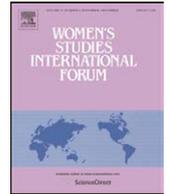


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Women's Studies International Forum

journal homepage: www.elsevier.com/locate/wsif

Prostitution, trafficking and feminism: An update on the debate

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Prostitution, trafficking and feminism: an update on the debate

Within the academy the 'sex work' position, i.e. that prostitution should be understood as legitimate work, and an expression of women's choice and agency, has become the dominant perspective. Most feminist scholars now take this point of view or show sympathy towards it. The critical approach to prostitution that was almost universal amongst feminists from the nineteenth century up till the 1980s, that prostitution arises from and symbolizes the subordination of women, is much less often expressed. The 'sex work' position has been extended to the issue of trafficking of women into prostitution through the transformation of trafficking into 'migration for labour' (Agustin, 2007). This new approach to trafficking, which draws a veil over the human rights issues involved and carefully removes the issue of the destination of the vast majority of trafficking in women, prostitution, from view, is fast becoming predominant amongst feminist academics writing on the issue in the fields of development studies and migration studies (Jeffreys, 2006). Unfortunately, some of the articles in this issue of *Women's Studies International Forum* demonstrate some of the common elements and problems of the new dominant ideology amongst feminist scholars.

The 'sex work' position emerged from some sex workers' rights organizations in the 1980s (Jeness 1993). It gained strength from a sexual liberalism which portrayed pornography and prostitution as forms of 'freedom', and rejected any suggestion that they might be abusive to women (Jeffreys, 1990). This sexual liberalism was identified by its supporters as 'sex-positive' and those, mainly radical feminists, who criticize the whole construction of sexuality under male dominance as the eroticizing of women's subordination and argue for total transformation, as 'sex-negative'. This sexual liberalism joined up with the economic ideology of neo-liberalism in the next two decades to the point where the industries of pornography and prostitution came to be seen by governments as nice little earners (Jeffreys, 2009). Milton Friedman, the American sage of neo-liberalism, argued that

pornography and prostitution should be decriminalized and subject to the ordinary rules of the market (Ammeson, 2006). As a result of these trends the global sex industry has been legalized, tolerated and normalized, and has become hugely profitable for domestic economies and in the global economy. Women's bodies are now well and truly launched into the marketplace as the basis of large profits for many different enterprises, the telecommunications companies that carry pornography, the credit card companies that the male buyers use, the banks that lend to the industry, strip club chains, the governments that tax legalized prostitution, the governments that gain foreign currency from the women sent abroad as 'entertainers'. In the global economy women from poor countries are trafficked to richer ones, or used in situ by prostitution tourists in what I define as the 'outsourcing of women's subordination' (Jeffreys, 2009). Meanwhile the average earnings of the prostituted women, whose vaginas and anuses are the raw materials of this industry, are well below the average wage in western countries (DeRiviere, 2006).

It is radical feminists and those whom the writers in this issue call 'abolitionists', i.e. those who seek to rein in men's behaviour in the prostitution of women, that have called these processes into question. In particular they have identified prostitution as violence against women, providing considerable evidence as to the physical and psychological harms that prostituted women experience (Farley et al., 2003). These harms come both from the unpaid for activities of prostitutes, pimps/husbands, male passers by in the street, and police, who rape and beat them, but also the paid for violence of the everyday penetration of prostitution in which women disassociate mind from body in order to survive the violation (Jeffreys, 2008). Radical feminists have shown that prostitution fits very well into the United Nations concept of harmful traditional/cultural practices, which are harmful to the health of women and girls, derive from women's subordination, are for the benefit of men, and are justified by tradition (Jeffreys, 2004). According to the Convention on the Elimination of All Forms of Discrimination Against Women (United Nations, 1979), states are required to eliminate the harmful attitudes that create these practices.

In relation to prostitution this is, in particular, the male sex right of access to women which is assured by pimp states that enact the 'sexual contract' with their male citizens by legalizing the industry of prostitution (Pateman, 1988). Most recently, through work on trafficking and prostitution tourism in particular, feminists of this persuasion have focused on the way that this violence has been turned into an industry and become the source of serious profits (Jeffreys, 1999; Poulin, 2005; Jeffreys, 2009). They have pointed out the vicious inequality and racism, as well as misogyny, that powers the global sex industry (Carter, 1999). As far as several of the writers in this volume are concerned, such sentiments simply show how out of touch radical feminists are, not traveling with the flow. Indeed, this radical feminist point of view is thoroughly critical of the masculine construction of sexuality, of the male sex right, of violence against women, of gendered and racialized inequality, and of the way in which the global economy now makes huge profits from the exploitation of all these elements of patriarchal capitalism. It is certainly not fashionable to engage in such swingeing critiques.

Point of viewlessness?

Musto, Limoncelli, Segrave and Rocés give the impression in the early stages of their articles in this issue that they represent the 'view from nowhere', and criticize the biases of those involved in the feminist debate on prostitution. They characterize the fierce feminist controversy over prostitution, between the 'sex work' approach, and the approaches of those usually referred to as abolitionists or neo-abolitionists, as constituting an annoying 'binary' that they have, themselves, risen above. They say that this disagreement is preventing feminists from moving on and really addressing the issues at stake, which do not, it seems, include prostitution. In fact none of these articles address the issues of prostitution or trafficking for prostitution in any material sense. They remain at the level of discourse. The authors sneer at those they see as slogging away in the mire of controversy. Segrave asserts, for instance, that 'contemporary anti-trafficking debates continue to revolve around the ideological impasse of competing views on prostitution'. This criticism suggests that she is somehow neutral or objective. Moreover, she says, 'this 'stalemate' on the issue of prostitution/sex work has limited the progression of feminist engagement with trafficking in persons and the exploitation of women more broadly'.

Limoncelli argues similarly, 'different understandings of women's sexual labour in the international sex trade have limited efforts to theorize trafficking and prevented feminist consensus on strategies to help women'. Both sides of the debate on trafficking, in her view, 'tend to either ignore or tacitly reproduce neo-liberal assumptions about the free market and the benefits of globalization for women.' No names are cited as evidence for this statement. Since my name is cited elsewhere in this article it is worth pointing out that my 2009 volume, *The Industrial Vagina: The Political Economy of the Global Sex Trade*, precisely targets the 'neo-liberal assumptions' she cites here. If she points to abolitionists as being friends to neo-liberalism then she needs to find evidence to back up this assertion, otherwise it is simply a slur. She says that a 'feminist political economy approach is

needed' and I certainly agree, but my book will not be what Limoncelli is thinking of, because it takes an abolitionist approach. The argument that it is the very disagreement between feminists that prevents progress on the issue of trafficking and prostitution, is disingenuous. In fact these authors want the abolitionists to desist so that the 'sex work' position in their own interpretations thereof, can hold sway. The problem is not that there is a binary in fact, but that annoying radical feminists keep on fighting for their view that prostitution harms women.

The work of these writers illustrates a classical division in feminist political thought between socialist and radical feminists. Traditionally it is radical feminists who have placed women's bodies at the centre of their analysis. Thus radical feminists such as Andrea Dworkin, Catharine MacKinnon, Janice Raymond, Gail Dines, Renate Klein, Kathleen Barry, have focused on violence against women, the construction of sexuality and heterosexuality and relationships, prostitution and pornography, the politics of beauty practices, self mutilation and dieting. They have understood that women's experience of the world starts from the body, the only territory that many women have, but not often under their control. Sexual harassment, men's sex rights in marriage, pornography and prostitution, all turn women's bodies into instruments that men may enter at will or through payment, so that women have to disassociate, and separate themselves from their own bodies for survival. The writers assembled here represent an impulse, common to some writers who take a socialist feminist approach, to deflect analyses that put men into the picture, and divert attention onto general economic processes instead. This is a shame. I was hoping that at this juncture, when neo-liberalism and free market ideas are increasingly being criticized, that socialist feminists might be prepared to join with radical feminists in concertedly opposing the placing of women's bodies in the marketplace, and that they might be prepared to name male domination as a problem.

The writers do actually have a point of view which they make reasonably plain. Segrave says, for instance, of her own view, 'While some may argue that this position is clearly aligned with a sexual libertarian approach'. Indeed! They all see 'abolitionists' as misguided if not dangerous. The common viewpoint amongst these writers is a dislike, sometimes quite pronounced, of radical feminism.

As has sometimes been the case with socialist feminist analysis, Limoncelli takes an 'after the revolution' approach to dealing with trafficking. The last line of her article calls for 'strategies for social and economic justice, which at the same time, will help to combat the exploitation of women in prostitution' i.e. prostitution should not be attacked directly, but rather women's poverty. The problem with this analysis is that prostitution is not caused by women's poverty. Men suffer poverty too, but there is no ready market for their bodies, and certainly not amongst women, who are not the buyers in prostitution. If a husband and wife are equally poor, he can place the body of his wife into the marketplace. This does not work the other way round. Male domination constructs prostitution, and inequality makes particular categories of women vulnerable to sexual exploitation.

The article by Rocés about anti-prostitution activism in the Philippines also criticizes what she sees as a dangerous binary,

that of seeing prostituted women as either victims or agents. Feminists in the Philippines, she states, strategically have recourse to discourses of women as victims or women as agents in order to advance their activism against prostitution. She accuses the feminists of 'reading entertainers and prostitutes as "victims" and "sacrificial lambs"' and thus 'effacing' their 'agency'. Entertainers are Filipino women sent to other countries such as Japan to work in strip clubs and prostitution. Roces favours the 'agency' approach. The 'victim narrative', by her account, seems to consist of describing the harms that women suffer from prostitution. Filipino feminists are accused of using the 'victim narrative' in campaigning for the passage of Anti-Trafficking Act of 2003 (Republic of the Philippines, 2003), which penalizes men who use trafficked women in prostitution. Roces considers that the feminist campaigners were not sufficiently positive about the possibility of women's sexual self-determination, 'If prostitutes were "victims", they could not possibly exude sexuality; instead they were victims of male desire'. I am not sure what 'exuding sexuality' consists of, but I am fairly sure it is not a useful demand of feminism, whereas getting rid of men's right to pay to use women who are disassociating to survive and in pain, certainly is. There is a fundamental difficulty in making such a sharp distinction between victimhood and agency. Women who suffer violence are victimized by the men who abuse them, but this does not mean they are deprived of 'agency'. They may still seek to survive and engage many strategies to do this. Victimisation and agency are not either/ors, but exist alongside each other (Miriam, 2005).

Another problem that these authors have in common is that the accusations they make against abolitionists and radical feminists are often incorrect and generalizing and yet they provide no evidence for their statements. No quotes are offered from those they pillory so that readers may judge for themselves whether the comments are justified, and usually no names are offered to suggest who it is that they are criticizing. This is not good scholarship. It could even be seen as 'polemical', which is a sin that Musto lays at the door of abolitionists who refer to trafficked women as being in a situation of slavery.

Trafficking should be seen as migration for labour

Segrave, Musto and Limoncelli all argue strongly that a huge mistake has been made in focusing concern about trafficking, amongst feminists and by governments, on the problem of trafficking for prostitution. They consider that prostitution is ordinary work and should not be separated out from other forms of work into which men and women are trafficked. Thus trafficking in women should be renamed 'migration for labour'. Segrave argues that trafficking should be seen 'as a crime that may occur into any industry', and that 'advocates and scholars' need to shift their critical gaze away from the traditional circular debates that remain largely tied to issues of sexualised forms of exploitation.' The main problem with this argument is that it does not fit the facts of trafficking, which are that the vast majority of victims are women and the vast majority of these women are trafficked into prostitution. The United Nations Organisation on Drugs and Crime, which administers the 2000 Palermo Protocol on Trafficking in Persons, points out that though trafficking for a

variety of purposes takes place, trafficking of women and children for sexual exploitation accounts for 87% of reported victims (UNODC, 2006, p. 33). In Australia, the country that Segrave's article is concerned with, there is little evidence of trafficking for any other purpose. It is not at all surprising, then, but to be expected, that this form of trafficking should be the focus of concern for feminists. The determination to downplay the significance of prostitution as an endpoint of trafficking, represents a deliberate determination to ignore the elephant in the room.

These writers seek to redefine trafficking in women as a form of migration for labour that happens to be engaged in by women. Thus Segrave favours, 'alternative discourses' that 'identify women as transversal citizens who are engaged in ongoing migration journeys'. Musto, too, wants to make sure that prostitution is not singled out for concern. It is just one form of work for which women voluntarily migrate, she considers. She talks of the 'vast similarities that exist between voluntary and involuntary migrants; namely their initial shared interest in migrating in order to improve their and perhaps their family's economic futures.' She says, 'Trafficked persons are thus closely connected, experientially and epistemologically, to their smuggled and voluntary economic migrant counterparts'. However, women trafficked into prostitution are held in debt bondage, as voluntary migrants are not, usually under coercive control, and subjected to sexual penetration with attendant harms of having to disassociate, and suffer psychological trauma, pain, abrasion and blood from vagina and anus, unwanted pregnancies and abortions, sexually transmitted diseases and HIV/AIDS. All of this is not very similar at all to smuggling and voluntary migration.

Prudishness: ignoring the body

One common element of the criticism of abolitionist/radical feminist approaches is to identify them as moralistic and somehow prudish or anti-sex. Segrave associates feminist scholarship on trafficking with prudishness, 'Feminist scholarship on people trafficking ... has primarily coalesced around the issue of trafficking of women into sexual servitude, a practice identified and debated as constituting a disruption to social and moral order'. None of the feminist scholarship on trafficking that I have read fits this picture at all. Quite the reverse is the case. The abolitionist/radical feminist case is that the sex of prostitution constitutes violence against women because it ignores the pleasure and personhood of the woman whose body is used, and she disassociates emotionally from her body to survive. There is nothing very sexy about this. Abolitionists/radical feminists have a vision of sex which is beyond the need to survive pain and humiliation by numbing the mind. They are likely to argue that an egalitarian sexuality is necessary for women's liberation, in which women have pleasure on their own terms, or might favour some other hobby (Jeffreys, 1990). This is not prudishness or moralism, but a recognition that sexuality is constructed politically and has huge implications for the possibility of women's freedom.

Segrave, Musto and Limoncelli, and to some extent Roces too, do not speak of the actual material experience of women in prostitution and trafficking for prostitution, which could be interpreted as a squeamishness about confronting the lived reality of prostitution. They remain at a theoretical level. It is

quite hard to argue that prostitution is just an ordinary form of work, and trafficking for prostitution is just migration for labour, when what is actually done to the bodies of women is taken into account. I find it helpful, for instance, to mention to people that the government community health website of the 'sex work' agency in the state of Victoria in Australia, which has legalized brothel and escort prostitution, advises women to be careful when using local anaesthetic in the vagina against the ordinary pain of being penetrated, because this can mask more serious injuries (RhED, n.d.). Indeed I am a great believer in the efficacy of making reference to body parts, to blood and pain and abrasion, and also to pregnancy and abortion and sexually transmitted diseases, because these make the embodied experience of prostitution quite unlike other forms of work. Musto goes so far as to accuse abolitionists who use the language of slavery, of 'creating a formidable disconnect between representations of the phenomenon and the actual embodied experiences of trafficked persons'. This is a puzzling accusation because she makes no reference to embodied experience in her own article which is entirely general and at the level of theory.

Is trafficking in women slavery?

Musto's article examines the 'efficacy of trafficking discourse'. She is scornful of the use of terms such as slavery, and sexual slavery. She asks, 'What, one wonders, is accomplished by comparing human trafficking to modern day slavery?' (p10) and argues that such terms, 'prompt terminological connotations devoid of context and meaning?' In fact the description of trafficking of women into prostitution as 'slavery' or 'modern slavery' is taken from the UN Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery (United Nations, 1956a,b), and the older Slavery Convention (United Nations, 1926). Those who use this term are not just being unreasonably melodramatic. The Slavery Convention was based on a traditional notion, 'Slavery is the status or condition of a person over whom any or all of the powers attaching to the right of ownership are exercised' (United Nations, 1926: Article I (1)). In the case of some trafficked women, those who are kidnapped, tricked, deceived or clearly forced, this is the condition in which they find themselves. The girls who are auctioned on the concourse at UK airports fit that definition (Weaver, 2007). They are owned and controlled. Other trafficked women are aware that the recruiters who enlist them are going to place them in prostitution, but have no idea of the degree of force and control that will be exercised over them at their destination. But what unites both groups is that they will be in debt bondage. Debt bondage is the sine qua non of trafficking, because it creates the profits of the practice. Debt bondage is defined as a contemporary form of slavery in the Supplementary Convention which, 'acts to ban debt bondage, serfdom, servile marriage, child servitude'. It extends the 1926 Slavery Convention by recognizing in particular the slavery-like situations that women are put into, and which the earlier Convention neglects, such as forced marriage. But it includes, too, debt bondage, defined as 'the status or condition arising from the pledge by a debtor of his personal services or of those of a person under his control as security

for a debt, if the value of those services as reasonably assessed is not applied towards the liquidation of the debt or the length and nature of those services are not respectively limited and defined' (United Nations, 1956b, Article 1a).

The term 'sexual slavery' which Musto also has some difficulties with, expresses the slavery, defined above, combined with the sexual abuse that is prostitution. Those who are familiar with the way that the experience of rape affects women and girls will be acutely aware of how 'sexual slavery' differs from the debt bondage slavery that can exist in relation to forms of labour that might otherwise be legitimate labour such as tomato picking or housework. Strong language may be necessary to express the experience of being sexually used by many men daily, unable to refuse any practice or any male, whilst under the control of overseers and receiving no payment until a putative debt, made up by the trafficker and added to daily for personal items, is paid off.

Conclusion

Ending this form of violence against women does not have to wait until after the revolution. There are straightforward ways to act now to deter traffickers and reduce the harms of prostitution for women. The Swedish government introduced legislation in 1999 that penalized the male buyers in the prostitution marketplace, which has been very effective in reducing the numbers of women in prostitution in Sweden and persuading traffickers that Sweden is not a sympathetic environment for their endeavours (Ekberg, 2004). Iceland adopted the Swedish model of penalizing the male buyers in 2009. Similar legislation has now been enacted in Norway, and versions of it have been adopted in South Korea and South Africa (Jeffreys, 2009). In the face of the huge harms to women of trafficking for prostitution, and a recognition by governments of the problems of organized crime that trafficking promotes, a number of governments are looking seriously at the Swedish model. The 'sex work' approach, which treats prostitution as just like hairdressing, and suggests that prostitution should be legalized or decriminalized, is coming under critical scrutiny and found wanting. But the practicalities of what is involved in the creation of burgeoning prostitution industries within national boundaries and transnationally are not addressed in the purely 'discursive' contributions here. The problems include not just trafficking and organized crime, but harms to women's equality in other ways. These include restrictions on the right to walk in particular areas of cities that are given over to this form of men's violence, damage to relationships with husbands, sons and friends who become buyers and base their understanding of sex and women on this harmful practice, and a further obstacle to women's equal opportunities in the workplace as male executives and professionals increasingly network, socialize and cement deals in strip clubs and other sex industry venues. The freeing up of the sex industry through pornography and later strip clubs and prostitution, has led to very serious problems for women's relationships with their bodies and sexuality as they are inundated with images of women pornographised, poledancing and in prostitution, in fashion and other forms of advertising and entertainment. The creation of a prostitution culture is harmful to the health and happiness of girls and young women (American Psychological Association, 2007).

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