socialist feminists suggest that for as long as that base exists, prostitution will remain one aspect of contemporary society, and one form of the sexual objectification of women. To point to an ideal situation, where economic and sexual relations of control have been eliminated, however, is to ignore the reality of prostitution now, and the problems faced by prostitutes in their working environment. Importantly, it ignores the nature and seriousness of AIDS, as a non-curable and fatal sexually transmitted disease, which threatens the lives of prostitutes and their clients.

In examining policies towards prostitution, this investigation has attempted to offer some resolution between the long-term project of feminism and short-term policies that address the immediate effects of a male-dominated culture and economy. The first step in this resolution has been to reject efforts at a legal suppression of prostitution and to recognise that these efforts would be both ineffectual and counter-productive for addressing the reality of prostitution. The study has looked to the history of the state suppression of prostitution and at insights of the pornography debate to substantiate this argument and to suggest that even if society is male-defined, women must be given freedom within these limits. Some form of legal change is therefore required to secure the rights of prostitutes. The question that remains, however, is what kind of change would be preferable?

Two broad alternatives have been explored - the decriminalisation and the (active) regulation of prostitution - by considering the problems faced by prostitutes, their own demands for changing the nature of the sex industry, and the effects of the state regulation of prostitution. Support for a "free market" in prostitution, it has been argued, ignores prostitution as an example of the sexual objectification of women, the reasons why some women "choose" to engage in prostitution, and the invasion of pimps, crime and drugs into the sex market. Prostitutes need legal, and often social and economic support.

Although this study therefore supports the legalising of prostitution, it does not

support this measure as an end in itself. To do so would be to ignore the insights of the Marxist, radical and socialist feminists who point to the need for a radical restructuring of society. It does, however, suggest that legalisation be seen in the context of a process towards liberation, and that it be complemented by other policies that begin to challenge socially constructed roles and attributes and by research which would increase people's awareness of gender inequality and of the implications of this inequality. Ultimately, any attempt to reconcile a dualism between the protection and the empowerment of women cannot sacrifice the former for the latter. Rather, for as long as women are disempowered, they must be protected. Instances of women's oppression must be challenged alongside with, and integrated into, the broader challenges on the structural nature of this oppression.

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