

Prostitution: *Still* a Difficult Issue for Feminists

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A decade after the first edition of this book was published, prostitution continues to be a difficult issue for feminists, for reasons that are distinct from those of others who resist a change in its status, but nonetheless reasons easy to exploit by advocates who have more power than feminists. Some feminists reject what they consider to be the exploitation of women's sexuality by profiteers; they're uncomfortable with prostitution, which they see as an objectification of women and their sexuality that is somehow related to the pervasive violence against women. These are the two main points that have been exploited by feminist abolitionists (supporters of the abolition of prostitution), and often by right-wing activists, judges, and legislators who have co-opted feminist discourses about subordination of and violence against women in discussions of pornography and traffic in women.

However, another factor continues to be individual women's understanding of their place on the continuum of whore to madonna. Abolitionists such as Catharine Mackinnon, Andrea Dworkin, and Kathleen Barry seek to eliminate, and thereby disentangle themselves from, the model of the whore, equating the label and the institution with violence, while feminist sex workers' rights advocates seek to reclaim and destigmatize the name (and the work itself). Because of this stigma, which keeps many women from freely exploring, experiencing, and naming their own sexuality lest they be called *whore*, many critics isolate prostitution from other situations in which women are objectified or their labor exploited, and assume both that any problems associated with prostitution are unique and that the existence of prostitution is the root cause of

patriarchal and capitalist objectification, economic exploitation, and violence against all women (Overall, 1992).

From a sex workers' rights point of view, it is the laws against prostitution and the stigma imposed on sex work that provoke and permit violence against prostitutes, and ensure poor working conditions and the inability of many sex workers to move on to other kinds of work without lying about their experience. Few women reach puberty without being aware of prostitution. Many have at some point thought about turning a trick to pay bills or to get out of serious debt, although for most it is only a fleeting thought. Some have prostitution fantasies in which they equate sexual pleasure with depravity and "badness," on the one hand, or with power on the other. Some equate prostitution in general with negative feelings about their own sexual encounters with men—particularly if they experience heterosexuality as a context in which men are interested in quick, rather anonymous, casual sexual encounters, while women are interested in more long-term, caring, sexual relationships. Of course, like all generalizations, this one is too simple to be accurate. It is more accurate to say that the message beamed at young girls by parents, advice columnists, teachers, clergy, and others continues to be that they should protect their virginity, and save their sexuality for marriage, or at least for a significant relationship. Although the percentage of adolescent girls who are sexually active increases every year, so that being sexual has become the norm rather than the exception, the behavior is still condemned, often with a mask of pious concern that so many teenagers are having babies. Although adolescent girls who become pregnant are no longer automatically expelled from high school, many schools now channel them into special, inferior programs, outside of the regular curriculum, focusing on parenting rather than academic skills. As a result, many of them still drop out, which effectively ends their education and sentences them to a lifetime of low-level, low-paying jobs, or dependence on the increasingly ephemeral welfare and/or dead-end workfare paid at below the minimum wage. At the same time, many communities continue to resist providing comprehensive sex education in the schools, out of the misperception that sex education increases promiscuity, despite many studies done by the Alan Guttmacher Institute that confirm the opposite. In fact, both abortion and live births among adolescent girls have been declining sharply since 1991, probably due more to discussions of condoms in relation to AIDS than to abstinence classes, since the rates are highest in

the southern states where fundamentalism has the tightest grip (Lewin, 1998).

Another factor that interferes with a dispassionate view of sex work is that twenty-five to thirty percent of women report that they were sexually abused by an adult male before they reached the age of eighteen, and as adults women face a one in four risk of being raped (or even one in three, according to some studies) by acquaintances or strangers, not including marital rape which is rarely counted. Compounding this abuse is a persistent blaming of the victim, such as a judge describing a five year old who had been molested by her stepfather as "sexually precocious"; and another describing the rapist of a high school girl who had been wearing dungarees, a turtleneck, and a loose shirt when she was raped, as responding "normally" to provocation. A standard defense to a charge of rape is that the woman was a prostitute, and in 1986 a judge in Pasadena, California dismissed a case because the victim was a prostitute, saying "a whore is a whore is a whore," and that he was not going to "enforce an illegal contract." In the same year, a Fresno, California prosecutor dropped twenty-nine of thirty-two charges of forcible sex crimes against a man accused of raping six women, because at least four of them were prostitutes. Indeed, it is extremely difficult for prostitutes to successfully file complaints with police when they are raped. In 1995, when I did a presentation for the police beginning a workshift in a New York City precinct, I spent a fair amount of time explaining the difference between being raped by a client, and being robbed by a client refusing to pay or demanding his money back. I also explained that while rape might be an occupational risk, that did not lessen its impact or criminal status. At the end of the session, one officer said that when a prostitute said she had been raped, it was *only* that a client refused to pay, and another said that if she was raped, it was her own fault for being out there (not to mention, again, that she was breaking the law). In a survey of thirty-two street-based prostitutes I conducted in 1996, fourteen said they had reported a crime against them to police. In six cases, the police refused to take a complaint, made fun of the woman, looked up her prior arrest history, and/or arrested her. When I looked at the crimes the women reported, I noticed that in the eight cases where the police were helpful, the women had been beaten, but not sexually assaulted. In almost all of the cases where the police refused to help, the crime was rape, harassment, or robbery. In addition, fourteen women reported having been physically harmed by a police

officer during an arrest, including seven who said police had fondled or raped them (Wallace, Alexander, Horn, 1997).

Although laws against adultery and fornication have been repealed in most states, the stigma still remains. Women who are sexually active outside of traditional marriage remain vulnerable to custody fights, and judges were still, as of 1998, granting custody to fathers on those grounds. This is particularly true for lesbians and prostitutes, who judges perceive as being far outside of the norm, but it is also a problem for women who are in long-term, heterosexual, monogamous relationships outside of marriage.

Prostitution itself is shrouded in layer upon layer of mystique. The traditional male-dominated media discourse, which includes classic literature as well as modern television, movies, novels, and magazines, largely created unreal images of the prostitute. On the one hand, outsiders have depicted the "whore with the heart of gold" and the "sex goddess"; on the other hand, they depicted the depraved, degraded prisoner, the sexual slave. Only recently have prostitutes themselves begun to write about their experiences, or to tell their experiences to other writers, in a literature that is much more multidimensional (Millet, 1973; Jaget, 1980; Perkins, 1985; Roberts, 1986; McClintock, 1993; Chapkis, 1997; Nagle, 1997). In addition, some feminists, particularly historians, have begun to write about prostitution in the context of the patriarchal structures that surrounded it while recognizing the agency of the women who worked within those structures (Perry, 1978; Walkowitz, 1980; Goldman, 1981; Rosen, 1982; Wells, 1982; Otis, 1985; Hobson, 1987; Harsin, 1985; Barnhardt, 1986; Hill, 1993; Bernstein, 1995). And since the early 1980s, women have been challenging many old assumptions, and declaring a sexual territory defined by women's initiative and agency (Snitow, et al., 1983; Vance, 1984; Bright, 1992; Califia, 1994; Tisdale, 1994; McElroy, 1995; Queen, 1997). Nonetheless, active support for sex workers' rights continues to be difficult for many women and men who define themselves as feminists.

Prevalence of Prostitution

For a long period in history, women had only a small number of options for economic survival, including getting married, becoming a nun (earlier a priestess), or becoming a prostitute. The invention of the spinning wheel, around the thirteenth century, enabled a

woman working alone to produce enough thread to support herself as a spinster, but even when there have been economic options, something akin to prostitution has existed in every society for which there are written records (Bullough, 1987; Tannahill, 1980; Murphy, 1983; Otis, 1985; Lerner, 1986; Roberts, 1992).

The prevalence of prostitution has tended to increase in times of social and economic change, including changes in women's roles. In medieval France, for example, small towns grew into cities as farmers became merchants in the transition from feudalism to capitalism, and the number of prostitutes increased and the forms of prostitution changed. Thus in thirteenth century France, prostitution was usually a cottage industry in small towns, with a few women working independently or in small groups. In the fourteenth century, as the towns grew larger, authorities confined prostitutes to certain streets, sometimes inside the city wall, sometimes outside its protections. In the late fourteenth and early fifteenth centuries, prostitutes were required to work in brothels, and then the brothels were "municipalized," with the city "farming" out their management. With each step, the control of prostitution passed increasingly into men's hands. Although prostitution was usually a stigmatized profession, it was rarely prohibited outright. During the Protestant Reformation, however, increasing pressure was put on the women to repent, and some cities did outlaw prostitution (Otis, 1985).

The Industrial Revolution in the nineteenth century was accompanied by another marked increase in prostitution. This was due again to the substantial migration of women from rural, agricultural communities to urban, industrializing cities. When they could not obtain factory jobs, or subsist on low factory wages, some turned to prostitution. The women who left home to work in factories were considered intrinsically immoral and were subject to intense sexual harassment on the job. Once they were stigmatized for leaving home, barriers to involvement in prostitution declined (Madeleine, 1919/1986; Longstreet, 1970; Rosen and Davidson, 1977). A similar pattern can be seen in today's industrializing nations in Africa, Latin America, and Southeast Asia, as impoverished young women migrate to cities to earn money to sustain their families' farms. Indeed, in some rural towns in Thailand, the primary source of income is the monthly postal money orders the daughters send back home. The largest amounts are sent by women who have migrated to work in the sex industry (Phongpaichit, 1982; Truong, 1990; Bond, et al., 1996; Bishop & Robinson, 1998).

The status of female prostitutes has often been inversely related to women's general status: the more that women, as a class, have been confined and treated as chattel, the freer prostitutes have been to work without official harassment. As other women have achieved increasing independence, however, prostitutes have been more restricted and condemned, often confined to segregated districts, denied freedom to walk on the street, even when not working, or required to wear special clothing (Otis, 1985; Richards, 1990). In a similar vein, when there were few women in a community, as on the American frontiers and in mining towns, prostitutes had high status and could move freely in the community (Barnhardt, 1986; Brown, 1958; Jeffrey, 1979). The same was true during the colonial years in many countries, where governments saw the need to permit prostitutes to congregate near local male work sites, such as railroad construction sites, or other places accessible to lonely, male representatives of the far distant colonial power, who had been discouraged from bringing their wives or marrying locally. For example, in Nairobi, women migrating from rural areas were able to establish stable households, and accumulate real estate, by providing reproductive labor (i.e., food, a place to sleep, and sexual services) to migrant male laborers, and British colonial authorities in India established and/or tolerated brothels to serve British men (White, 1986, 1990; Levine, 1994).

A few countries, including Cuba, the old Soviet Union, and China, have undertaken large-scale projects to "rehabilitate" prostitutes, hoping to thereby eliminate prostitution, but some women in those countries continued to work as prostitutes after the revolution, especially in the large urban centers, and following increases in tourism from other countries. Indeed, many countries rely on prostitution to provide foreign currency necessary for trade with the technological west. A particular case in point was Thailand, which deliberately encouraged sex tourism as an integral part of the economic development that led to westerners describing Thailand as an "economic miracle." In the early nineties, while I was living in Geneva, Switzerland, the *International Herald Tribune* carried a four-page color advertisement from the Thai Ministry of Tourism. On the front cover was a full-page, color photograph of two young children, a boy and a girl, dressed in white clothes that could easily be read by Westerners as night clothes, standing in a doorway with a split door, the top of which was open. Inside were several references to areas in Thailand famous for prostitution

(e.g., Phuket), and pictures of Western men accompanied by Thai women. Perhaps in response to the pressure from anti-sex tourism groups, the following year's advertisement had only vague references to "nightlife," etc., and the picture of the children had shrunk to fit in a single column, in black and white. The next year, there were no references, even veiled, to prostitution. It was approximately two years after that that the first rumors of economic trouble in Thailand began to surface, blowing up into full-scale collapse by 1997.

Why Prostitution?

Prostitution exists, at least in part, because of the power and status differentials between men and women in most societies. This imbalance is reflected in the double standards of sexual behavior and economic power for men and women, with men institutionally having more access to and control of money than women. In virtually all countries, men earn more for the same or equivalent work than do women (with the notable exception of prostitutes), and while women now earn more than the sixty-seven cents on the male dollar they were earning in the United States eleven years ago, a significant discrepancy continues. In times of economic crisis, such as recessions and depressions, unemployment is generally higher among women—who are often the last to be hired and the first to be fired—than men.

The specific reasons that prostitutes have given for deciding to engage in sex work have included money, excitement, independence, and flexibility, in roughly that order. Indeed, first person accounts by women in the sex industry often mention economics, and sometimes rebellion against the restricted roles and tedious jobs available to them (Jaget, 1980; Leigh, this book; Perkins, 1985; Roberts, 1986). The mainstream literature about prostitution often cites a history of childhood sexual abuse as *the* deciding factor in women's prostitution (James 1977; Silbert, 1979; Rush, 1980; Sanford, 1980). However, in one recent review of literature concerning prostitutes in Western countries, a Dutch researcher found the prevalence of childhood physical and/or sexual abuse in the life histories of prostitutes to range from twenty-nine percent, which is consistent with studies of women generally, to seventy-three percent (Vanwesenbeeck, 1994). The prevalence of childhood abuse appears to vary according to the age of the prostitutes

interviewed and/or the sites where they work. That is, adolescent prostitutes, many of whom ran away from abusive families or foster care, and adult prostitutes who began working as adolescents, are much more likely to report a history of physical or sexual abuse than women who began to work as adults. In terms of worksite, the abuse history is more common among street-based workers than among brothel, parlor, escort, and independent out-call workers. This is largely a marker for age, however, as most adolescent prostitutes work on the street, and many street prostitutes began working before the age of eighteen. A traditional psychoanalytic interpretation of the relationship between childhood sexual abuse and later involvement in prostitution has been that the child came to view sex as a commodity through the abuse, which often included some sort of economic reward for compliance, and became masochistic. The connection many sex workers report, however, is that involvement in prostitution was a way of taking back control of a situation in which, as children, they had none. Indeed, a number of women have told me that the first time they ever felt powerful was the first time they turned a trick (Millett, 1973; Jaget, 1980; Perkins, 1985; Maccowan, 1997). As painful as these statistics are, it is important to remember that many women with no history of sexual assault become prostitutes (and many survivors of childhood sexual abuse never work as prostitutes), so the relationship between prostitution and early sexual trauma is far from clear.

For both sex worker and client, prostitution involves a merging of sex with power: for the customer, the power consists of his ability to "buy" sexual access to any number of women and, he believes, the right to have whatever service he wants performed for him; for the prostitute, the power consists of an ability to set the terms of the sexual transaction, and to demand substantial payment for the time and skills involved. Of course so long as many or all aspects of prostitution remain a crime, the true power resides in the state, with its ability to enact and enforce laws. Through discriminatory enforcement that is directed primarily at women, and men whom the police perceive to be woman-like, the state ensures that the worker's power is fragile.

Although prostitution is considered to be a uniquely human profession, there is some evidence to the contrary from both field and laboratory studies of nonhuman primates. Bonobos, a close relative to both chimpanzees and humans, use sex as a social discourse in their societies, a way of cementing group affiliation

and keeping the peace. The sex is not limited to heterosexual contact, as males also have sex with males, and females with females. Human observers have noticed food changing hands in some cases, publishing descriptions of males who provide females with fruit, which is suggestive of a sex/food exchange (De Waal & Lanting, 1997). Moreover, economic transactions are deeply rooted in many societies' marriage institutions, overtly in societies with customary dowries and bride prices, covertly with lingering customs as to who gives flowers to whom, pays for dinner, purchases an engagement ring, and pays for the wedding. Not to mention assumptions about which partner is supposed to be the primary, if not exclusive, breadwinner. And I think this last assumption is a major contributor to the discomfort with prostitution, in which women are often the primary earners in committed relationships with men.

The Organization of Prostitution

To a significant extent sex work is organized along economic lines, with the price per transaction tied to the place and/or means of contact, and where the actual transaction takes place. However, in the aggregate, the workers with a low per transaction price may earn as much as a worker with a high per-transaction price, due to differences in the number of transactions per day and/or the number of days worked in a week or month. In my original paper, published in 1987, I described the organization of prostitution in the context of the United States, where there is an apparent hierarchy from lower-priced street work to higher-priced escort and independent in-call work. However, looked at internationally, the hierarchy varies somewhat from place to place. Thus, although in the United States, Canada, Australasia, and most of Europe, street prostitution is the worksite with the lowest per-transaction price and the highest occupational risks of arrest, violence, and ill health, in many countries in Africa, the women who contact clients on the street are more likely to be part-timers who derive income from tourists and businessmen, while the lowest income-per-transaction workers work fulltime in residential compounds, often near open-air markets. Similarly, although contacting clients in bars and nightclubs is mostly a higher-income level of prostitution in the United States, some of the lowest-paid prostitutes in Brazil contact clients in bars in the *zona*, or tolerated district. Moreover,

with the growth in popularity of crack, the smokable form of cocaine, in the United States, a variation on prostitution developed in so-called "crack houses," where some women and men provide sexual services, primarily fellatio, to many male crack purchasers in succession, often for very little money or directly for the drug itself. Although crack is available in Europe, it generally sells for approximately twenty dollars a rock (a smoking dose), compared with three to five dollars in the United States, so that crack-related prostitution and/or sex-for-drugs trading seems to be less common there.

Many people believe that all prostitution is controlled by men, acting as "pimps," who are defined by the law as "living off the earnings of a prostitute," which is illegal in virtually all countries. The stereotype of street work is that male pimps recruit lonely or desperate women to work for them as part of a group, often called a "stable," with a hierarchy of authority among the women, some of whom act as supervisors when the male pimp is not there. However, if that was ever the rule, it is not typical today. When I worked with COYOTE, in San Francisco, beginning in 1976, that stereotypical arrangement was already on the decline, as many women who worked from the street refused to relinquish control over the money and/or the way they worked. After listening to many sex workers in San Francisco and New York, where I have been since 1993, I have concluded that it is the younger women who tend to work in a group, often with younger men as managers and/or polygynous partners of all the women in the group. Once they have gained experience, the women branch out on their own, or select a male partner who is more willing to be in a dyadic relationship with them. In some cases, younger women join a group only after they have worked on their own for a while, sometimes invited to do so by women they meet in jail after they have been arrested for the first time. The managers of street-based groups are usually male, but not exclusively so. Among street youth, or adolescents who have run away from home, those engaged in sex work, sex-for-favors, or sex-for-drugs trading, often form informal groups, sharing living space in abandoned buildings or homeless shantytowns. If a manager conforms to the stereotype of a brutal pimp, he does not stay in business very long, as women leave the group and word of his abusiveness spreads. Prior to the explosion in homelessness in the 1980s, street-based sex workers, whether alone, in dyadic relationships, or in groups, often lived in hotels or apartments that could be rented by the day or week, moving from

one city to another in response to police crackdowns or changing economic conditions. For example, when a major conference, convention, or sporting event is scheduled in a city, some prostitutes may migrate there for the duration of the event. However, as low-cost and transient housing has become increasingly hard to find, and as crack has become a prominent drug, more and more street prostitutes are essentially homeless, and about a third of the women served by FROST'D, the street outreach HIV/AIDS prevention project where I work in New York City, are either homeless or live in unstable housing, for example with friends or relatives. Few of the women we work with are in organized groups, although many are independent or have a lover—male or female—whom they support. One couple I know, who have been together for several years, usually live in a room in a hotel for which they pay about forty dollars a day. When she is in jail, which she is several times a year, he moves to a flophouse where he can stay for ten dollars a night. After she gets out of jail, and as soon as she is able to earn enough money, they move back to the hotel.

Some street-based sex workers also contact clients in bars and clubs, often on or near the street strolls where they usually work. In countries with more or less formal red-light districts, the bars and clubs are often connected to hotels, or otherwise facilitate access to a room where the actual sexual transaction takes place, as in Brazil, Thailand, and the Philippines today (Sturdevant, Stoltzfus, 1992), or New York City at the turn of the last century (Gilfoyle, 1992), or the brothel-saloon that is a common staple of the Hollywood or television western (e.g., "Gunsmoke"). This form of prostitution is sometimes management controlled, as when the workers take their clients to a room connected with the contact point, but it can also involve independent workers who meet clients there and go back to the client's hotel. In the latter case, the prostitutes often give large tips to the bartenders and/or the owners of the establishment, but they do not actually work for them. Although they may have to conform to certain standards of decorum while in the bar or club, the management has no control over the sex work transaction, including the price, the sex acts performed, and whether or not condoms are used. In some countries, this form of bar-based prostitution overlaps with brothel and/or massage parlor prostitution, with the sex workers living as well as working on the premises. In that case, the sex work is likely to be controlled by management, which sets the prices and may determine the sex practices, including condom use.

Massage parlors are often visible from the street, with signs euphemistically offering their services, while brothels and bordellos are usually invisible from the street, in an enclosed building with little indication of the nature of the business inside, although in countries with officially recognized sex work districts, the brothels may be identifiable as such from the street. In parlors and brothels, both the contact and the transaction take place on the premises. Whether the establishment is owned by a man or a woman, in most cases it is managed by a woman, who is commonly known as a "madam" or "mama-san," although she, too, is defined by the law as a pimp and/or promoter of prostitution. In the United States outside of rural counties in Nevada, all such businesses are illegal, as they are in most countries.

In some countries, brothels operate legally under some sort of regulatory system. Traditionally, women who worked in tolerated brothel systems have been restricted in their movements outside of the brothel, as they were in France and Italy in the nineteenth and first half of the twentieth centuries, and as they are in Nevada today. In rural Nevada, the towns have imposed a large number of restrictions on the women who work in the legal brothels, with few restrictions on their employers. The women are not allowed to enter a gambling casino or bar at all, or to be in the company of a man on the street or in a restaurant. They are also not allowed to reside in the same community in which they work (the women generally work a three-week shift in the brothel, after which they are off for a week or more). Although the management directs the women's labor, it treats them as independent contractors, neither withholding their taxes for them, nor providing workers' compensation, disability insurance, or health insurance. The women are required to undergo examinations for sexually transmitted diseases (STDs) before being hired, and are checked weekly thereafter for gonorrhea and chlamydia, and monthly for syphilis and HIV, all at their own expense. In Mombasa, Kenya, prostitutes are required to report to the government run Ganjoni clinic every week or so, or face being arrested and jailed for working without an up-to-date health permit. Similar systems are in place in such countries as Singapore and Uruguay, where the prostitution is legal so long as the prostitutes are regularly tested, and in Thailand and the Philippines, where the prostitutes are more or less tolerated if regularly tested, but subject to arrest as prostitutes on the whim of public officials. Usually, however, brothels and brothel-like establishments are completely illegal, without additional regulation of the

prostitutes. San Francisco is something of an exception, in that the Board of Supervisors enacted legislation in the 1970s requiring massage parlors and masseuses to obtain licenses. However, the system maintains a fiction that prostitution is not the purpose of these establishments by denying licenses to anyone with a conviction on prostitution charges within the previous three years, and revoking the license of anyone convicted on prostitution charges after becoming licensed.

A large number of prostitutes, perhaps the majority, work outside of "houses." The traditional "call girl" worked independently, with a "book" of clients accumulated through clients' word of mouth and/or referrals from other sex workers. Historically, they either received clients in their homes, as many still do, or met clients outside, at their hotels, for example, after the client called to make an appointment. In the 1960s and 1970s, a system of "escort services" developed (originally as an "outcall" service offered by massage parlors), which connect clients and sex workers, who then meet elsewhere. Whether they work through an escort service, or completely on their own, the prostitutes who work in this way are the most independent, and the most in control of their lives on and off the job. The owners and operators of an escort service can be arrested for violating laws against pandering (serving the needs of clients), procuring (producing a prostitute), or promoting prostitution, all of which are felonies. The relationship between sex worker and the management of the service is strictly a business one, and there is often little or no personal contact between the prostitute and her agent, although in some cases, the agency provides a place for the women to rest and get to know each other between dates (Barrows, 1986). While a few brothels are legal in Nevada, all escort services and all independent outcall prostitution is illegal in the United States, again with a partial exception in San Francisco, which also licenses escorts and escort services while pretending it is not licensing prostitution.

The legal definition of prostitution in California is "a lewd act in exchange for money or other consideration." However, sex acts for which all participants are being paid by a third party (viewer, pornographic film maker, etc.), and in which there is no direct sexual contact between payer and payee, are deemed legitimate and/or are tolerated, while the laws continue to prohibit the same actions if one participant is paying the other directly. In effect, a legal, third-party managed form of prostitution developed as a result of the court decisions which decriminalized pornography, and the proliferation

of magazines, books, films, videotapes, and adult bookstores has been matched by the growth of the live erotic performance. The line between pornography and prostitution is becoming extremely thin, especially in peep shows and lap dancing theaters. Although the production of pornography is legal, albeit subject to police harassment under obscenity statutes, the state has neither recognized the performances as work, nor enacted occupational safety and health or other workplace regulations to protect the worker from employment-related harm.

Beginning in the early 1990s, erotic dancers began organizing themselves and, in some cases, trying to affiliate with trade unions to engage in collective bargaining for better working conditions. The first dancers to join a union, in 1997, worked at the Lusty Lady Theater in San Francisco. Although the dancers in some other shops have attempted to unionize, so far the Lusty Lady workers are the only ones to do so successfully.

Unresolved Issues

The issue of forced prostitution is often used by feminist activists and prostitution abolitionists to obscure the issue of sex workers' rights. Therefore, it is important both to discuss this issue separately and to distinguish between being forced by a third party (e.g., a "pimp") to work as a prostitute, particularly where violence or deceit is used, and being forced or pressured to make that decision by economic reality. Most people who work for compensation do so because they need the money—for themselves, for their children. In any society, people make decisions about work based on some kind of evaluation of the options open to them. And most people choose what they perceive to be the best-paying job for the skills that they have, the hours they are willing to work, and what they are willing or able to do. It is easy for outsiders to judge the nature of the work, but it is up to the individual to make her or his own decision about what work to do, including agreeing to or refusing a particular job. That being said, in the technologically developed countries, where most women are at least functionally literate and there is a significant array of occupational choice, about ten percent of women who work as prostitutes are coerced into prostitution by third parties through a combination of trickery and violence. This figure appears to be relatively constant in the United States, as reflected in studies done at the turn of the century (Rosen,

1982), and current estimates by COYOTE and other sex workers' rights organizations.

At the other extreme, in India, with massive poverty and few occupations open to women, and where wives are sometimes killed by the husband's family when their illegal dowries run out, a much larger proportion of the women who work as prostitutes have been coerced by third parties, in some cases their families, in other cases brokers who originally offered other work, into beginning prostitution. Nonetheless, programs that offer women alternatives to prostitution often find that once women have become skilled at what they do, many prefer to continue to work as prostitutes, and recently sex workers in India have been organizing for their rights as sex workers, not victims, particularly in Calcutta (Sleightholme & Sinha, 1996).

Before the U.S. closed its Army and Air Force bases in the Philippines in 1992, some women's rights advocates estimated that there were approximately 300,000 prostitutes in that country, a large majority of whom worked in the vicinity of the bases. Some of the women made an active decision and migrated, on their own, to the bases to do so, but some worked under duress, including being sold into prostitution and/or being recruited under false pretenses. Some women who left the Philippines after the base closures to look for other work or to be married, often to American G.I.s, found themselves essentially trapped in prostitution in the receiving country. Others deliberately migrated to richer countries using prostitution to pay for their migration, and attempting to continue to work as prostitutes once they got there. However, once they migrate, whether they agree to perform sex work or not, their position is often vulnerable if they do not have legal immigration papers. At the Second World Whores Congress, held in Brussels in 1986, a Filipina woman told of being offered a job in a European hotel by a high government official at home. After much indecision, she decided to go. She was not a prostitute at the time, and no mention was made of sex work. When she arrived, she found that the job was in fact prostitution, and that she had no choice in the matter. She eventually escaped with the help of a concerned customer, and at the time of the conference, was attempting to get the Philippine official prosecuted, although without much hope of success, because even after Ferdinand Marcos' downfall, the official remained in power (Pheterson, 1989).

However, although on the surface it would appear that women who migrate through illegal networks are victims of brokers who

deceive them about the nature of the work and/or use violence and intimidation to force them to go along with their demands, the reality is far less simple. Programs that assist migrant sex workers who face deportation in receiving countries often find that the women have consciously used prostitution to facilitate their migration from their own countries, where their earning power is extremely low, to rich countries, such as Japan, the Netherlands, and the United States. EMPOWER, a project that works with women in Thailand's sex tourism industry, often discusses the risk of getting trapped in dangerous gang-run situations with women who want to migrate to Japan, only to have the women say that the potential for earning money makes the risks worthwhile.

The prohibition of prostitution, which is as common in countries with a lot of forced prostitution as it is in countries with very little, does not begin to address the problem. Indeed, the laws against trafficking and prostitution often make the situation worse. That is, laws designed to prevent the forced movement of women and girls across national or state boundaries for the purposes of prostitution are, instead, used to keep women from some countries from traveling. The United States bars any woman who has been a prostitute within the previous ten years from entering the country, and U.S. consular officials often use that restriction to make it difficult for women to come here, even for a short visit. For example, in 1993, a Kenyan nurse who applied for a visa to go to graduate school in the U.S. had to convince the U.S. consular officials that she was not a prostitute. In 1989, a Thai woman who was not a prostitute, but wanted to come to San Francisco to attend a sex workers' rights conference, was at first denied a visa because she was single and Thai. The law has also been used to prevent prostitutes from organizing on their own behalf, as in 1997, when several women who applied for U.S. visas to attend the International Conference on Prostitution (ICOP), organized by California State University/Northridge and Los Angeles COYOTE, were denied visas because U.S. immigration officials assumed, despite their promises, they would work as prostitutes if they came, and/or that they would stay here after the conference. A few months later, two women who applied for visas to attend a Canadian conference organized by the Global Alliance Against Traffic in Women (GAATW), in Victoria, British Columbia, were also denied entry because they were prostitutes, one of whom was one of the women who had been denied a visa to attend ICOP. Although Canada does not have the same kind of antiprostitution

immigration law, and indeed engaging in prostitution is legal in Canada, the Canadian official denied her a visa on the basis that the U.S. had denied her one because of her status as a prostitute.

There is often no way for prostitutes to legally travel to a country and obtain work as a prostitute, nor is there any legal way for brokers to arrange for their papers, transportation, and employment in the receiving country. There are no regulations controlling such things as the amount of interest, or commissions, that can be charged for making those arrangements, as there are for credit cards, for example, or other kinds of employment agencies. There are no regulations governing working conditions, including hours of work, pay scales, access to health and disability insurance, or workers' compensation. Such regulations cover other work in most countries in order to control the actions of employers, who naturally want to obtain the most work for the least capital investment. Countries refuse to regulate conditions in the prostitution workplace on the basis that such businesses are illegal, under the almost universal laws against pimping, pandering, and various aspects of promoting prostitution. However, those laws are rarely enforced, and in the absence of workplace regulations, the businesses that employ prostitutes are essentially free to exploit them as much as they choose to.

Current prostitution laws in this country and elsewhere also fail to distinguish between adult and juvenile prostitutes, treating juveniles as criminals. In 1995, 1,043 prostitution arrests involved someone under the age of eighteen, representing 1.3% of prostitution arrests. However, another 304,692 persons under the age of eighteen, 46.9% of them female, were arrested for loitering, curfew violations, or being a runaway, and some of them are likely to have been looking for customers (U.S. Department of Justice, 1996). Arresting an adolescent for standing on a street corner does little to change the conditions of that adolescent's life, or to reduce her or his dependence on prostitution to survive. In fact, the process of being arrested often serves to concretize what was a casual interaction (survival sex, or sex for favors) into formal, labeled prostitution. The police could focus, instead, on the pimps and customers of juvenile prostitutes, who are clearly guilty of child abuse, but john stings are carried out by adult decoy officers, so would-be clients of adolescents are unlikely to be arrested. Despite pious pronouncements on the issue, including some countries' adoption of new laws to penalize men who travel to foreign countries and have sex with minors there, in fact the customers of

children and adolescents are essentially ignored. These customers, like the customers of adult prostitutes, tend to be middle-aged, middle-class, married white businessmen. From the adolescent sex worker's point of view, the alternatives to prostitution—being sent back home to their parents or returned to foster care—seem far worse than their lives around prostitution, where they feel they have more choice and control. A comprehensive look at adolescent prostitution, either in this country or worldwide, is beyond the scope of this essay. However, my point in this brief mention is to say that the issue is more complicated than the simple child abuse which some campaigners against sexual exploitation of children claim, involving economic and social needs on the part of the underage worker as well as the desires of the adult client.

The Law

In 1949, the United Nations adopted a convention calling for the decriminalization of prostitution, *per se*, and the enforcement of laws against those who exploit women and children in prostitution, and this convention has been ratified by more than fifty countries, not including the United States. Most European countries "decriminalized" prostitution by removing laws which prohibit "engaging" in an act of prostitution, although most have also retained the laws against "soliciting," "pimping," "pandering," "running a disorderly house," and "transporting a woman across national boundaries for the purposes of prostitution." Most of the United States, on the other hand, prohibits all aspects of prostitution, as does Japan and many Asian countries, including those in which sex tourism is a major industry. It was decriminalized in the former Soviet Union, and many of the countries in the Soviet sphere, but women who worked as prostitutes there were arrested for being parasites (i.e., not having a legally recognized job). Many of those countries are now trying to decide whether they should enact a U.S.-type prohibition or a European abolitionist law, particularly in the light of large-scale sex work migration of Russian and Eastern European women to Western Europe and other rich countries, or reintroduce regulatory systems along the lines of the one in place in Russia at the time of the Bolshevik Revolution (Bernstein, 1995).

In some legal or quasi-legal systems, all prostitution is restricted to districts. In countries with legal or tolerated brothel systems, the brothel district is sometimes completely separated from the rest of

the city and women who work in the districts need a permit to leave, even for a doctor's appointment; prostitutes who work (or even walk) outside of the defined districts are subject to arrest and imprisonment. Even where overt prostitution is illegal, some jurisdictions have used zoning laws to congregate sex-related businesses, such as strip clubs and erotic theaters, into certain districts, or, alternatively, to keep them from being grouped into dense areas. New York City is currently in the throes of a court debate on the legality of such a zoning system, in this case restricting sex businesses to nonresidential areas and requiring that they be 500 feet from schools, churches, and each other.

Some countries, and Nevada in the U.S., have opted to institute a kind of licensing or registration system. First formalized in France in the seventeenth century, such systems require women (rarely men) who work as prostitutes to obtain a license or permit, and/or to register with the local police department, morals unit, or department of the health ministry. In order to obtain and keep a permit, the prostitute must remain "disease-free," and either present herself to a specified clinic on a regular basis or provide evidence of a successful examination by a physician of her own choosing. The first systems were developed by governments anxious to control syphilis, the only recognized STD at the time, among military recruits and other men. There was no concern about the health of the women themselves, who Parent-Duchâtelet, creator of the French regulatory system, compared to a sewer (Harsin, 1985). In England, Parliament enacted the Contagious Diseases Acts in 1860, because of a high incidence of syphilis among military recruits and sailors home on leave. At first the system was imposed in a small number of port cities, but when the incidence of syphilis did not decline, it was twice extended to several other cities, still with little effect. It was finally repealed in 1866, largely because of feminist resistance led by Josephine Butler (Walkowitz, 1980). Many countries in Europe developed similar systems, also with little impact on the incidence or prevalence of disease (Flexner, 1914), as did some colonial powers in the countries they colonized (Hyam, 1992; Levine, 1994). Although these systems remained in effect for many years, with substantial police power to enforce the provisions, in all countries the majority of prostitutes voted with their feet, refusing to register and refusing to submit to the regular examinations. It was probably fortunate for them, since at least before doctors realized the importance of washing their hands and sterilizing instruments between patients, a woman without an STD was likely to become

infected during the examination because the same speculum and/or syringes used to draw blood were (and in some cases still are) used for many patients in succession with no serious attempt to sterilize them. The system in Russia ended with the Russian Revolution (Bernstein, 1995), while the systems in France and Italy were dismantled in the middle of this century (Harsin, 1985; Gibson, 1986). Germany still has a registration system, although most sex workers do not register, and a number of countries outside of Europe also operate regulatory systems, including Singapore, Uruguay, Thailand, the Philippines, and Senegal, with participation ranging from two to fifty percent. The worst hypocrisy of such systems exists in such countries as Thailand where even prostitutes who obey the regulations are subject to arrest because prostitution remains a crime.

On the face of it, it would seem that the laws are designed to prevent prostitution. The hypocritical ordinance regulating massage parlors and escort services in San Francisco, however, suggests another agenda. According to police testimony at the time San Francisco enacted the escort service regulation, despite the wording aimed at preventing prostitution, the police actually admitted they wanted to "regulate and control" prostitution, but without giving the prostitutes any rights. In reality, the law's denial of a license to anyone convicted within the previous three years, or after getting a license, guarantees a turnover of new employees when the police periodically raid parlors and services, and revoke the workers' permits. Although the ordinance requires conviction on prostitution charges to revoke a permit, the Board of Permit Appeals usually upholds the revocation even when the charges have been dropped or dismissed for lack of evidence (i.e., no conviction). Indeed, when the police raid parlors and services, they may not even charge the employees with prostitution, but rather with minor infractions of the licensing code, such as failing to wear an ID badge on the outside of their clothes. In the early 1980s, and again in 1998, women were arrested during sweeps on such bogus charges, and lost both their licenses and their jobs, in the absence of any convictions. After the earlier raid, I noticed an ad for a massage parlor that promised, "all new staff."

There is much hypocrisy in this country in the way prostitution laws are enacted and enforced. For example, although hotel owners are often prime movers in efforts to get police to crack down on prostitution, they also depend on the availability of prostitutes for their business clients. This is especially true in large urban areas which, because of a decline in blue-collar industry, have become

dependent on tourism as a major source of tax revenue and jobs. The convention industry is huge in this country and, because of the continued discrimination against women in employment, particularly at the management level, convention attendees are overwhelmingly male, traveling without their families. A significant number feel that a visit to a strange city is not complete without a visit to a prostitute. It was partly in response to this that the massage parlor and escort service industry developed in this country, and the "sex tourism" industry developed internationally. Hotels often require security staff to screen prostitutes, and to keep out those deemed unacceptable. According to a former security guard for a major San Francisco hotel, prostitutes who plan to visit a client are expected to check in at the main desk to announce their intention to "give the client a massage," or some other service. If the woman has a massage or escort license, she shows it to the desk clerk. Once she is on an upper floor, she is likely to be stopped by hotel security, who calls down to the main desk to see if she has checked in. If not, security will take her to a room in the hotel, often in the basement, where she will be photographed, warned not to come back to the hotel, and told that her photograph will be circulated to other area hotels. She is more likely to be stopped if she is Black, dressed in a way that violates the hotel's sense of decorum, or "too noisy" or drunk, than if she is white, sedately dressed, and quiet. Several years ago, an African-American woman sued the San Francisco Hilton, after the hotel security stopped her in the hall while she was attending a feminist conference, and the hotel settled out of court for fifty thousand dollars. Although any woman walking alone down the hall of a major hotel can be stopped, the risk is obviously greater if she is Black. However, a white friend of mine, dressed in a suit jacket and pants, was once stopped and hassled by security guards in that same hotel when she was visiting a client there on perfectly legal business.

A man checking into a hotel who wishes to find a prostitute has only to ask the bell captain for referrals. He can also ask most taxi drivers. Should he be diffident about asking directly, he can check the ads in the yellow pages or the classified ads in the newspaper, under the headings of massage, escorts, introductions, dating services, and/or personals. Occasionally, the free handout magazines in hotels carry ads for escort services and massage parlors, as was the case when I attended a meeting of the National Board of Directors of the National Organization for Women at the Hotel Statler in New York some years ago.

The countries with the most restrictive legal systems, including the United States and many countries in Southeast Asia, have the most problems with violence against prostitutes (and women perceived to be *like* prostitutes), thefts associated with prostitution, pimping (especially brutal pimping), and the involvement of juveniles. Conversely, the countries with the least restrictive measures, including the Netherlands, West Germany, Sweden and Denmark, have the least problems. No country, however, is totally safe for sex workers. The stigma still isolates them, and the remaining laws perpetuate that stigma, rather than dispel it and truly legitimize the women who work as prostitutes.

Discriminatory Enforcement of the U.S. Law

In 1983, 126,500 people were arrested for prostitution in the United States, one and a half times the number arrested in 1973, the year the prostitutes' rights movement began with the founding of COYOTE. In comparison, over the same period arrests for all crimes increased only 35.6%. 1983 was also one year after President Reagan introduced several economic changes that triggered a recession and a sharp increase in unemployment. Although the number of arrests declined to 112,200 in 1984, the first decline since COYOTE began keeping track, the total has risen and fallen several times since then, and in 1995, 97,700 arrests were reported to the federal government (U.S. Department of Justice, 1985, 1996). Although the law makes no distinction between men and women and, in most states, prohibits both sides of the transaction, and though police conduct well-publicized sting operations to arrest "johns," more than 61% of those arrested in 1995 were women. This is despite the probability that as many as a third of sex workers in urban centers, where most arrests are made, are men. Federal prostitution arrest statistics aggregate arrests for soliciting, engaging in, or agreeing to engage in prostitution, with ancillary offenses such as running a brothel, pimping, pandering, etc., although those represent a very small minority of arrests. Before the anti-john campaigns, about 10% of those arrested were customers (usually arrested in a series of raids over a period of a couple of weeks, and then ignored for the rest of the year), and although it is possible that in some years as many as 20% of those arrested were charged as customers, even now the disparity remains great. On any given day, there are an estimated five to

eight times as many clients as prostitutes on the street, where the overwhelming majority of arrests take place. Further compounding the disparity is the fact that street prostitutes are not only arrested on charges directly related to prostitution.

When I reviewed the national arrest statistics for 1995 in preparation for another paper, I decided to also look at other arrest categories that I know are surrogate for prostitution arrests, focusing on women's arrests because of the long-term enforcement emphasis on women, and because it is unusual for women to hang out on the street in the way that men often do. First I looked at vagrancy, loitering, disorderly conduct, and runaway status, because most prostitutes are not charged with soliciting, engaging in, or agreeing to engage in prostitution, which requires some evidence to prosecute, but for violating an array of local and state ordinances having to do with the so-called public order. Then, I looked at drug offenses and drunkenness, both of which often involve street arrests. The number of women arrested on these charges was quite substantial. In 1995, 3,989 women were arrested for vagrancy, 34,011 for loitering, 108,830 for being runaways, 112,036 for disorderly conduct, 62,458 for drunkenness, and 190,729 for drug offenses, totaling 512,053 women arrested essentially for violating the public order. After I added the prostitution-specific charges, the number of women arrested came to 561,544 (U.S. Department of Justice, 1996). This compares with 442,763 in 1986, the first year for which I was able to look at the data (a 26.8% increase, compared to what otherwise looked like a decline in prostitution arrests). Although not all of those arrested are or were prostitutes, most of the arrests were made on the street, and involved street people, many of whom were homeless or bordering on homeless, drug dependent, and/or trading sex for survival.

All law enforcement in the United States is discriminatory in terms of race, including arrest, prosecution, and sentencing practices. With sex work, the emphasis is on the most visible activity, which is on the street, and in the 1980s, COYOTE estimated that although 85-90% of prostitution arrests are made on the street, only 10-20% of prostitutes are street workers, although the law is the same wherever prostitutes and clients contact each other, and whatever their ethnicity. Partly because of racial discrimination by the owners and managers of escort services, strip clubs, brothels, and other off-street establishments, the street-based workers are disproportionately Black and Hispanic. But the arrests may be even more discriminatory. The federal statistics report that

36.8% of people arrested on prostitution charges are Black, a small number (1.9%) are Native American or Asian/Pacific Islander, and 60.9% are white, suggesting that most prostitutes arrested are white. However, they count persons with Spanish surnames as either Black or white, thereby seriously underreporting the discriminatory nature of the enforcement. Moreover, the women who work off the street, more safely and for more money per transaction, and who are mostly white and Asian, are rarely arrested. In New York City, FROST'D contacts several thousand women over the course of a year, the large majority of whom are Latinas, the invisible ones in the arrest statistics. One student of street prostitution in New York City (Cohen, 1980) initially hypothesized that the reason for the racial discrepancy was that there was more police activity in ethnic minority neighborhoods, where Black women were more likely to work. What he found, however, was that the police were, in fact, more active in white neighborhoods, where most of the prostitutes were also white. He then hypothesized that the racial bias of the mostly white police department was to blame. My own hunch is that police intensify the enforcement when darker women drift towards and/or into white districts. Although prostitutes have been working in and around New York's Times Square since early in this century, their presence did not become a major issue until the 1960s, when Black prostitutes moved from Harlem to the theater district because white customers had stopped going to Harlem.

Enforcement practices in Las Vegas, Nevada, where all prostitution is illegal, also support this hypothesis. In recent decades, the casinos have increasingly relied on the implication of sex to draw customers to their stage shows and gaming tables. Elegant prostitutes who fit the stereotype of a blonde Las Vegas showgirl are allowed to work with impunity, so long as they don't draw customers away from the gaming tables. Black prostitutes, however, are not allowed to work in the casinos and hotels (African-Americans have been admitted as customers only since 1962). Not surprisingly, the percentage of street prostitutes who are Black is high. The laws are rigidly enforced against street prostitutes, and a large number of Black women are arrested each night. For a few years, the city ran a mandatory "counseling" program for prostitutes, which operated from eight p.m. to midnight. The poor, Black prostitutes were in the counseling program, while the middle- and upper-class white prostitutes made money working the casinos.

In all cities, there are periods of intense enforcement, followed by periods of relative calm, often seemingly without any clear logic to the pattern. Traditional analysts claim that preelection politics always demand raids, although since most people worry about burglary, rape, and murder more than prostitution, it is difficult to see how arresting prostitutes would help incumbents. However, prostitution is a crime without complaining witnesses other than the police. That is, while police make arrests for other offenses after a victim has made a complaint (e.g., for burglary or rape) or a body has been found (i.e., murder), with prostitution, soliciting arrests are made after the police pretend to be clients, getting someone to solicit them or agree to their solicitation (i.e., entrapment), and loitering with "intent" to commit prostitution arrests (the overwhelming majority of prostitution-related arrests) are based on a police officer's statement that he or she watched the person behaving like a prostitute (e.g., walking in a "known" prostitution area, talking to people in cars, talking to other pedestrians, or dressing a certain way). With burglary, and other victim-reported crimes, there is a low "clearance" rate, meaning few arrests in relation to the number of reported offenses. However, since prostitution arrests do not require a complaint from a "victim," the high number of arrests is counted against nothing, and used to mask the poor record of solving other kinds of crimes. This is true of drug-related and gambling arrests, as well, which rarely if ever have a complaining witness who is not a police officer, or someone the police have deputized for a short period of time.

In 1996, New York City's mayor, Rudolph Giuliani, implemented a major, long-term crackdown on poor, street people, supposedly to improve New York's "quality of life." While the media has paid a lot of attention to arrests of panhandlers, primarily men, in fact a primary target has been female prostitutes, particularly in poor neighborhoods slated for commercial development. In 1995, when I began to work for a street outreach project to sex workers in some of those neighborhoods, the outreach staff observed police activity on only a few days and nights a week, and the women knew what the schedule was. By 1997, the staff observed police making arrests almost daily, and by 1998, some police were trying to intimidate women to keep them from using our services, and/or arresting them as they left our mobile units. While the usual practice used to be to keep women arrested for prostitution in jail overnight or over the weekend, and then let them go for "time served," women are now often sentenced to do jail time for several weeks or months, in

some cases on outstanding warrants for such things as failing to complete community service, rather than for anything specifically related to prostitution.

When the law only prohibited actively soliciting or engaging in prostitution, prostitutes felt that they had some ability to avoid police entrapment—they could try to evaluate the potential client and avoid police. However, in at least half of the states, including California, Washington, and New York, recent revisions to the law have made it a crime to passively "agree," or even to "manifest agreement," to engage in prostitution. This means that the undercover police officer can initiate all mention of sex and money, and if the prostitute merely smiles, the police can say she agreed.

In the early 1980s, police in Everett, Washington set up a phony escort service, placing ads in the paper to recruit employees. The ads merely offered high-paying jobs. Women who answered the ads—many of whom had never worked as prostitutes before—were asked if they would be willing to engage in prostitution. If they agreed, they were arrested. When the case came before the court, all of the charges were dropped (presumably because of the outrageousness of the sting operation). Nevertheless, the women had permanent records of a prostitution arrest and became "known prostitutes," vulnerable to arrest for "loitering for the purposes of prostitution," should they be on the wrong city block at the wrong time. One officer actually had sex with one of the women, excusing it in court by saying he didn't "come."

If enforcement of prostitution laws is designed to reduce the amount of prostitution, it has failed miserably. Moreover, crackdowns are often followed by an increase in robberies, many of which involve some form of violence, as well as burglaries and other real property crime, as the people who have been dependent on the now-jailed sex workers seek to replace lost income. Just as important, they are often followed by an increase in crimes against prostitutes. For example, some clients take the government's hostility towards prostitutes as license to rape, steal from, beat up, and even kill them. In addition, ordinarily nonviolent domestic relationships can become violent as income drops precipitously, and even police feel freer to use physical violence while making arrests.

The arrests tend to either trigger or reinforce prostitutes' dependence on so-called pimps, who are often their only friends outside of jail who can arrange for bail, an attorney, child care, or simply give them moral support. Indeed, some women who

worked independently before their first arrest are recruited into working for pimps by other women in jail who convince them of the need to have someone outside to take care of business. Crack-downs can also result in migration to other cities, which cuts off sex workers' connections with local friends and networks of support, including agencies that could help them move on to other occupations if they wanted to. During the New York City crackdown, FROST'D saw the number of sex workers who used its services drop from more than 700 a month to as few as 300.

In 1949, the United Nations called for the decriminalization of the specific transaction between prostitute and customer that is prostitution, although it recommended keeping all related activities a crime. In those countries that have adopted most of the provisions of the convention (Canada, most European countries), the problems that so plague the prohibited system in this country still exist, but are less severe. One problem is that the continued prohibition of related activities makes it impossible for prostitutes to find a place to work legally, or to legally advertise their services or solicit prospective clients. This leaves the prostitute subject to exploitation by third parties, including landlords, bar owners, bell captains, etc., as well as owners and managers of sex work establishments, who are willing to risk arrest in exchange for the profit. The pimping and pandering laws are used to arrest women who work together for safety, even when no money changes hands, as well as to arrest sex workers' lovers, and sometimes their children, as much as they are used to arrest brutal exploiters.

That is because criminalization of pimping and pandering makes no distinction between a coercive relationship and one that is mutually voluntary, or between a lover relationship in which one person supports another by working as a prostitute, and an employer-employee relationship in which several prostitutes turn over some or all of their earnings to a third party. Thus the laws both make it difficult for prostitutes to lead normal lives outside of their work, and fail to protect them from abusive exploitation. When prostitutes who have been beaten and/or raped by pimps report the crime to the police, all too often both police and prosecuting attorneys refuse to prosecute the real crime, and instead press charges of pimping and pandering, activities to which the prostitutes may have no objection. In a way, it is like arresting a man who rapes his wife for marrying her, not for the rape. Prostitutes in countries that have decriminalized prostitution but left pimping a crime feel the prohibition reinforces their

dependence on abusive men, and a major demand of sex workers, worldwide, is the decriminalization of their personal relationships (Pheterson, 1989).

Occupational Safety and Health

A Delineation of Occupational Risk

When most people think of the hazards associated with prostitution, they think first of either sexually transmitted diseases (STDs), violence, or drug dependence. However, from a sex worker's point of view, those are extreme hazards. On a day-to-day basis, occupational hazards they describe compare with those in other industries (Alexander, 1998).

Routine Concerns. A number of sex workers have talked to me about occupational injuries, particularly repetitive stress injuries; foot, knee, and back problems; and bladder and kidney infections related to repeated vaginal intercourse. Allergies to latex and/or nonoxynol-9 can also be a problem. Since AIDS has forced the adoption of universal precautions in sex work, as in health care, an increasing number of sex workers have reported vaginal irritation associated with using latex condoms, and one study suggests that latex allergies can be triggered by the use of nonoxynol-9 preparations to try to prevent HIV infection. This last is because nonoxynol-9 both causes vaginal inflammation in many women and triggers the release of latex molecules, which can eventually trigger an allergic response to latex (Stratton, Hamann, Beezhold, 1996). Moreover, condoms coated with nonoxynol-9 are widely distributed to sex workers by public health programs, despite the evidence that frequent use is associated with significant rates of vaginal irritation, and may therefore facilitate the transmission of HIV.

Infectious Diseases. Less routine hazards are infectious diseases. Most familiar, of course, are the conventional STDs, such as gonorrhea, syphilis, and chlamydia, as well as a number of viral diseases, such as HIV, Hepatitis (HBV and HCV), Human Papilloma Virus (HPV), and Herpes (HSV). However, although some epidemiologists like to claim that prostitutes are a "reservoir of contagion" or a "core group of high frequency transmitters," in the United States, less than 5% of STDs are associated with prostitution (Darrow, 1984; Conrad, 1981; Rosen, 1982; Brandt, 1985), and many prostitutes have few if any STDs during their work career.

Prostitutes have always been quite concerned about STDs. They know, for example, that gonorrhea is often asymptomatic among women, and increasingly among men as well, and that if untreated, it can lead to a life-threatening condition known as pelvic inflammatory disease (PID). Therefore, they have tended to be quite responsible in being checked for disease to protect themselves, as well as to protect others. They quickly learn to recognize the symptoms of STDs in men and refuse to have sexual contact with men they believe to be infected. They have always made use of any available prophylactic measures, including such barriers as sponges soaked with vinegar or lemon juice, condoms, and diaphragms. This caution has only increased since the outbreak of AIDS. Even brothel managers, who in the past encouraged women not to demand condoms, by charging more for unprotected sex, are more likely to operate with an all-condom policy.

The prostitutes least likely to protect themselves from STDs, including HIV, are those who are seriously dependent on drugs, particularly crack cocaine, and too financially desperate to insist on such precautions. The prohibition of prostitution has not served in any way to solve this problem, indeed compounds it, especially since police often confiscate condoms during an arrest, or sometimes merely as a form of harassment.

Although the public health emphasis has been on STDs, sex workers are vulnerable to other infectious diseases because of their close contact with the public, especially respiratory infections, and because of the conditions in which they work in some countries, such serious illnesses as malaria and dysentery. However, because most research has been fueled by concerns about the potential risk clients face, there has been little to no attention paid to prostitutes' general health.

Emotional Stress and Substance Use. Sex work can be emotionally stressful due to both the risk of and actual arrest and violence, exploitative working conditions, and the impact of stigma and/or isolation. Two studies found a significant prevalence of depression, especially among street prostitutes, who face the greatest risk of both violence and arrest (Alegria, et al., 1994; El-Bassel, et al., 1997). In part as a result of stress, easy access to and lowered inhibitions against recreational drugs, and the pleasure that some drugs give, chemical dependence is an occupational hazard. The drugs used include heroin and other downers, but also such drugs as marijuana and cocaine, particularly in its smokable form. Although many observers view prostitution as the cause of the drug

dependence, one study of sex workers who use drugs found that almost half (48%) did so before becoming involved in prostitution, and began prostitution to earn enough to pay for the drugs. Others began using drugs after beginning prostitution, to enable them to stay awake and alert, cope with anxiety and the risks they take, and/or sleep (James, 1975). Another study of prostitutes and drugs found that while all of the street prostitutes interviewed had used heroin at one time, only 84% had ever been addicted. At the same time, while 22% of "high-class" prostitutes had tried heroin, none had become addicted (Goldstein, 1979). Among the very low-income street-based prostitutes FROST'D serves, drug use is very high, with more than 95% using some kind of drug, nearly 70% smoking crack at least some of the time, and nearly 40% having a history of injecting drug use (Wallace, Alexander, Horn, 1997).

Most sex work establishments discourage drug use by their employees, which is one reason why most drug dependent workers work from the street. An exception is sex work establishments that serve alcohol, where the management is likely to pressure the sex workers to drink with customers.

Violence. Much more serious is the danger of violence to prostitutes, which comes not only from lovers and pimps, but from customers and police. One study of street prostitutes and sexual assault found that 70% of the women interviewed had been raped on the job, and that those who had been raped had been victimized an average of eight to ten times a year. Only 7% had sought any kind of help, and only 4% had reported any of the rapes to the police. Since 75% of the women were under the age of eighteen when they were interviewed, these statistics must be viewed with caution in terms of all prostitutes (Silbert, 1981). Although no other study has found such a high level of violence, it is obvious that violence is a significant occupational hazard to sex workers, especially those who are most exposed and most hounded by the police. In addition to rape, physical assault and murder pose a significant danger for street-based sex workers, although police rarely investigate serial murders of prostitutes thoroughly until at least ten or more women have been killed or the killer, emboldened by his success, begins to kill "square" or "innocent" women. Four examples include the Hillside Strangler and the Southside Slayer in Los Angeles, the Leeds Ripper in England, and the Green River Killer in Seattle. Since the mid-seventies, virtually every city on the West Coast of the U.S. has had a major serial prostitute killer with more than twenty-five victims, with the exception of San Francisco.

The cities have been both large (Los Angeles) and midsized (Portland). The primary difference between the murderous cities and San Francisco is the long-term political activism and visibility of COYOTE. Although violence against prostitutes is a problem in all countries, the problem is greatest in the countries with the most rigorous prohibitions in place.

The police, who are sworn to protect people from violence, are largely negligent when it comes to people who they view as powerless and/or deviant, and that includes prostitutes. Because they know prostitutes have few allies, police—particularly undercover vice—feel free to insult and roughly handle the sex workers they arrest. They often handcuff the women from behind, then roughly pull their arms up behind their backs. Some demand sex before or during the arrest, and/or inflict beatings and kickings. In my small survey of street-based prostitutes in New York City, I found that ten of thirty-two who had been arrested had been sexually or physically abused during an arrest once during their worklife, and four of them more than once. Few prostitutes file complaints, feeling they have no choice but to accept this abuse as part of the job, and so the few accounts that surface must be seen as symptoms of a much larger problem.

Factors That Contribute to Occupational Risks

There are a number of indirect factors that contribute to the level of occupational risk. In an underground economy, there are no controls on the way a sex work establishment is run. As in other sweatshop industries, at one extreme there have been reports of women dying in a fire because the exit doors were chained shut. In some sex work establishments, management does not provide running water in the sex worker's work space, making it difficult for him or her to either clean the client before a sex transaction, or to clean up between clients. In some countries, prostitutes work without electricity, and so they must evaluate clients in the dark or with low light, increasing their risks for violence and disease. Some establishments fail to provide clean linen or laundry facilities, condoms, lubricants, and other materials to reduce the risk of infections; or on-site security to reduce the risk of violence. Economic exploitation (e.g., exorbitant fees to management and/or debt bondage), long hours, and restricted freedom of movement (e.g., in captive brothel situations, sometimes as a result of

legal regulations that confine sex workers to brothels) also contribute to occupational health problems.

The Impact of AIDS: A Case of International Scapegoating

Since 1981, all over the world epidemiologists and others have assumed that prostitution was the primary driving factor of a country's incidence of HIV infection and AIDS, largely because of unexamined assumptions. Indeed, an ideology of the prostitute as "other" has underpinned much of the delineation of the epidemiology of AIDS. Untested assumptions about the nature of prostitution have informed the way seroprevalence data was collected (i.e., how the studied populations were recruited and/or labeled), and how that data was analyzed (e.g., if she was female and had multiple partners then she was a prostitute, if she was a prostitute she practiced unsafe sex, etc.), which in turn affected the modeling of the future directions of the epidemic. Results from small and usually seriously flawed studies contributed to some governments passing laws mandating testing and quarantine, police and prosecuting attorneys charging prostitutes with attempted murder, and other hysterically punitive actions.

Although most people think they know clearly who prostitutes are and what they do, in fact many would miss prostitution that looks like something else, and assume prostitution when the nature of other relationships is poorly understood. Either misconstruction can affect the outcome of research or intervention—ranging from stigmatizing behavior and people who consider themselves something else, or failing to provide information, services, and support to those who most need it.

Indeed, epidemiologists and others who have studied and written about AIDS and prostitution rarely define what they mean by "prostitute," or indicate how they "know" that someone they have decided to interview and/or test for antibodies to HIV is one. Neither do they specify what women they study actually do, with whom, when, and/or under what circumstances. All too often, it is enough for them that the individual is a "prostitute," neatly labeled, a category of individuals many prejudge as diseased, a source of both moral and biological contagion (Pheterson, 1990, 1996).

Most studies of HIV and prostitution have focused on female sex workers, not only to determine the incidence or prevalence of HIV among them, but to project the rate of transmission from them to

their clients, and often to clients' wives, girlfriends, and children (Nahmias, 1989). However, studies looking at rates of heterosexual transmission have consistently found that men transmit the virus more efficiently to women (ranging from 3.6% to 27.6%), than women do to men (ranging from 0.0% to 10.7%). For example, a San Francisco researcher found that over a period of ten years, 19% of female partners of 360 men infected with HIV became infected, compared with 2.4% of male partners of 82 women infected with HIV. The male-to-female transmission was eight times as efficient as the female-to-male (Padian, et al., 1997). An earlier study in Kenya found that 26.4% of female partners of 26 men infected with HIV became infected, compared with 10.7% of male partners of 16 women infected with HIV. In this case, male-to-female transmission was 2.5 times as efficient as the other direction (Clemetson, et al., 1990). Finally, another African study looking at acceptance of condoms and spermicides by heterosexual couples found that 12% of female partners of 25 HIV positive men became infected, compared with no male partners of 21 women with HIV (Tice, 1990).

Regardless of the prevalence of HIV among sex workers, effective transmission of the virus depends on a number of factors, and the varying practices of sex workers and clients worldwide affect both their own vulnerability to infection and the potential for those already infected to transmit the virus to others. Some of these factors include: preexisting STD in either the infected or uninfected partner in a discordant dyad, the proportion of vaginal or anal vs. oral or hand/genital sex, and the use of condoms and other barriers to prevent transmission.

Seroprevalence studies of female sex workers have found rates of infection ranging from 0 to 85-90%. That is, studies have found 0.0% seroprevalence in Nevada's legal brothels (Centers for Disease Control, 1987), among registered prostitutes in Mainz, Germany (Friese, 1989), and among bar workers in Calabar, Nigeria (Williams, 1989), 0.1% among hospitality workers in bars and nightclubs in the Philippines (Hayes, 1989), 2.2% among female sex workers attending an AIDS Information Center in Mexico City (Uribe, 1990), 14% in several Italian cities (Saracco, 1989), 44% among brothel workers in one province in Thailand (Ungchusak, 1990), 57.1% seroprevalence among a group of prostitutes tested in a methadone maintenance program in Northern New Jersey (Centers for Disease Control, 1987), and 80% among prostitutes in a working class district in Nairobi, Kenya (Ndinya-Achola, et al., 1989).

In virtually every country, the rate of infection among sex workers has been associated with socio-economic class and working conditions. Thus, the highest rates of infection have been found among those sex workers at the lowest-paid levels of prostitution, whether it is the street prostitutes attending the methadone clinic in New Jersey, or prostitutes serving time in jail in any number of cities in the United States; women working in a working-class district in Nairobi, Kenya, who earn the equivalent of fifty cents per transaction, or women working in small brothels in Northern Thailand that cater to working class Thai men. On the other hand, the lowest infection rates have been found in the legal brothels in Nevada and in escort services in a number of cities in the United States, where injecting drug use is rare (Centers for Disease Control, 1987), and among those women who work in tourist hotels in Nairobi or Bangkok, where the rate of both HIV and conventional STDs among clients is lower than it is among the clients in working class districts.

In industrialized countries (e.g., the United States, Canada, western Europe, and Australasia), the primary risk factor for infection is a personal history of injecting drug use or an ongoing, personal sexual relationship with a male injecting drug user (Darrow, 1988, 1992). The number of clients has not been associated with infection, although the number of *nonpaying* male partners may be significant, particularly in association with the use of crack cocaine in the United States (Darrow, 1988). Every study that has distinguished between practices with different types of partners has found high rates of condom use and/or non-penetrative sex with clients, especially casual clients, but much lower rates with lovers, and sometimes with regular clients (Day, 1990; Joffe, 1997). The reasons for this are varied, but often include a need to distinguish between work sex and more intimate sexuality, a need to always be in control and emotionally separate from the client vs. a desire for greater intimacy and spontaneity with lovers. In terms of work practices, however, even in the United States, few if any studies have asked about hand jobs, a safer sex practice, although they ask about condom use—because, they say, they know a hand job carries little risk of transmission. Then they report on the frequency with which the prostitutes perform vaginal or anal sex, or fellatio, and in the worst cases, project high rates of transmission to "the general population."

Virtually all reports on the epidemiology of HIV among sex workers in Asia and Africa have assumed that the primary cause

of infection among the women they have identified as prostitutes is sexual transmission. Indeed, in Africa, a significant factor linked to infection among female sex workers is co-infection with sexually transmitted diseases, particularly genital ulcer disease or genital warts (Kreiss, 1986; Clumeck, 1986; Laga, 1990). This risk is compounded by a lack of access to STD services, or any other health care, in many cities and towns, especially following the World Bank's insistence on structural adjustment. One African study, looking for differences between 50 seropositive and 40 seronegative women, found no association between HIV status and either duration of prostitution or number of sex acts per year (Kreiss, 1986).

Although when AIDS was first documented in Thailand, there were efforts to blame sex tourists from Japan and the West, in fact infection rates are highest among young women who work in low-priced brothels that serve Thai working-class men (Swaddiwudhipong, et al., 1990). The risk to sex workers in Thailand, where seroprevalence increased from 1% to 40% in two years, appears to be related to injecting drug use, in a pattern similar to that in the West, particularly in Northern Thailand, which is in the center of a major opium growing region (Rhanuphak, 1989). Indeed, a *New York Times* article on injecting drug use and AIDS in Myanmar, just north of Thailand, reported that it was common for a drug dealer to inject as many as twenty purchasers with one needle (Wren, 1998).

Some observers postulate that transmission may also occur in poor countries as a result of unsterile conditions in STD clinics, where there may be a shortage in sterile syringes, speculums, disinfectants, and other supplies, and/or lack of running water and/or electricity. For example, while I was working for the World Health Organization, one colleague observed prostitutes in Indonesia who were required to have a regular vaginal examination being examined with a speculum that was only superficially rinsed between patients; one of my informants who had worked in Kenya observed the same practices. The reuse of an unsterile speculum makes it easy to pass such ulcerative infections as chancroid from one woman who is infected to others who are not. Then, if a woman is diagnosed with chancroid or gonorrhea, she may receive an antibiotic by injection with an unsterile needle used earlier on someone with HIV (Packard, Epstein, 1992).

What is clear is that the conditions that promote infection among sex workers are guaranteed by a variety of factors, including not

only poverty, but moralistic objections to prostitution and/or drug use; enforcement of laws against prostitution, drug use, and sometimes sex in general; refusal by governments to acknowledge the existence of prostitution or drug use; and/or refusal of governments to fund programs or activities which could be seen to promote prostitution, homosexuality, or drug use. President Clinton's murderous refusal to support the use of Federal money for needle exchange programs around the country is only one example of the latter.

How Sex Workers Have Responded to AIDS

All over the world, sex workers have become involved in the struggle to reduce their vulnerability to HIV and AIDS, whether formally or informally, and some countries have funded sex workers' rights organizations to develop strategies for the struggle (Alexander, 1995). For example, in Germany there are sex workers' rights organizations in virtually every city of any size, including such projects as Madonna, Hydra, HWG, Phoenix, and Cassandra, as is also the case in Australia and New Zealand. As a result of the strength of a network of sex workers' projects in Australia, under the umbrella of the Scarlet Alliance and affiliated with the Australian Federation of AIDS Organizations, several states have revised their prostitution laws. For example, the Australian Capital Territory has partially decriminalized prostitution, Workers in Sex Employment (WISE) in the ACT is currently completing a study of occupational safety and health issues, and the Scarlet Alliance is developing an "Occupational Health and Safety Code of Practice" that the various states can use in developing OSHA regulations for sex work businesses. The New Zealand Prostitutes Collective, with chapters funded to work on sex workers' health in most New Zealand cities, is also working with the government on law reform.

In the Netherlands, De Rode Draad, and its feminist alliance, De Rose Draad, were organized following the First World Whores Congress held in Amsterdam in 1985. De Rode Draad was funded to operate a sex workers' program in Amsterdam to deal with both health issues and law reform. Although prostitution, per se, has been decriminalized in the Netherlands for a long time, at least within identified zones, brothels and escort services were merely tolerated without being legal. As a result of the work done by De Rode Draad, and two allied organizations, Mr A de Graaf Stichting and Stichting Tegen Vrouwenhandel, the Dutch government is

considering legalizing brothels, making it possible to develop OSHA regulations. The proposed reform is problematic, however, in that it distinguishes between migrant workers who are citizens of other European Union countries and those who come from outside the Union, creating a two-tiered system of legal workers who are EU citizens and illegal workers who come from such countries as Poland, Thailand, and the Dominican Republic. However, it is a beginning.

In Canada, the government has funded sex worker-managed health projects in a number of cities including Toronto, Montreal, Vancouver, and Victoria, which have worked with the Canadian Sex Workers Alliances (e.g., SWAT, in Toronto, SWAV in Vancouver) on law reform, and there is some discussion under way on the federal level about decriminalization (prostitution in Canada is governed by one set of national laws). Government funding has been less forthcoming in the United States, where only one sex workers' organization, the California Prostitutes Education Project (CAL-PEP), an offshoot of COYOTE in San Francisco, has received ongoing funding, although sex workers have been involved at various levels in the operation of HIV/AIDS prevention projects in a number of cities, including FROST'D, the Lower East Side Needle Exchange, and New York Harm Reduction Educators (NYHRE), in New York City.

One of the most exciting examples of sex workers demanding power for themselves in the struggle against AIDS is in Calcutta, India, where a sex workers' organization grew out of an HIV/AIDS prevention project. The women formed a collective, opened a store, and then formed a union, marching 1,400 strong to the City Hall to demand repeal of the prostitution laws.

There is an international network of sex workers' HIV/AIDS prevention projects and other sex workers' rights organizations, called the Network of Sex Work Projects (NSWP), based in London. They recently started an internet mailing list to facilitate communication between projects, the address of which is <sexworknet@gn.apc.org>, and they also have a web page. The NSWP organized a series of events at the 1998 International Conference on AIDS in Geneva, as they have done at major AIDS conferences since the network was formed in 1992, always in coalition with the local sex workers' rights organization, in this case ASPASIE. They also published a guide to organizing HIV/AIDS prevention for sex workers (Overs, 1997), and have played an important role in bringing representatives of far-flung projects together.

Who Benefits from the System

It is difficult to see how anyone benefits from the present system. At the time the United States' prohibition was enacted in one state after another, it was at least partly in response to feminist concerns about the abuse of women and children involved in prostitution, after a muckraking media campaign exposing the "horrors" of brothel prostitution. (Longstreet, 1970; Madeleine, 1919/1986; Walkowitz, 1992). The alarmists contended that white women were being kidnapped and sold into slavery in foreign lands (not Europe, of course), so it was necessary to do something to stop "traffic" across national borders. In fact, Chinese and Japanese women had been imported into this country wholesale, and sold into brothels on the West Coast, while there was little or no traffic in the other direction. Prostitution was also an occupation selected by immigrant women from many countries because it required little command of English, although at least one study of the time found that children of immigrants were more likely to be sex workers than the immigrants themselves (Rosen, 1982). Nonetheless, a significant number of the prostitutes who worked in Virginia City during the days of the Comstock Lode were immigrants, as were many prostitutes in San Francisco during the gold rush (Goldman, 1981; Barnhardt, 1986).

While the enactment of laws before World War I prohibiting prostitution, pimping, running brothels, transporting women across state lines for "immoral" purposes, etc., did nothing to reduce prostitution, it did have other effects. Before prohibition, most brothels were owned and managed by women, most of whom had been prostitutes themselves. After the tolerated brothels were closed, the sex work businesses went underground and were increasingly headed, or at least owned by a male, a criminal hierarchy that continues. The closing of brothels also forced many women to work on the streets, subjecting them to greater risks of violence. The basic conditions of women's lives, which caused some of them to decide to work as prostitutes, did not change, and the number of prostitution arrests in the United States increased every year from the time the prohibition was enacted until 1983.

For most of recorded history, prostitution has been organized for the benefit of the customers, managers, and tax collectors, not the workers, no matter what system was in place. The stigma enforced by the prohibition in this country is also enforced by systems of regulation that require prostitutes to dress differently or to live and

work in special districts, or that deny them the right to relationships. The health schemes that require prostitutes to have regular checks for STDs are similarly designed to benefit the customer, since there is no equivalent requirement that customers be checked or use condoms to protect the prostitute, and there are rarely any regulations requiring brothels to provide condoms, disability insurance, workers' compensation, and/or health insurance. Similarly, systems of de facto legalization, in which the workers in massage parlors and other prostitution businesses are licensed by the police, do not reduce the number of women working as prostitutes, they merely force them to register with the police as prostitutes, giving them an official record that can follow them the rest of their lives, and which can be a bar to other kinds of employment. What constantly amazes me is that there is so little variation in how nations deal with prostitution under the law, even where there is enormous variation in just about every other aspect of society.

Alternatives to Sex Work?

This country spends an inordinate amount of money to arrest, prosecute, and incarcerate women and men involved in prostitution. In 1977, the cost of arresting one prostitute in New York and keeping her in jail for two weeks was three thousand dollars, while at the same time San Francisco spent an average of two thousand dollars to arrest and prosecute one prostitute. The average cost per arrest was similar in sixteen cities evaluated by one observer in 1987 (Pearl, 1987), and it is unlikely the cost has dropped since then. At the same time, virtually no money is allocated by government or foundations for programs that would help prostitutes who want to improve their working conditions or to change their occupations or their lives. Within the criminal justice system, little is spent on vocational programs in women's jails, even relative to the small amount spent for men. There are a few transitional programs for adult prostitutes outside of the criminal justice system (e.g., Mary Magdalene Project in Southern California and Genesis House in Chicago), but not nearly enough. There are also a growing number of programs for younger prostitutes (e.g., Children of the Night, in Los Angeles, TRY in Buffalo, and Hospitality House, in San Francisco), but again, not nearly enough.

Programs to help people involved in prostitution make a transition to the square world often fail to acknowledge and deal with the positive attractions of prostitution. First and foremost is the economic incentive: a full-time prostitute in this country can gross from about one hundred to five hundred dollars a day, or more, with a great deal of flexibility about hours and days of work. They must also recognize the excitement or edge associated with risk taking, particularly when helping sex workers evaluate their own skills to identify other jobs they might enjoy doing. Programs that try to help prostitutes make a transition into low-paid, boring jobs tend to fail. Occupational programs should be run by former sex workers, who have a complex understanding of the positive aspects of sex work, as well as a familiarity with the stigmatization, isolation, sexual and physical abuse, and the experience of arrest and incarceration, and have made the transition themselves. However, programs that only deal with the abusive aspects of prostitution also tend to fail, because they deny the women they seek to help any agency or pride in who they have been.

Shelters for battered women have not always responded well to sex workers who sought haven from domestic violence. Some have taken them in without question, but many have not. One shelter worker explained, at a feminist conference, that they don't have enough well-trained staff to deal effectively with pimps finding the shelter and demanding "their" women back, although at that same conference a worker from a shelter that did serve prostitutes said pimps were no more tenacious than the husbands or boyfriends of other women. One shelter worker actually told me that they would be glad to accept prostitutes as long as they didn't "work out of the house," although other women were expected to work and contribute to the cost of running the shelter, and it was clear that her primary concern was the stigma, not the illegality of the work. The situation in 1998 is better than it was in 1987, but other programs, such as those for drug treatment, often continue to treat them as pariahs.

Alternatives to Prohibition

There are two main alternatives to prohibition, generally termed decriminalization and legalization. In Europe, decriminalization is sometimes referred to as abolition, and refers to the abolition or repeal of the criminal laws regarding prostitution. However, the

term abolition is also used by some activists, including Kathleen Barry in the United States and the International Abolitionist Federation in Europe, to refer to the long-term goal of eliminating all prostitution.

From a sex workers' rights point of view, decriminalization means the repeal of all existing criminal codes regarding prostitution between consenting adults, including mutually voluntary, contractual relationships between prostitutes and agents or managers (pimp/prostitute relationships), and noncoercive pandering (serving as a go-between). It would involve no new criminal codes to deal specifically with prostitution, but could include the use of labor and occupational safety and health codes to regulate prostitutes' *working conditions*, including the issue of hours of work, paid vacation and sick leave, and coverage by health and disability insurance and workers' compensation. Some states in Australia, and the Netherlands, which have decriminalized at least some sex work businesses, have already begun to develop OSHA regulations. In addition, prostitutes in the Australian state of Victoria have formed a local in the Australian Liquor, Hospitality, and Miscellaneous Workers Union (Overs, 1997). Serious problems such as fraud, theft, negligence, deception, extortion, and physical force should be prosecuted using existing penal code provisions against those crimes.

Legalization, on the other hand, has traditionally meant a system of control of the *prostitute*, with the state regulating, taxing, and/or licensing whatever form of prostitution is legalized, leaving all other forms illegal, without any concern for the prostitute herself. Traditional regulation has often involved the establishment of special government agencies to deal with prostitution. The brothels in Nevada, for example, are licensed and regulated by the government, and the women who work in them are registered as prostitutes with the sheriff or other local authorities. As discussed earlier, they are severely restricted in their movements outside of the brothel. Independent prostitution is illegal, as is prostitution in massage parlors, for escort services, and of course, street prostitution. The women generally work fourteen-hour shifts on a three seven-day week tour of duty, during which they may see ten or fifteen customers a day, or more. They have little or no right to refuse a customer (although the management tries to keep out potentially dangerous customers), and until a law was enacted requiring condom use in the brothels in the late 1980s, they were not allowed to protect themselves from STDs by using condoms.

Because of the long work shifts, some of the women use drugs to help them stay awake and alert, or to help them sleep, supplied by the same doctor who performs regular health checks. Nonetheless, approximately 300 women at any given time opt to work under these conditions, which do, after all, protect them from arrest.

Some abolitionists, such as Kathleen Barry, Janice Raymond, and Dorchon Leidholdt, contend that legalizing prostitution increases the prevalence of forced prostitution and coerced international migration for the purposes of prostitution, which they call "trafficking." However, they fail to distinguish between traditional legislative approaches and the approach proposed by the international sex workers' rights movement. Although unregulated workplaces do exist in legal employment sectors, for example sweatshop garment factories or restaurants that exploit the labor of undocumented immigrants, such exploitation is not increased by regulating an industry, it is decreased. That is, before the regulations were adopted, sweatshops were the rule rather than the exception.

Simply removing the criminal law is not enough. That is essentially the current status of pornography—decriminalized but with unregulated working conditions, leaving it up to the goodness of the video producer to insist on safer sex practices, for example, or to make sure that the actors are willing to perform the activities involved. Even with workplace regulation, things will not be perfect, of course, because there is no way to effectively regulate management attitudes towards employees, or even to consistently prevent such abuses as sexual harassment. The status quo, however, denies prostitutes who work for third parties any control over their working conditions, and some control would obviously be an improvement, even if it was not perfect. A shift in the allocation of monies now used to arrest, prosecute, and incarcerate sex workers could permit the active and consistent enforcement of labor, building, and OSHA regulations. If the managers of sex work businesses were required to adhere to such regulations, instead of the existing outright prohibition, working conditions would change. Regulating the businesses, rather than the prostitutes/workers, would also make it easier to prosecute those who abuse prostitutes, either physically or economically, while the voluntary, non-abusive situations would be left alone.

Repealing the criminal laws against both prostitution, per se, and the organization of prostitution, and developing workplace regulations, would also enable prostitutes to join unions and engage

in collective bargaining in order to improve their working conditions, as some prostitutes have done in Australia and strippers have done in San Francisco. Prostitutes would also be able to form professional associations, and develop codes of ethics and behavior designed to reduce any problems associated with prostitution, without fear of being charged with promoting prostitution, a felony. Finally, it would be possible for experienced prostitutes to train new workers, so that their first solo experiences would be safe.

In order for new approaches to work, it will also be important for residents, business people, and prostitutes to get together to iron out compromises that take into consideration the right of prostitutes to work without harassment, and the right of the other residents and businesses to go about their lives and work without harassment. Steps in that direction were taken in San Francisco, where the Board of Supervisors formed a Task Force on Prostitution, with representatives of many population sectors, to propose alternatives to the existing situation. Although the Task Force's proposals have not yet been implemented, the report offers a model for other cities to follow in addressing these issues. At the time of this writing, a summary of the report is available on the internet, at www.penet@bayswan.org, which also provides hyperlinks to the web pages of a number of sex workers' rights organizations around the world.

In the meantime, until prostitution has been decriminalized, the noncoercive managers regulated, and those who use fraud and force prosecuted, pressure must be put on police and sheriff's departments, district attorneys, public defenders, bail bondspeople, judges, and pretrial diversion and probation programs to improve the treatment of persons arrested under these archaic laws.

Unless there is a strong voice of sex workers pointing out the oppressiveness of brothel systems, both to the women working in such a system and to the workers outside of the system, most people in this country will assume that such a system works to the benefit of all concerned. That is, they will assume that in a well-regulated brothel system, STDs would be controlled, prostitution would be kept off the street and out of the sight of children, and that all in all, it would just be better, safer, and cleaner. The problem is that none of those assumptions are correct, and in exchange for a false sense of security, we would get another oppressive system.

The onus for the abuses that coexist with illegal prostitution must be put on the system that perpetuates those abuses, and no longer on the prostitutes who are abused. After all, women have the right and the capacity to make up their own minds about whether or not

to do this work, and under what terms. They have the right to work as freelance or self-employed workers, as do nurses, typists, doctors, writers, and so on. They also have the right to work for an employer, a third party who can take care of administration and management details. They have the right to relationships outside of work, including relationships in which they are the sole support of the other person, so long as the arrangement is acceptable to both parties. They have the right to raise children. They have the right to a full, human existence. As feminists, we have to end the separation of women into whores and madonnas. If we ensure that prostitution remains under the control of the sex workers—and not in the hands of pimps, customers, and police—then we will have given the prostitutes the power, and the support, to change that institution. We will all benefit.

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The Social Consequences of Unchastity

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The prostitute is the prototype of the stigmatized woman. She is both named and dishonored by the word "whore." The word "whore" does not, however, refer only to prostitutes. It is also a label which can be applied to any woman. As an adjective, "whore" is defined as "unchaste."¹ Significantly, unchastity in a man does not make him a whore although it may determine his status in other ways. The whore stigma is specifically a female gender stigma which can be defined as "a mark of shame or disease on an unchaste woman."² This article provides a framework for understanding that stigma along two socially critical dimensions of unchastity, namely impurity and defilement. Those dimensions have been chosen because they expose social justifications for racial, ethnic, and class oppression (grounded in notions of impure identity) as well as for physical and sexual violence (grounded in notions of defilement through experience). Each dimension will be explored for both women and men with the help of research and interview citations.³ Since one function of the whore stigma is to silence and degrade those it targets, this article is self-consciously committed to giving voice and respect to persons traditionally denied such legitimacy.

Impurity

One definition of unchaste is impure. Impure is defined as "dirty, mixed with foreign matter, adulterated, mixed with another colour." Unmistakably, such a definition activates associations of racial and ethnic diversity wherein only white, non-foreign people are chaste. People of color, foreigners (people of different origin than the ethnic norm), and Jewish people become the unchaste ones, the dirty ones. Pure is defined as "clean, white, and unadulterated." Often clean is