

A response to Janice Raymond's : '10 reasons for 'Not Legalizing Prostitution',

www.rapereliefshelter.bc.ca/issues/prostitution_legalizing.html

Helen J. Self, June 2007

- 1) Janice Raymond's paper entitled '**10 reasons for Not Legalizing Prostitution**' refers continuously to legalization/decriminalization. These terms should not be conflated as they represent different legal approaches. They are not properly defined or explained as they would be in an academic text.
- 2) Throughout the text Raymond continually cites herself, or other CATW activists, with equally predictable viewpoints. There is no attempt to project a balanced or nuanced argument which respects other perspectives. Therefore the paper becomes merely a biased political statement or polemic
- 3) The concept of legalization/decriminalization is used as a vehicle for denouncing the policies of three independent democratic countries with mature and educated populations as if they required the guidance of morally superior beings.
- 4) Legalization and decriminalization are described through the use of emotive language creating a scenario intended to shock, but which only reflects a partial reality.
- 5) 'Ordinary people' (you and me?) are depicted as naive and in need of enlightenment when, in fact, concerned, thinking people inevitably display all shades of opinion.
- 7) Prostitutes/sex-workers are redefined as pathetic, innocent victims, abused by men and devoid of autonomy or the ability to make personal choices. This is merely a reworking of familiar forms of stigmatization. Married women appear to be equally spineless and unable to check their husbands philandering.
- 8) Prostitutes/sex-workers are presented as if they were a homogeneous group of women, when there are men, women and many transsexual people selling sexual services.
- 9) Men who purchase sex are presented as criminal monsters, while at the same time we are told that they are often respectable married men. There is no attempt to explore the current research on clients, who they are and why they visit prostitutes, except in the usual overblown and abusive terminology.
- 10) The 'sex industry' is portrayed as a monolithic organization, which one might expect to have a chief executive, or even a minister for development. In reality, it is multi-faceted and diverse, and in a sex-obsessed world we are all participants.
- 11) The main alternative to legalization and decriminalization is 'criminalization'. This aspect is not explored and the consequences of police harassment, stigmatization and imprisonment of women are not exposed. Nor is the vulnerability and the risk to personal safety which such policies generate adequately debated.

12) The only alternative policy which is described and recommended is the Swedish approach, for which wildly optimistic and unrealistic claims are made, as if criminalizing and stigmatizing a large section of the male community would be more effective than stigmatizing and punishing women. Although the welfare aspect is praised, women who persist in prostitution and fail to respond will still be punished. <http://www.salli.org/muistio/self.html>

13) Although prostitution is said to be the cause of trafficking, 'trafficking' remains undefined. It becomes a very fluid concept in Raymond's hands.

14) The wider causes of trafficking are not explored. War, displacement of people, western economic exploitation, over-population and lack of opportunities are not properly discussed.

15) Other forms of trafficking and exploitation are not mentioned, for example, catering, agriculture and the women from the Philippines who spend their lives as nannies or maids in rich western women's homes.

16) As always 'women's bodies' are said to be 'for sale', but what you buy you can usually take home. This is more a description of marriage than prostitution. With marriage there is a contract 'to have and to hold' etc., and it is almost impossible to prove rape.

17) Yet again, prostitutes/sex workers are seen as a reservoir of disease and pollution. Yet numerous research papers shows that most infection is transmitted through sexual activity amongst the general public. Sex workers are the most sexually aware and careful group of all.

18) As always, the abuse of children is used as an emotional lever. The conflation of women and children results in the infantilisation of adult women, the withdrawal of personal autonomy and denial of agency. The distinction between the universally acknowledged rights of children to be protected from sexual exploitation should not be confused with the rights of adult women to sexual and reproductive freedom.

19) Although sensible comments on the need for exit strategies and the provision of sustainable employment are made, there are no suggestions as to how this might be achieved. Governments are expected to provide them.

20) Like most of Raymond's writings the essential fact that human beings enjoy sex is entirely missing. It is utterly joyless; only the hatred of men shines through the rhetoric.

Comments

Black and White and Red all over.

To read Janice Raymond is to enter the world of a Hollywood movie. The canvas is peopled with victims and villains, pimps and traffickers, whilst whole countries are berated for wrong thinking, obviously requiring instruction from a higher moral authority. Holland, Germany and Australia become ‘evil empires’ in need of regime change. We, the naive and ignorant bystanders must be instructed in correct thinking and roused to action, but we acknowledge no responsibility for the condition of the poor world, which fuels trafficking. Nor do we pause to consider the relationship between migration and trafficking, or the consequence of western economic policies and military aggression.

The ‘sex industry’ becomes a monolithic organization, full of obscenities and police chasing evil gangs. The complexities of life, desire and sex, are reduced to a simplistic black and white relief, full of malice and hatred. In the final episode the Coalition Against Trafficking in Women (CATW) and similar organizations gallop onto the scene proclaiming the final solution to centuries of unresolved difficulties — ‘attacking the demand’ — by adopting the Swedish legislative formula. As if stigmatizing and criminalizing men, instead of women, would magically eliminate the most ancient of human conundrums.

Selling bodies – the politics of exploitation

Why are western feminists so hooked on prostitution and trafficking? Could it be the sexual element which is titillating?

In an effort to shock, anti-prostitution academics generally fall back upon emotive language, some of which enters the public consciousness. Consequently, some of Raymond’s ‘ordinary people’ are inclined to accept and repeat them unthinkingly.

Prostitutes do not sell their bodies, although their bodies are sometimes abused and, on occasions, sold for them. The seller is not necessarily the member of a criminal gang, but is more likely to be a poor parent in a Thai village. However, there are an increasing number of situations in which poor people are induced to sell body parts, such as kidneys, in order to clothes and feed their children or to buy medicines. Similarly, a recent report described the burgeoning Indian trade in surrogate motherhood, where poor women rent the use of their wombs to grow babies for rich childless couples. These people could adopt an orphan, but they prefer to propagate their own genes. A £150 payment then pays for the food and education of the children of a woman who would otherwise earn only a few shillings a day for hard labour.

There are many more ways of abusing bodies and undermining health. When we buy jewelry, do we consider the origin of the gold or the diamonds? Gold may be extracted from slag heaps in South Africa by sprinkling them with cyanide, contaminating ground water. Diamonds, increasingly rare, are used to finance conflict in the Congo.

Do we wonder about the life of Chinese women left to work on the land and bring up children on their own whilst their husbands assemble goods for the west in the new city factories? Why are we not outraged by the thought of women trapped in unspeakable

conditions in Indonesia or Bangladesh, earning £2 per day making cheap clothes and designer shoes for people who already have far more than they need. Do we weep for the women who work in rich women's homes as nannies, a world apart from their own families, seeing their children only once a year when on vacation? Do our western feminists care about the undescrivable squalor of some hospitals in places like Malawi where there is only one nurse in charge of a whole hospital, because the trained doctors and nurses have been legally trafficked to western countries such as the UK?

Think about it. War, poverty, refugees, displaced persons, economic exploitation, debt and trafficking. When we complain and campaign about prostitution and trafficking, are we ourselves blameless?

Law and history

It seems possible that some of Raymond's ordinary people do not appreciate the extent to which the present concern over prostitution and trafficking is a carbon copy of the international campaign against the 'White Slave Traffic' which was massively supported during the late 19th and early 20th centuries, now generally regarded by historians as an extended moral panic.

During the 1880s in the United Kingdom, a journalist named William Stead published a series of articles in the Pall Mall Gazette, claiming that there was a traffic in girls for the purpose of prostitution to brothels on the Continent. The articles were filled with lurid tales of child rape and illustrated by emotive pencil drawings of adult men with small children. The furore which these revelations caused led to the passage of the Criminal Law Amendment Act of 1885, which was rapidly followed by the establishment of the National Vigilance Association (NVA), under the leadership of William Alexander Coote. This organization developed into an influential world movement, in consequence of which an International Agreement was declared in 1904 followed by an International Convention in 1910. After the First World War, the League of Nations declared that: *'The members of the League of Nations will entrust the League with the general supervision over the execution of agreements with regard to the traffic in women and children.'* Two more Conventions followed, the first was adopted in 1921 and the second in 1933, the provisions of which extended protection to *all women*, rendering it virtually useless. A fifth convention was passed in 1949 by the United Nations, and the opening of its preamble which states: *'Whereas prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person and endanger the welfare of the individual, the family and the community'* is still frequently quoted. However, the new wave of international concern, with its plethora of laws, policies and conventions is challenged by the UN Declaration of Human Rights (1948) which declares that *'All human beings are born with equal and inalienable rights and fundamental freedoms.'* That includes freedom of movement, freedom to enjoy family and private life, free choice of employment, just and favourable conditions, not to be subjected to arbitrary arrest, and so on. Freedoms which many sex workers feel they are denied. Hence the argument over choice.

Choice

The arguments about choice are, for me, the most spurious and unconvincing of all. They are ‘white western women’s’ arguments. For much of the world’s women the very idea of ‘choice’ must seem like an unimaginable luxury. Women living in rural poverty in Asian or African countries do not ‘choose’ to work on the land, to plant rice seedlings in the paddy fields, carry water from distant wells, or care for their home and family — they have no choice. They do not choose to be uneducated, to have large families and no access to contraception, to suffer from AIDs or malaria, or to see their children die from preventable disease or lack of food. They do not choose to be displaced from their homes, to be parted from their husbands, or sit and rot in refugee camps. It is money which provides choice, choice is a luxury. Prostitution provides money.

Even in the rich world, the idea of choice is something of an illusion. We do not choose our parentage, our genetic make-up, our intellectual capacity, our health, our historical time or geographical location. We are ‘sent’ to school and our success there, along with parental commitment, will determine our future. Our life chances are a product of circumstance and the opportunities presented.

And even in western countries there are many poor people who do not ‘choose’ to work night shifts, to clean lavatories, make paper bags, suffer exploitive working conditions or live huddled together in overpriced, overcrowded, damp accommodation. They do so because they have to earn money enough to stay alive for the sake of their families. Choice is a rich person’s luxury.

For centuries the Church has preached the gospel of free will, explaining that from the age of seven we should know the difference between right and wrong, that we are responsible to God for our own actions and will be judged accordingly. Yet in order to win an untenable argument, to show that they are not themselves oppressors of women, CATW and other anti-prostitution organizations turn this dogma on its head and insist that all prostitutes are the victims of abusive men. You cannot extrapolate from this argument that women’s weakness denies them equality without undermining the logic of our battle for equal status. Sex work is not an easy option, it is not always exploitative, it takes courage.

The gospel of welfare

Raymond argues that calling the sex industry ‘work’ does not dignify the women who work in it and does not withdraw the stigma of prostitution. Nor for that matter does the Swedish system; and why should it? From the Great Whore of Babylon to the Ipswich murders we can trace the ever changing thread of ‘otherness’, a raiment universally imposed upon women who ask for payment. They become magdalenes, strumpets, harlots, fallen women, slags, ‘whatever’ their deviation from acceptable norms requiring harsh and unusual punishment. In the UK even statutory legislation incorporates the pejorative term ‘common prostitute’. In recent years, however, the tables have been turning, due mostly to feminist campaigning for governments to ‘tackle the demand’. But criminalizing men is seen by many sex workers as an aggressive act by the state, attempting to deprive them of a living and leaving them only with pervers. This policy is tempered by re-defining the prostitute as a ‘victim’ and offering welfare support. On the surface this may seem compassionate, but it has many drawbacks. Turning a life around, especially if there is a drug problem (which applies to many street workers in the UK), takes time, money, commitment and cooperation; even love. As Tracy

Sagar (2007) points out, the rehabilitation of offenders was an integral part of the recommendations of the Wolfenden Report in 1957. But rehabilitation did not materialize as a result of the legislation which followed (The Street Offences Act, 1959). Almost inevitably good intentions wane, agencies do not cooperate, funding runs out, women are unwilling or incapable of reforms which require too many hurdles and the carrot and stick approach becomes dominated by the stick, or whatever seems most expedient.

Sex and sensibility

One simple fact eludes Raymond in all her writing. Human beings love sex. It is a life enhancing, joyful and creative experience, it releases hormones into the body which quite literally promote happiness. And it is not just men with women, but men with men, women with women, children with children, and sometimes, perversely, with blow-up dolls, dead bodies and animals. People have sex with their wives, their mistresses, their girlfriends, other peoples wives, husbands, mistresses and friends, and with sex workers. They are not restricted, like other species, to any time of the day, month or year although they may be restricted by their personal set of moral values. Sex may take place in an endless variety of places and in numerous different ways – in the marital bed, the student hostels, in fields, haystacks, on hillsides, the beach, in cars, up alleyways, in the air or in one case I heard of behind the curtains of an opera box! When it comes to sex, humans are irrepressibly creative, as many an ancient erotic freeze will show. Nothing is new. From the beginning of time man has embraced fertility, painted mating animals onto cave walls, sculpted many breasted fertility icons, erected phallic symbols and danced round the maypole. Graphic paintings adorn the wash-house walls of the once buried Pompeii, where the prostitutes gathered. There can be nothing more silly than a campaign which aims at trying to prevent people from having sex.

But with prostitution it is not just women selling sex to men, although that is all we seem to consider relevant. Men will sell sexual services to other men, gigolos will sell sexual services to women, transsexual will sell sex in a wide variety of settings. And this ‘service’ is not necessarily coital, it may range from a comforting cuddle or a hand massage, to a sex-ogram or a telephone call. All of which disgusts Raymond and is expected to sicken the rest of us.

And the result of this obsession with sex and of human fecundity, is the growth in a comparatively short geological time-span of a few thousand individuals to a global population currently estimated to be six and a half billion. A figure which is expected to rise to nine or ten billion during the twenty-first century.

The world is bursting at the seams. We are using up all the natural resources, pushing other species to extinction and warming up the atmosphere to a point of no return by releasing into the air carbon dioxide gathered and stored over millions of years. People are spilling out of Africa and Asia into leaky boats, risking their lives to knock at the door of richer western countries. Rich people are increasingly building gated communities and walls are being erected between countries. To complain about trafficking and blame it on prostitution is to mistake the symptoms for the causes. Money and energy would be better spent upon educating women, providing reliable contraception, maternity services and health care.

References and further reading

Janice Raymond: Ten Reasons for not Legalizing Prostitution

www.rapereliefshelter.bc.ca/issues/prostitution_legalizing.html

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The politics of exploitation

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Rehabilitation

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Research on clients

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