

Prostitution is violence against women criminology essay

[Law](#), [Criminology](#)



ASC316Criminalisation of SexSubmitted by Candidate No: 633141Prostitution is known to be one of the oldest professions in society. Some regard it as morally wrong, but in the UK the act itself is not criminal. Due to stereotypes surrounding prostitution, sex workers expect to experience violence, as society holds little respect for them. Farley (2004) argues that prostitutes are forced into the sex-work industry and become victims of physical abuse and symbolic violence, where their bodies are commodified by men as a way of exerting control and superiority over them. However, her arguments have been rejected by academics, such as Weitzer (2000), who believe in autonomy and choice. This essay will examine the radical and liberal feminist divide between those who argue that prostitution is violence against all women, and those who believe that it is a career that women choose to enter. It will assess the UK political approach to exploitation, using evidence from feminist empirical research and high profile cases. It will then look at the differences in violence that off-street sex workers experience from the reality faced by street workers. It will critically assess UK policy on sex-work violence, and compare it to countries such as Sweden, whose radical feminism has had worldwide influence. Finally, drawing on all the evidence presented, a critical argument will illustrate that the link between violence and sex work is a complex issue, with conflicting judgements by feminists. It cannot be concluded that all prostitution is violence against women, as there are areas of the industry in which violence is not experienced. Violence within prostitution is a significant element of feminist discourse. Bindel (2006) suggests prostitution on and off-street is dangerous for all women involved, and leads to major physical and mental health problems as a result

of their work. This view is shared by Farley (2003) who believes that prostitution itself is a form of sexual violence, in which clients and pimps are referred to as 'perpetrators', some of whom - the pimps - gain economic profit. They argue that women are forced into this industry and subject to exploitation. While trafficking is known to exist, such views can be criticised, as they fail to recognise that many women enter the sex-work industry of their own accord and have autonomy over their own lifestyles and bodies. This is supported by liberal feminists such as Chapkis (1997, cited in Sanders 2005), who believes that every woman who embarks on a life of prostitution makes a rational choice to enter the industry. However, it is more complicated than simply wanting to engage in sex work. Prostitutes often choose their way of life for economic and social reasons. They may be disadvantaged, and it is the only way of making an income (Phoenix, 2000). Therefore, it could be argued that while they choose to subject themselves to a career of prostitution, there are factors which force them into this decision and keep them in the industry longer than anticipated, leading to a form of exploitation. Radical feminists typically focus a lot of research on street-based prostitution, where the majority of violence occurs. The subject of prostitution and violence is of global interest, with various academic studies proving that between 50-100% of street prostitutes experience forms of physical, sexual and economic violence (Sanders & Campbell, 2007). This may sound a lot, however in reality street prostitution only accounts for a small minority of all sex work. Official Home Office statistics (House of Commons, 2008-2009) showed an estimated 80, 000 prostitutes in the UK, 8, 000 of whom were street-based sex workers, thus accounting for only 10% of

the sex-work industry. Therefore, the percentage of violence is not representative of all sex workers, and radical feminist discourse contains bias, as it is merely a broad-brush approach, ignoring the majority of the sex-work industry. Another inadequacy of radical feminist ideology is that it does not take into account that many clients seek more than just sexual services from prostitutes: many simply want companionship (Sanders, 2008). Sanders' (2005) research findings suggest prostitution often acts as a form of care-giving to those needing specific services which they are unable to administer themselves, for instance people with disabilities. Sex workers in this instance may see their role as being similar to that of health-care workers who also deal with intimate bodily functions. Davis' (1937) study showed a quarter of his sample of prostitutes had previously worked as health-care professionals and reported similarities between the two industries. However, it could be argued that unless prostitutes hold qualifications relating to health-care it would be impractical to compare the two as they are completely different industries. Some prostitutes may still describe themselves as care-givers, suggesting they gain job satisfaction from helping clients. This, however, completely ignores the horrendous experiences of many prostitutes who detest being in the sex trade due to the violence, and the conditions that subject them to psychological damage which sees them as 'shell-shocked' and torpid with fear (Farley, 2005). This discredits Sanders' argument that prostitution is a form of care-giving which, in reality, is not true for the majority of sex workers. Another issue of particular relevance supporting the radical feminist argument that prostitution is violence against women, is the concept of 'rape myths', as

they are partly responsible for the stigmatisation around prostitution. Monto & Hotaling (2001) refer to rape myths as an ideology that suggests women, in this case sex workers, who are sexually assaulted, are in some way responsible for the violence they experience, as they are sexually promiscuous. The concept of rape myths proposes the view that prostitutes, as 'bad girls', cannot be raped and are to blame for abuse received due to the nature of their job (Miller & Schwartz, 1995). These arguments are rejected by Monto & Hotaling (2001), who found that rape myths are socially-prevalent initiatives which are used to justify violence towards prostitutes who are regarded as lesser members of society, adding to the stigma around prostitution. However, they discredited their own arguments through their research into the acceptance of rape myths among male clients, which revealed that, in fact, rape myths were not generally widely accepted, and were only associated with men who found violence sexually arousing. Furthermore, they are only accepted by a minority of society, and cannot therefore be a true representation of opinions expressed, which add to prostitutes' poor reputation. Another argument put forward by radical feminists is that issues of violence and prostitution do not just focus on physical acts such as murder and rape, but also on the commodification of the sex worker's body through the charging for sexual services which is viewed as degrading, and damages women's position within society by furthering the power of the male gender (Kinnell, 2008). This is supported by the concept of symbolic violence (Coy et al, 2011), which refers to prostitution as a form of symbolism in which, without using physical force, gender hierarchies are imitated, and it emphasizes how men hold power and

control over women. However, it can be argued that these radical feminist ideologies ignore the reality that male prostitution also exists, and that women are also capable of paying for sexual services. Therefore, in the radical feminist discourse, the women paying for sex would be seen as dominant, and as evidence proven by Connell & Hart (2003) shows, male sex workers can also be victims of violence. Conversely, many sex workers feel that they themselves have control over the whole interaction, and use regulating the amount of money exchanged and the agreed boundaries set as symbolic that women hold the dominant role in this particular industry (Phoenix, 2000). Resultantly, these studies suggest that, although some women experience symbolic violence, many do not, again proving that radical feminist ideology uses evidence from prostitutes who have experienced violence as being representative of all sex workers. As previously stated, the act of prostitution is not in itself a criminal offence in the UK. However, there are many offences, such as running/working in a brothel, pimping and soliciting, which surround the act of prostitution. This has not always been the case. In Victorian society, prostitution was dealt with in a completely different way. From the Metropolitan Police Act 1829, we can conclude that all sex workers were seen as evil, and laws were based on a morality which affected mainly the working class, with little emphasis, if any at all, placed on the clients. This could be why, even now, society holds such prejudice against prostitutes, even though the law has changed dramatically in modern times. Nowadays, sex workers are increasingly seen as victims of exploitation, and therefore a more victim-focused approach has been adopted by UK crime policy, with more attention being given to the

people who buy sex (Bindel & Atkins, 2007). The Policing and Crime Act 2009 was brought in by the then New Labour government. It provided new legislation with regards to sex work. Section 14 of the Act created a new strict liability offence, which is committed if someone pays a prostitute for sexual services, where the worker has been subject to exploitation, e. g. force, threats, or physical violence, which has induced or encouraged the sexual services provided (Home Office, 2010). This Act is beneficial, as it aims to deter those who pay for sexual services from purchasing women who have been subject to force. However, it is open to criticism, as, whilst a client may go to great lengths to ensure they are not paying for the services of an exploited or trafficked prostitute, the worker may lie, as she may be forced by her pimp or may not want to turn down an opportunity to work, which results in an innocent person (the client) being criminalized for something which was out of his control (Zaritch & Staring, 2007). Conversely, there is academic evidence to show that there are many clients who are aware of the issues of violence and coercion surrounding prostitution, yet continue to use sex workers, so it is appropriate to have this law in place to protect exploited prostitutes from clients whom continue to use them. A study conducted by Farley et al. (2009) found that of 103 London men interviewed who had bought sexual services, 48% believed that the majority of sex workers were victims of pimps, and 36% thought that the women they had used had been trafficked to London. Therefore, Section 14 of the Police and Crime Act 2009 is not completely effective in deterring clients. This could be due to the fact that there continues to be historical and cultural prejudice towards sex workers in society, prostitutes being seen to 'poison' the reputation of the

respectable female population (Sanders & Campbell, 2007). Clients who continue to use exploited prostitutes, ignoring the UK laws, also show discrimination towards sex workers and have little concern for their welfare, adding to the continued amount of violence experienced by sex workers. Although many academics and liberal feminists argue that not all prostitutes experience violence, we cannot ignore the fact that many do. There have been several high profile cases, such as that of the Yorkshire Ripper, which have influenced public perception to think that prostitution is an extremely violent industry. Peter Sutcliffe was convicted of murdering 13 women and attacking seven others over the period 1975-1981, the majority of whom were sex workers. This was one of the major cases adding to the stereotypical belief that prostitution is dangerous, because the nature of each attack targeted sex workers. This could arguably be due to the police response to these attacks at the time. As Kinnell (2008) describes, the police then warned all sex workers that they could be the killer's next victim. However, she points out that after 1978, it was believed that none of the victims were sex workers. The Ripper was not thought to be targeting solely prostitutes, which negates the theory that all women in prostitution are subject to sexual danger and violence (Overall, 1992), and suggests that actually these victims were putting themselves in danger by walking alone at night, regardless of whether they were sex workers or not. Therefore, occupation cannot possibly be to blame, when amongst some of his victims were respected members of the public, including a postgraduate medical student and a civil servant (Kinnell, 2008). This raises the question that women in general may be at risk of violence, and not simply those working in

prostitution. However, there are other high profile cases which support radical feminist views that prostitution is dominated by male oppression, exploiting women with violence, such as the Ipswich murders committed by Steve Wright, whose victims were all known sex workers, targeted specifically for their choice of career (Day & Ward, 2007). Therefore it is right to raise questions regarding how much violent crime occurs within prostitution. This is evident in academic research by Farley et al. (2003), who conducted a large scale study in nine countries over five different continents, and found all the sex workers interviewed stated that their occupation was multi-traumatic, and experienced high rates of physical and sexual violence, as well as psychological and economic damage. Similar results were found in research by Pearce (1997, cited in Campbell & Kinnell 2000) who discovered that 76% of their sample of street prostitutes experienced the same forms of violence as that described by Farley et al, thus proving that violence does occur in the sex trade. They also argued that there was need for policy reform in the UK to protect sex workers who appear vulnerable and at risk of violence. Nevertheless, in more recent years a new victim-oriented approach has been adopted, due to increased awareness among Government officials of hostility towards prostitutes, and measures have been taken to address this issue. Furthermore, if it is accepted there is a significant level of violence against prostitutes, the question should be asked what can be done to improve this situation. In 2012 the Home Office launched a pilot scheme called the National Ugly Mugs (NUM). This was based on previous Ugly Mugs schemes already in existence throughout the UK, and aims to provide sex workers with up-to-date information on individuals/clients who pose risk or

harm. The majority of information comes from prostitutes themselves, who report any unacceptable behaviour or crimes they have experienced. This should provide sex workers with some protection, by alerting them to danger. Unfortunately several criticisms can be aimed at the Ugly Mugs schemes in general, and academics have identified flaws, which NUM administrators did not take into account when setting up their pilot scheme. It was heavily rejected by Bindel (2006) on the grounds that it could not eliminate all violence towards sex workers and could only help to reduce it slightly. Although some sex workers may manage to avoid being at risk, others may not, as the scheme relies heavily on them being able to access reports online. Furthermore, a large proportion of prostitutes come from disadvantaged backgrounds, live in poverty (O'Neill, 2008), and are therefore unlikely to have the resources and capability to access the internet, making this scheme ineffective. Another disparaging view of Ugly Mugs schemes was made by the Home Office in 2006. They demonstrated that the system requires sex workers to take responsibility for their own safety by sharing intelligence, instead of forcing the police to be accountable for arresting the individuals causing harm/violence, and not leaving it purely to the sex workers to avoid them (Home Office, 2006). This leads to another point of consideration, that the relationship between sex workers and the police force is a complex issue. Many sex workers do not feel that the police are there to protect them, due to negative stereotype of sex workers in general. Thus prostitutes may be reluctant to report instances of violence and abuse to the police, due to lack of trust. In one report, it was recorded that 80% of sex workers had experienced violent attacks, yet would not

report these to the police (Campbell, 2002). They may be reluctant to do so because of the way in which the police deal with them. Many prostitutes protest that they experience violence at the hands of the police, and are unable to prevent this due to the power police wield in society (Brooks-Gordon, 2008). The victimisation which sex workers experience when working on the streets has led to the stereotyping of prostitution as a dangerous occupation (O'Doherty, 2011). This is supported by Sanders (2005), who argues that many countries have proposed that prostitutes working on streets are exposed to extremely high rates of violence, adding to the belief that prostitution is violence against women. However, these attacks are primarily committed within the outdoor sex work environment, ignoring indoor prostitution (Weitzer, 2000). Radical feminists fail to acknowledge that prostitution is not always violent, since many areas of the sex-work industry are relatively safe. Thus, it could be suggested that they are somewhat biased in presenting their findings, and misrepresent the actual amount of violence within the sex-work industry as a whole. Hence, their work is easily discredited. The low level of violence in some areas of prostitution is evident in O'Doherty's (2011) study. It shows that 63% of the women who participated had not been exposed to any form of violence while working as prostitutes. This contradicts the prohibitionist feminists' statement that "prostitution is violence against women". These findings do not imply that women in off-street markets experience no violence at all, but they nevertheless challenge the opinion that violence is an inevitable part of sex work. Another argument to consider is that indoor prostitution holds a lower risk of violent occurrences because the environment is apparently

safer for sex workers. There is also commonly an adherence to the regulations among clients (Sanders, 2005). This does not mean that indoor prostitution is not harmful in certain ways for workers. As Farley (2005) suggests, outdoor prostitution is known to subject women in the sex-work industry to higher levels of physical violence, but, according to several studies, indoor and outdoor prostitution have comparable levels of psychological violence. Thus, it could be suggested that indoor prostitution can be just as damaging to sex workers as outdoor prostitution, and that the limited research available on violence to indoor sex workers is highly influential in addressing new issues arising in the sex-work industry. Raphael & Shapiro (2004) reported that the severity and regularity in which violence occurs is different for off-street and street prostitution. They found that sex workers working indoors reported more serious attacks involving the use of weapons, whereas outdoor sex workers reported much more frequent, yet less severe attacks. Nonetheless, this adopts the radical feminist approach by ignoring that there are indoor environments that are harmless, and the very nature of these surroundings creates a sense of control. One woman interviewed in Sanders & Campbell's (2007) study elucidated that she felt safe due to the security measures put in place by the parlour management, "We have security cameras here all round the building and they [the clients] are videoed."(p10). Therefore, if this responsibility is typical among other parlour owners, women are less likely to experience violent behaviour in indoor markets. It has been suggested by some academics that the UK government, rather than providing a safer and more attractive environment for women to work in, has in the past ignored the need to prevent violence

against sex workers, as it could be a deterrent against more women entering the prostitution, by making it seem unsatisfactory and dangerous (Kinnell, 2008). Although this could prevent a minority of women being at risk of violence, neither liberal nor radical feminists condemn the view that some women should experience violence in order to act as a deterrent to others. Kinnell (2008, p30) states " It is unspeakably cruel to regard physical assaults, rape and murder as useful deterrents in any context". However, since this accusation has been made, it would appear that a similar statement was linked to the Swedish evaluation of its sex trade laws, which stated that the amplified disgrace and dangerous effects that come with working as a prostitute must be seen as a positive outcome from the perception that combating prostitution is the main principle of the law in place (Swedish Institute, 2010). The UK policy, influenced by the ideas of radical feminists, implies that all men are perpetrators of violence, but as already stated, this is not entirely true, as the majority of men who purchase sex tend to be respected members of society, with no history of violence (Weitzer, 2005). Thus the UK policy is aimed a minority of men who are violent. The crimes of the Yorkshire Ripper and other high profile cases have been hugely influential on both the public and radical feminist discourse on the issue of violence against prostitutes. As a result of strong feminist ideology, UK policy was shaped into new victim-centred approaches, focusing on the health and safety needs of sex workers, rather than trying to criminalise them (Munro & Scoular, 2012). This is starting to imitate similar approaches adopted by countries such as Sweden, Scotland and New Zealand. Sweden, for example, supports the most radical abolitionist attitude

across Europe, advocating that prostitution is violence against all women. They introduced the Violence Against Women Act 1999, which aims to protect those who are vulnerable, and criminalise anyone purchasing sex. It can be argued that this approach to tackling violence against prostitutes has positive effects, as the women are no longer criminalised, but instead offered a range of support to help their underlying issues, for example, medical treatment, housing, psychological help and educational training (Farley et al. 2003). This is something which the UK Government has failed to respond to. It is acknowledged by many academics that there is not enough health and social support in the UK for sex workers, and the vast majority of them remain in the industry in order to help themselves out of poverty (O'Neill, 2008). It should also be considered that British policy can make sex workers vulnerable as it is illegal for two or more prostitutes to work together, unlike New Zealand where the risk of prostitutes being attacked has decreased since they have allowed women to work together, providing some protection (Day & Ward, 2007). Therefore, it would be beneficial for the UK Government to take guidance from countries like Sweden and New Zealand who focus on helping the needs of those most vulnerable by offering health and social support. Another point to consider is that, UK policy, having been influenced by radical feminist ideology, may be trying to protect those at risk of violence, whilst ignoring the voices of many prostitutes who want to stay in the industry as they enjoy it or find it a convenient job. This suggests the policy is based more on feminist theory rather than actuality (O'Neill, 2008). A final point to make with regards to UK policy on prostitution and violence is that the UK Government's main attempt to protect the needs of prostitution

has been greeted with disappointment by academics. In 2004 an overdue consultation document entitled 'Paying the price' was initiated (Home Office, 2004). The main argument against this document was that it failed to acknowledge the existence of indoor prostitution, which as previously stated, is a larger proportion of the sex-work industry than street prostitution (House of Commons, 2008-2009). It also takes a radical prohibitionist approach, which does not allow room for the theory of autonomy and choice, in the sense that voluntary sex workers exist (O'Neill, 2008). It could be argued that the Government has failed to recognise the complexity of sex work and until they take responsibility for acknowledging violence in all areas of prostitution, not just street sex work, as well as considering that some women choose to enter into prostitution, it is unlikely that they will be able to prevent violence occurring. To conclude, the issue of violence against sex workers is more complex than it may originally appear. This essay has highlighted the extreme divide in feminist discourse, from that of Bindel (2006) and Farley (2005) who express that the act of prostitution is violence against all women (and reflects the commodification of a woman's body by clients who desire to degrade and dominate women), and the opposing liberal view that women are able to express autonomy and choice when entering prostitution. Characterising clients as sadistic ignores the view held both by sex workers and clients that the prostitute is the dominant one in the interaction (Sanders, 2008). The essay has discussed how radical feminist ideology has played a big part in influencing UK policy, and those of other countries such as Sweden, in taking a victim-centred approach by viewing clients in a negative light, rather than emphasising the stigmatisation

associated with being a prostitute. However, it has also been argued that the problem with radical feminist theory and UK policy is that it equates all prostitution with street prostitution, ignoring entirely the indoor side of the sex-work industry (Weitzer, 2000). As proven by empirical research, off-street prostitution is less likely to attract violence than outdoor prostitution, yet violence does still occur. Furthermore, violence clearly remains a reality for some women in prostitution and is known to be harmful on several levels: socially, physically and psychologically. But their experience of violence is less straightforward than some radical feminists would assert. Therefore, it is argued that more research is needed into all forms of violence and every aspect of the sex-work industry, in order to produce realistic Government policies which focus on supporting those who are most vulnerable, without adopting a simplistic extremist viewpoint. Word count - 4, 275