

The Implications of our Lives: Choice, Agency, and Intersectionality in Prostitution

Emily Burkhart
Philosophy 375

Prostitution became a hot topic within feminism during the “sex wars” of the 1980s (Miriam 136). Nearly fifty years later, prostitution remains a line in the sand; a polarizing debate about agency, choice, sexuality, and structural oppression. How can we best interrogate prostitution? Liberal feminists argue for decriminalization on the grounds that prostitution is a site of economic liberation, agency, and sexual expression for prostituted persons, or “sex workers.” Radical feminists argue for abolition and the criminalization of the purchase of sexual services. For them, prostitution is a form of structural gendered oppression of women kept alive by male demand. Critical race feminism (CRF) argues that women and children of color are overrepresented in the population of prostituted persons and are often, but not always, coerced into prostitution by racial and economic marginalization; a fact generally overlooked by predominately white, middle – class, female, cisgendered academics nestled in distant ivory towers. How can we best understand prostitution, a complex and far-reaching issue?

Liberal feminist approaches to prostitution take up what is commonly called the “pro-sex work” stance. To contextualize liberal feminism: liberal philosophy’s main values are the “‘autonomy’ of ‘individuals’ and their rationality” (Miriam 137). Liberalism is mainly concerned with individual freedoms surrounding “choice” as “the exercise of the individual’s autonomous will” (137). Kathy Miriam has identified two models of sex work which fall under this category: expressivist and economic. The expressivist model sees the “basic injustice” of prostitution as the stigmatization and social devaluation of people who choose prostitution as a profession (Miriam 141). Emily Bazelon, senior research fellow at Yale Law School, characterizes the “sex-workers’ rights movement” as “a rebellion against punishment and shame” (Bazelon). One of the “main political strategies” of the expressivist model is to address shame by

restoring dignity to prostituted persons in valuing the “work” which sex workers do. Kamala Kempadoo, pro-sex work scholar, has termed this “reproductive labor,” or “the way in which basic needs are met and human life is produced and reproduced” (Miriam 141). She goes on to articulate that “‘sex work involves...purely sexual elements of the body...sexual energy should be considered vital to the fulfillment of basic human needs: for both procreation and bodily pleasure’” (141). The expressivist model sees prostitution as a site of “self – actualization” for sex workers, “a space for ingenuity and creativity...which empowers them...as *sexual agents*” (141). In addition to the sexual empowerment they assert prostitution gives women, pro-sex worker advocates cite economic reasons as a major benefit:

I started doing sex work when I was 12 years old. One of my sisters was burnt to death. I might also have been killed, so I ran away.” In the next shot, dressed in a bright yellow sari, she sits with her two children, and one of them kisses her on the head. “It is only recently that I’ve started thinking it’s good that I’m in sex work,” Shabana says. “I don’t have to depend on anyone for anything. (Bazelon)

This statement was reported by Bazelon in a *New York Times* article, citing the financial benefits prostitution has brought to Shabana, a member of pro-sex worker collective V.A.M.P. in Sangli, Maharashtra, India. Prostitution enabled Shabana to become a liberated economic agent; therefore, prostitution is beneficial to women (Bazelon). The economic model of the “agency” in prostitution asserts that “prostitution is a quid pro quo commercial sexual transaction and as such should be subject to standard labor laws and protections” (Carter and Giobbe 50). Pro-sex workers see prostituted women as “savvy entrepreneurs,” “making use of the existing sexual order” who choose prostitution as a means of securing sexual liberation and/or economic mobility (Miriam 141).

Radical feminist approaches are deeply critical of these claims to freedom and choice. It sees liberalism’s definitions of “freedom” as “unsituated,” in that it assumes individuals to be “free of historical and social conditions” (137). Therefore,

any freedom attained under these circumstances is purely “in the head,” or “the physical/legal condition of ‘being let alone’” (137). Further, the radical feminist abolitionist stance disputes the claims that prostitution is often a consensual choice: “Women who sell their bodies out of economic necessity have not fully consented to prostitution,” states Catharine MacKinnon, renowned feminist legal scholar (MacKinnon).

It is imperative to remind ourselves what “radical” means in this sense. It does not refer to a far-left political agenda nor notions of anarchistic rule-breaking. Radical, in the sense that feminists mean it, implies “root.” Radical feminism attempts to point out and address the root causes of women’s oppression by identifying the structures which sustain it, namely patriarchal social organization. By this line of reasoning, radical feminists ascertain that in addressing only the very real violence many prostituted persons face in terms of rape, assault, carceral punishment, homelessness, and “injuries to status,” as liberal feminists tend to do, will only address a symptom of a much deeper problem: male entitlement to demand access to female bodies for sexual pleasure in a commercial market (Miriam 142).

Abolitionism agrees with pro-sex work advocates that prostituted people are harmed by prostitution in its current state. However, abolitionism finds that women’s oppression does not come from their inability to attain an adequate degree of “freedom” within the practice. As argued by Kathy Miram, abolitionism defines prostitution as oppressive by addressing the demand (men) rather than the issues around the supply (women). Prostitution, according to abolitionists, promotes egregious male entitlement by granting on-demand, commercialized access to female bodies for sexual pleasure to satisfy male “need.” Abolitionism does not demonize nor stigmatize prostituted women; it readily acknowledges that women make real decisions every day to safeguard economic stability for themselves and/or their families. This does not mean that they consent to or choose prostitution. As MacKinnon points out: “Prostitution here is observed to be a product of lack of choice, the resort of those with the fewest choices, or none at all” (Butler, quoting MacKinnon, 119). She goes on to point out the uncontested gendered nature

of the work: “If prostitution were a choice, you’d think there would be more men exercising it” (MacKinnon). Abolitionism acknowledges as well that reproductive activity and sexual pleasure can be (except for those identifying as asexual) an important part of life. Abolitionism is not anti-sex, nor anti-pleasure, nor anti-men. Abolitionism is anti-male entitlement.

Liberal feminism first makes claims about economic and human need as descriptive: “sex work pays well,” and “sexual pleasure is an integral part of life for many.” These are then twisted to become normative claims: “sex work pays well, therefore women should engage in sex work,” or “humans need sex, therefore women should engage in sex work.” In reality, “humans” means “men” in prostitution; most buyers, are men and purchased people are women (MacKinnon). Vednita Carter and Evelina Giobbe, ex-prostituted women-turned activist academics, assert that “heterosexism advances the belief that men have uncontrollable sexual urges which, if not fulfilled, will drive them to rape ‘innocent’ females. Herein lies the ultimate justification for prostitution” (Carter and Giobbe 45). “At the very worst,” they write, “prostitution is literal sexual slavery. At the very least, prostitution is an accommodation and an adaptation to white male supremacy in its most brutal incarnation” (47). Their analysis points to the white supremacist, patriarchal power structure which underlies prostitution. This is entirely obscured by liberal feminist rhetoric of “choice” and “freedom.”

Other than addressing male demand, radical feminists challenge pro-sex work advocates on the “central fiction of exchangeable sexual services,” as well as the occlusion of the “actual, material, power relations defining prostitution” (Miriam 141). This “central fiction,” first identified by Carol Pateman, “masks the fact that a person’s capacities are not separable from her self [sic] like pieces of property” (138). Therefore, radical feminists seek to discuss prostitution not as the circulation of sexual services, but as the sale of a “relation of command” over the prostituted person’s body:

what is really sold in the prostitution or the employment contract is not some fictional “property,” but a relation of command: the prostitute/employee sells command over her body to

the john/pimp/employer in exchange for some recompense. It is this fundamental relation of domination and subordination that is mystified, if not denied, by the pro-sex-work position on “free prostitution.” (138)

If command over one’s body is what is sold in the sale of sex, the fiction of pro-sex work is the “agency” of prostituted women in this exchange. Through the pro-sex work model, one would have to subscribe to the “contractual paradigm of *disembodied* agency,” or freedom that is “in the head,” because the prostituted woman is operated on by not just an individual man, but male dominance as a structure. According to Adrienne Rich, men’s “right to be sexually serviced,” or the “male sex right,” is the “invisible precondition of a liberalism that (still) works in men’s interests, a claim which does not preclude an analysis of how class and race interests and ‘rights’ are also presupposed by the same political order” (144). Liberal feminism validates the sexual order and upholds structural male dominance by failing to address the demand side of prostitution. Miriam calls the freedom women experience under this model a “contractual model of freedom: the consent to be subordinated” (147).

Prostitution is not, for most women, sexual expression but subordination (MacKinnon). It is an institution firmly embedded within a social order invested in upholding white male dominance by ensuring male right to access sexual pleasure through female bodies on demand. It is an institution that keeps women in poverty, as Catharine MacKinnon’s research shows, not helping them out of it. The pro-sex work stance clouds and mystifies the structural power dynamics which oppress (most) women within the institution of prostitution. Khara Jabola, chapter coordinator of Af3irm Hawai‘i, a transnational feminist group, cautions against liberal feminist arguments:

By normalizing sexual exploitation and recasting it as a career choice that has no harms attached, we’re creating a setting and a system where we are OK with objectifying women, where we’re OK with buying other human beings’ bodies, and that has effects that are far-reaching in terms of how women are treated. (“Hawaii”)

Liberal feminism centers individuality and autonomy, failing to address structural realities of white supremacy and patriarchy which obscure choice in prostitution. However, I follow Dr. Bardwell – Jones’ assertions that any attempt to create a homogenous categorization of “women” in either a liberal or radical critique is a disservice in that we center white women’s experiences while devaluing “the unique experiences and identities of women of color” (Bardwell – Jones 273). Legal feminist scholar, Cheryl Nelson Butler’s, research shows that women and children of color are the most vulnerable to prostitution due to racialized economic marginalization and sexual stereotypes.

Butler finds many intersections between the abolitionist stance and Critical Race Feminism. According to Butler’s analysis of Catharine MacKinnon’s work, “her [MacKinnon] focus has been on challenging structural oppression and recognizing that, in the context of prostitution, this structural oppression of women manifests itself as, and intersects with, racial subordination” (Butler 124). She contends that both approaches identify the structural power dynamics which keep women subordinate under prostitution rather than approaching prostitution as a site of individual liberation. Her work refers to a large body of research suggesting that minors and women of color are the majority of prostituted persons in the United States: “Intersecting discrimination based on race, gender, class, age, and sexual orientation make people of color particularly vulnerable to prostitution in the United States” (132). Prostitution must be viewed with intersectionality at the forefront of the debate around decriminalization and abolition. It must center those most affected by its continuation.

“Even though some people of color ‘choose’ prostitution,” she writes, “for too many that choice is coerced...a disproportionate number of racial minorities are trafficked – coerced into prostitution in the United States” (132). She argues that genocide, poverty, unequal educational and employment opportunities, and inadequate health care are just some of the reasons for the vast overrepresentation of Black, Native American, Latino, and “Asian” persons in prostitution (132-8).

In addition to structural poverty, American white male insatiability for the consumption of the

stereotyped, exoticized, and hypersexualized racial Other, fundamental to the processes of slavery and colonization, further exacerbate the harms of prostitution for women of color. White men want more of this “experience” sex, as evidenced by Butler’s research (125-7). The narrative of “choice,” which Butler asserts as accurate for some, is “problematic to the extent that it functions as an essentialist narrative for women of color,” which erases women of color who identify as victims of the commercial sex industry (113). Perpetuation of the myth that women of color always like and enjoy prostitution happens through pornography, media, and law enforcement (113). “Contrary to the pervasive narrative about prostitution as a form of sexual liberation and economic freedom, an alternative narrative exposes prostitution in America as a form of structural oppression in which race, gender, and class intersect” (139).

In the Black feminist tradition of Patricia Hill Collins, Butler grants epistemic authority to the lived experiences of women who do find prostitution an empowering enterprise, as opposed to radical feminist approaches which fail to concede any ground that prostitution can ever be anything but exploitative (Collins 274). This gap can be explored through an ameliorative approach: how *ought* we understand prostitution? How can we best improve the violence representative of most prostituted person’s experiences, the majority of whom are women of color and minors?

“If we are to design public policy that adequately addresses the issue of commercial sexual exploitation, we must retreat from the intellectual wet dream in which we have immersed ourselves,” write Carter and Giobbe of the ongoing academic ruminations on prostitution (39). We must ask ourselves: who benefits from this? Who is most affected by its continuation? Gerald Torres offers MacKinnon’s approach: “any legal reform...had to start with the critique of subordination rather than assuming that the ordinary conditions of gender subordination were a necessary outgrowth of biological fiat or an organic precipitate of normal social relations” (Butler 121). It does feminists no good to continue shouting each other down. Liberal feminists must address the structural violence of most women’s experiences in prostitution.

As Iris Yen shows, liberal feminist legislation

– decriminalization, legalization, and regulation – only heightens male demand, leading to an increase in trafficked women in the places it has been tried, like Australia (681). These are failed policies. Criminalization of the purchase of sex, however, the desired legislative route for abolitionists, has its own problems. Butler points out that any partnering of feminists with the carceral state must be looked on with suspicion (123). Punitive measures taken by the state have historically been racist in their implementation; there is no reason to expect law enforcement not to target racial minorities for “mass incarceration” in this endeavor (123).

Liberal feminism fails to offer real solutions to all women, and many pro-sex work feminists do not feel represented by the radical approach. Barbara Smith, renowned Black feminist scholar, shines a light on this polarization: “[f]eminism is a political theory and practice that struggles to free all women...Anything less than this vision of total freedom is not feminism, but merely female self – aggrandizement” (Hall, quoting Smith, 26). Radical feminist approaches, when combined with CRF’s insistence on centering, rather than marginalizing, intersectionality within feminist debates on prostitution, address those made most vulnerable to prostitution by structural racism. Laura Ramírez, another chapter coordinator for Af3irm Hawai‘i, states: “I think the biggest thing that mainstream feminism gets wrong is that it’s focused on individualism. That takes away the collective responsibility we have to our sisters all over the world. I’m not going to stand for that. Anything that happens to my sisters happens to me” (Pulia). Even if some women find commercial sex empowering, we do not live in a society in which all women are afforded that luxury.

This debate asks us to reassess how we judge freedom and choice to acknowledge social facts to determine the way forward. In the words of Audre Lorde:

I’m not questioning anyone’s right to live. I’m saying we must observe the implications of our lives. If what we are talking about is feminism, then the personal is political and we can subject everything in our lives to scrutiny. We have been nurtured in a sick, abnormal society, and we should be about the process of reclaiming

ourselves as well as the terms of that society. This is complex. *I speak not about condemnation* but about recognizing what is happening and questioning what it means. I'm not willing to regiment *anyone's* life, but if we are to scrutinize our human relationships, we must be willing to scrutinize all aspects of those relationships. The subject of revolution is ourselves, is our lives. (Lorde 13)

Let us reclaim sexuality as a truly expressive site of pleasure and freedom, which is its own reward (MacKinnon). Let us demand solutions to the oppression of a racist, sexist, capitalist society outside of selling the one thing left to most prostituted persons. Let us examine the implications of prostitution in our lives – an institution, as seen in Shambala's case, which often thrives off colonial, neoliberal assumptions in which interdependence is deemed an evil best overcome through individual capital. As feminists, we must strive for more than “freedom,” “choice,” and “equality” that exist only in the mind while we give up our bodies to subordination. These systems will not go down with female acquiescence nor ascendancy but by (re)membering better ways of structuring our human relationships around nurturance, interdependence, and equity.

Works Cited

- Bardwell - Jones, Celia. *Philosophy: Feminism*. Edited by Carol Hay, Macmillan Reference USA, a Part of Gale, Cengage Learning, 2017, [https://laulima.hawaii.edu/access/content/group/HIL.11426.202010/Topic_5 Articles to Read: Race and Indigenous Feminism/ FeminismRace.pdf](https://laulima.hawaii.edu/access/content/group/HIL.11426.202010/Topic_5%20Articles%20to%20Read%20Race%20and%20Indigenous%20Feminism/FeminismRace.pdf).
- Bazon, Emily. “Should Prostitution Be a Crime?” *The New York Times*, 5 May 2016, <https://www.nytimes.com/2016/05/08/magazine/should-prostitution-be-a-crime.html>.
- Bien-Aimé, Taina. “From ‘Sex Work’ Advocate to Survivor Leader: A Journey Embraced.” *Coalition Against Trafficking in Women*, 25 May 2017, <http://www.catwinternational.org/Home/Article/707-from-sex-work-advocate-to-survivor-leader-a-journey-embraced>.
- Butler, Cheryl Nelson. “A Critical Race Feminist Perspective on Prostitution & Sex Trafficking in America.” *Yale Journal of Law & Feminism*. Vol. 27 No. 1, Article 3, 2016.
- Carter, Vednita and Evelina Giobbe. “Duet: Prostitution, Racism and Feminist Discourse.” *Hastings Women's Law Journal*, vol 10, no. 1, 1999, pp. 37- 57.
- Collins, Patricia Hill. “Black Feminist Epistemology.” *Black Feminist Thought*. Routledge Press, 2009.
- Hall, Lisa Kahaleole. “Navigating Our Own ‘Sea of Islands’: Remapping a Theoretical Space for Hawaiian Women and Indigenous Feminism.” *Wicazo Sa Review*, vol. 24, no. 2, 2009, pp. 15–38. *JSTOR*, www.jstor.org/stable/40587779.
- “Hawaii Bill Would Legalize Prostitution Industry.” *Honolulu Star Advertiser*, 5 Feb. 2017, <https://www.staradvertiser.com/2017/02/03/breaking-news/hawaii-bill-would-legalize-prostitution-industry/>.
- Lorde, Audre. *A Burst of Light: Essays*. “Somasochism: Not About Condemnation,” pp. 11 – 18. Firebrand Books, 1988.
- MacKinnon, Catherine. “Trafficking, Prostitution, and Inequality: A Public Lecture by Catharine MacKinnon” *Youtube*, uploaded

by the University of Chicago, 14 Dec 2011.
<https://www.law.uchicago.edu/recordings/catharine-mackinnon-trafficking-prostitution-and-inequality>

- Miriam, Kathy. “Stopping the Traffic in Women: Power, Agency, and Abolition in Feminist Debates Over Sex – Trafficking.” *Feminist Theory Reader: Local and Global Perspectives*, 2005, pp. 137 – 149.
- Pulia, Shalayne. “Prostitution Is on the Verge of Being Legalized - These Women Want It to Stop.” *InStyle.com*, 12 Sept. 2019, <https://www.instyle.com/celebrity/alexi-ashe-meyers-sex-work-safety>.
- Yen, Iris. “Of Vice and Men: A New Approach to Eradicating Sex Trafficking by Reducing Male Demand through Educational Programs and Abolitionist Legislation.” *Journal of Criminal Law and Criminology*, Northwestern Pritzker School of Law, vol. 98, no. 2, Winter 2008, pp. 653 – 686. *JSTOR*, <https://www.jstor.org/stable/40042872> Accessed: 15-12-2019 23:47 UTC