

The sex worker stigma: How the law perpetuates our hatred (and fear) of prostitutes

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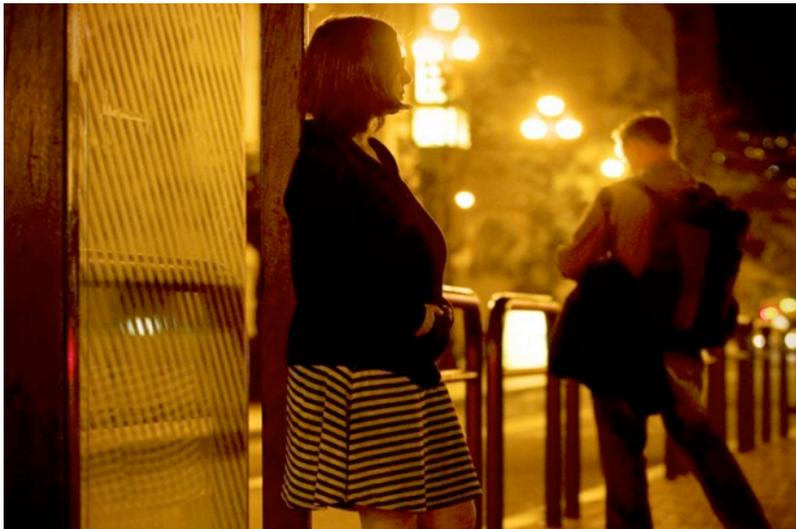
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The sex worker stigma: How the law perpetuates our hatred (and fear) of prostitutes

Our society turns a blind eye to the murder of sex workers, deeming them less than human. Why is that?

Topics: Jacobin, Sex Work, Prostitution, law, Crime, Feminism, Sweden, Life News, Politics News



Enlarge

A worker in prostitution who goes by the name "Violet," in downtown San Francisco. (Credit: AP/Darryl Bush)

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It doesn't matter which political direction you come from: the topics of sex work, sexual exploitation, prostitution and sex trafficking seem like a Gordian Knot. As long as you listen to one set of advocates and take their evidence in good faith, you are okay. But the minute you listen to another set of advocates with different arguments and evidence, everything falls

apart. The way these subjects intersect leads to untenable contradictions that make progress seem impossible. Hand-wringing and ideological free-for-all predominate.

Twenty years ago I first asked two questions that continue to unsettle me today. The first is answerable: What does a woman who sells sex accomplish that leads to her being treated as fallen, beyond the pale, incapable of speaking for herself, discountable if she does speak, invisible as a member of society? The answer is she carries a stigma. The second question is a corollary: Why do most public conversations focus on laws and regulations aimed at controlling these stigmatized women rather than recognizing their agency? To that the answer is not so straightforward.

I am moved to make this assessment after the murder of someone I knew, Eva-Maree Kullander Smith, known as Jasmine. Killed in Sweden by an enraged ex-partner, Eva-Maree was also a victim of the social death that befalls sex workers under any name you choose to call them. Immediately after the murder, rights activists cursed the Swedish prostitution law that is promoted everywhere as best for women. My own reaction was a terrible sinking feeling as I realized how

the notion of a Rescue Industry, coined during my research into the “saving” of women who sell sex, was more apt than even I had thought.

Murders of sex workers are appallingly frequent, including serial killings. In Vancouver, Robert Pickton killed as many as 26 between 1996 and 2001 before police cared enough to do anything about it. Gary Ridgeway, convicted of killing 49 women in the 1980s-90s in the state of Washington, said, “I picked prostitutes because I thought I could kill as many of them as I wanted without getting caught.” Infamous statements from police and prosecutors include the Attorney General’s at Peter Sutcliffe’s 1981 trial for the murder of at least 13 women in the north of England: “Some were prostitutes, but perhaps the saddest part of this case is that some were not.” He could say this because of a ubiquitous belief that the stigma attached to women who sell sex is real – that prostitutes really are different from other women.

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My focus on the female is deliberate. All who propose prostitution policy are aware that men sell sex, but they are not concerned about men, who simply do not suffer the disgrace and shame that fall on women who do it.

Stigma and disqualification

Many people have only a vague idea what the word stigma means. It can be a mark on a person’s body – a physical trait, or a scarlet letter. It can result from a condition like leprosy, where the person afflicted could not avoid contagion. About his selection of victims Sutcliffe said he could tell by the way women walked whether or not they were sexually “innocent”.

Stigma can also result from behaviors seen to involve choice, like using drugs. For Erving Goffman, individuals’ identities are “spoiled” when stigma is revealed. Society proceeds to discredit the stigmatized – by calling them deviants or abnormal, for example. Branded with stigma, people may suffer social death – nonexistence in the eyes of society – if not physical death in gas chambers or serial killings.

In the late 1990s I wondered why a migrant group that often appeared in media reports and was well-known to me personally was absent from scholarly migration literature. I came to understand that migrant women who sell sex were disqualified as subjects of migration, in some perhaps unconscious process on the part of scholars and journal editors. Was the stigma attached to selling sex so serious that it was better not to mention these migrants at all? Or did people think that the selling of sex must transport anything written about it to another realm, such as feminism? When I submitted an article to a migration journal addressing this disqualification, “The Disappearing of a Migration Category: Women Who Sell Sex,” two and a half years passed before its publication, probably because the editor could locate no peer reviewers willing to deal with my ideas.

Of the many books on prostitution I read back then, most dismissed the possibility that women who sell sex can be rational, ordinary, pragmatic and autonomous. The excuses followed a pattern: The women didn't understand what they were doing because they were uneducated. They suffered from false consciousness, the failure to recognize their own oppression. They were addicted to drugs that fogged their brains. They had been seduced by pimps. They were manipulated by families. They were psychologically damaged, so their judgements were faulty. If they were migrants they belonged to unenlightened cultures that gave them no choices. They were coerced and/or forced by bad people to travel, so they weren't real migrants, and their experiences didn't count. Because they were brainwashed by their exploiters, nothing they said could be relied on. This series of disqualifications led to large lacunae in social-scientific literature and mainstream media, showing the power of a stigma that has its very own name – whore stigma. Given these women's spoiled identities, others feel called to speak for them.

Rescue Industry, legal regimes and stigma

The person in a helping profession or campaign is said to embody the good in humanity – benevolence, compassion, selflessness. But helpers assume positive identities far removed from those spoiled by stigma, and benefits accrue to them: prestige and influence for all and employment and security for many. Many believe that helpers always know how to help, even when they have no personal experience of the culture or political economy they intervene in. What I noted was how, despite the large number of people dedicated to saving prostitutes, the situation for women who sell sex never improves. The Construction of Benevolent Identities by Helping Women Who Sell Sex was the key that unlocked my understanding of the Rescue Industry.

Abolitionists talk continuously about prostitution as violence against women, set up projects to rescue sex workers and ignore the dysfunctionality of much that is conceived as “rehabilitation.” Contemporary abolitionism focuses largely on the rescue of women said to be victims of trafficking, targeting the mobile and migrant women I mentioned earlier, who are now completely disappeared in a narrative of female victimhood. Although much of this goes on under a feminist banner, colonialist maternalism describes it better.

In classic abolitionism, whore stigma is considered a consequence of patriarchy, a system in which men subjugate women and divide them into the good, who are marriageable, and the bad, who are promiscuous or sell sex. If prostitution were abolished, whore stigma would disappear, it is claimed. But contemporary movements against slut-shaming, victim-blaming and rape culture clearly show how whore stigma is applied to women who do not sell sex at all, so the claim is feeble. Instead, abolitionism's aversion to prostitution probably strengthens the stigma, despite the prostitute's demotion to the status of victim rather than the transgressor she once was.

Under prohibitionism, those involved in commercial sex are criminalized, which directly reproduces stigma. In this regime, the woman who sells sex is a deliberate outlaw, which oddly at least grants her some agency.

For advocates of the decriminalization of all commercial-sex activities, the disappearance of whore stigma would occur through recognizing and normalizing the selling of sex as labor. We don't yet know how long it may take for stigma to die out in places where some forms of sex work are decriminalized and regulated: New Zealand, Australia, Germany, Holland. Given the stigma's potency in all cultures one would expect it to diminish unevenly and slowly but steadily, as happened and continues to happen with the stigma of homosexuality around the world.

Prostitution law and national moralities

I explained my skepticism about prostitution law at length in an academic article, *Sex and the Limits of Enlightenment: The Irrationality of Legal Regimes to Control Prostitution*. All prostitution laws are conceived as methods to control women who, before ideas of victimhood took hold, were understood to be powerful, dangerous figures associated with rebellion, revolt, carnival, the world upside down, spiritual power and calculated wrongdoing. Conversations about prostitution law, no matter where they take place, argue about how to manage the women: Is it better to permit them to work out of doors or limit them to closed spaces? How many lap-dancing venues should get licenses and where should they be located? In brothels, how often should women be examined for sexually transmitted infections? The rhetoric of helping and saving that surrounds laws accedes with state efforts to control and punish; the first stop for women picked up in raids on brothels or rescues of trafficking victims is a police station. Prostitution law generalizes from worst-case scenarios, which leads directly to police abuse against the majority of cases, which are not so dire.

In theory, under prohibitionism prostitutes are arrested, fined, jailed. Under abolitionism, which permits the selling of sex, a farrago of laws, by-laws and regulations give police a myriad of pretexts for harrying sex workers. Regulationism, which wants to assuage social conflict by legalizing some sex-work forms, constructs non-regulated forms as illegal (and rarely grants labor rights to workers). But eccentricities abound everywhere, making a mockery of these theoretical laws. Even Japan's wide-open, permissive sex industry prohibits "prostitution" defined as coital sex. And in recent years a hybrid law has arisen that makes paying for sex illegal while selling is permitted. Yes, it's illogical. But the contradiction is not pointless; it is there because the goal of the law is to make prostitution disappear by debilitating the market through absurd ignorance of how sex businesses work.

Discussion of prostitution law occurs in national contexts where rhetoric often harks back to essentialist notions of morality, as though in this highly-travelled, hybrid-culture world it were still possible to talk about authentic national character, or as though "founding father" values must define a country for all time. One intervenor at the recent Canadian Supreme Court hearing on prostitution law argued that decriminalization would defy founding values of "the Canadian community": "that women required protection from immoral sexual activity generally and prostitution specifically" and "strong moral disapproval of prostitution itself, with a view to promoting gender equality." The national focus clashes with anti-trafficking campaigns that not only claim to use international law but sponsor imperialist interventions by western NGOs into

other countries, notably in Asia, with the United States assuming a familiar meddling role vis-à-vis Rest-of-World.

Gender Equality, State Feminism and intolerance

Gender Equality is now routinely accepted as a worthy principle, but the term is so broad and abstract that a host of varying, contradictory and even authoritarian ideas hide behind it. Gender Equality as a social goal derives from a bourgeois feminist tradition of values about what to strive for and how to behave, particularly regarding sex and family. In this tradition, loving committed couples living with their children in nuclear families are society's ideal citizens, who should also go into debt to buy houses and get university educations, undertake lifetime "careers" and submit to elected governments. Although many of these values coincide with long-standing governmental measures to control women's sexuality and reproduction, to question them is viewed with hostility. The assumption is that national governmental status quos would be acceptable if women only had equal power within them.

Gender Equality began to be measured by the UN in 1995 on the basis of indicators in three areas: reproductive health, empowerment and the labor market. Arguments are endless about all the concepts involved, many seeing them as favouring a western concept of "human development" that is tied to income. (How to define equality is also a vexed question.) Until a couple of years ago, the index was based on maternal mortality ratio and adolescent fertility rate (for health), share of parliamentary seats held by sex plus secondary/higher education attainment (for empowerment) and women's participation in the work force (for labor). On these indicators, which focus on a narrow range of life experiences, northern European countries score highest, which leads the world to look there for progressive ideas about Gender Equality.

These countries manifest some degree of State Feminism: the existence of government posts with a remit to promote Gender Equality. I do not know if it is inevitable, but it is certainly universal that policy promoted from such posts ends up being intolerant of diverse feminisms. State Feminists simplify complex issues through pronouncements represented as the final and correct feminist way to understand whatever matter is at hand. Although those appointed to such posts must demonstrate experience and education, they must also be known to influential social networks. Unsurprisingly, many appointed to such posts come from generations for whom feminism meant the belief that all women everywhere share an essential identity and worldview. Sometimes this manifests as extremist, fundamentalist or authoritarian feminism. Sweden is an example.

Sweden and prostitution

The population of only nine and a half million is scattered over a large area, and even the biggest city is small. In Sweden's history, social inequality (class differences) was early targeted for obliteration; nowadays most people look and act middle-class. The mainstream is very wide, while social margins are narrow, most everyone being employed and/or supported by various government programmes. Although the Swedish utopia of Folkhemmet – the People's Home –

was never achieved, it survives as a powerful symbol and dream of consensus and peace. Most people believe the Swedish state is neutral if not actually benevolent, even if they recognize its imperfections.

After the demise of most class distinctions, inequality based on gender was targeted (racial/ethnic differences were a minor issue until recent migration increases). Prostitution became a topic of research and government publications from the 1970s onwards. By the 1990s, eradicating prostitution came to be seen as a necessary condition for the achievement of male-female equality and feasible in a small homogeneous society. The solution envisioned was to prohibit the purchase of sex, conceptualized as a male crime, while allowing the sale of sex (because women, as victims, must not be penalized). The main vehicle was not to consist of arrests and incarcerations but a simple message: In Sweden we don't want prostitution. If you are involved in buying or selling sex, abandon this harmful behavior and come join us in an equitable society.

Since the idea that prostitution is harmful has infused political life for decades, to refuse to accept such an invitation can appear misguided and perverse. To end prostitution is not seen as a fiat of feminist dictators but, like the goal to end rape, an obvious necessity. To many, prostitution also seems incomprehensibly unnecessary in a state where poverty is so little known.

These are the everyday attitudes that social workers coming into contact with Eva-Maree probably shared. We do not know the details of the custody battle she had been locked in for several years with her ex-partner. We do not know how competent either was as a parent. She recounted that social workers told her she did not understand she was harming herself by selling sex. There are no written guidelines decreeing that prostitutes may not have custody of their children, but all parents undergo evaluations, and the whore stigma could not fail to affect their judgements. For the social workers, Eva-Maree's identity was spoiled; she was discredited as a mother on psycho-social grounds. She had persisted in trying to gain mother's rights and made headway with the authorities, but her ex-partner was enraged that an escort could gain any rights and did all he could to impede her seeing them. The drawn-out custody process broke down on the day she died, since standard procedures do not allow disputing parents to meet during supervised visits with children.

In a 2010 report evaluating the law criminalizing sex-purchase, stigma is mentioned in reference to feedback they received from some sex workers:

The people who are exploited in prostitution report that criminalization has reinforced the stigma of selling sex. They explain that they have chosen to prostitute themselves and feel they are not being involuntarily exposed to anything. Although it is not illegal to sell sex they perceive themselves to be hunted by the police. They perceive themselves to be disempowered in that their actions are tolerated but their will and choice are not respected.

The report concludes that these negative effects "must be viewed as positive from the perspective that the purpose of the law is indeed to combat prostitution." To those haunted by the

death of Eva-Maree, the words sound cruel, but they were written for a document attempting to evaluate the law's effects. Evaluators had been unable to produce reliable evidence of any kind of effect; an increase in stigma was at least a consequence.

Has this stigma discouraged some women from selling sex who might have wanted to and some men from buying? Maybe, but it is a result no evaluation could demonstrate. The report, in its original Swedish 295 pages, is instead composed of historical background, repetitious descriptions of the project and administrative detail. Claims made later that trafficking has diminished under the law are also impossible to prove, since there are no pre-law baseline statistics to compare to.

The lesson is not that Sweden's law caused a murder or that any other law would have prevented it. Whore stigma exists everywhere under all prostitution laws. But Sweden's law can be said to have given whore stigma a new rationality for social workers and judges, the stamp of government approval for age-old prejudice. The ex-partner's fury at her becoming an escort may derive in part from his Ugandan background, but Sweden did not encourage him to view Eva-Maree more respectfully.

Some say her murder is simply another clear act of male violence and entitlement by a man who wanted her to be disqualified from seeing their children. According to that view, the law is deemed progressive because it combats male hegemony and promotes Gender Equality. This is what most infuriates advocates of sex workers' rights: that the "Swedish model" is held up as virtuous solution to all of the old problems of prostitution, in the absence of any evidence. But for those who embrace anti-prostitution ideology, the presence or absence of evidence is unimportant.

When media are king

Media handling of these incidents reproduces stigma with variation according to local conditions. The mainstream Swedish press did not mention that Eva-Maree was an escort, because to do so would have seemed to blame her and blacken her name. In the case of a series of murders in Ipswich, England, the media's relentless talk of prostitutes led the victims' parents to request they use the term sex workers. A number of dead women on Long Island, NY, were discussed as almost "interchangeable – lost souls who were gone, in a sense, long before they actually disappeared" (Robert Kolker, New York Times, 29 June 2013). A woman murdered recently near Melbourne, Australia, was called "St Kilda prostitute" rather than "sex worker" or even, simply, "woman", in a place where the concept of sex work is actually on its bumpy way to normalization. I'm talking here about the mainstream, whose online articles are reproduced over and over online, hammering in the clichés.

Editors who append photos to articles on the sex industry use archetypes: women leaning into car windows, sitting on bar stools, standing amidst traffic — legs, stockings and high heels highlighted. Editors do this not because they are too lazy to find other pictures but to show, before you read a word, what the articles are really about: women whose uniform is the outward

sign of an inner stain. Similarly, when writers and editors use the clichéd language of a “secret world,” “dark underbelly,” “stolen childhoods,” “seedy streets,” and “forbidden fruit,” they are not simply being sensationalist but pointing to the stigma: Here’s what this news is really about – the disgusting and dangerous but also eternal and thrilling world of whores.

Cutting the Gordian Knot

Not long ago I was invited to speak at the Dublin Anarchist Bookfair on the topic of sex work as work. The announcement on Facebook provoked violent ranting: to have me was anti-feminist, against socialism and a betrayal of anarchism. I wrote Talking about sex work without isms to explain why I would not discuss feminist arguments in the short Dublin talk. I’m not personally interested in utopias and after 20 years in the field really only want to discuss how to improve things practically in the here and now. No prostitution law can comprehend the proliferation of businesses in today’s sex industry or account for the many degrees of volition and satisfaction among workers. Sexual relations cannot be “fixed” through Gender-Equality policy. If I were Alexander standing over the knot I would slice it thus: All conversations from this moment will begin from the premise that we will not all agree. We will look for a variety of solutions to suit the variety of beliefs, and we will not compete over which ideological position is best. Most important, we will assume that what all women say is what they mean.

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