

## Decriminalization of Sex Work: Feminist Discourses in Light of Research

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**Abstract** Three main ideological stances exist regarding sex work issues: abolitionism, sex-positive feminism, and decriminalization. We argue for decriminalization based on decades of research results. Research on female sex workers is most often done through feminist theory and focus on gender relationships and on the experience of oppression and/or agency. Such studies examine the motivations to do sex work, the experience of being objectified, the stigma related to sex work, and, finally, the impact of this kind of work on self-esteem, on couple relationships, and on social relationships. Research on male sex workers examines power dynamics, representations of masculinity, self-perception, and the socioeconomic conditions that lead to sex work and influence safe-sex practices. Usually, feminist approaches do not take the experiences of male sex workers into account. However, taking these experiences into consideration would give a broader perspective to the understanding of sex work, as the experiences of male sex workers show many aspects similar to those of female sex workers. We contend that a woman's sexual experience has been socially constructed as being part of her identity, in such a way that she becomes socially devalued whenever she does not comply to norms, thus making sex work a 'degrading' experience even though it is not intrinsically so.

**Keywords** Sex work · Feminism · Abolitionism · Decriminalization · Identity

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## Sex Work and Oppression of Women

The analysis of sex work and of the sexual oppression of women produces two diametrically opposed feminist interpretations. One explains this sexual oppression through the objectification of women. It maintains that any message or speech objectifying a woman's body or describing a woman as sexually desiring and available is to be proscribed, as it is the only way we can create a society in which women are fully considered as subjects rather than as objects to be used by men. Consequently, the sex industry must be eliminated entirely (Barry 1979, 1995; Dworkin 1979, 1993; MacKinnon 1985). The other feminist interpretation asserts that the sexual oppression of women results from a patriarchal control of women's sexuality, which forces them to sexually belong to the men to whom they are married and forbidding them any other form of sexuality; otherwise, they will be stigmatized as 'whores' and socially despised and ostracized. Thus, to free oneself from oppression involves affirming one's right to experience sexuality one's own way, even when that sexuality is outside current norms and is marketed, instead of submissively accepting to confine it to the marital setting (Califia 1994; Pheterson 1989, 1996, 1998; Rubin 1984).

These two opposite understandings of the patriarchal control on the sexuality of women obviously lead to a complete and apparently insoluble disagreement between the feminists who are abolitionists and those who militate for the decriminalization of sex work. To understand the phenomenon in its whole and to be able to take a position, it is obviously useful to study the argumentation used by each stance. It is even more necessary, however, to acquaint oneself with the whole set of research work that has been published during the past few decades. We will first explore the three main ideological stances regarding sex work issues: abolitionism, sex-positive feminism, and decriminalization. We will then see the results of different research on sex work as it is experienced and explained by the men and women who do sex work, thus giving us an insight into what really happens. By doing so, we will gain evidence which both invalidates the basic abolitionist affirmation saying sex work is inherently violent and supports the arguments for decriminalization. Finally, we will offer a sex-positive explanation on why sex work has been traditionally stigmatized, justifying by the same token the necessity to decriminalize it, on the basis of a feminist ideology.

### The Abolitionist Argumentation

The abolitionist stance is against all forms of sex work regulation. It considers sex workers to be victims who should not be criminalized but helped to quit prostitution, and it militates for a total disappearance of sex work, including prostitution, pornography, erotic massage, and erotic dance. Neo-abolitionists take one step further and ask for the criminalization of clients (e.g., Coalition Against Trafficking in Women,<sup>1</sup> Farley et al. 2004; Farley 2003, 2004; Farley et al. 2009; Hugues 2005;

<sup>1</sup> International organization promoting abolitionism, <http://www.catwinternational.org>.

Jeffreys 1997, 2008, 2009; Raymond 2003, 2004; Waltman 2011<sup>2</sup>). Abolitionism is generally associated with radical feminism,<sup>3</sup> even though the latter includes many different positions. Thus, some authors (e.g., Guillaumin 1995; Pheterson 1996; Tabet 1991) consider sex work as a practice of resistance against the domination of men over women, and consequently will not be abolitionists. Moreover, the 'sex-positive' feminists also present themselves as being radical feminists, while they actually fight for decriminalization.

According to abolitionists, prostitution is rape. It is not only the buying of women and children for their use as sexual objects, it constitutes an exercise of power over women. It has been created by the patriarchal system in order to keep women subordinated by objectifying them and reducing them to their sex, and, thus, by dehumanizing them (Barry 1995; Dworkin 1979, 1993; Jeffreys 1997, 2009; MacKinnon 1985). In the past decades, seeing that women were making progress towards equality, men as a dominant group promoted the growth of the sex industries in order to reinstall their supremacy and maintain their economical and sexual exploitation of women (Jeffreys 2009; Poulin 2004). Not having lost much of its power (and it is even more flagrant in the developing countries, as women are denied education and maintained in low paying jobs), the patriarchal system maintains women in poverty. It also trains women to be sexual objects for men through early sexual abuse. These two conditions, either separately or together, make them vulnerable to the manipulation of pimps and procurers. Thus, men merely have to make use of the despair that women feel to enslave them through a prostitutional system which, on the one hand, compels women to satisfy alleged masculine sexual needs, and, on the other, enriches pimps and procurers. Organized and sustained by and for men, the sex industry spreads more and more extensively thanks to an international network of organized crime which, by bribing media and political leaders of just about every country, promotes prostitution, by-passing laws so that it can maintain its procuring activities, and attempts to get laws changed and have prostitution legalized. Organized crime does this by contributing generously to political parties, by publishing false testimonies in the media saying that sex work improves the lives of the women who do it, and by financially sustaining 'front groups' (that is, sex workers' associations) to promote decriminalization of the sex industry (Audet 2008; Farley et al. 2009; Jeffreys 1997, 2009; Poulin 2004).

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<sup>2</sup> As well as feminist political instances or lobbies that are active in many countries. In the province of Quebec, where the author lives, it is the case regarding the *Conseil du statut de la femme du Québec* (2012). A few more examples among many others : Women's Coalition for the Abolition of Prostitution, in Canada (<http://www.rapereliefshelter.bc.ca>); Coalition Against Trafficking in Women (<http://www.catwinternational.org/>), which is international; Chicago Alliance Against Sexual Exploitation (<http://caase.org>), in the United States; Poppy Project (2008), in the United Kingdom; National organization for Women's and Young Women's Shelters (<http://www.roks.se/about-roks-1>) in Sweden; and Sanlaap (<http://www.sanlaapindia.org>) in India.

<sup>3</sup> Radical feminism sees the oppression of women by men as the foundation of the system of power under which human relationships are organized in society. Following this, women have to fight against the patriarchal system until the whole system changes and frees them from oppression. Contrasting with this radical current, there exists a moderate feminism that simply aims for the amelioration of the condition of women by means of legislation changes.

All the while, women and children are being subjected to violence and rape through selling and buying transactions that occur between pimps and prostitutes<sup>4</sup> (that is, the clients). Kept in a situation of sexual slavery, these victims can only submit themselves to the demands of the prostitute who pays for them. The very nature of prostitution opens the door to all possible kinds of violence and brutality that men are capable of, including torture and killing. Women who enter into prostitution in an apparently consenting way just do not know the violence to which they will be subjected. The difficulty they experience in getting out of it later arises not because they find advantages in prostitution but because they do not have the resources to free themselves and they need help to succeed. It follows from this reading of the situation that prostitution and trafficking in women are directly and intimately connected, and that it is only by abolishing prostitution that we will be able to eliminate the trafficking of women and children for sexual exploitation. Thus, abolitionists refuse to make any distinction between ‘voluntary’ prostitution and ‘forced’ prostitution, no more than they do between ‘women trafficking’ and ‘voluntary migration with the aim of doing sex work’. Being by its very nature rape, violence, and the subordination of women by men, prostitution cannot, by any means, be voluntary (e.g., Audet 2008; Barry 1979, 1995; Dworkin 1979, 1993; Farley et al. 2004; Farley 2003, 2004, 2005; Jeffreys 1997, 2008, 2009; MacKinnon 1985; Poulin 2004; Raphael and Shapiro 2004, 2005; Raymond 2003, 2004; Ricci et al. 2012; Waltman 2011; Wynter 1998).

Abolitionists also explain that what seems to be free consent among some prostituted women is merely a submissive acceptance of the traditional exploitation of women. In this sense, it constitutes an answer to the conditions of poverty into which the patriarchal system puts women. The prostituted woman submits to masculine interests and collaborates with the oppressor so that she can cope better with her situation than she would by resisting. Thus, some women would prefer to play according to men’s rules by identifying with the desires of the latter and positioning themselves as sex objects, maintaining that they find pleasure in doing so. However, this is only a kind of identification with the aggressor in which they become exactly what the aggressor demands they be; that way, these women get a better deal in a world where masculine domination remains hegemonic. Thus, prostituted women who maintain that it was their choice to enter the sex industry and that they are comfortable within it, or even empowered through it, are women who identify themselves so well with the masculine culture that they do not recognize their alienation (Golden 2007; Jeffreys 2009; Poulin 2004). Barry (1995:89) explains:

Individually and institutionally, the lived experience of dehumanized sex harms women and sustains the gender class condition. It is oppression. Consent to oppression or an apparent ‘will’ to be objectified is a condition of oppression. It is never a state of freedom. Sexual exploitation is oppression,

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<sup>4</sup> This is the term coined by Jeffreys (2008) to “give the buyer the status of perpetrator in the practice of prostitution”. By the same logic, the woman involved in prostitution is not a *prostitute* (and even less a *sex worker!*). Rather, she is a *prostituted woman*, a term showing that “somebody must be doing something to the woman for her to be prostituted” (Jeffreys 1997:5).

and that means that it will be accepted and even promoted within the oppressed class. That is what oppression is! This is how every form of oppression is sustained.

Furthermore, some abolitionists will argue—how can we speak of consent when we know that the *mean* age of entry into prostitution is *14 years old* in developed countries, including Canada and the United States? It is senseless to imagine that, after having been used in prostitution as a child when she obviously could not consent, a woman would suddenly have the freedom to choose whether to continue, once she reaches 18 (Poulin, 2004).

The intrinsic harmfulness of prostitution, according to the abolitionist discourse, comes from an intimate tie between sexuality and the core identity of the person, since sexuality is experienced within the most intimate parts of the body. Consequently, to sell one's body (as they say) and sexuality destroys not only the integrity of the body but also the integrity of the identity itself. Abolitionists explain this with the understanding that, for sexuality to be fulfilling, it must be experienced within a spontaneous sharing of affection where both partners are equally subjects of their sexuality. Whenever sexuality happens outside these conditions, and is, for example, reduced to mechanical and repetitive acts without desire and pleasure, it necessarily becomes devastating, as it attacks the core identity of the person. Prostitution, as abolitionists perceive it, is a place where affective sharing is impossible since the prostituted woman is merely a body used by the client to ejaculate into. This is so even in cases where the man requires the woman to be “sexually active and responsive as well as emotionally engaged” (Barry 1995:34), as what she will be doing, then, can only be an “enactment” (Barry 1995:34), the real thing not being possible because spontaneity is eliminated by the simple fact that there is a contract. And this is, by nature, *violence*: it destroys the integrity of a person's body and soul (Anderson 1993; Audet 2008; Barry 1995; Camirand 2004; Jean 2007; Radin 1996).

For all these reasons, abolitionists believe that decriminalization or legalization<sup>5</sup> (for them, there is no difference between the two in terms of effects) would utterly harm women as a class by maintaining their sexual and economic exploitation. It would only serve the interests of pimps, procurers, and prostitutes, but not those of the prostituted women themselves. Even worse, it would lead to the growth of the sex industry and to an increase of the trafficking of women and children for the aims of prostituting them, as laws would be favorable to such activities.

### The Sex-Positive Feminist Argumentation

On their side, sex-positive feminists see patriarchy as the cause of the sexual repression of women. Created within a patriarchal system that controls women's sexuality in order to maintain women in a reproductive role, present laws and

<sup>5</sup> Decriminalization means that all articles related to (adult) prostitution are deleted from criminal law; legalization means that certain activities related to prostitution become legal while others remain illegal (see Corriveau 2010).

dogmas stigmatize and punish women who venture into any form of sexuality that does not conform to the restrictive frame of monogamous heterosexual sexuality. Thus, a double standard has developed, where men are free to express sexuality outside marriage but where the women who do the same are labeled as 'easy women' and as 'whores'. Considering that sexual re-appropriation is, for women, a powerful emancipating factor, sex-positive feminists deem it necessary to fight against this double standard and to encourage women to explore their sexuality (Bell 1995; Califa 1994; Queen 1997; Rubin 1984; Willis 1992).

These sex-positive feminists see the position of anti-pornography and anti-sex work feminists as being essentialist: it attributes a perverse sexuality to men on the grounds of their presumably having a sexuality focused on the genitals, whereas women's sexuality would be the moral model to follow, as theirs would be focused on feelings and love. Such a position, on the one hand, maintains the feeling of guilt women have toward their sexual desires and acts that are labeled as 'deviant', while, on the other hand, it stops women from exploring their own sexuality, as they are not allowed to express any alternate sexuality (e.g., sexuality without emotional attachment, lesbianism, bondage/domination/sadomasochism, and sex work) without being stigmatized. Thus, sex work has been criminalized and stigmatized with the aim of controlling women's sexuality, not with the aim of protecting women against moral alienation.

Consequently, sex-positive feminists pose sex work as an opportunity for sexual exploration and personal growth regarding one's own sexual taboos and prejudices. According to them, we have to question the moral codes that forbid women to be 'sexual' outside the legitimate couple; allow ourselves to explore sexual acts, activities, and role playing that can be found within sex work and that seem interesting either because they sound exciting or simply because they are new; enjoy the pleasures generated by this type of work (e.g., pleasure in finding oneself beautiful and desirable, pleasure in mastering the art of the courtesan, erotic pleasures); and, ultimately, get rid of all feelings of guilt that have been socially instilled toward such sexual expression. Doing so would bring about greater comfort in one's own body and sexuality as well as toward the sexuality of others (Bell 1995; Califa 1994; Queen 1997; Rubin 1984; Willis 1992).

Concerning the fact that sex work happens mainly between female sex workers and male clients, sex-positive feminists explain that the limited presence of women as clients is directly due to the sexual repression of women, which does not allow them to envisage the possibility that they might legitimately desire a sexual activity for themselves without necessarily having to take the other's desires and needs into account (Califa 1994; Queen 1997). Without this social control over women's sexuality, women would not be inhibited regarding their own sexual needs and would allow themselves to pay for the sexual services of a competent sex worker, in the same way as they do now when they go to a healthcare professional (Bell 1995; Califa 1994; Queen 1997). Consequently, sex-positive feminists argue and militate for both decriminalization and destigmatization of sex work, as this would help open social mentality about female sexuality and make it both less guilt-loaded and more fulfilling, even for women who are not in sex work but who simply want to experience sexuality outside restrictive norms.

## The Argumentation in Favor of Decriminalization

Feminists specifically campaigning for the decriminalization of sex work usually do it through one of the many sex workers' rights organizations that exist around the world.<sup>6</sup> They concentrate their argumentation on the very negative effects that criminalization and stigmatization have on the life and working conditions of sex workers and conclude that decriminalization is necessary in order to improve these conditions (e.g., Brock 1998; Cantin 2006; Delacoste and Alexander 1998; Ditmore 2006, 2010; Jenness 1993; Mensah 2006a; Canadian HIV/AIDS Legal Network 2005; Parent et al. 2010; Mensah et al. 2011). These feminists differ from sex-positive feminists in that the former do not necessarily consider sex work as being a source of sexual exploration; rather, they see it as *legitimate work* one may chose, and they militate for its social recognition as such.

These feminists maintain that, while coercion and the trafficking in women for sexual purposes sometimes do happen—these also happen among domestic, agriculture, and sweatshop workers (Toupin 2006)—they constitute only a small portion of the reality of sex work. The great majority of female sex workers freely choose to get involved in the sex industry. This choice is made in the same way as in any other kind of work, that is, by considering all job opportunities and by comparing the benefits and limitations that come with each opportunity (Agustin 2007; Brock 1998). Therefore, to mix up situations of forced prostitution with those of freely chosen sex work and situations of trafficking in women with those of sex worker migration is to deny the right to autonomy and self-determination for millions of sex workers, and this on the basis of an ideological reasoning that does not correspond to the experience of the female sex workers themselves (Agustin 2007; Global Alliance Against Trafficking in Women<sup>7</sup>; Toupin 2006).

This confusion between voluntary and forced sex work maintains the judicialization and stigmatization of sex workers. Unfortunately, positioning sex work as a crime produces inhuman working conditions and allows situations of violence to happen. It does so by denying sex workers access to police protection, which causes sex workers to be infinitely more vulnerable to theft, rape, and brutalities from clients, as the latter know that the police will not intervene if the sex worker dares to lodge a complaint against them. This same situation also makes sex workers more vulnerable to murder, as the murderer knows that, often, the police will not investigate the murder of what is considered *social trash* (Canadian HIV/AIDS Legal Network 2005; Delacoste and Alexander 1998; Ditmore 2010; Mensah and Lee 2006).

Moreover, criminalization reinforces this situation of vulnerability by forbidding sex workers from organizing themselves into teams and receiving clients in business

<sup>6</sup> The first structured one, COYOTE (stands for Call Off Your Old Tired Ethics), was created by Margo St-James in San Francisco in 1973. Nowadays, more than 100 of them exist all around the world. A list of these organizations and information about the sex workers' rights movement can be found at the website of the organization 'Sex Work Activists, Allies and You' : <http://www.swaay.org>.

<sup>7</sup> International organization promoting the view that there are differences between forced and voluntary prostitution as well as between migration for sex work and trafficking; their aim is to promote the rights of women migrant workers and trafficked persons. Their website : [www.gaatw.org](http://www.gaatw.org).

premises, even though this type of work organization would offer much greater security against potential violence from clients. This also discourages the use of condoms during sexual acts, as the police use the possession of condoms or their presence in the work environment as ‘proof’ of sex work activity. The criminalization of solicitation in public premises forces sex workers to retreat into isolated areas; this makes them more vulnerable to violence from clients, all the while preventing them from taking the time to evaluate the degree of potential danger of new clients and, thus, from deciding when to accept the transaction and when to refuse it. This criminalization of communication for sex work purposes, as well as of the use of business premises such as massage parlors for sex work, prevents the sex worker from adequately negotiating acts, fees, and safe sex with clients. This sometimes creates misunderstandings, which generate stress for the sex worker and frustration for the client who will then be less willing to respect the limits imposed the sex worker (Canadian HIV/AIDS Legal Network 2005; Cantin 2006; Delacoste and Alexander 1998; Mensah and Lee 2006; Parent et al. 2010; Mensah et al. 2011; van der Meulen and Durisin 2008).

The social and legal non-recognition of sex work as a ‘job like all other jobs’ also hinders the attainment of working conditions that respect the legal minimum norms. Sex workers have no real negotiating power over their working conditions, as they cannot file a complaint with the legal authorities so that employers imposing abusive working conditions would have to respect these norms (Canadian HIV/AIDS Legal Network 2005; van der Meulen and Durisin 2008; Mensah and Lee 2006).

Even though laws against procuring are presumed to protect sex workers against exploitation, their main effect is actually one of isolating female sex workers. These laws make it impossible for a sex worker to share an apartment with another adult, as this adult would automatically become liable for being charged as procurer. Not only does this situation constitute a breach of the right to privacy; it also marginalizes female sex workers even more (Canadian HIV/AIDS Legal Network 2005; van der Meulen 2010).

Consequently, sex worker associations tend to ask for the complete decriminalization of all activities related to sex work. Unlike the legalization carried out in some countries (e.g., in Nevada, USA, where sex work is legal in state brothels but remains illegal everywhere else), decriminalization means that everything related to adult sex work is deleted from the criminal code. Situations of violence, coercion, exploitation, and human trafficking are already the object of laws and do not need laws specific to sex work (Corriveau 2010). It only remains necessary, then, to regulate the practice of sex work through the civil code, as it is done for any other type of work, a situation that would allow a better respect for the rights of sex workers as citizens and workers.

As for transferring criminalization from sex workers to clients (as demanded by the neo-abolitionists), the Swedish experience demonstrates that, far from diminishing violence towards sex workers, this makes them more vulnerable, as this law forces women to hide in order to reassure their clients. This isolates the women even more and prevents them from receiving help when necessary. Client criminalization diminishes their number on the street, which causes a price decrease, brings about



fierce competition, and encourages clients to insist on sexual acts without condom use. On their side, rushed by the fear of being spotted and thus losing the transaction, sex workers do not have time to size up the prospective client, while those who dare to do so despite the law are more often aggressive (Levy 2011; Stridbeck et al. 2004; Dodillet and Ostergren 2011; Ostergren, website).

Finally, criminalization maintains prejudices towards sex workers. It forces them to hide and to lie outside their working premises to avoid many humiliating situations—humiliating not because offering sexual services is a source of shame but because ‘normal’ people (e.g., clients, family, friends, or health professionals) believe they have every reason to despise these workers more or less openly for the work the latter are doing (Ditmore 2010; Mensah 2006a).

However, according to feminists asking for decriminalization, decriminalizing sex work will not be enough to get rid of stigmatization because social prejudices are persistent. To improve both the life conditions and the working conditions of sex workers, it is necessary to educate people to the fact that most sex workers are neither delinquents nor victims as a result of their work activities; rather, they are people, just like everybody else in society. What makes sex work a job different from others is not the fact that it commercially satisfies the sexual needs and desires of paying clients, but the social attitudes that label the sex worker as an irresponsible, deviant, and degraded person. It is equally necessary to educate clients so that they realize that sex workers do have the same right to respect and consideration as does any other worker, and that any aggressive or criminal behavior will be prosecuted and penalized (Canadian HIV/AIDS Legal Network 2005; Cantin 2006; van der Meulen and Durisin 2008).

### **Reality as it is Studied by Scientific Research**

The world of sex work has been the object of a wealth of studies within the last 30 years. At the start, this research focused mainly on the deviant aspect of sex work on the basis of “symbolic and legal representations of the bad woman or whore” (Pheterson 1996:30). These works also most often used the most easily accessible sampling, that is, the visible ones (street sex workers) or the captive ones (sex workers in jail, or using the services of community organizations open to drug addicts or to the street youth). Such a process produced research results that are certainly relevant for these groups of sex workers but not for sex workers as a whole. Unfortunately, these results tended to be generalized to all sex workers, which reinforced the model of deviance and of personal and social degeneration applied to them (Pheterson 1996).

Even though some present-day research still presents these same errors due to sampling, most acknowledge the fact that their results cannot be generalized to all sex workers. There has also been a broadening of the field of research; it now includes female erotic dancers (who, also being more easily accessible, tend to become the best studied group of sex workers) and, to a lesser degree, erotic masseuses, porno actresses, and female escorts. Research also now looks more often into male sex work.

Studies of the sex work experience are more often done within the framework of feminist theory when they are about female sex workers. While abolitionist research specifically works for the demonstration that sex work is violence without exception, other feminist studies focus on gender relationships and on the experience of oppression, or of agency, these women experience when working. Moreover, it is through this same feminist framework that the motivations to be a sex worker are examined, the experience of being objectified, the stigma related to sex work, and, finally, the impact of this kind of work on self-esteem, on couple relationships, and on social relationships in general (e.g., Abel 2011; Bernstein 2007; Bradley 2007; Bruckert 2002; Bruckert and Chabot 2010; Bruckert and Parent 2007; Chapkis 1997; Downs et al. 2006; Jayasree 2004; Jeffrey and MacDonald 2006; Mensah 2006b; Orchard 2007a, b; Parent 2001; Parent and Bruckert 2005; Pasko 2002; Sanders 2002, 2004, 2005, 2006a, b; Shaver 2005; Shaver et al. 2011; Wardlow 2004; Warr and Pyett 1999; Weatherall and Priestley 2001; Welzer-Lang et al. 1994). These studies, as well as many others that are not specifically feminist in their approach (e.g., Firme et al. 1991; Lewis et al. 2005; Messervier 1999; O'Doherty 2011; Oerton and Phoenix 2001; Scambler 2007) present an extremely varied experience of sex work and one, above all, that is described by a majority of sex workers as being neither completely oppressive nor completely liberating.

For example, research concerning western middle-class women engaged in off-street sex work<sup>8</sup> will tend to encounter women sex workers who had never been forced into sex work by a pimp, and who freely chose their work (e.g., Bernstein 2007; Bradley 2007; Bruckert 2002; Bruckert and Chabot 2010; Bruckert and Parent 2007; Chapkis 1997; Downs et al. 2006; Jeffrey and MacDonald 2006; Mensah 2006b; O'Doherty 2011; Oerton and Phoenix 2001; Parent and Bruckert 2005; Pasko 2002; Sanders 2002, 2004, 2005, 2006b; Warr and Pyett 1999; Weatherall and Priestley 2001; Welzer-Lang et al. 1994). Although this choice may not always be a 'real' one when, as in some cases, it is 'forced' by the need to pay for one's drugs, most often the decision to get involved in sex work is made after one has weighed the pros and cons regarding the different work opportunities available (Jeffrey and Macdonald 2006; Mensah 2006b). The great majority of these sex workers already had work experience in another domain when they became involved in sex work. Many possess at least a high school diploma (or almost completed it), and a good number of them took college or university studies. Some had even occupied a professional position or currently have one (Bernstein 2007; Bruckert and Chabot 2010; O'Doherty 2011; Parent and Bruckert 2005; Sanders 2005; Shaver 2005; Taylor and Newton-West 1994; Welzer-Lang et al. 1994). Thus, for many women in the western world, it is not a lack of work skills or the need for survival that leads them to become involved in sex work, it is rather because they find advantages in doing so, compared with other work opportunities. Among these advantages, there is the possibility to make money faster, to have more free time, and to be self-employed. For some women, sex work is also an occasion to

<sup>8</sup> However, categories are not mutually exclusive, and some of the referenced research also interviewed working class sex workers, as well as ones who worked on the streets, and found that many of them also freely chose sex work and were working without pimps.

“encounter people, [...] to enjoy a pleasant life and/or to explore one’s own sexuality” (Parent and Bruckert 2005:9; my translation). These examples, while describing only a part of all of the sex workers’ characteristics and experiences that can be found within the sex industry, do give a picture that is quite different from the victim that is being drawn by abolitionists, thereby contradicting their claim that doing sex work necessarily means being a sexual slave at the hands of a pimp.

However, even when sex workers freely chose this type of work, have no pimp, and mostly encounter respectful clients, they can still be easily victimized by the stigmatization and criminalization surrounding sex work activities. In the western world<sup>9</sup>, to be a sex worker generally involves maintaining the secret about one’s professional activities to avoid being despised and discredited. The whore stigma also frequently puts self-esteem at risk. Many female sex workers will tend to maintain a clinical performance and avoid all sexual desire and pleasure during work in order, on the one hand, to not perceive themselves and be perceived as ‘real whores’, but also, on the other hand, to maintain the feeling that they remain faithful to their lover or husband (Abel 2011; Bruckert 2002; Messervier 1999; Parent and Bruckert 2005; Sanders 2002, 2004, 2005; Warr and Pyett 1999). In fact, many sex workers are torn between the feeling of pride they have regarding their work and the feeling of guilt that dictates to them that they should not be doing such work (Bradley 2007; Bruckert 2002; Bruckert and Parent 2007; Messervier 1999; Parent and Bruckert 2005).

Criminalization remains a major constraint. It tremendously limits the possibilities to organize one’s environment to protect oneself against possible aggression (Bruckert and Chabot 2010; Lewis et al. 2005; Shaver et al. 2011; van der Meulen and Durisin 2008), prevents sex workers from getting the government-regulated minimal norms for working conditions respected when they work as employees in erotic dancing bars and other sex service establishments (Bruckert 2002; Bruckert and Chabot 2010; Parent and Bruckert 2005; van der Meulen and Durisin 2008; Shaver et al. 2011), limits healthcare access (Bruckert and Chabot 2010; Shaver 2005; Shaver et al. 2011), and constitutes an important source of trauma for the women who get mistreated by police authorities during arrest (Bruckert and Chabot 2010; Jeffrey and MacDonald 2006; Lewis et al. 2005; Parent and Bruckert 2005). Furthermore, by maintaining the notion of sex work as a moral crime against society, criminalization maintains stigmatization which, in its turn, is a source of denigration on the part of others, isolation, internal conflicts, and lower self-esteem (Bradley 2007; Bruckert 2002; Bruckert and Chabot 2010; Bruckert and Parent 2007; Warr and Pyett 1999).

Street sex workers, escorts, erotic dancers, and masseuses most often perceive themselves as workers, and even as professionals. They establish personal limits regarding the services they provide, and, during the transaction with the client, they are the ones who control the situation rather than the client. Doing sex work, therefore, does not give them over to the client to do whatever he wants, but quite

<sup>9</sup> Stigmatization and criminalization are also experienced by sex workers in many developing countries (Ditmore 2008; Global Commission on HIV and the Law 2012). However, the author will only discuss findings related to sex work in western countries.

the contrary. They sell a product (sexual fantasy, girlfriend experience, sexual arousal, stimulation, and satisfaction), and, as such, they set out their work as a performance in such a way as to maintain a good paying clientele, all the while protecting their own physical, sexual, and emotional integrity. The ways of proceeding vary, depending not only on the type of work and sex work environment but also on the personal motivations to be a sex worker and to go from pure instrumentalization (of themselves *and* of the client) to a warm and friendly professional relationship. Thus, many female sex workers make use of a whole set of techniques intended to manipulate the client (letting him believe that they are real sex beasts and that they prefer him among all clients) to extract as much money as possible from him without, in fact, really giving him anything in exchange but a counterfeit intimacy (Bruckert 2002; Pasko 2002); others are more authentic listeners towards their clients (Bernstein 2007; Bruckert 2002). On their side, a number of masseuses, escorts, and street sex workers make use of a clinical and sterile approach, in which they take the role of an actress responding to the client's desires without, however, feeling any personal emotion or sexual interest (Sanders 2005); others will involve themselves sexually and emotionally in what is for them a sexual exploration and/or a means of personal growth, or yet simply because a client is interesting for them (Bell 1995; Bernstein 2007; Parent and Bruckert 2005; Queen 1997; Sanders 2002; Warr and Pyett 1999). Whatever way they may undertake their work, sex workers do have power in the transaction with the client. They are not passive and devoid of control.

Different studies mention violence as being part of sex work. This violence, however, is not at all omnipresent. According to the affirmations of sex workers, the great majority of clients do have a perfectly correct attitude towards them and they do, as well, respect the limits imposed by the sex worker. In fact, many of them hope for an emotional relationship as much as they want sex and look for what is called a 'girlfriend experience' when they are with the sex worker (Bernstein 2007; Bruckert 2002; Pasko 2002; Sanders 2008; Parent and Bruckert 2005; Welzer-Lang et al. 1994). However, the criminalization of their work hinders sex workers from organizing themselves for self-protection against aggressive clients and from asking for police protection. This, combined with social stigmatization, is what puts them more at risk of being assaulted even though violent clients are relatively rare. Moreover, violence levels are not the same everywhere; violence is much more frequent on the streets than indoors (that is, in erotic dancing bars and sex service establishments) (Lewis et al. 2005; O'Doherty 2011; Shaver 2005; Shaver et al. 2011).

Furthermore, at the psychological level, what we observe is that it is not the selling of a sexual performance—and thus presenting oneself as a sex object—that is experienced as 'violence', but the insults and denigrating attitudes some clients have and to which sex workers are more vulnerable because of the whore stigma. However, female erotic dancers are able to maintain self-esteem and body image appreciation levels that are similar to those of female college students, according to a study conducted among middle-class women of a mid-size American city (Downs et al. 2006). In another American study, "porn actresses [were found to have] higher levels of self-esteem, positive feelings, social support, sexual satisfaction and

spirituality compared to [a matched sample of women who were not porn actresses]” (Griffith et al. 2012:1).<sup>10</sup>

Middle-class western sex workers working indoors often find other advantages in their sex work activities besides interesting income. Many of them report that doing sex work tends to encourage a positive self-image and body image, a greater comfort with one’s body and sexuality, and greater self-confidence in general. It also makes possible the development of some skills: professional self-presentation, self-assertiveness and keeping of professional boundaries, professional listening and interpersonal skills to rapidly size up the situation and the client to adequately interact with him, and talents as an actress during role playing (Bernstein 2007; Bruckert 2002; Sanders 2005, 2006b; Parent and Bruckert 2005; Welzer-Lang et al. 1994).

Concerning the displacement of women for sex work purposes, the works of Agustín (2007), Robinson (2002), and Scambler (2007) shed some light over what actually happens and, above all, demonstrate that, even though there is a trafficking of women for sexual slavery purposes, it remains that a great number of women voluntarily immigrate for sex work purposes. For them, it is a source of income that would otherwise be out of reach. They sometimes have to pay an agent to help them cross the border, since they cannot do it legally. However, they remain in control of their life, of their body, and of their earnings, and they usually manage to quickly pay the debt incurred for crossing that border. And, whether the migration occurs within the same country or across borders, women often send money to their families in order to help them with their expenses. This indicates that they keep control of their earnings and that their involvement in sex work is due to a desire to improve the quality of life of their families.

Furthermore, in some non-western contexts, for example, in New Guinea (Wardlow 2004), in some regions of Africa (Tabet 1987, 1991), and among the sacred prostitutes in India (Orchard 2007a, b), sex work constitutes, for the women using it, a means of resistance against the patriarchal domination to which they are subjected. Women offering sex in exchange for goods or money reach some autonomy towards male power, in the sense that, by doing so, they reach independence from their father, brothers, or husband. However, it is not done without problems, since these women then have to suffer the stigmatization reserved for all those whose sexuality does not conform to the dictates of the system.

Sex work is also done by men. Studies on male sex workers are done outside a feminist framework and frequently focus on safe-sex practices. They have examined the power dynamics between male sex workers and their male and/or female clients, the symbolic representations regarding masculinity and sex work, the self-perception as a sex worker, and the socioeconomic conditions that often lead to sex work and influence the possibilities regarding safe-sex practices (e.g., Aggleton 1999; Dorais 2005; Mai 2012; Morrison and Whitehead 2007; Scott et al. 2005). What follows from these studies is that male sex work can be found in almost every

<sup>10</sup> Obviously, as these studies used convenience samples, they cannot be generalized to all dancers or porn actresses. However, they do give examples of the experiences some sex workers have that contradict abolitionist claims about a necessarily negative impact of sex work on one’s life.

country of the world and that it is well established, even though it is not as frequent as female sex work. As far as numbers are concerned, estimates give a picture of about 20–35 % of all sex workers being men (Aggleton 1999). Motivations, power dynamics, violence from clients, and stigmatization experienced by male sex workers show many aspects similar to those experienced by female sex workers.

Thus, it may be a question of simple survival, a way of quickly making money, a means of exploring sexuality, and/or an opportunity to encounter people and get an interesting social life. Moreover, the power dynamics in male dancing bars are very similar to those observed in female dancing bars (Demarco 2007), which puts into question those theoretical models that interpret the oppression of female dancers by male clients as being a consequence of gender relationships. Male sex workers may be victims of verbal and physical violence, not only from male clients but also from female clients, as well as from passers-by—in which case, violence is motivated by homophobia. Where stigmatization is concerned, it is either the homosexual behavior with male clients or, when having female clients, the interpretation that one is thus ‘kept by a woman’ that causes ostracism, because it enters in conflict with social definitions of masculinity (Scott et al. 2005).

As for sexual tourism, it seems that women are much less hesitant about becoming clients outside their own home environment. Their behavior is then very much comparable with that of male clients: some female clients look for a romantic relationship, while others want acquaintances that are purely sexual. On their side, both male and female sex workers actively approach their clients, offer them their services as ‘tour guides’, and expect to receive goods and money in return. Rarely identified as sex work even though there is a clear exchange of sex for material resources, this type of ‘holidays relationship’ is perceived as being mutually beneficial by both parties, and exploitation, when present, may be done from both sides (De Albuquerque 1998; Sanchez Taylor 2001).

The research results cited here do not address the vast array of sex work experiences as they are focussed on rather positive experiences of sex work. However, taken together with other similar studies, they constitute a body of scientific studies that contradicts abolitionist claims that sex work is *always* violence against women (and children) by means of their sexual and economic exploitation. There are indeed situations where women are sexually and economically exploited by men, but as these research results show, it is far from always being the case. Furthermore, what a man experiences as a sex worker, like what a woman experiences, can be just as much experienced in a setting of violence and subordination as in a setting of autonomy and professionalism, meaning that the sex of the worker and that of the client are not intrinsically linked to violence when this happens.

Contrasting results, ranging from quite positive to very difficult sex work experiences, depend largely on the socio-economic environment from which participants are recruited. For middle-class women and men working in larger western cities, sex work is more often a choice among different revenue-generating possibilities and more often experienced as something positive in their lives, even if they also have to deal with its stigmatization. On the other hand, socio-economically vulnerable people more often experience sex work as something they would rather

not do but have to do to merely survive, which may bring them to experience powerlessness and a sense of lack of personal and social worth. As such, studies exploring the experiences of sex workers engaged in survival sex will tend to describe very problematic situations, even when conducted in a non-abolitionist perspective.

Being morally condemned, criminalized, and stigmatized, sex work remains mostly invisible, and it thus becomes impossible to really know either the number of sex workers or the boundaries of the sex worker population being studied. Quantitative studies that would be really representative of all sex workers as a group are, therefore, unrealizable, even in a single sector, since it is not possible to get random samples (Sanders 2006a; Shaver 2005; Weitzer 2010). Representativity criteria for qualitative studies are also difficult to meet, as sampling will “tend to be biased toward the more cooperative participants” (Shaver 2005: 296), toward the most visible sex workers and toward sex workers in crisis whenever the researcher interviews social or health care workers (Shaver 2005). Because of this, studies about sex work can never claim to completely represent a group of sex workers and much less the totality of all sex workers. Most studies that are independent from abolitionist ideology will recognize their limitations in this respect and will not pretend their results to represent all sex workers; rather, they give a glimpse of what certain sex workers—those who participated in the study—experience both within and outside their work.

However, abolitionist studies do present anecdotal horror stories as examples of what usually happens in sex work and generalize statistics—in order to ‘confirm’ the inherent violence of sex work—from studies that were necessarily performed using convenience samples, all the while discounting whatever evidence that contradicts their theory, whether from their own studies or from those of others (Weitzer 2010). Starting with an a priori understanding of sex work as being violence against women, these researchers choose to listen only to the testimonies of women who ‘admit’ having been victims of violence, since the others are either too alienated to ‘admit’ their victimization through sex work, or are forced to lie by a pimp. Furthermore, recruitment premises are often those where sex work is recognized as being the most difficult (e.g., in the underprivileged districts of Vancouver where many Amerindians try to survive by means of sex work) or in help centers for women who want to quit sex work (e.g., Farley et al. 2004); ‘prostitution survivors’ are used as recruiters and interviewers (e.g., Raphael and Shapiro 2002, 2004); the way sampling was done is not sufficiently specified (e.g., Farley and Barkan 1998); and when looking for possible causes for entry in sex work (e.g., past sexual abuse when a child), they do not use control groups. The problem arises when these authors use the extremely high percentages of violence (e.g., Raphael and Shapiro 2004), post-traumatic stress syndrome (e.g., Farley and Barkan 1998; Farley et al. 2004), and physical health problems (e.g., Farley et al. 2004) that these women experience *as testifying to the reality of all women in sex work*.

Abolitionists will also misuse statistics given in other studies, making these values say something they do not. For example, they claim that, in developed countries (including Canada and the United States), the average age of entry in prostitution is 14 years old (obviously not an age to ‘consent’ they then argue).

However, this statistic comes from studies on street sex work conducted on *adolescents* and young adults, such as those of Giobbe (1992), Nadon et al. (1998), and Silbert and Pines (1982). Nevertheless, when we look at other studies about sex workers in western countries, we find that many sex workers started sex work when they were already adults, most often beginning in their 20s, sometimes in their 30s, or even in their 40s (e.g., Bruckert and Chabot 2010; O'Doherty 2011; Sanders 2005; Ward et al. 2004; Welzer-Lang et al. 1994). While analyzing abolitionist studies, Weitzer (2010) identifies many other examples of statistics misuse, reinterpreted findings (e.g., through the argument that because of past trauma, sex workers are often in denial of the violence and abuse they experience), and a discounting of any evidence that contradicts their theories.

Relying on research results, other academic writings by feminists (e.g., Frank 2007; Johnson 1999; Kesler 2002; Lerum 1999; Mensah 2002; Simmons 1998; Toupin 2002, 2006; Zatz 1997) analyze what is at stake regarding sex work by challenging, using observed facts, one or more of the affirmations upon which the abolitionist ideology bases itself. Other writings (e.g., Agustin 2007; Chaumont and Wibrin 2007; McDonald 2004; Toupin 2006; Weitzer 2005a, b, 2007, 2010) demonstrate the extent of their ideological bias, on the one hand, and of the important methodological and sampling mistakes they present, on the other. Therefore, these researches do not meet the scientific criteria on which research must be based, and, consequently, their value may only be in describing the reality of some of those women who indeed are in harsh conditions and practice sex work as a means of survival.

## Sexual Control of Women and Identity

A wealth of research emphasizes the variety of experiences in sex work and the necessity to decriminalize these activities since they are not, by themselves, the cause of human suffering; rather, it is the criminalization of these activities that leads to human suffering. Nonetheless, the social attitude is generally still one of prejudices and stigmatization towards sex workers. Although Judeo-Christian—and patriarchal—sexual morality has been questioned on many issues regarding sexuality and sexual identity over the past decades, which has challenged and changed social norms about marriage, homosexuality, sexual pleasure, and abortion, it remains strong regarding sex work. Interestingly, whereas feminist movements and the conservative moral right hold opposing views regarding the first issues, feminist abolitionists and the moral right both regard sex work as a social evil. Although their argumentation against sex work may be very different, they nevertheless made alliances to better succeed in a moral crusade that, through the use of media and political lobbying, aims to create a great social concern about the 'horrors' of sex work so that it becomes possible to promulgate laws for its eradication.<sup>11</sup> This moral crusade succeeded well enough in the United States to

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<sup>11</sup> See Weitzer (2007) for a thorough discussion of this alliance and the core claims that are being made in the joint moral crusade they pursue.



result in an “endorsement and institutionalization of [abolitionist] ideology in U.S. government policy and practice” (Weitzer 2007:447).

Strangely enough, at least to the point of view of sex-positive feminists, feminist abolitionism is thus making itself accomplice to the very system it tries to fight! As the author understands it, what brings feminist abolitionism to associate itself with the moral right regarding pornography and sex work is this notion, *socially constructed* and so well *integrated* that it very difficult to question, of a feminine identity that would mainly be defined by sexual behavior and experience. It is so much so that, in French, many widely used terms emphasize social value when associated with men but designate sexual status and behavior when associated with women. Some of these also exist in English, as we can observe in the words “master” (a man mastering a skill) and “mistress” (a lover or a kept woman).

Traditionally, the value of a woman would depend on her virginity at the moment of marriage and on her marital fidelity thereafter. Any woman who did not correspond to these criteria, be it by desire and consent or by rape, was automatically considered as ‘defiled’, was defined as having less value—that is ‘degraded’—and became the object of ostracism by her community (Pheterson 1998). Thus, the identity of a woman (her capacity to define herself and to be defined by others through her personal history) (Giddens 1991) first and foremost depended on her sexual history. At the end of the eighteenth century, the discursive division of the masculine and the feminine into public and private domains, a division done to justify maintaining the patriarchal system despite a political discourse of citizenship equality, defined women as mothers devoted to their family and community and, therefore, devoid of all sexual impulse. By ingeniously opposing ‘mother’ and ‘sexually desiring woman’, this definition maintained social control over the sexuality of women. Nineteenth-century feminists took over this definition of a woman by emphasizing the idea that she was of higher morality than man, as she was free from those sexual impulses—which were by essence beastly and selfish—experienced only by men (Comte 2010).

Nourished by this notion of a greater sexual morality that was specifically feminine, and convinced that it was imperative to protect women against all forms of sexual defilement, some radical feminists of the 1970s rebelled against what they perceived as a situation where men forced their own immoral sexuality upon women. They were mistaken, however, in their choice of target. It is not the experience of a genital, purely physical sexuality, without committed feelings of love, or even the absence of sexual desire and/or pleasure while performing sex, that oppresses women. Rather, it is the interdiction of such a sexuality, which brands the disobedient woman with the whore stigma, that makes her a target for social scorn, and forces her to feel ashamed (Comte 2010). The experience of so many sex workers confirms it: it is not the act of exchanging a sexual service for money that damages physical and psychological integrity, but the social stigmatization to which they are thereafter subjected. It is also this stigmatization that, as we saw, is the real source of abuse and violence that female sex workers encounter in their daily work activities.

## Decriminalizing and Getting Rid of the Whore Stigma

Contrary to abolitionist allegations, the elimination of the sexual oppression of women cannot be done by forcing men to the same repressive sexual norms that presently control the sexuality of women. This would only maintain the sexual repression of women and the stigmatization of those who dare to show a sexuality different from the one they are allowed. It is only by questioning those norms and by recognizing, for women, an inalienable right to self-determination regarding one's own sexuality that we will be able to get rid of this sexual oppression.

Therefore, to fight abuses of power and to prevent the physical violence and psychological wounds of which sex workers unfortunately still too often become victims, it is absolutely necessary to decriminalize sex work and to give it a status similar to that given to any other kind of work, whether sexual services are provided as an establishment employee or as a independent worker. It is equally essential to fight against prejudices existing towards sex workers and to recognize that they have the same rights to police protection and to social respect as other people. Once these changes are accomplished, sex workers will be in a position to obtain better working conditions and a better quality of life. Even more, however, all women will benefit, *as getting rid of the stigma attached to present moral standards regarding sexuality* will make it possible for all women (sex workers and non-sex workers) to be on better terms with their sexuality, and to more freely use it or explore it if they choose to, even within its aspects presently defined as being 'degrading', *without the risk of being socially 'de-graded'!*

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