

# Is Sex Work an Expression of Women's Choice and Agency?

Written by Sophia Gore

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SOPHIA GORE, MAR 14 2014

### **Should sex work 'be understood as legitimate work, and an expression of women's choice and agency' (Jeffreys 2009: 316)?**

Jeffreys (2009) explicitly illustrates why sex work cannot be understood as legitimate work or as an expression of women's 'choice and agency'. She makes her argument with radical feminist, abolitionist, and essentialist discourse, placing women's bodies at the centre of her analysis (Jeffreys, 2009: 317). This essay shall systematically discuss the title question looking at the complexities of both liberal and radical feminist arguments. Though acknowledging that sex work takes many forms, this essay will focus on prostitution. Firstly, it will consider whether one can identify prostitution as 'legitimate work', followed by discussing whether or not prostitution as a profession offers women 'choice' and 'agency' or instead, embodies coercion, a last resort and 'disembodied agency' (Miriam, 2005). By examining case studies which document the experiences of prostitutes in Serbia (Djordjevic, 2008), Victoria (Sullivan, 2005) and Zambia (Agha and Nchima, 2004) and through scrutinising both 'abolitionist' and 'sex work' arguments, I reach the conclusion and firmly argue that sex work cannot, and should not be understood as 'legitimate work'. I argue this on the following basis: first, sex work is inherently harmful to prostitutes; second, prostitution inexorably embodies patriarchy and male subordination over women; and finally, in the majority of cases, prostitution is a very limited 'choice'. Nonetheless, I am sensitive to Djordjevic and Ditmore's (2008) liberal arguments, which illustrates some of the harms that arise when prostitution is strictly illegal. They argue it is essential to work with prostituted individuals to improve regulation and the conditions women, transsexuals and men, currently work in. I conclude by proposing the Swedish method as the pre-eminent method to address prostitution – for although abolitionist, it is sensitive to the complexities of the abolitionist paradigm.

I begin by questioning whether or not sex work can be considered 'legitimate work'. Liberal feminists argue that by challenging stigmatisation of prostitution, and perceiving it as 'legitimate work', it will advance public perception of prostitutes. Liberals confer that greater public respect will improve prostitutes social security and reduce the experience of harm, violence and discrimination towards them. By challenging the stereotypes of prostitution, as 'dirty work' (Dworkin, 1997), liberals argue there is no inherent reason why sex work cannot be considered a valued, professional service. St James and Alexander likewise adopt this perspective highlighting the negative effect of illegalising prostitution, primarily because it withdraws the legal rights of prostitutes to qualify for 'workers' entitlements, such as health care, sick leave, and worker's compensation insurance. (1977, cited in Jenness, 1990: 405). By reconstructing prostitution as 'an intrinsically honourable profession that serves socially valuable ends' (O'Connell Davidson, 2002:92) liberal feminists seek to reclaim prostitution from its repugnant associations and instead, recognise the value of their work within society. They show how if orchestrated professionally, sex work can be a legitimate profession which has important social value. Liberals also advocate that individuals should have a right to choose what they do with their body. This liberal reasoning 'focuses on the ways in which sexual commerce qualifies as work, involves human agency, and may be potentially empowering for workers' (Weitzer, 2005:215). It is through reconstructing prostitution as 'legitimate work' and reclaiming the service from its disreputable associations that liberal feminists seek to address the exploitative harm prostitutes are frequently subject of, and reduce discrimination towards the profession.

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Abolitionists succinctly delegitimize this liberal argument. They argue that sex work is inherently harmful to prostitutes psychologically, it is unavoidably violent and instils patriarchy in its most essential form. Furthermore, by legitimising sex work you normalise these values and perpetuate the social construction of inequalities between men and women. It is on these grounds which they contest that sex work can ever be perceived as 'legitimate work.' As O'Connell Davidson summed up, it is:

The vexed relationship between sex and selfhood [which makes prostitution different from any other occupation]... the client must sell *herself* in a very different and much more real sense than that which is required by any other [professions]... [The client] parts with money in order to secure powers over the prostitute's person (O'Connell Davidson, 2002:85-86).

Miriam endorses this in her essay (2005). She defines the nature of the contract as a 'disembodied agency'. She similarly claims that what is really sold in the prostitution contract is a relation of command, the prostitute sells command over his or her body to the john/pimp/employer in exchange for recompense (2005: 4). Prostitution is unique – prostitutes are expected to subordinate their own will entirely for the sexual gratification of the customers – thus it cannot be considered a legitimate enactment of agency. Since prostitution remains an explicitly segregated service dominated by women, it seems fair to argue that such a practice instils patriarchy and subordination over women in its most innate and intimate form. Jeffreys reiterates the argument, highlighting the sordid nature of the industry using intentionally uncomfortable and graphic language. She puts the 'vaginas and anuses [back as] the raw materials of the industry' (2009: 316) and proclaims that 'women's experience of the world starts from the body, the only territory that many women have, but not often under their control' (2009:217). Abolitionist feminist expose the painful and very real, physical impact prostitution has on the body and mind to explore in overt ways why prostitution is an exploitative, harmful and illegitimate form of labour, that it is, effectively, publically accepted sexual abuse.

In terms of instilling patriarchal values, radical feminism highlights the inherently harmful and dominative nature of sex work, how it affects the ways men regard women. Dworkin uses these reasons to justify why sex work is never 'legitimate work.' She claims prostitutes are

'perceived as, treated as... vaginal slime... When men use women in prostitution, they are expressing a pure hatred for the female body... It is a contempt so deep... that a whole human life is reduced to a few sexual orifices, and he can do anything he wants' (1997, cited in Anderson, 2002:753).

Although by no means all men perceive women in such ways, the radical feminist argument raises the complications of perceiving sex work as a 'legitimate' occupation. Supporting this argument, Sullivan discusses the impact of legalising prostitution in Victoria, Australia. Sullivan (2005) shows how despite sex being perceived as 'legitimate work' the inherent violent nature of the industry has not changed; women continue to be raped and traumatised while working. Instead of tackling the violence by legalising prostitution, she claims that treating prostitution as a mainstream business has obscured the intrinsic violence of prostitution. Violence becomes accepted and normalised into every day 'work'. Though physically and mentally harming the women, they begin to accept violence as normalised; 'just part of the job' (Sullivan, 2005:5). By legalising and legitimising sex work, one incidentally normalises subjugation of prostitutes (predominantly women). Legalisation masks and entrenches these problems rather than addressing them. In consideration of these arguments, and the fact that more than 90% of all prostitutes are women (Weitzer, 2009), I agree with the radical feminist justification. Until the essence of harmful female domination is tackled, prostitution will always and inherently be exploitative of women and the practice subsumes the overarching structures of patriarchy. It is in consideration of such perspective that I concur that 'sex work' – by its nature – cannot be considered 'legitimate work.'

I shall next discuss whether or not working in prostitution should be a respected 'choice' of the women and men who choose that occupation. Most of sex workers 'are not forced or tricked into their jobs, but choose sex work from the limited opportunities available to them' (Ditmore, 2008: 54). I shall not consider sex trafficking or sex migration in this paragraph, for in most instances, the women are held by debt bondage. The Oxford English Dictionary defines genuine choice as 'The act of choosing; preferential determination between things proposed.' Liberal feminists, although largely in contempt of prostitution, respect the rights of the individual and the individual's autonomous will to

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choose for themselves what they do with their body. Some feminists and prostitutes such as Dolores French (1988, cited in Jenness, 1990: 405) argue that sex work is empowering for women and that women have every right to sell sexual services. Further, studies show that self-esteem increases when one begins sex work in high-end prostitution (Weitzer, 2009:221). One cannot contest that 'most women who work as prostitutes choose to do so' (Jenness, 1990:405).

However, two issues are worth raising: firstly – it seems liberal feminist fail to acknowledge the social and historical context of society; and secondly – they fail to question whether the 'choice' of prostitution is ever a legitimate one. Agha and Ncima's case studies of prostituted women in Zambia explore the reasons the women they interviewed ended up as street and nightclub based sex workers. What became apparent was the fact in all instances the women have turned to sex work as they had very limited options available to them:

'About half the women interviewed began sex work after the failure of their marriage and their inability to find employment that would support them and their dependents' (Agha and Ncima, 2004: 295).

The majority of sex workers enter the industry due to mitigating circumstances and economic motives which incline them to choosing sex work. Furthermore, the majority of women interviewed, initially saw their work as something temporary, usually a quick solution to economic difficulties. Instances of gang rape were remarkably common and girls were often threatened by men if they asked them to wear a condom. The women explained how they lived in constant fear of abuse, often struggled to remain out of poverty and were very concerned of contracting sexually transmitted infections (Agha and Ncima, 2004:296). In consideration of these facts, I question whether sex work can be perceived as an expression of women's choice and agency.

An alternative argument which contests that sex work can be perceived as a 'choice' is on the grounds of social construction as discussed by Brison. She develops the argument made by Hirschmann (2000) that 'patriarchy and male domination have been instrumental in the social construction of women's choices' (cited in Brison, 2006:195). She poses the question, that even if all prostitutes made a genuinely free choice to participate in sex work, if their freely made choice hinders the freedoms of other women, can that choice be deemed legitimate? (Brison, 2006). By choosing to work in the sex industry, the individual inadvertently instils patriarchal structures of society, which indirectly shapes the 'social meaning of women' (Brison, 2006:195). She frames her argument by questioning whether pornography may make rape and other forms of harm to girls and women more likely. I consider her argument equally applicable when questioning the legitimacy of choice in prostitution. Even if the woman or man in question independently chooses to work in the sex industry, I am reluctant to support the choice of the individual. This argument rests on the basis that their choice may indirectly harm other women by altering men's perception of women. As discussed earlier, prostitution is arguably inherent to the preservation of patriarchal values, generally encapsulates female subordination and insights stigmatised sexualisation of *all* women within society.

Where my empathy to the radical feminist argument deviates and becomes uncertain however, is when it comes to discussing how to mediate and support women and men working within the profession. Although I fervently agree – and have shown why I advocate the radical feminist perspective – that prostitution should not be legalised or perceived as 'legitimate work', I also recognise the value of the reformist arguments when it comes to upholding the human rights of prostitutes and improving the conditions in which they work. Ditmore (2008) and Djordjevic (2008) highlight the contentious ways that appalling treatment towards sex workers and poor practices within the sex work profession are exacerbated due to the fact it is an illegal practice at regional and international levels. They frame their argument within the discourse of human rights.

Ditmore illustrates how development policies of the UN protocol appear to disacknowledge the benefits of NGOs working with sex workers. For instance the US Agency for International Development (USAID) refuse to fund NGO operations which don't explicitly condemn prostitution and sex trafficking (Ditmore, 2008). These ideological restrictions unfortunately meant some projects working productively with sex workers to promote their human rights and their health are condemned and refused funding: This ideological agenda affected successful projects whose efficiency was widely praised. Ditmore explains why projects that involve sex workers have greater success combating abuses within the industry: it gives the women greater agency and strengthens their human rights to better

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conditions and greater protection while working. However, such projects may be refused funding for ideologically supporting legalisation (Ditmore, 2008:60-61).

By excluding prostitutes from the process of determining solutions, funding bodies undermine the efforts to improve the working situations and protecting workers' rights of prostitutes. Djordjevic agrees, she purports that the way to address prostitution is not with authority from above but by changing the structures from within. She argues we should listen to the demands of prostitutes and sex-workers organisations. By challenging the stigma of sex work and tackling the attitudes embodied in the framework of society and state institution, we will enable sex workers to protect themselves, build their skills and eventually mobilise them into a place where they have enhanced choices of whether or not to remain in sex work, Djordjevic claims (2008: 161). Through legalisation of sex work, you re-establish the prostitutes place in society, bringing them back from the alienated and marginalised peripheries.

These arguments highlight explicitly the potentially harmful consequences for the prostitutes that can occur through the delegitimization of sex work. Although I strongly advocate illegalising sex work, there are obvious negative implications of such a policy, and I recognise the value of the pro-legalisation discussion. However, I determine that liberals settle to working within rather than challenging the wider structures of patriarchy. The quintessential reason I cannot advocate legalising prostitution is on the grounds that it fails to address the real roots of exploitation and patriarchy. By suggesting solutions and improvements of the conditions of prostitution within existing social structures, it falls short of tackling the heart of the problem. Some argue, however, that prostitution has and will always exist – implying we should try to improve on the existing situation – though this notion appears largely defeatist. Instead, I argue, that even if something has 'always existed', this does not mean that we should stop trying to prevent it. For example: slavery has 'always existed' – but over time, and through the power of social movements, acceptance of the practice is almost entirely eradicated. For the potential of real reform of the sex industry, radical feminist are inclined to supporting ideological, social and historical transformation of the gendered constructs framing our society.

Although advocating illegalisation of sex work, it is essential that such policies do not impinge on the work of successful, grass-roots organisations working alongside and supporting prostitutes. In addition – I claim that Swedish policies and legislation on sex work has been and is largely successful. Although the problem of prostitution is very small in comparison to many other countries, the Swedish approach has concentrated on addressing prostitution as a social issue. They outlaw sex work as 'legitimate' work and introduced measures which were supported with governmental funding, to provide a proper and permanent support system for prostitutes which offered counselling and retraining possibilities (Kilvington et al. 2001:83). In 1999, legislation was introduced which criminalised the buying of sexual services with the intention to target the clients who use the service rather than the sex workers (Ibid). Although I do not compare the Swedish sex work industry to that of countries within South East Asia, where sex trafficking and sex work is on a far greater, global scale (Remote Sensing: 2001), I endorse the Swedish approach for recognising the overarching social issues and patriarchal structures and which uphold and support the practice of prostitution. By targeting the men – the 'demand' for prostitution – the legislation attempts to tackle such structures. However, I recognise that censoring and upholding such prosecution is difficult in areas in which prostitution is endemic, yet this should be no reason to impinge change.

In conclusion this essay has discussed why sex work should not be considered 'legitimate work', nor as an expression of women's 'choice and agency.' This essay has structured this argument on the grounds, as explained by Jeffreys and O'Connell Davidson, that sex work is inherently abusive towards women, both psychologically and physically. Sullivan illustrated how in instances of legalisation, instead of tackling the inherent violence prostitutes were subject to, it incidentally normalised the violence. This essay has also illustrated how in the majority of circumstances, the 'choice' of the women is not valid, since it tends to stem from desperate economic motives, and because even if women 'choose' sex work, their choice has potential harmful implications on other women. Finally, because sex work reinforces and upholds gendered sociological assumptions of society, instilling patriarchy, I advocate that it remain an illegitimate form of work. Nonetheless, as I have discussed, and as explored by Ditmore and Djordjevic, one problem circumscribed by advocating the illegalisation of sex work is that it forces the women working in the industry 'underground'. This has harmful implications on conditions of the prostitutes and inhibits their voice in society. I conclude by suggesting that one possible way to tackle this is by recognising prostitution as a

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social problem. As in Sweden, we must recognise the gendered and patriarchal institutions that uphold prostitution and face the issue by delegitimizing and penalising those who use the service. The primary understanding that needs to be established for this perspective to be effective is that prostitution is not legitimate work.

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