

FEMINIST APPROACHES TO THE SEX INDUSTRY

Barbara Sullivan
Lecturer
Department of Government
University of Queensland

FEMINISTS ARE SOMETIMES REPRESENTED AS A BUNCH OF MAN-HATING wowsers who simply make life difficult for men and for those who earn their living in the sex industry. However, I think the real situation is somewhat more complicated than this. Rebecca West had this to say about the label 'feminist':

I myself have never been able to find out precisely what feminism is. I only know that people call me a feminist whenever I express sentiments that differentiate me from a doormat (*The Clarion*, 18 April 1913).

By this definition most sex workers would have to be called feminists! And, over the last ten years, more than a few sex workers have publicly proclaimed their adherence to a feminist politics (*see*, for example, Margo St James in Phetersen 1989). It is probably the case then, that the labels 'feminist' and 'sex worker' are not mutually exclusive. Certainly feminists—like many other women in the community—have worked and do work in the sex industry. To varying degrees, however, most feminists disapprove of the pornography and prostitution industries, at least as they are presently organised. But this is a view that would be shared by a large percentage of the Australian population as well as a large proportion of sex workers. Feminists also disapprove of rape and domestic violence, child sexual abuse, sex discrimination, the lack of value assigned to most women's work (including housework) and the damage being done to the ozone layer by pollution. Of course, these are things that many ordinary people, including sex workers and Christian fundamentalists, would also disapprove of.

So what features are characteristic of feminist approaches to the sex industry and, perhaps more importantly, of what practical use are feminist analyses? In this paper attention will be directed primarily at the prostitution trade rather than at prostitution and pornography. This is not because the pornography trade is a less important aspect of the sex industry or less significant in terms of a feminist approach. It is because the author's geographical location is in Queensland where the processes of law reform are presently being directed at the prostitution industry.

This paper will also focus on Australian feminism which, since the mid-1970s, has developed a rather unique and practical engagement with sex industry issues. Thus, Australian feminist approaches to the sex industry have, to a significant degree, been

different from the approaches adopted by feminists in other countries. This is partly the effect of a specifically Australian history and political culture. This paper will begin with a historical perspective and show how feminists have engaged with some sex industry issues in the recent past. From this analysis some of the main features of feminist approaches to the sex industry will be drawn out and some practical uses for these suggested.

A Historical Perspective—Feminism and the Sex Industry in Australia

The prostitution industry arrived in Australia with the First Fleet. Many of Australia's 'founding mothers'—the convict women who were transported to the colony of New South Wales between 1788 and 1840—were probably working prostitutes in the home country (Robson 1965). Clearly, many of Australia's 'founding fathers' were also participants in the sex industry although, as clients, they were members of a historically invisible group.

These historical facts were explicitly linked to a feminist political analysis in 1975 with the publication of Anne Summers' *Damned Whores And God's Police*. This text, along with Germaine Greer's *The Female Eunuch* (1971), became one of the most widely read feminist texts in Australia during the 1970s. Summers developed an analysis of contemporary Australian society that was premised upon its historical roots in the sex industry. She argued that, in the early days of Australian settlement, all women—free settlers, Aboriginal and convict women—were subject to an 'enforced whoredom'; that is, they were forced to trade sex in exchange for food, clothing and shelter. Summers (1975) suggested that in contemporary society Australian women were still largely in this position. However, after the early days of convict settlement, women were increasingly separated into 'good' or 'bad', that is into 'damned whores' or 'God's police'. It was, Summers argued, the assigned social role of 'good' women (a category that included married women, celibate spinsters and the early feminists) to both discipline and divert 'bad' women from their evil ways. However, the overall effect of this process was to divide and classify women as 'either maternal figures who are not . . . sexual or as whores who are exclusively sexual'. Summers argued that these stereotypes in fact functioned to discipline all women for they ignored or actively repressed 'good' women's sexual needs ('good' women were represented as asexual) while all 'bad', sexually active, women were represented as prostitutes. Summers argued that it was in the interests of all women for these stereotypes of appropriate sexual behaviour to be broken down. She thought that one way this might be achieved was for 'good' women to refuse their traditional 'policing' functions and for feminists to publicly identify themselves with those who were designated as 'bad' women—a category that clearly included sex workers.

Strong links were forged between feminists and prostitute rights groups in the mid-1970s in Australia (Daniels 1984, Inglis 1984) and, as a result, some real advances were made in the area of prostitution law reform. Summers (1975) text was particularly important in this process. The 'damned whores and God's police' dichotomy was widely cited by Australian feminists as 'a form of social control of female sexuality' which 'makes the support of prostitutes by other women a matter of self-interest rather than moral imperative' (Jackson & Otto 1980, pp. 373-4). The laws controlling prostitution were described as property laws over women's bodies which simply aimed to prohibit women from selling something that men regarded as their property (Bacon 1976/77).

Like Summers, many Australian feminists in the 1970s drew out the connections, rather than the traditional distinctions, between marriage and sex work. Marriage was described, in many cases, as a poorly paid form of prostitution in which women were more vulnerable to violence (from their husbands) and had less control over their daily lives than sex workers (Scutt 1979). Thus, support for sex workers was combined with a critique of traditional social and sexual arrangements such as marriage.

Feminists also used socialist concepts to marshal support for prostitutes as workers. A major problem for prostitutes is that they are often disregarded as workers and are said to be involved in the sex industry only out of a desire to avoid 'real' work. In the 1970s feminists began to argue that sex work was a form of women's work (although sex work was not seen to be confined to the sex industry). They contended that the decriminalisation of prostitution and (for some authors) the unionisation of the prostitute workforce was a necessary pre-condition for immediate improvements in the working conditions of prostitutes who were simply workers who worked in the sex industry (Aitkin 1978; Jackson & Otto 1980).

The focus within Australian feminism on the prostitute as worker has been both theoretically and strategically productive. Shifting the central concern from issues of sexuality and ethics to industrial issues such as wages and working conditions facilitated a feminist support for sex workers at a time when the prostitution trade—and sex workers in particular—were becoming subject to a range of new cultural prohibitions and legal sanctions around Australia (Sullivan 1991).

It is perhaps ironic that one of the side effects of the 'sexual revolution' has been a renewed emphasis upon the importance of mutuality (if not monogamy) in 'normal' sexual relations. In this process, prostitution (as well as other forms of non-reciprocal sexual behaviour) have attracted a new stigma. While the prostitute has long been regarded as a deviant and unnatural woman within governmental and legal discourse, a similar classification of male clients did not occur until the post-war period. While the prostitution trade has become subject to increased legal surveillance and regulation over the last forty years, the evidence shows that it is female sex workers—and not to any great extent their male clients—who have borne the main legal burden of this process (Sullivan 1991).

The focus within Australian feminism on the prostitute as a worker has also facilitated an examination of the prostitution industry from an industrial perspective. Various feminist historians have produced research which emphasised the role of anti-prostitution laws, health and policing practices in the organisation of the industry (Daniels 1984; Allen 1984, 1990; Murnane & Daniels 1979; Saunders & Taylor 1984). This approach made visible hitherto unexplored aspects of the structural conditions within which sex work occurred. Judith Allen (1984), for example, has explored the changes which occurred in the organisation of the prostitution industry in New South Wales after the passage of the *Police Offences Act 1908* which outlawed street soliciting for the first time. Her work contains some important lessons for contemporary law reformers as she shows that legal measures designed to suppress prostitution usually produce a restructuring of the industry in ways that are both conducive to the growth of organised crime and police corruption and detrimental to the interests of sex workers.

Some feminists, however, have argued that there are potential disadvantages and unintended consequences of adopting a theoretical/political focus on prostitution as work. Socialist feminists, for example, have argued that prostitutes do not form an homogeneous group in class terms and 'can vary from the most extreme case of exploited and disadvantaged workers to . . . women who own and manage the brothel or parlour in which they work' (Biles 1980). Giving everyone who works in the sex industry the title 'sex worker' prevents a focus on class differences and on the struggle which we might expect to be waged within the industry between 'sex workers' and 'sex capitalists'.

Another disadvantage of addressing prostitution as work is that the primary object of analysis remains the sex worker and—as in traditional analyses of prostitution—the client is rendered invisible. Thus, the sexual desires and aspirations of clients—and the ways that these reflect broader cultural practices and patterns of masculinity—remain both unprioritised and assigned to the realm of natural male sexual needs (Overs 1989). Feminists (and others) argue that the visibility of prostitutes and the invisibility of clients is an important political

issue and one that needs to be addressed by future research on the sex industry (Sullivan 1991).

Despite the problems just discussed, the analysis of prostitution as work (and as simply a particular form of women's work) was widely adopted within Australian feminism in the mid- to late-1970s. It was an analysis that was compatible with both the 'labourist' orientation of the Australian Labor Party (ALP) and the feminism of the Women's Electoral Lobby (WEL). In 1974 the national conference of the WEL adopted a resolution which advocated the decriminalisation of all prostitution-related activities in Australia. Many members of WEL were also supporters or members of the Australian Labor Party (ALP). By the late 1970s, Labor Party feminists in both New South Wales and Victoria were lobbying within and outside the ALP for the decriminalisation of prostitution (*The Bulletin*, 5 December 1978, pp.20-4). In New South Wales, for example, the Labor Women's Committee passed a resolution in 1976 which characterised prostitution as a private sexual matter and argued for the removal of all prostitution-related laws. The advent of a Labor government in New South Wales in 1976 and continuing feminist pressure both from within the party and from the WEL eventually led to a focus by government on the 'sex discrimination' faced by sex workers. Prostitution laws were identified as 'discriminatory' because only female prostitutes were charged and not their male clients. Moreover, the particular discrimination faced by street workers (who were more prone to arrest and imprisonment than those who worked in parlours) was raised in terms of a class discrimination. Feminists argued then, that the decriminalisation of street soliciting was an urgent priority.

The *Prostitution Act 1979* decriminalised loitering and soliciting for the purposes of prostitution in New South Wales. It was the outcome of an effective campaign waged by feminists and prostitutes' rights groups. This success, however, was contingent upon feminists and sex workers being prepared to work within and alongside the established political parties in a way that related their concerns to existing areas of party policy. In New South Wales, for example, civil liberties groups and sections of the ALP had long been advocating the decriminalisation of 'victimless crime' (which included prostitution) (Buckley 1968). In addition, and partly as a result of libertarian campaigns around pornography in the 1970s, all expressions of sexuality—including the transaction between prostitute and client—were increasingly being regarded as 'private' sexual behaviour and not, therefore, a proper concern of government. As mentioned previously, the representation of prostitution as sex work meant that effective links could be forged with the labourist orientation of the ALP. For many reasons then, the Labor Party in New South Wales in 1979 was pre-disposed to accept feminist and sex worker arguments about the need to decriminalise prostitution. It was, however, the more public manifestations of prostitution—soliciting and loitering in a public place for the purposes of prostitution—that were decriminalised rather than 'private', off-street, prostitution (as was to occur in Victoria in the 1980s). This was consistent with the demands elaborated by feminists and sex workers that decriminalisation should not merely render prostitution invisible (and thus, simply reinforce the deviant status and oppression of prostitute women) (Johnson 1984) and should address the particular legal 'discrimination' faced by street prostitutes.

In the long run, however, this did not prove to be a viable political strategy for the ALP. In 1983, after a substantial and politically damaging campaign waged by inner-city resident groups, soliciting for the purposes of prostitution was recriminalised by the Labor government. The legal sanctions against street prostitution were again increased in 1988.

What are the Characteristics of Feminist Approaches to the Sex Industry?

Perhaps the most characteristic feature of feminist approaches to the sex industry is their focus on gender and on the connections between sex and power. Feminist analyses identify as significant the different structural locations which men and women tend to have in the sex industry (women as workers, men as clients). But they also connect this difference to an argument about power and to a wider theory of oppression which locates all women, whether they are sex workers or not, to a social system of male dominance and control.

Feminists advocate the establishment of non-oppressive work structures in the sex industry which empower workers in their interactions with clients and owners. They also argue for an end to the legal harassment of sex workers (Neave 1988). Feminists argue for the importance of an ongoing dialogue and support between feminists and sex workers. Feminists argue that the nature of client demand in the sex industry is a cultural construct (that is, client demand is not simply the expression of natural male needs) which has varied both across history and between cultures (McIntosh 1978). As such, it is open to changes which may or may not be in the best interests of women and sex workers in particular.

While feminists are supportive of sex workers they are critical of many aspects of the sex industry, particularly as it is presently organised. Some feminists would look to the long-term abolition of the sex industry whereas others would say that it might be possible to create a less oppressive prostitution (where, for example, sex workers had the same rights and privileges as other Australian workers and were not subject to harsh criminal sanctions) or pornography which addresses women's erotic interests and does not only represent women as sex objects.

Of What Use are Feminist Approaches to the Sex Industry?

The emphasis which feminists place on a gendered analysis of the sex industry makes visible some of the power mechanisms which operate both within and on the sex industry. Feminist approaches can, therefore, be used to identify and address some of the power structures that sex workers are subject to and to explain why these are unjust. In Australian political parties and parliaments there is usually some concern to address the issue of sex discrimination and gender based injustices. Feminist analyses can then be used to assist in the process of drawing such issues to public attention.

As an example of this it can be suggested that the Information and Issues Paper that was issued by the Criminal Justice Commission (1991) in Queensland is seriously flawed by its lack of attention to the gendered structures of the sex industry. The following is part of a submission which has been made by the author to the Criminal Justice Commission on this matter:

- 1.1 While prostitution is usually defined in gender-neutral terms, as the sale of sexual services for money or material gain, this is an approach that specifically disavows the gendered nature of the prostitution industry. The vast majority of 'sex workers' are women while the consumers of prostitution services are almost wholly men. The present configuration of prostitution-related laws in Queensland penalises those who sell prostitution services (that is, largely women) but not those who purchase such services (that is, men).
- 1.2 All prostitution-related laws in Queensland are couched in gender-neutral language. Thus, they are said to not directly discriminate on the basis of gender and 'whether homosexual or heterosexual activities are involved are of little consequence' (Criminal Justice Commission 1991, p. 10).

- 1.3 However, the law is in effect discriminatory for the vast majority of those prosecuted for prostitution-related offences are women. This is an issue which has not been addressed at all by the Criminal Justice Commission so far.
- 1.4 The fact that 'solicitation for the purpose of prostitution provides the only charge which can be levelled at the clients of sex workers' (Criminal Justice Commission 1991) (if considered in conjunction with the fact that most clients are male) is an indication that the present configuration of prostitution-related laws in Queensland institutionalises discrimination against women.
- 1.5 A gendered analysis on the prostitution industry appears in the Discussion Paper (Criminal Justice Commission 1991, p. 23). The argument is made that a disproportionate number of males (as compared to females) receive prison sentences for prostitution-related offences. No indication is given as to whether this, in fact, indicates differential treatment. Are men and women imprisoned at different rates for the same offences or is it that men are more likely to commit more serious offences? If it is the case that male sex workers are more heavily penalised in the Queensland criminal justice system than female sex workers then this would indicate that, in practice, the system does discriminate on the basis of a perceived hetero or homosexuality; in general, male sex workers are servicing a male clientele and engaging in homosexual acts. But the fact that a disproportionate number of men go to prison for prostitution-related offences also indicates that a disproportionate number of women (vis-a-vis men) are being arrested for these types of offences. Even if most women arrested for prostitution-related offences do not end up going to prison, their liability to arrest and financial penalties—together with their (male) clients relative immunity from prosecution—constitutes further evidence in support of the argument that the present configuration of prostitution-related laws in Queensland discriminates against women.

The argument that the present configuration of prostitution-related laws in Queensland constitutes sex discrimination was not used to argue that the laws needed to be extended to be more inclusive of men and clients. The sex discrimination claim was used to argue for a more equitable means of regulating the prostitution industry. The present method of wide-ranging criminal sanctions against prostitution-related offences and selective policing has proved susceptible to organised corruption; but it is also a system in which women have suffered particularly harsh and discriminatory penalties. (It is not suggested that male sex workers do not also suffer significant disadvantage in this system. Male sex workers are clearly punished for being prostitutes and for being men who service other men sexually.)

Feminist approaches to the sex industry are also useful in establishing a broad base of political support for prostitution law reform. Sex worker organisations already mobilise some feminist support; this could, however, be extended to encompass feminist networks in the ALP, the Liberal Party and the Australian Democrats, in the union movement, in state and federal bureaucracies and in the universities. As the experience in New South Wales in 1979 showed, the political support for prostitutes rights and for prostitution law reform can be broadened by feminist support. This could be an important factor in the process of law reform presently being undertaken in Queensland.

References

- Aitkin, J. 1978, The Prostitute as a Worker, paper presented to the Women and Labour Conference, Sydney.
- Allen, J. 1984, 'The making of a prostitute proletariat in early twentieth-century New South Wales', in *So Much Hard Work: Women and Prostitution in Australian History*, ed. K. Daniels, Fontana-Collins, Sydney.
- 1990, *Sex and Secrets: Crimes Involving Australian Women Since 1880*, Oxford, Melbourne.
- Bacon, J. 1976/77, 'The Real Estate Industry in Women', *Vashti*, vol. 17, pp. 5-6.
- Biles, A. 1980, 'Propositions on Prostitution', *Scarlet Woman*, vol. 10, pp. 18-22.
- Buckley, K. 1968, Vagrancy and Prostitution, Paper presented to the First Convention of Councils for Civil Liberties, Sydney.
- Criminal Justice Commission (Queensland) 1991, *Review of Prostitution—Related Laws in Queensland*, Information and Issues Paper.
- Daniels, K. (ed.) 1984, *So Much Hard Work: Women and Prostitution in Australian History*, Fontana-Collins, Sydney.
- Greer, G. 1971, *The Female Eunuch*, Paladin, London.
- Inglis, J. 1984, 'Working towards a collective of prostitutes', *Scarlet Woman*, vol. 18, pp. 16-19, Melbourne.
- Jackson, S. & Otto, D. 1980, 'From Delicacy to Dilemma: a feminist perspective', *Scarlet Woman*, April, Melbourne.
- Johnson, D. 1984, 'Prostitution: One Experience', in *So Much Hard Work: Women and prostitution in Australian History*, ed. K. Daniels, Fontana-Collins, Sydney.
- McIntosh, M. 1978, 'Who Needs Prostitutes? The ideology of male sexual needs', in *Women, Sexuality and Social Control*, eds C. Smart & B. Smart, Routledge and Kegan Paul, London.
- Murnane, M. & Daniels, K. 1979, 'Prostitutes as 'Purveyors of Disease': Venereal Disease Legislation in Tasmania 1868-1945", *Hecate*, vol. 5, no. 1, pp. 5-19.
- Neave, M. 1988, 'The Failure of Prostitution Law Reform', *Australian and New Zealand Journal of Criminology*, vol. 21, pp. 202-11.
- Overs, C. 1989, 'Prostitution: We Call It Sex Work Now (A Comment)', *Lilith: A Feminist History Journal*, vol. 6, pp. 64-8.
- Pheterson, G. (ed.) 1989, *A Vindication of the Rights of Whores*, Seal Press, Seattle.

- Robson, L. 1965, *The Convict Settlers of Australia 1787-1852*, Melbourne University Press.
- Saunders, K. & Taylor, H. 1984, 'To Combat the Plague: The Construction of Moral Alarm and the Role of State Intervention in Queensland during World War II', *Fourth Women and Labour Conference Papers*, pp. 491-533, Brisbane.
- Scutt, J. 1979, 'The economics of sex: women in service', *Australian Quarterly*, vol. 51, no. 1, pp. 32-46.
- Sullivan, B. (forthcoming), 'Film Censorship, Sexual Politics and Political Culture', *Melbourne Journal of Politics*.
- 1991, 'The Business of Sex: Australian Government and the Sex Industry', *Australian and New Zealand Journal of Sociology*, vol. 27, no. 1, pp. 3-18.
- Summers, A. 1975, *Damned Whores and God's Police: The Colonization of Women in Australia*, Penguin, Ringwood.
- The Bulletin* 1978, 5 December, pp. 20-4.