

PROSTITUTION: A VIOLATION OF WOMEN'S HUMAN RIGHTS*

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Prostitution is similarly situated individuals making complementary choices: one to buy sex and the other to sell it.

Prostitution is women exercising their right to [fill in the blank]:

- a. choose
- b. work
- c. fulfill their sexual fantasies
- d. make a lot of money
- e. experience power
- f. all of the above

Neither of these statements defines prostitution. Both reflect the mythology of prostitution promoted by the pro-prostitution lobby—a network of sex industry enterprises and their front-people bent on legitimizing prostitution as women's work. Some of the members of this lobby are well intentioned. They believe that legitimizing prostitution as a profession will improve the conditions of prostitutes' lives. Many, however, have a financial or sexual stake in maintaining prostitution.

The pro-prostitution lobby uses a common rhetoric. Prostitution is a "job." Prostitutes are "sex workers." The interaction between prostitute and john is a "contract." Pimps and procurers are "third parties." The solution to the oppression and abuse of women in the sex industry is for "sex workers" to organize "prostitutes' collectives" and thus become "empowered." Although the pro-prostitution lobby purports to champion "prostitutes' rights," what this phrase really means is the right to be sexually exploited, a pseudo right that violates well established human rights to dignity and equality and to freedom from "cruel, inhuman or degrading treatment."¹

The position of the pro-prostitution lobby is seductive, for

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¹ The rights to dignity and equality and to be free from "cruel, inhuman or degrading treatment" are set forth in the Universal Declaration of Human Rights, adopted by the United Nations' General Assembly on December 10, 1948. Article 30 states that "any activity . . . [or] any act aimed at the destruction of any of the rights and freedoms

two major reasons. First, it means not the dismantling of an institution but an adjustment to it. And, far from requiring a collision with powerful economic interests, it means accommodation with them. But accepting the pro-prostitution lobby's vision of prostitution means embracing a lie and complicity with an institution at the core of women's subordinate status.

What is prostitution? What does it mean for prostituted women? What does it mean for all women? How does it function in society? What if anything can feminists do about it? To begin to address these questions, I'd like to explore the myths about prostitution that I identified at the beginning.

The first myth is that prostitution is something that one individual does with another individual, each acting on the same level in complementary ways. This is the view of prostitution entertained by most individual-rights-oriented civil libertarians. It also happens to be the perspective both of our legal system along with other legal systems that also criminalize prostitution and of legal systems that legalize prostitution.

Legal systems that criminalize prostitution see similarly situated actors engaged in complementary criminal acts with equal degrees of culpability. Hence, under New York State's penal code, prostitution—"engaging in sexual conduct with another person for a fee"—and "patronizing a prostitute" are both class B misdemeanors. Our legal system sees a lack of symmetry and therefore differing degrees of culpability only when the prostitute who is "patronized" is underage. A person over eighteen years old who "patronizes" a prostitute of less than fourteen years of age, under New York State's penal law, is guilty of a class E felony.²

The way these statutes are enforced in most parts of the country completely abrogates the symmetry of their text. In most places, police operations are set up to ensnare only prostitutes. Johns, for the most part, are ignored. And often prostitutes are arrested only when they are soliciting outside of the areas the police have unofficially set aside for prostitution. Thus, in practice, our legal system judges prostitutes as culpable and lets the johns off the hook. As a criminal defense attorney working in the Bronx, I have arraigned hundreds of prostitute women and less than a dozen johns.

[enumerated in the Declaration of Human Rights] is not authorized by or consistent with the Declaration."

² N.Y. PENAL LAW §§ 230.00-230.05 (McKinney 1991).

In countries like Germany, where prostitution is legal, prostitute and customer are also viewed as occupying similar positions: *neither* is seen as culpable. Unless, that is, the prostitute is an immigrant, or working outside of state-regulated brothels or state-drawn prostitution zones. Then, again, the prostitute is culpable and the client is not.

The truth, however, is that it is difficult to find two more unequally situated people involved in the same transaction and occurrence anywhere in our social order. This is clearly evident at criminal court arraignments. The prostitutes wait in the pens shivering—they are dressed in ragged clothing or underwear. They rarely have addresses: at most, I get the name of “a friend.” Many are withdrawing from cocaine. They don’t have telephones—I get the beeper number of “a friend.” They have scars, cuts, and bruises on their faces, necks, arms, and legs. They are usually unemotional and compliant. They are largely African-American and Latin. They are either women or, occasionally, young men made up and dressed to look like women. When they talk, which isn’t often, I learn about a gang-rape in a subway car, a beating by a trick, or harassment at the hands of a cop.

The johns, by contrast, are visibly upset—embarrassed and indignant. They wear business suits or work clothes. They have homes, telephones, and salaries. Their biggest concern is that I’ll call their wives or they won’t be able to get their cars back. They are all races. They are exclusively male.

If you think that the situation for prostitutes and customers is more equal in the context of brothels, consider the fact that, increasingly, the women working in the brothels of this country are illegal aliens trafficked in from developing countries. More and more, this is the face of First World prostitution.

Far from being about similarly situated individuals, prostitution is a paradigm of sexual and racial inequality. In fact, prostitution doesn’t have much to do with individuals. Individuality is the very attribute that prostituted women are denied—along with that related characteristic, humanity. In prostitution, a woman’s history is erased. Her name is changed. The act of prostitution means projecting back *his* fantasy. To the pimp or brothel owner, she’s a commodity. To society, she’s a whore or nonentity.

And yet this de-individualized, de-humanized being has the function of representing generic woman. She is bought and sold for the distinctively female parts of her body. She stands in for all of us, and she takes the abuse that we are beginning to resist.

Prostitution is not about individuals. It is an institution of male dominance, and it is also a global industry in which the prostituting of women is constantly being packaged in new ways, using new forms of technology, tapping new markets: sex-tourism, mail-order bride selling, sex entertainment, sex immigration, dial-a-porn, computer pornography.

Just as prostitution isn't about individuals, it isn't about choice. Instead, prostitution is about the absence of meaningful choices; about having alternative routes to survival cut off or being in a situation where you don't have options to begin with. Nothing demonstrates this more clearly than the fact that most women who enter the "profession" do so as children, at age sixteen or younger.³ Or the fact that the majority of women in prostitution in this country—most studies estimate 60-70%—have histories of sexual abuse in childhood.⁴ For example, a study of San Francisco's youths who had graduated from foster care showed that half were working as prostitutes; of these, two-thirds had been sexually abused as children.⁵ Add to this the reality that the population targeted by pimps and traffickers is teenagers. It becomes clear that the majority of prostitutes are socialized into "sex work" in childhood and adolescence when consent is meaningless and choice an illusion.

Then there are the related factors of poverty, lack of education, and homelessness. Women in prostitution, with few exceptions, are not people who debated between the advantages of going to law school or working at the X-tasy Massage Parlor. The average educational level of a sample of Portland, Oregon,

³ Mimi Silbert and Ayala Pines found, in their study of two hundred street prostitutes in San Francisco, a median age of entry into prostitution of thirteen. Mimi Silbert & Ayala Pines, *Occupational Hazards of Street Prostitutes*, 8 CRIM. JUST. BEHAV. 395, 397 (1981). Evelina Giobbe, founder of the Minneapolis-based advocacy group WHISPER (Women Hurt in Systems of Prostitution Engaged in Revolt), gives fourteen as the average age of entry into prostitution. In *Backstreets: Prostitution, Money, and Love*, authors Cecile Hoigard and Liv Finstad report on their study of prostitutes in Norway: "The women we interviewed were quite young when they started: an average of 15 1/2 years." CECILE HOIGARD & LIV FINSTAD, *BACKSTREETS: PROSTITUTION, MONEY, AND LOVE* 76 (1992).

⁴ See Mimi Silbert & Ayala Pines, *Entrance into Prostitution*, 13 YOUTH & SOC'Y 471, 479 (1982) (60-70% of prostitutes were sexually abused in childhood); MIMI SILBERT, *SEXUAL ASSAULT OF PROSTITUTES: PHASE ONE* 40 (1980) (66% of subjects were sexually assaulted by their father or other paternal figure); THE COUNCIL FOR PROSTITUTION ALTERNATIVES 1991 ANNUAL REPORT 3 (85% of clients have histories of sexual abuse in childhood, 70% at the hands of a family member); Evelina Giobbe, *Confronting the Liberal Lies about Prostitution*, in *THE SEXUAL LIBERALS AND THE ATTACK ON FEMINISM* 67 (Dorchen Leidholdt & Janice Raymond eds., 1990), citing the preliminary findings of WHISPER'S Oral History Project.

⁵ J.C. Barden, "After Release from Foster Care, Many Turn to Lives on the Streets," N.Y. TIMES, Jan. 6, 1991, at A1.

prostitutes was tenth grade.⁶ In this same study, 85% had no employment outside of prostitution and 70% had custody of children. Eighty-seven percent were homeless an average of four years.

Prostituted women in developing countries are similarly motivated by economic desperation. In addition, they are often pressured by villages and families who value their daughters little and have become financially dependent on the money they send home from brothels in the cities. Poverty renders girls and women vulnerable to pimps, procurers, and traffickers. These girls and women do not have the material resources that would enable them to investigate the work they are promised. Too often, the hostessing or waitressing consented to turns out to be prostitution. Even for those who knowingly enter the sex industry, few are prepared—physically, intellectually, or emotionally—for what the “work” entails.

Once in prostitution, for whatever reason, the girl or woman is under the sway of the sex industry, and it can be dangerous, even fatal, to attempt to leave. For example, there is the case of Maricris Sioson, a Filipino woman who immigrated to Japan to work there as an entertainer and returned home in a coffin. Although the Japanese government claimed that the cause of her death was natural, the Philippine medical examiners determined that she died as a result of severe physical and sexual abuse. Filipino activists speculate that she tried to leave and was prevented from doing so.⁷

Choice does not exist when an agency or brothel owner confiscates the passport of a woman who has traveled thousands of miles—from Thailand, the Philippines, or the Dominican Republic—to work in Europe, Japan, or North America. Choice does not exist when the agent or owner requires her to pay transportation costs or agency fees by taking off her clothes or lying on her

⁶ It is important to point out that prostitution is not only about poverty; it is about poverty plus the devaluation of women as sexual commodities. For example, some villages in Thailand socialize their daughters into prostitution in Bangkok and live off their earnings; others are antiprostitution and have developed alternative industries, such as producing and selling textiles and other crafts. The villages that have rejected prostitution as an economic base are just as economically successful as are their pro-prostitution counterparts. Mattani Mojdara Rutnin, *Prostitution and the Economic Empowerment of Women in Thailand: A Case Study of Alternatives in a Chiangmai Village in Northern Thailand* (unpublished manuscript on file with The Coalition Against Trafficking in Women).

⁷ Aurora Javate de Dios, *Death Comes at the End of the Rainbow for Maricris and Other Victims of Sexual Violence and Trafficking*, Speech to the Philippine Senate (Oct. 31, 1991).

back. These are the standard practices for women who are trafficked by the sex industry.⁸

Choice vanishes when, in order to endure the prostitution, women become addicted to alcohol or drugs, or become prostitutes to support their addiction. In the Portland, Oregon, study, 85% of the women were drug or alcohol abusers.⁹

Nor is choice present when a woman is so traumatized by having stranger after stranger use her body as a seminal spittoon that she accepts prostitution as her destiny.

Just as prostitution is not about choice, it's not about work. Or if it is, it is work in the same way that slavery or bonded labor is work—work that violates human dignity and every other human right. What other kind of work has as job training years of being sexually abused in childhood? What other job has as its working conditions:

(1) rape: A study of San Francisco street prostitutes showed that 70% were raped by clients an average of thirty-one times.¹⁰ In the Oregon study, 78% of the prostitutes were raped, 48% by pimps an average of sixteen times per year; 79% by johns an average of thirty-three times per year.¹¹

(2) beatings: In the study of San Francisco prostitutes, 65% were battered by customers an average of 4.3 times.¹² In the Oregon study, 63% were beaten by pimps an average of fifty-eight times a year.¹³

(3) and premature death and murder: The Canadian Report on Pornography and Prostitution reported that prostitute women suffer a mortality rate forty times the national average.¹⁴ In this country, the Justice Department estimated that one-third of the over 4,000 women killed by serial murderers in 1982 were prostitutes.¹⁵

What other job is so deeply gendered that one's breasts, va-

⁸ REPORT OF THE EUROPEAN WORKING CONFERENCE AGAINST TRAFFICKING IN WOMEN, THE GREENS IN THE EUROPEAN PARLIAMENT IN COOPERATION WITH THE FOUNDATION AGAINST TRAFFICKING IN WOMEN 4-5 (Amsterdam, July 1991).

⁹ COUNCIL FOR PROSTITUTION ALTERNATIVES ANNUAL REPORT, *supra* note 4, at 4. See also, ROBERTA PERKINS & GARY BENNETT, BEING A PROSTITUTE: PROSTITUTE WOMEN AND PROSTITUTE MEN 133-34 (1985) (estimating that 70 to 75% of prostitutes abuse drugs).

¹⁰ SILBERT & PINES, *supra* note 3, at 395, 397.

¹¹ COUNCIL FOR PROSTITUTION ALTERNATIVES ANNUAL REPORT, *supra* note 4, at 2.

¹² Silbert & Pines, *supra* note 3, at 395.

¹³ COUNCIL FOR PROSTITUTION ALTERNATIVES ANNUAL REPORT, *supra* note 4, at 2.

¹⁴ SPECIAL COMMITTEE ON PORNOGRAPHY AND PROSTITUTION, PORNOGRAPHY AND PROSTITUTION IN CANADA 350 (1985).

¹⁵ Margaret A. Baldwin, *Split at the Root: Prostitution and Feminist Discourses of Law Reform*, 5 YALE J.L. & FEMINISM 89 n.147 (citing JANE CAPUTI, THE AGE OF SEX CRIME 203 n.4 (1987)); and Robert Lindsey, *Officials Cite Rise in Killers Who Roam U.S. for Victims*, N.Y. TIMES, Jan. 21, 1984, at A1.

gina, and rectum constitute the working equipment? Is so deeply gendered that the workers are exclusively women and children and young men used like women?

What other job is accepted and legitimized by governments from the Netherlands to Thailand as unemployment insurance *for women*? What other job conveniently cuts growing populations of women out of the competition with men for the jobs men prize?¹⁶

What other job so effectively pits women against each other? The hostility pimps encourage women in their stables to feel for each other and for "straight" women is well known. In Europe this is manifested in racial and ethnic terms, with white, native-born prostitutes fiercely resenting the Asian, Latin, and African women who are competing with them for their customers.¹⁷

What other work has as its job description sexual harassment? What other job puts us back where we were before our struggle for liberation began — on our backs faking orgasm?

Prostitution is not about women expressing their sexuality or fulfilling their sexual fantasies. It's about women reenacting and sustaining sexual trauma. Interviews with prostitutes reveal that in order to endure the unwanted sex, the women adopt the strategy used by girls subjected to incest and women subjected to rape: splitting the sentient, feeling self from the body at the time it is being used for someone else's sexual and ego gratification. Listen to the words of three street prostitutes in Norway, reported in *Backstreets: Prostitution, Money and Love*:

I close my eyes and ears. I cut out everything to do with feelings.

The nearest you come to thinking about sex is the money. . . . It sounds a bit mercenary but you're usually thinking, "This will meet that bill."

Everything feels numb. . . . Really it's against my will. The walk down to the car is empty. Then the car's there. Then it's the trick. Afterwards, I want to blank out the whole shitty mess.¹⁸

Interviews like these make it clear that in spite of the sexualized persona of the prostitute, the act of prostitution has little if any-

¹⁶ Conversation with Twiss Butler, Staff Member, National Organization for Women, in Washington D.C. (Oct. 15, 1992).

¹⁷ In September 1992 I visited a legal brothel in Frankfurt, Germany, and was able to interview the women who worked there. White and native-born, they expressed considerable resentment toward the non-white immigrant women in illegal brothels nearby servicing many more customers for significantly less money and without protection from sexually transmitted diseases.

¹⁸ HOIGARD & FINSTAD, *supra* note 3, at 65-66.

thing to do with a woman's authentic sexuality. Swedish sociologist Hanna Olson states, "Our cultural thinking of the 'whore' as the symbol for female sexuality is totally wrong. Because she is not a whore. She is a madonna. Male sexuality in prostitution is masturbating using a woman's body."¹⁹

Instead of experiencing sexual pleasure, the woman in prostitution turns off her body and performs a male fantasy of female sexual arousal. What she must do to survive psychically in prostitution can destroy her sexuality. Interviews with prostitutes reveal the toll taken by this survival mechanism:

Down there you block it all out. You get totally sexless, that's a fact. But you can't function with a man. It won't work.²⁰
I can fall in love. But it soon reminds me of the street. That they are only with me to satisfy themselves. I start hating myself.²¹

In *Backstreets*, authors Cecile Hoigard and Liv Finstad describe the damage prostitution does to a woman's sexuality and sense of self:

Prostitution tears feelings out of the women's bodies. The necessary emotional coldness from the public prostituted "self" spreads and takes possession of large portions of the private "self." It is virtually impossible for the women to have a love life while they're tricking. This effect can last for months, even years after prostitution itself is a thing of the past. . . .

Prostitution is a game played with feelings. Pretend you are favorably inclined, absorbed by the customer, hot and excited — when you feel indifference or perhaps revulsion and hatred. Feelings have their price; they can be translated into money like all other wares and are, therefore, ironically enough, worth nothing in themselves.

Self-respect and self-image are also destroyed. . . . It's frightening to see what a burden of guilt, shame, and self-disgust former prostitutes drag after themselves for years. No matter how well they master their new lives, at the core they experience themselves as only "cheap whores."²²

Only recently has the enormous toll prostitution takes on the

¹⁹ Hanna Olson, *The Politics of Prostitution in Scandinavia: The Paradox of the "Whore,"* Speech at Coalition Against Trafficking in Women Conference, New York City (Oct. 21-23, 1988).

²⁰ HOIGARD & FINSTAD, *supra* note 3, at 107.

²¹ *Id.* at 113.

²² *Id.* at 114-15.

woman's mental well-being begun to be understood. In the Portland, Oregon, study, 73% of the women had suicidal ideations; 65% had seriously attempted suicide; and 38% had made multiple suicide attempts.²³ Researchers of prostitution report a disproportionately high incidence of amnesia, multiple personality disorder, clinical depression and borderline personality disorder.²⁴

Prostitution is not about women making money. It is about other people — usually men — making money off women's bodies. Pimps, brothel owners, club owners, hotel chains, travel agencies, pornographers, organized crime syndicates, and governments are the real economic beneficiaries of the sex trade in women. In a bad year, hounded by the IRS, Joe Conforte, owner of the Mustang Ranch in Nevada, made a personal profit of 2.5 million dollars.²⁵ Fellow brothel owner Russ Reade, formerly a high school sex education teacher, made a comparable sum pimping women from the nearby Chicken Ranch.²⁶ It is estimated that in this country alone, 14.5 billion dollars is spent annually on prostitution.²⁷

Pimping women is also enormously lucrative in other parts of the world. A young girl is sold to pimps in Nepal for nine thousand dollars; she goes on to make her traffickers four hundred dollars a day in the brothels of India. (After diagnosed with HIV, she is returned to Nepal.)²⁸ Bangladeshi girls in Karachi are sold at public auctions for between four and five hundred dollars.²⁹ Agencies in the Philippines and Taiwan receive as much as eight thousand dollars to turn a woman over to Japanese promoters, who then rent her for sixteen hundred dollars a

²³ COUNCIL FOR PROSTITUTION ALTERNATIVES ANNUAL REPORT, *supra* note 4, at 3. See also, G. GEIS, ONE-EYED JUSTICE 174 (1974) and Nancy Erbe, *Prostitutes: Victims of Men's Exploitation and Abuse*, 2 LAW & INEQ. J. 609, 618-19 (1984) (Reports from public hospitals suggest that fifteen percent of all suicide victims are prostitutes).

²⁴ Baldwin, *supra* note 15, at 91 n.155, citing Colin A. Ross et al., *Disassociation and Abuse Among Multiple Personality Patients, Prostitutes and Erotic Dancers*, 41 HOSP. & COMMUNITY PSYCHIATRY 328 (1990).

²⁵ Paul Dean, *Mr. Madam: Joe Conforte, Master of Fast Shuffle and Mustang Ranch, May Even Have Bested IRS*, L.A. TIMES, July 28, 1991, at E1, E6, E8.

²⁶ Bob Baker, *Study of Brothel Prostitutes Finds Little Venereal Disease*, L.A. TIMES, Aug. 26, 1991, at A3.

²⁷ CAROL PATEMAN, *THE SEXUAL CONTRACT* 189 (1988) (citation omitted).

²⁸ Arayan Choudhary, *200,000 Nepalese Prostitutes in Indian Brothels*, BIMARSHA WKLY., Jan. 24, 1992; Amitava Mukherjee, *Flesh Trade Across the Border*, ONLOOKER, June 1-15, 1987; Agroforestry, Basic Health & Cooperatives Nepal (ABC/N), *Problems of Women Trafficking in Nepal and Some Efforts Towards Its Prevention* (unpublished manuscript, on file with The Coalition Against Trafficking in Women).

²⁹ Uli Schmetzer, *Sex Slave Business Flourishes in Asia*, S.F. EXAMINER, Dec. 8, 1991, at A1, A12.

month.³⁰ Often sending one-third to one-half of her earnings home, the woman herself earns less than one-thirtieth of the money made by her traffickers.³¹

For the women, prostitution turns out to be, at best, only a temporary solution to dire poverty. The vast majority of my prostitute clients are homeless. Eighty-eight percent of the women participating in a study of San Francisco street prostitutes described themselves as poor.³² The Canadian Report on Pornography and Prostitution estimated the net income of street prostitutes at twelve to fifteen thousand dollars a year.³³ Eighty-three percent of the prostitutes in another study reported no savings.³⁴

In the vast majority of cases, prostitution enables a woman at best to eke out a subsistence living. Often the money she makes goes to the drugs that help her endure the prostitution or got her into it. At the end of her "career" — if she survives it — she is traumatized,³⁵ often drug or alcohol dependent,³⁶ and, increasingly, HIV positive.³⁷ In other words, she is in an even more desperate economic condition than she was in, pre-prostitution.

Prostitution is not about women wielding or gaining power,

³⁰ Carol Tice, *Third World: Love for Sale*, UTNE READER, Jan.-Feb. 1992, at 37, 38.

³¹ Jill Gay, *Asian Governments Pander to Tourists*, NEWSDAY, June 7, 1985, at 95.

³² Silbert & Pines, *supra* note 3, at 396.

³³ SPECIAL COMMITTEE ON PORNOGRAPHY AND PROSTITUTION, *supra* note 14, at 385.

³⁴ Baldwin, *supra* note 15, citing NEEKES & LYNCH, *COST ENFORCEMENT OF PROSTITUTION LAWS IN SAN FRANCISCO* (1978). Even those women who make more than survival incomes from prostitution may not ultimately "make money" from turning tricks, for reasons that are psychological, not economic. Hoigard & Finstad describe this phenomenon:

A number of times we were struck by how some women have a form of divided economy. Welfare money, health benefits, or other legal income is used for the straight life, like rent and bills. Prostitution money is squandered on going out, on drugs and alcohol, on lots of clothes. Dirty money is worthless. It burns a hole in your pocket and has to be used quickly.

HOIGARD & FINSTAD, *supra* note 3, at 49.

³⁵ HOIGARD & FINSTAD, *supra* note 3, at 115-16 ("The women's reactions to prostitution have many similarities with the reactions of women who are survivors of incest and rape. The feelings that are burned out of the body, self-disgust, guilt, the sense of being a split personality are also central in descriptions of these women.").

³⁶ *Id.* at 122.

³⁷ See Bob Drogin, *HIV Spreading "Out of Control" in India's Red-Light Districts*, S.F. CHRON., Nov. 27, 1992, at A20; Jim McDermott, *Asia — Epicenter of the AIDS Epidemic*, WASH. POST, June 23, 1991, at B7 ("Government officials estimate that there are 800,000 prostitutes in Thailand, most between the ages of twelve and sixteen, and 20-30% of them are already HIV-infected; in Northern Thailand the rate is 44 percent. . . . The level of HIV infection among Bombay's 100,000 to 150,000 prostitutes has jumped from 1% in 1987 to 30% in 1990."); Trudee Able-Peterson, Testimony before the New York State Division for Women (June 16, 1987) ("One worker from the New York City Health Department has estimated that over 90% of the kids living on the street would test positive for the AIDS antibody."); Shanta Basnet Dixit, *Hear No AIDS, See No AIDS, Speak No AIDS*, HIMAL, Sept.-Oct. 1990, at 26-28.

individually or collectively. Which is not to say that women in prostitution are incapable of acts of self-preservation and resistance. In a legal Frankfurt brothel, the women told me how they would try to get customers so drunk that the men couldn't tell what they were penetrating.³⁸ Survivors have reported helping young girls their pimps had abducted to escape, even though they themselves didn't dare attempt to leave. In growing numbers, prostituted women are turning to organizations like WHISPER in Minneapolis, Minnesota, and The Council for Prostitution Alternatives in Portland, Oregon. In one year alone, one hundred seventy-nine Portland prostitutes turned to The Council for Prostitution Alternatives in an effort to get help and get out.³⁹ Once organized, prostitution survivors have taken on pimps, madams, pornographers, and government officials.⁴⁰

But the belief that women in conditions of prostitution enjoy real power and exercise meaningful self-determination is a denial of reality. Feigning sexual pleasure while stranger after stranger uses your body to assert his sexual prowess is the most stereotypical of sex roles and the ultimate expression of powerlessness. Assisting or tolerating the movement of hundreds of thousands of women into such a condition—the response of governments throughout the world—exposes their belief in the worthlessness and inferiority of women. Look at the statistics:

Between one-hundred and one-hundred-fifty thousand prostitutes in Bombay.⁴¹

Two-hundred-thousand Nepalese girls and women trafficked into the sex industry of India.⁴²

One-million Asian women sold into prostitution each year.⁴³

Sixty-thousand women in prostitution in the Dominican Republic, most catering to white, affluent First World tourists.⁴⁴

Ninety-thousand prostitutes in Manila.⁴⁵

An "official" estimate of 800,000 prostitutes in Thailand, most between the ages of twelve and sixteen.⁴⁶

An estimated thirty million women trafficked in since the mid-

³⁸ This impressed me as speaking volumes about how those women experienced the sex of prostitution.

³⁹ COUNCIL FOR PROSTITUTION ALTERNATIVES ANNUAL REPORT, *supra* note 4, at 1.

⁴⁰ See generally, 5 WHISPER NEWSLETTER, Summer 1991.

⁴¹ McDermott, *supra* note 37, at 37.

⁴² Choudhary, *supra* note 28, at 5-6.

⁴³ Schmetzer, *supra* note 29, at A1.

⁴⁴ Howard W. French, *For the World's Brothel, Caribbean Daughters*, N.Y. TIMES, April 20, 1992, at A4.

⁴⁵ Rex L. Aguado, *Sex for Sale*, MIDWEEK, June 24, 1987, at 8.

⁴⁶ McDermott, *supra* note 37, citing Thai government estimate.

seventies.⁴⁷

Needless to say, these women are not developing businesses, growing crops, running for political office, building schools, bridges, or houses, teaching children, and healing sick people. Could there be greater betrayal of the promise of feminism?⁴⁸

Prostitution is used by military forces to destroy the identity and will to equality of captive populations. Serbian troops have turned concentration camps for Muslim women into brothels servicing the Serbian militia.⁴⁹ During World War II, the Japanese government forced an estimated two-hundred-thousand mostly Korean women into prostitution.⁵⁰ In modern-day Iran, women who disobey religious dictates are swept off the street by the Revolutionary guard and are turned out as prostitutes.⁵¹ Is the global sex trade in women a strategy to break the collective spirit of women and season us into submission? Is it an effort, conscious or not, to destroy us as authentic sexual and political actors and turn us out as players in the sexual and political script of male supremacy?

How do we change this situation? To begin, we must reject the propaganda about the inevitability of prostitution. To do otherwise is to admit defeat from the start. Race-based slavery and the abuse of children are also ancient evils, but we understand that they violate human rights and must be ended. We must work, not to numb ourselves to the suffering of prostituted women and children, but to end their exploitation.

We must reject the lie that prostitution is compatible with equality and freedom. Reforming prostitution so that women run their own brothels—the dream of the pro-prostitution lobby—would only turn women into pimps, the oppressors of their more vulnerable sisters. Prostitutes who profess to love their job and the madams they become when they sufficiently

⁴⁷ Guido de Bruin, *Netherlands: Trafficking in Women Shifts to Eastern Europe*, INTER PRESS SERVICE, June 12 1992. Available in LEXIS, EUROPE Library, ALLNWS file.

⁴⁸ Evilina Giobbe, founder of WHISPER, puts it succinctly, "[T]he prostitute symbolizes the value of women in society. She is paradigmatic of women's social, sexual, and economic subordination in that her status is the basic unit by which all women's value is measured and to which all women's value is measured and to which all women can be reduced." Giobbe, *supra* note 4, at 77.

⁴⁹ *Tresjevika*, Women's Group Report, Zagreb, Croatia, Sept. 28, 1992.

⁵⁰ THE COALITION AGAINST TRAFFICKING IN WOMEN, COALITION REPORT, Fall 1992 (information provided by Professor Lee Hyo-Chae, co-chairperson, Korean Council for Women Drafted for Sexual Service by Japan).

⁵¹ Information provided by Farkhondeh Niakan, National Committee for Democratic Iran.

identify with the aggressor, constitute the facade of a system of male power over and against women.

We must recognize that criminal penalties against prostitutes worsen their situation, further stigmatizing them and promoting the myth that these women are perpetrators of criminal conduct. Instead of prosecuting prostitutes, we must do everything we can, legally and politically, to empower prostituted women to move against their exploiters. The law must be changed so that it recognizes that pimps, procurers, *and customers* violate women's human and civil rights.

I support arresting johns. The media's obsession with prostitutes obscures the role of johns in the escalating global sex trade in women.⁵² Hoigard and Finstad accurately characterize the role of johns in the injuries sustained by prostituted women:

The impoverishment and destruction of the women's emotional lives makes it reasonable, in our eyes, to say that customers practice gross violence against prostitutes. The customers' *physical* violence against prostitutes is also massive, and it too, of course, creates anxiety among prostitutes. When prostitutes talk about the damages of prostitution, however, it is not the traditional violence they emphasize most. Fractured jaws heal, split lips will mend. Even anxiety dulls and fades. Regaining self-respect and recreating an emotional life is far more difficult.⁵³

Buying a woman's body is as much a violation of her human dignity as selling it. Legal measures that address the demand for female sexual commodities can be even more effective than the laws against pimps and procurers that target the supply. Johns are often more visible than pimps, procurers and brothel owners, who are usually behind-the-scenes operators, hiding behind "AKA's" and dummy corporations. While johns have more at stake socially than the pimps and their counterparts, who often take pride in their outlaw identity, johns have less to lose financially. Under state laws that allow authorities to confiscate property used in committing crimes, Portland, Oregon, the District of Columbia, and Hartford, Connecticut, have begun seizing the cars of men arrested for soliciting prostitutes. In Portland, the

⁵² "Between 70 and 80% of male tourists who travel from Japan, the United States, Australia, and Western Europe to Asia do so for the purpose of sexual entertainment, according World View 1984, a French political almanac." Gay, *supra* note 31, at 95. Thailand's prostitutes service an estimated six-hundred-thousand tourists. Stephanie Sansom, Pacific News Service Report, March 18, 1991.

⁵³ HOIGARD & FINSTAD, *supra* note 3, at 115.

car is released to first-time offenders after they and their spouses sign an agreement not to allow their cars to be used for soliciting again. Prosecutors in Portland claim to have diminished prostitution by 70-90% since going after the johns.⁵⁴ While such tactics target only one part of the sex industry—street prostitution—they demonstrate that prosecuting johns chills the demand for prostitutes.

Pressure must be put on the U.S. military to prohibit military personnel from sexually exploiting women in prostitution at home and abroad.⁵⁵ Officers and enlisted men alike must begin to understand that there is a direct connection between their exploitation of women in prostitution and the exploitation of women in sexual harassment and domestic violence both on the base and at home.⁵⁶ The military must adopt special measures to prevent personnel from participating in the trafficking of women from developing countries into the brothels of developed countries through sham marriages.

Projects like WHISPER (Women Hurt in Systems of Prostitution Engaged in Revolt) in Minneapolis, Minnesota, Prostitution Alternatives in Portland, Oregon, the Streetwork Project in New York City, and other organizations that provide assistance to women and girls in prostitution to help them get out of it must be developed and adequately funded. At the same time, an international effort must be spearheaded to educate the public about what prostitution is and what it does—especially its role in the subordination of women. Education about the sexual merchandising of women and its impact on women's status and lives should be part of every sex education course. Young people especially need information that will enable them to see through

⁵⁴ George Judson, *Price of a Prostitute: Your Car*, N.Y. TIMES, Dec. 4, 1992, at B1, B5. The Minneapolis Court of Appeals struck down a similar forfeiture statute as unconstitutional on the grounds that it was preempted by state forfeiture law, which allows forfeiture only in felony-level "solicitation, inducement, and promotion of prostitution" convictions, which apply exclusively to pimps. Elizabeth Sipe, *Car Confiscation Ordinance Overturned*, 6 WHISPER NEWSLETTER 6 (Summer-Fall 1992).

⁵⁵ The role of the U.S. military in the escalation of the global sex trade in women is graphically illustrated by prostitution statistics in Thailand: In 1957, there were 20,000 prostitutes in Thailand; by 1964, after the U.S. had established seven military bases in Thailand, that number was 400,000. Gay, *supra* note 31. See also, Susan Marquez Owen, "Sin City": 7,000 Sailors and 20,000 Prostitutes Meet in Olongapo, the Philippines—the Largest Brothel in Asia, S.F. CHRON., Aug. 5, 1990, at 8/Z.

⁵⁶ One analyst saw the roots of the "Tailhook Scandal," the sexual harassment and abuse by naval personnel of women guests at an aviator's convention in September 1991, in the "culture of prostitution" experienced by the men during calls in foreign ports. John Lancaster, *The Sex Life of the Navy: After the "Tailhook" Scandal, An Attempt to Reform*, WASH. POST, May 17, 1992, at C1.

the myths glamorizing the sex trade in women promoted by the media and pornography.

We must secure the passage of new international human rights law that addresses this global crisis in human rights.⁵⁷ Existing instruments, such as the 1949 Convention on the Trafficking in Persons and the Exploitation of the Prostitution of Others, are directed against a nineteenth-century model of prostitution and fail to address the various manifestations of the contemporary global sex trade in women. In conjunction with UNESCO, the Coalition Against Trafficking in Women has held a series of meetings of international experts who have drafted a Convention Against All Forms of Sexual Exploitation. Instead of separating out and stigmatizing women in prostitution, this convention is directed against all forms of sexual exploitation, from sex tourism to sexual harassment. It establishes groundbreaking human rights standards—e.g., “It is a fundamental human right to be free from all forms of sexual exploitation”—while also identifying and prohibiting the specific methods traffickers use to disempower their victims, such as by confiscating passports and other documents or by requiring women to “work off” the cost of their air fare. It identifies the social and political conditions that render populations of women and girls particularly vulnerable to sexual exploitation, such as refugee or immigrant status, incarceration, war or internal conflict, and histories of childhood sexual abuse. And it is implemented by mechanisms that hold governments accountable for sexual exploitation.

Most important, we must effect a revolution in consciousness—to one premised not on objectification and stigmatization but on identification and solidarity. It begins with the recognition that prostituted women are our sisters, and that trafficking in their flesh violates the rights of all women.

⁵⁷ The Penn State Report: International Meeting of Experts of Sexual Exploitation, Violence and Prostitution. Coalition Against Trafficking in Women, P.O. Box 10077, State College, PA 16805.

