

# Beyond Prostitution

## *Justice, Feminism, and Social Change*

BY ALAN D. BROWN

*Cet article se veut une réponse aux constructions socio-légales actuelles des adolescentes engagées dans la prostitution et demande une reformulation de cette "déviance" cette fois, dans une perspective féministe d'inclusion, de contexte, de changement social.*

Feminism integrates practice and theory. It is a woman-centered methodology of critically questioning our ideological premises and reimagining the world... Feminism is political, methodological, philosophical, and intent upon social transformation. (Bender 9)

The feminist critique of legal theory and practice has important consequences for notions of justice. From this framework, it is argued that the masculinist bias of traditional jurisprudence does considerable harm to those who are constructed as "other": women, people of color, Aboriginal people, lesbians, gay men, and transsexuals. The list could go on, but the point remains that "justice," as a broad concept, is constructed from a place of privilege that is rarely inclusive of, or sensitive to, representations of difference or socio-cultural context (Herman). This article explores the consequences of a feminist reformulation of social control approaches to adolescent street prostitution. Only through a shift away from traditional "objective" frameworks of law, to an engaged feminist model of praxis, can meaningful social change be achieved.

### The problem

We are faced with a crisis. World-

wide, there are whole communities of children that no one seems to want—no one except those who would sexually exploit these children through the purchase of their sexuality. Experts estimate that approximately 40 million children live on the streets of the world's cities (UNICEF 1996). Normally seen as a problem found predominantly in developing countries, adolescent prostitution is a common feature of most western, industrialized nations as well. In North America, more than two million children a year run away from their families—many of whom are riddled by poverty, violence, and neglect (Cardarelli). Although there are significant differences between rural and urban contexts, adolescent homelessness and prostitution tend to be urban phenomena. Youth from rural communities run to the streets of Canada's cities in search of their grail: self-determination, identification with other youth sharing similar difficulties, and an often misguided notion of safety. Once on the streets, however, these youth are confronted with a number of "choices"—almost all of which include criminally defined behaviour or participation in some form of an underground economy (Bourgois; Maher). It has been estimated by some social service organizations that within 48 hours on the streets, one in three adolescents will turn to prostitution. For most, selling sex is seen as a way to alleviate some of the immediate material concerns of housing, food, and cash. The money is quick, but certainly not easy. The narratives of these children's lives all include tales of victimization and exploitation by pimps, physical assault at the hands of their

"dates," and frequent encounters with juvenile justice and social service systems intent on "saving" them (Lau). The reality is that abuse and neglect frequently continues in foster-care, group homes, and detention centres (DeCrescenzo).

Prostitution may in fact be the world's oldest profession (Jeffreys), but it is perhaps the least theorized in terms of the identities of those that engaged in sex for exchange. In Canada, homeless adolescents have become an increasingly visible part of the urban landscape. With their pierced tongues, off-colour hair, and armed with squeegees, they often evoke public dismay, political angst, and outright disapproval. In the context of prostitution, however, the most common feature of their lives is their invisibility (Schneider). Irvine attributes this to a general lack of cross-cultural research on human sexuality and limited conceptualizations of culture, identity, and sexuality. Through their sexuality, they become "other." It is this

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“othering” along the lines of gender, ethnicity, sexual orientation, and social class that accounts for this general invisibility of adolescent sexual culture. This critique is consistent with feminist claims that among western cultures, it is the categorizations of “white,” middle-class, heterosexual, and male against

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The one context in which these adolescents gain much visibility and notoriety is in discourses of law and social control—control of identity, sexuality, and behaviour. The contours of these discourses have had a difficult and diverse history, developing first out of moral, then social, and finally, legal concerns. No matter their genesis, the sexual politics remain focused on the regulation of bodies—or what Foucault describes as “bio-power” (Foucault).

Historical engagements with sexuality in general, and adolescent sexuality in particular, are difficult to track, given both the quantitative and qualitative changes within and across various communities. According to Rhode, prior to the nineteenth century, attitudes toward early child-bearing and sexual activities among adolescents were relatively permissive.<sup>1</sup> Although fornication was forcefully punished, intimacy in the context of courtship was greeted for most,

with less hostility. If, for example, a young woman became pregnant, it was, and some would argue still is, expected that she marry, effectively moving her from her father’s house (and control) to her husband’s. As technology increased and the grasp of industry extended over individual’s lives, communities became destabilized in the face of economic turmoil and increased geographic mobility. Sex became a commodity—something that had value outside the confines and control of courtship and marriage, resulting in an increase in out-of-wedlock births and premarital sexual relations without the intention of marriage, and a decline in the prevailing “moral” climate. As a way to increase levels of control over women’s bodies and sexuality, religious reform movements emerged on the scene to save women, not from the sexual exploitation of men, but from themselves, and to protect the public interest of chastity and virtue (D’Emilio and Freedman). In Canada, this process began with the nineteenth-century “Child Saving Movement” as a way to protect young women from the temptations of urban life (Valverde). This movement emerged within the context of a “cult of domesticity” that valued, for women, their moral and righteous positions in the home as obedient mothers, wives, and daughters (Kemp). This moral stance was quickly integrated into a “scientific” and medical model that recast female sexuality as a social problem, not simply a moral dilemma. The medicalization of sexuality emerged against a cultural backdrop that was concerned with the “amoral” behaviour of middle-class youth and the gradual deregulation of the sexual lives of single women. Under this medical framework, adolescent sexuality became a pathology, and its symptoms were pregnancy, sexually-transmitted diseases, and “impurity.” In short, sexuality became something to be controlled, much like a chronic disease, subject to the intervention of the male-dominated medical com-

munity (Nathanson).

The final shift took place in concert with the ascendancy of the medical model. As the medical community constructed female sexuality as pathological, the police, courts, and corrections officials constructed it as deviant. According to historian Carolyn Strange, this invention of delinquency served to regulate the pleasurable activities of single women in Toronto at the turn of the century. Thus the net was cast wide to include all women that were engaged in activities ranging from skating arm-in-arm with a strange man to professional prostitution (Strange). It is from this creation of criminality that the contemporary response to prostitution emerged.

What all three of these forms of the social control of sexuality share is their reliance on logical dichotomies: moral/amoral, sick/well, and deviant/normal. These dichotomies not only represent simple opposites, they are constructed as diametrically opposed concepts, with one term representing the presence of some characteristic (of considerable value) and the other lacking the same (hence, seen as having no value). It is this construction that mystifies the identities of young women (or young men) who sell sex. From a socio-legal point of view, there is no way of seeing adolescent prostitution as anything other than vice, pathology, and deviance, requiring the full intervention of police, courts, and corrections. A feminist analysis of this phenomenon requires a more fluid categorization that focuses on context and the complex intersection of identities and institutions.

**By any other name: feminist engagements with prostitution**

One of the goals of feminist theory and practice is to overcome essentialism. To say that “all” women experience the world in the same way, across cultures and historical epochs, is clearly misguided. The same must be true then for women involved in

prostitution. Although there are numerous differences in how prostitution is performed—on the stroll or street prostitution, in “bawdy” houses, or through escort agencies—what remains a continuous thread throughout is the conceptualization of the form that prostitution takes. Feminist theory has been at the centre of this debate helping to demystify and to redefine, in their own voices, the lives of women engaged in commercial exchanges of sexuality. From this multiplicity of voices, three general analytic categories can be defined.

The first category sees prostitution as the exploitation of women by men. This is the perspective most commonly taken by those who identify as radical feminists in an attempt to describe the sexual objectification of female sexuality for male consumption resulting from or resulting in violence (Jeffreys). Under this model, women are seen as reducible to an objectified body that is violated through economic exchange with a “date,” and physical and psychological terrorism at the hands of their pimp. The very act of purchasing a woman, encourages the idea that women have little value separate from their sexuality. Women become commodities, not persons.

The second categorization sees prostitution as a form of “work.” Focusing on women’s agency and notions of choice, prostitution as sex work is a perspective taken by feminists who believe that the work performed by women in the sex industry need not be exploitative. Used as a political tool, the term “sex worker” was coined in 1987 as a way to unite porn actresses, prostitutes, and erotic dancers in their common fight against exploitation in a largely male-dominated business and as a backlash against the disavowal of their credentials as feminists. Since then, it has gained ascendancy as the term used in multiple contexts for women who choose to earn their way through the economic exchange of sex (Nagle).

The final model is the form most

commonly engaged in by adolescents—prostitution as survival. It is argued that their bodies and, by extension, their sexuality are the only things over which adolescents can exercise control. Sex is thus seen as a commodity for survival on the streets. This term is useful for several reasons. First, it clearly underscores a

remains that under the current framework of “prostitution as a crime” and as something in need of regulation and control, the lives of those engaged in prostitution matter little in the manner with which these “crimes” are dealt. Nowhere is this more evident than in the lives of Aboriginal women and women of colour.



Valerie Palmer, “Windrow,” oil on linen, 48" x 52", 1997.  
 Courtesy of Nancy Poole’s Studio, Toronto, Ontario. Photo: Tom Moore

lack of consent that is commonly seen in the sex-as-work model. Second, the victimization experienced under this model can be seen as qualitatively different than the victimization experienced by adult women that are exploited by male domination. Their status as minors, coupled with unique social service and socio-legal interventions, set them apart. Finally, the adolescents engaged in survival sex work often sell sex in exchange for things other than money or other forms of street currency, i.e., drugs. Often they prostitute themselves for food, clothing, or shelter (Kruks).

No matter the theoretical orientation one adopts, or the sexual politics surrounding these diverse views of prostitution and sexuality, the fact

### **Multiple jeopardy: a (domestic) traffic in women?**

Whether choice or coercion is the motive behind the commercial exchange of sex, it can be argued that all individuals who perform this labour suffer serious injustices: the threat of arrest, harassment, sexual and physical assault, and socio-cultural stigmatization. These problems are more pervasive for women of colour and Aboriginal women in the Canadian context. Their ethnic identity compounds the invisibility and stigma felt by those who engage in prostitution and sex work. They suffer a series of stigmas: as young women, as women of colour, and as women who engage in non-normative sexual exchanges. The end result is a tor-

menting task of managing their “spoiled” identities—a sort of social-psychological multiple jeopardy (Vigil).

Despite the racist subtexts of a Victorian moral panic surrounding the “white slave” trade, the concept of trafficking in women continues to have significance in the contempo-

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rary Canadian context.<sup>2</sup> Normally reserved as a term referring to the international transportation of women for the purpose of prostitution, the conceptual foundation can be expanded to refer to the domestic social-cultural migration of young women from Aboriginal communities and rural settings throughout Canada. As Geertz points out, “foreignness does not begin at the water’s edge, but at the skin’s” (Geertz qtd. in Ware 249).

According to Kinsman, the history of gender and sexuality in Canada is a colonial production, an imported morality imposed in order to supplant the differently-defined sex and gender systems of Aboriginal Canadians. Strict adherence to sexual dimorphism and occupational sex-segregation replaced more fluid conceptualizations, including the notion of a “third” sex and cross-dressing/cross-working behaviours (Kinsman). The inscription of strict gender dimorphism was important

for these settlers not for moral reasons, but as a result of the exclusion of “white” women from the heart of the Canadian wilderness. In this colonial context, Aboriginal women became the sexual chattel for European men involved in the fur trade (Bourgeault). Despite significant changes in Canadian society at the dawn of the new millennium, the sexual exploitation of Aboriginal women and women of colour continues, not in the context of the fur trade and *les mariages à la façon du pays*, but on the stroll in cities across Canada.

The sexual exploitation of these women is made possible through the racialization of gender and sexuality—or what Hurtado calls “the dual construction of womanhood” (844). The definition and constitution of woman is different for Aboriginal women and women of colour. Access to power and privilege is restricted. In the First Nations context, as Aboriginal women and their families migrate to urban centres to escape the poverty and social disorganization found in rural settings, the reality is that despite “formal” equality of opportunity, they are faced with an explosion of identities and qualitatively different problems, such as a lack of affordable housing, restricted access to jobs that pay a living wage, and tensions surrounding their socio-cultural values about family and sexual culture.<sup>3</sup> Given the complex hierarchies of gender (masculinities/femininities), ethnicity (“domestic”/“exotic”),<sup>4</sup> and sexuality (hetero/homosexualities), the intersections of otherness pose significant problems for Aboriginal women and women of colour, and there is no mistaking that they fare less well than non-ethnic, “white” women in terms of the social, economic, and cultural distribution of resources in contemporary Canadian society. The difficulties stemming from these hierarchies can be seen in the family (Hill Collins), economic and educational institutions (Mann), and forms of cultural expression (Ng).

The irony however, is that in the intersection of race/ethnicity and sexuality, what was, by itself largely invisible, now becomes all too visible and is used to justify racist and sexist behaviours on the part of law enforcement, legal, and correctional officials. They are left with a double bind. When these women remain in dependent situations and in largely rural areas, they are seen as powerless in their ability to help themselves and their families. When they choose to leave their communities, however, in search of economic and social self-determination they are seen as “too” powerful or dangerous, and as not committed to their communities of origin or their families.

Almost half of the world’s migrants are women.<sup>5</sup> Prostitution and sex work may be the best or only economic option available to them (Pheterson 104). A recent United Nations report found that for many young women involved in prostitution in Canada, they do not consider themselves to be indulging in prostitution, but rather economic survival: “*ils se débrouillent pour arriver à vivre*” (UNICEF 1990). The law, however, paints a different picture. In the course of their migration and their associated sex work, these women are constructed as drug addicted, sexually impure, and violent offenders by the criminal justice system. Brock points out that it is ethnic and Aboriginal women that suffer the most at the hands of current public opinion and law enforcement policies (96). These women are constructed as violent and dangerous social problems. In turn, they are easily commodified for the rising demand of an exotic sexual market which serves to reinforce the obvious racist and colonial exploitation of women of colour for male profit and pleasure (Pheterson, 105). O’Connell Davidson notes that for many who use prostitutes, the ethnic identity or national origin of the prostitute is often part of the attraction (146). For Aboriginal women and women of colour, the ultimate irony may be

that their stigmatized identities as poor, vulnerable, and powerless, may actually make them more attractive to prospective customers.

### **From nowhere, to now, where?**

After challenging the legal positivist approach to adolescent survival sex, it now becomes necessary to build a framework upon which to structure a feminist reformulation. This is not an easy task. There is certainly no agreement about what constitutes “feminist” or a feminist research agenda (England). There is agreement that it is committed to anti-oppression work, but that seems to be the last thread of agreement. Reinharz offers an exhaustive discussion about some of the characteristics of feminist research methods in the social sciences, but stops short of advocating one perspective over another. I too will focus on the general features of a feminist research ethic rather than a singular feminist research method. With that said, I understand the features of a feminist research ethic to include the understanding that feminism is a perspective, not a method with various logarithms and procedures to follow in pursuit of the “truth.” This perspective, therefore calls for the use of multiple and overlapping research methods and a commitment to interdisciplinary research. Finally, as Bender argued at the beginning of this article, feminism, through its engaged, critical, and self-reflexive stance, is intent upon social transformation.

Specifically applied to the question of adolescent survival sex, a feminist agenda provides several important improvements on previous research. First, a commitment to a participatory feminist project gives voice to an often silent and silenced community. In this regard, feminist research builds on the insights of other disciplines, such as ethnic and cultural studies concerning the silence experienced by women (Anzaldúa and Moraga) and men (Mirandé) of

colour. Applied to this context, a feminist research ethic may breathe new life into the lives of women who have suffered, through their multiple stigmas, what O’Connell Davidson calls a “social death.” It is also a vehicle through which authors can write themselves into the text and act as a bridge between activists, academics, and policy makers.

Building on the first point then, is the issue of authorship. By including research subjects as collaborators, current understandings of knowledge creation in the social sciences are shifted from a passive to an active framework. How rich the understanding of adolescence and survival sex would be, if work were done in a collaborative spirit. Important insights would be gained into the everyday lived experiences of the whole person, not simply their so-called pathology. Policy recommendations would be shifted in a way that would address more of the integrated needs of these adolescents. From a feminist perspective, homelessness is not the problem; it is a symptom of a range of problems, such as physical and sexual abuse. The position of the researcher as “expert” is also shifted. The result is a closing of the gap between researcher and research participants. This opens the door for a greater commitment to collaborative and participatory work that is difficult to negotiate if one has a vested interest in “owning” the research product and studying a community from the top down. Feminist projects require a range of experts.

Feminist research focuses on inclusivity. Drawing on the insights of “intersectional” research, feminist analysis requires looking at the dynamic ways that sexuality, race, class, and gender combine in a particular social context. This has important implications for projects where the question of adolescent homelessness, sexuality, and prostitution is quickly racialized or cast in a xenophobic frame. In so doing, the image of the homeless adolescent is one of an in-

trusive stranger rather than a member of our own community and social context.

Feminist equality research subverts traditional approaches to justice by valuing alternative sources of information. Legal positivism, the foundation of western, Anglo-Saxon legal thought, represents the official version of the law. It values “objectivity,” “facts,” and “doctrinal neutrality.” According to this perspective, it is not the responsibility of the law to look at the (value laden) context within which law is constructed and maintained, rather all that is required is that law be born and develop within an official, “scientific,” and “valid” framework. It is clear that feminist approaches to law subvert this notion. Feminist legal theory and methods call for an examination of the ways in which the rule of law structures the experience of women. Only through including the subjective experiences of justice’s “others”—their voices and their narratives—can law be seen as a form of engaged praxis.

Perhaps most importantly, feminist approaches advocate a social change perspective that incorporates analyses of power, structures of oppression and opportunity, and identifies important sites of resistance. The resulting models of advocacy are at once analytic and engaged, helping to build bridges between communities and identify important re-

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sources for adolescents relegated to the margins of social life.

### Conclusion

When I began to search for a title to this article, it occurred to me that what I was advocating was not really a new formulation or analysis of prostitution, but rather I was calling for a move beyond prostitution. Traditional approaches to the commercialization of sex have undergone important transformations from moral dilemma, to medical pathology, and finally to the application of formal legal sanctions.

What all of these perspectives share are their condemnation, stigmatization, and control of women in general and female sexuality in particular. Each is a unique form of social control that uses different means to achieve the same end: the maintenance of women and girls in a position of subjugation to men, as wives, daughters, and lovers, or to the rule of law as "delinquents," "whores," and "persons in need of supervision." In either case, women are the "other"—the lesser, to male authority. A feminist analysis of commercial sexuality turns this perspective on its head. Prostitution is not the problem, it is a symptom of something much more pervasive: economic and social inequality, racism, violence and victimization, sexual objectification, and a lack of access to legal institutions that allow women to speak for themselves rather than speaking for them. Nowhere is this more evident than in the (mis)representations of the lives of Aboriginal women and women of colour. Seen as some "exotic" menace, these women suffer multiple stigmas at the hands of a supposedly "objective" notion of justice. Where the law sees a felon, feminism sees a whole person who is embodied in, and embodies, race, ethnicity, sex, and sexuality. Only in understanding the location of

ourselves as part of a complex set of identities and contexts, can we go beyond the victimization and exploitation experienced when sex is seen as a means of survival. As Kathleen Barry points out:

Sexual exploitation, an objectification, is a disruption to the continuity of human experience if our experience is destroyed, we have lost our own selves. (28)

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<sup>1</sup>Rhode points out that patterns of sexual activity among people of different class positions, i.e., indentured servants, and racial and ethnic minorities often did not fit this mold. Some Native American tribes, for example, generally condoned premarital intercourse and often the first birth occurred outside the context of western ideals of marriage.

<sup>2</sup>For a more complete history of the emergence of the concept of "white slavery" and the traffic in women, see Brock; Jeffreys.

<sup>3</sup>Runganga and Aggleton found similar patterns surrounding migration and sexual cultures in Africa

<sup>4</sup>The distinction between domestic and exotic, although conceptually problematic, serves well in this instance in favour of the distinction between "white" and "non-white" given the theoretical vacuum concerning what constitutes "whiteness."

<sup>5</sup>Of these migrant women, the majority work as prostitutes in European cities. See for example, "Between the Lines."

<sup>6</sup>Recent research reveals that as many of 85 per cent of the adolescents engaged in survival sex are running away from severe sexual and emotional abuse in the home. See, for example, Giobbe.

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## JOANNA WESTON

### Wistaria Woman

Wistaria woman,  
whose breasts lie  
like sacramental bread  
on cupped palms,

you wear summer dust  
on your skin  
and braid purple skeins  
about your waist  
where they hang  
perfumed with penance  
below prayed hands.

Wistaria woman,  
I spread aconites  
on your alter

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