SKBU JOURNAL OF PHILOSOPHY
PEER REVIEWED

The Feminist Moral Analysis of Sex Work

Ankita Paul

I

Sex work has historically been criticized and stigmatized in society. While many people see sex work as immoral and degrading to women, I argue that sex work is fundamentally just another form of labour and is not inherently harmful to women. When sex work is accepted and regulated by society and laws, and sex workers are protected and granted the same rights as other workers, sex work can potentially be beneficial for women. Sex work is not coercive or immoral if there is valid consent. Any sexual act between two consenting adults is morally acceptable. Sex work involves both consenting sex and contractual exchange, and these two elements provide the basis for the moral competency that governs sex work. A feminist moral analysis of sex work, particularly through the lens of power dynamics, examines how societal structures and relationships of power impact the agency, autonomy, and well-being of individuals engaged in sex work.

The question of agency in sex work has been a hot topic in many political debates. Structural and societal factors undermine women's agency in the capitalist and patriarchal society. Nevertheless, women, especially sex workers, can find creative ways to develop and manifest their agency. In this article, I will discuss the positions of abolitionists, sex radicals, and pro-sex work feminists to show how intense the tension about agency in sex work is. According to the abolitionist position, sex, gender, and sexuality are connected through power relations. Women's sexual subordination is a collective condition. For them, prostitution is not just a social phenomenon; it is an act of violence against women as a social group. Prostitution is the most crystallized and extreme form of sexual exploitation – a foundation of all discrimination and subordination of women. It is important to note that exploitation is not an economic condition but a political one. One of their main arguments against prostitution is that both consensual and forced prostitution are considered a form of slavery. The abolitionists' claims are rejected by many sex workers and scholars who research from the sex workers' perspectives, like sex radicals and pro-sex work feminists. According to Thanh-Dam Truong (1990), if we apply a labor analysis within sex work, then the concept of workers' agency becomes pertinent. She notes, "Prostitutes' demands for recognition and emancipation must be seriously considered. Recognition for their work would enable the provision of a certain

political space for organization to articulate their needs, their perceptions of themselves and their relationship with society as a whole" (Truong, p. 201). These attempts to introduce sex workers as political actors represent an effort to show the transformative perspectives and practices regarding dominant power relations and structural constraints in the global sex industry. Through this recognition, it is possible to unveil the issues about the exploitative and oppressive structures, regimes, ideologies, and visions involved in women's practices. In the global sphere, women are identified as persons who are capable of making decisions and choices that result in a consciousness transformation to create changes in their daily lives.

II

According to abolitionists, women are oppressed in prostitution, and this oppression limits women's sexual agency. They believe that we should not see men's control over women's sexuality as valid; instead, we should fight for a world where women can have their sexual agency without any pressure from patriarchy and the capitalist system. Abolitionists have pointed out that prostitution is a commercial form of women's sexual exploitation. Conversely, another common point of view against abolitionists is sex work advocates. They criticize the abolitionist opinion on prostitute women that they do not access any sexual agency while working as prostitutes. Sex work advocates believe that "women can rationally choose prostitution and that they can negotiate with their clients in their everyday life" (Jean, 2015, p. 53).

However, abolitionists raise criticism against liberal philosophers by saying that liberal philosophers use the concept of agency in a way that is too individualistic and narrow. What does it mean for a woman in a world where women are oppressed and trained to be obedient to men to be free from social stigmatization and external coercion? As Tracy Isaacs (2002) notes, "Feminine socialization shapes women in ways that make them more likely to be dependent, not in control of significant parts of their lives, often coerced, at the mercy of social forces, often primarily concerned with the welfare of others" (p. 132).

According to abolitionists, in prostitution, women are coerced, and they do not experience their sexual agency. They try to show that giving consent to sexual acts is more like a survival strategy in which women cannot decide the terms of sexual encounters. As Carole Pateman (1988) argues, the question is not whether a prostitute woman gives her consent or not; rather, the concern is why men have the right to control women's sexuality through power. According to the liberal contract theory, persons involved in a contract are free agents. Pateman strongly condemns this liberal contract theory and shows that men use the social contract to oppress women, and women willingly consent to their domination. Sex work advocates argue

that women who choose to work in the sex industry are not victims of male oppression. The word 'victim' represents women as weak and powerless. Some modern liberal theoreticians, like Barbara Sullivan (2004) and Martha Nussbaum (1999), focus on women's ability to show agency in prostitution. Sullivan pointed out that though there are enough reasons to think that there is a coercive side present in prostitution, "more attention needs to be paid to the power relation which both coerce sex workers and construct their consensual capability" (p. 127). Many women rationally choose to work in the sex industry because it is the best and only economic option to feed their family in their current situation. They also make different strategies to avoid unpleasant situations or risks of STDs. Therefore, to think that prostitutes cannot exercise agency and rationality is a discriminatory opinion about them. Abolitionists defend their stance by saying that what makes a prostitute a passive object in sexual intercourse is not her inability to make rational choices but the condition of prostitution itself that shows a threat to women's agency, perpetuates inequalities between men and women, and a practice which is based on sexual and economic exploitation. In a male-dominated society, male sexuality is often considered more valuable than female sexuality. Women are available to provide sexual pleasures to men. They are reduced to objects rather than subjects of their sexuality. In a patriarchal society, women are vulnerable and rely on men's resources due to women's lack of access to money, food, and other resources. Prostitution has appeared in many forms because of sexual and economic inequalities between men and women.

Prostituted women can have a rational choice if they admit that prostitution will help to improve their situation. These women can access agencies like other people. It is also true that many of these women can negotiate with clients/pimps, show some strength in oppressive circumstances and be resilient. So, it would be unjust to state that all prostituted women are weak in their work. We should acknowledge the resilience and courage that some prostituted women can show throughout or after their work experiences in prostitution. However, on this topic, abolitionists believe that though prostituted women can show agency and develop survival strategies in an exploitative and oppressive situation, it does not imply that we should ignore the fact that prostitution is a patriarchal system that denies the sexual agency of women. In prostitution, women's sexuality is not free from coercion and pressures. Prostitute women are forced to sacrifice some agency to work.[1]

[1] Rhea Jean (2015) explains, "What is sexual agency for any individual? It is the ability to choose one's partner, have the right to spontaneously say 'no' to a sexual relationship at any time, and not be pressured into sexual relationships. Prostitution denies all this because, as a sexual contract, it redefines sexuality in terms of work: the 'partner' becomes a client, who can be anyone and who can demand whatever he wants, and the prostituted woman is not supposed to say 'no' but 'yes' when her clients give her money (consent to sex is bought by the client, and

In the context of prostitution, the agency concept must be defined clearly. Sex work advocates consider the term agency as capabilities, not as possibilities. The notion of agency regarding prostitution sways between these two perspectives of capabilities and possibilities. In an oppressive social situation, making rational choices and exercising agency for someone is hard. Sex work advocates only concern the person's mental capability for agency rather than social circumstances that lower the possibility of accessing agency, a problematic aspect of prostitution that abolitionists are worried about.

III

The sex radical stance is advocated by a group of comparatively privileged sex workers. This stance should not be discarded just because its majority advocators are educationally and economically privileged than other unprivileged sex workers. It is important to note that this standpoint is an ideal representation of what should be called the good standard of the sex industry, where sex workers have the most entry and exit options available to them in terms of working in the sex industry. Thus, these sex workers have some negotiating power during transactions and work relatively in a safe environment where they can have control over factors like who will be their clients, what sexual acts they perform with them, and how much they charge for this. Sex radicals, from their privileged economic position, argue that multiple structural inequalities and meanings can be located in sex work, which need direct involvement to be changed. Sex radicals embrace their sexuality without any hesitation and practice it in such a way that is totally disapproved by cultural norms and also challenge the dominant normative views of who women are and what they want. Sex radicals claim that sex work is a therapeutic service that provides sexual needs to its clients that might not be fulfilled otherwise. Sex work also encourages sexual openness and sexual healing that allows people to take a healthier approach towards sex. This approach aims to exclude any form of shame attached to sexuality and also aims to inform men how to tune with a woman's body in a better way that elevates sexual satisfaction. Sex radicals' therapeutic viewpoint argues that sexuality is not something natural; instead, it is socially constructed, and the way it now exists requires reconstruction. Although sex radicals never claim that women are not harmed by sex work, they only try to point out that some women can choose this profession for its positive benefits. Where women consensually choose sex work, there it can and does permit women to enjoy

when a prostituted person refuses certain sexual acts, the client remains able to up the price in order to get what he wants)." (p. 56)

sexual experimentation and sexual autonomy while recognizing that "dominant male sexual practice is…in dire need of therapy" (Schwarzenbach, 2006, p. 237).[2] One aim of this therapy approach is to lower the number of violent incidents that happen against women.

Sex radicals claim that they promote a new form of sexuality, i.e., whore sexuality. Through whore sexuality, men and women can liberate themselves from the puritanical, repressive heritage of the patriarchal society. This heritage often promotes the Madonna/whore division and defines women in terms of their chastity who need male protection. Under this male protection, women are expected to confer their individual sexual needs and desires to one man. Sex radicals' proclaimed whore sexuality has attempted to erase the Madonna/whore division, which is structured based on women's sexual behavior. They claim that women who are free to be involved with whomever they want and engage in whatever sexual acts they feel pleasurable are, in a true sense, considered autonomous agents. Where women are compelled to commit with one man (either husband or boyfriend) in a culturally and legally sanctioned way is similar to the denial of women's agency, and it also promotes the instrumental viewpoint towards women. Further, sex radicals argue that many culturally and legally sanctioned relations harm women, for example, abusive marriage. However, the abolition of marriage has never called for the well-being of women who are victims of domestic violence. Therefore, the call for the abolition of sex work is not about protecting women but aimed at controlling it.

Elizabeth Bernstein (1999) points out that the claims of sex radicals are often transgressive about their work. They are typically middle-class women. Their claims can be explicated as an accusation of the dominant cultural status quo and the Madonna/whore division. For them, "being a sex-worker is about taking pleasure in sex, unleashing repressed energies, or exploring the socially-deemed dangerous border zones of eroticism. Often, there is an explicit rejection by women of romance and the 'good girl' marriage contract for which they have been socially slotted" (Bernstein, pp. 112-113). According to Bernstein, "there is nothing transgressive about one who has been socially born and raised to be a 'bad girl' and remaining one" (p. 112). This is an ideal assessment for sex workers who belong to the working class. In sex work, poor women explain that they only choose the better-paying job among others as available to them rather than being poor and culturally respectable. They challenge the economic and legal system that helps to maintain their poverty and keep them within state control. As Catharine A. MacKinnon (1989) rightly pointed out, within the sexual order, where

[2] In F. Delacoste and P. Alexander's collection *Sex Work* (1998), sex workers Carole Leigh, Nina Hartley, and Aline explain that they come and stay in the commercial sex trade because their work empowered them and find themselves as healers and therapists.

women are defined in terms of sexual availability to men, we should not be surprised by the fact that most women can get comparatively well-paid jobs in stripping and prostitution. But the fact is, as Carisa R. Showden (2011) has stated, "refusing to remain poor and to work at "acceptable" minimum-wage jobs because that is what respectable women do is a way of contesting the nexus of economic and gender power and is, in effect, an exemplary form of weakly substantive autonomy" (p. 145). These poor women exercise their agency as much as possible within their critical structural oppression, while their sense of agency comes with high physical and social costs. However, sex radicals have admitted that the way sex work is practiced currently is abusive in nature, but they also inform that this abusive nature is not some inherent characteristic of sex work. Sex work is abusive because of the power dynamics that currently play within the patriarchal culture.[3]

The sexual behaviors of the sex worker challenge the power arrangements both outside and inside of sexual relations. Sex is not the only site where men use their power to abuse women. This misuse of power should be eradicated or criminalized, not sex work. To symbolize the feminine as weak makes sex work more dangerous. Through cultural protests and reforming legal models, sex workers try to normalize their profession and reconstruct the notion of women's desires. The desired outcome of such initiatives is to redefine what women are in relation to men and to reform the idea that female sexuality is imperiled and submissive. According to sex radicals, the illegal status of sex work has reinforced the stigma that limits women's sexual autonomy. For them, sex has several meanings based on particular contexts, and the law aims to enforce the same meaning for all citizens. Sexual acts have different meanings depending on the cultural and historical specific conditions under which they are performed. Sex radicals' critique on the juridical limitation on sex and good womanhood should be considered seriously, but it is important to acknowledge that, as legal researcher Jane Scoular (2004) mentions, sex work should be understood in terms of ambivalence: "It is an activity which challenges the boundaries of heterosexist, married, monogamy but may also be an activity which reinforces the dominant norms of heterosexuality and femininity" (p. 348). Sex work and sex acts both have multiple meanings. These meanings and their deployments are controlled by the material conditions under which it is performed. Sex radical position is more useful in association with the pro-sex work position.

[3] Wendy Chapkis (1997) supported this claim. According to Chapkis, the experiences of a sex workers are dependent on the social location of the woman and the situation under which sex work is performed.

SKBU JOURNAL OF PHILOSOPHY
PEER REVIEWED

IV

Sex radicals consider sex work as a distinct form of sexuality, a therapeutic work, or an empowering measure within gender relations, and abolitionists view prostitution as a form of subordination and exploitation against women. But pro-sex work position has defined sex work based on the political and ontological conditions of sex work. They argue that sex work should be defined in terms of its social and legal status rather than by some essential relationship between one's self and sexual acts. Pro-sex work feminists also argue that most jobs are exploitative. For sex workers, low-wage jobs that they can do instead of sex work are more alienating than selling sexual services to strangers men. These claims lead pro-sex work feminists to argue that what needs to be changed are the circumstances within which sex workers are positioned rather than questioning the legitimacy of this profession and its workers. Conservatives and abolitionists argue in favor of the eradication of prostitution instead of improving the working conditions via responses like legalization or decriminalization. They misread the issues with prostitution and attempt to achieve the perfect model of gender equality by abolishing prostitution.

If asked, the majority of sex workers have expressed that they enter into the sex industry for money. However, sex work is not simply a means to an end; as sex worker Janelle Galazia (2007) articulates, it is "a means to a different end" (p. 87) – an end that is not the sense of indignity and abject poverty of low paid menial work.[4] Pro-sex work feminists view economic exploitation as a bigger concern rather than altering men's opinion on sex and hence attempt to change the demand side of sex work. They see poverty and economic exploitation as primary and sexist rather than some sexualized conditions of normative femininity. Galazia has explicitly expressed this: "The wage gap, welfare 'reform,' sexist and racist hiring practices, the decline in the real value of the minimum wage, lack of universal access to healthcare or rehab services, and the widening disparity between the rich and poor: these are the things that undermine the social fabric and degrade the status of women more than me tramping around in heels could ever hope to" (p.89). Thus, sex workers see their jobs not as sex but as a form of work.[5]

Under this framework, the agency of women would be promoted by changing the legal responses that identify sex workers as criminals and reinforcing the social stigma that sees sex workers as unchaste women who do not deserve any personal respect and legal protection.

[4] This same claim is addressed by a number of contributors to Delacoste and Alexander's *Sex Work* (1998) and Annie Oakley's *Working Sex* (2007).

[5] Rachel West (1998) from the United States Prostitutes Collective points out that "prostitution is about money, not about sex. If women's basic economic situation does not change, then women will continue to work as prostitutes" (1998, p. 283).

Laws that criminalize sex workers make their working conditions dangerous; for example, they often face police harassment; it also encourages the assumption that whores are easy and ideal targets of sexual violence and, most importantly, obstruct sex survival techniques. It also creates hurdles for sex workers to exit the sex industry and enter into other legitimate occupations. In addition, "by denying prostitution the status of legitimate work, criminalization helps patrol the boundary between the sex/affective labor routinely assigned to and expected of women and practices deserving of the financial and status rewards of 'work'" (Zatz, 1997, p. 287). For sex workers, criminalization of their work is the most important factor in constructing what sex work is and how it is experienced by others. The illegality of sex work makes it violent, stigmatized, and some other phenomenon that people think today. As Noah Zatz (1997) writes: "These forms of state regulation articulate prostitution within a cultural realm of marginalized sexuality and isolate it from the status of work" (p. 284). The illegality status creates difficulties for sex workers to articulate the idea of what kind of work they do and includes sex work under the scope of the sexual act by denying its labor status. Many sex workers try to resist such construction by "articulating their practice as a form of service work structured as a sex *act*, a performance in which the client's experience of participation in a *sexual* act is an illusion created by the sex worker, the sex actress" (Zatz, p.284).[6] Most sex workers have often preferred to use the term 'sex work' for their job description because it illuminates the fact that some women earn a living by selling sexual services, and it is not something essential and natural capacity of one's self. It requires several skills and efforts to do it well.

There is no single meaning of sex in the private or public domain. The meaning of sex (love, exchange, intimacy, and much more) is determined by the context within which the sexual act takes place. The same sexual act has created multiple meanings for its participants. Sex radicals aim to redefine what sex work means while paying little attention to the ways within which we are unable to control the meaning of sex imposed by others on our activities. According to abolitionists, prostitution is not about money or sex; it is about subordination and power. However, these are not very different things, as Zatz reminded us that such totalization has crushed "conceptual complexity and cultural variety" (p. 279) and "encourages us to forget the variety of meanings that participation in a 'single' practice can have for different

[6] According to sex worker Peggy Morgan (1998), a sex worker knows very well that "what she does for money is not an expression of her own sexuality" (p. 26).

individuals or groups" (p. 280).[7] Though MacKinnon and other abolition feminists rightly argue that "social hierarchy is at the root of the deformation of desire…. Puritanism and the repression of female erotic experience" also contort sexual desire into commodification and objectification. Indeed, sexual desire is not the leading cause of issues related to sex work; the root cause of such issues is "economic norms and motives that powerfully construct desire in our culture" (Nussbaum, p. 239).

Pro-sex work feminists are less attentive to the debate about the question of what sex work actually means. The abolitionist framework does not value the idea that the act of selling sexual services is a mediating move to create the meaning of a sex act differently. In the process of negotiating what will be paid for, women can define what this transaction will be for them – desire or work. If abolitionists' argument, i.e., women are defined through the sex acts, has any value, then women should be conferred much more control, not less, over those realms where they are expected to bargain on the involved sex acts. It is true to claim that to treat a person as a mere body is similar to denying his or her sense of agency. However, this claim is not applicable in sex work, where using women's bodies in such a way is not the same as the denial of their sense of agency. If we refuse to accept the labor status of sex work, then feminist theorization is going to be an essentialist and misogynist totalization. It is not saying that some women are not brutally tortured under the system of sex work or that the current form of sex work, which is practiced by many of its workers, is the ideal form of femininity. However, such horrific versions of sex work are not the complete representation of sex work. Sex Work is about both sex (as abolitionists and sex radicals would have argued) and economic opportunities (as pro-sex work would have claimed).

V

Sex work is a site where gender differences in power dynamics are too visible. For this, what seems an act of empowerment in sex work is a sign of oppression in other social areas. While abolitionist scholars consider the power flow in sex as one-way – men over women; sex radicals and pro-sex work proponents consider power in sex work as a two-way flow. Bishakha Datta (2010) argues, "Prostitution also involves an equation of sex with power: for the man/customer, the power consists of his ability to 'buy' access to any number of women; for the women/prostitute, the power consists of her ability to set the terms of her sexuality, and to demand substantial payment for her time and skills" (p. 299). The abolitionist position is

[7] Similarly, Nussbaum argues that the context is very important to understand what exactly has happened in a specific sexual act. A paradoxical heterogeneous context has determined whether sex and objectification are politically or morally problematic or not (p. 218).

narrow and limited by moral parameters. It only focuses on problematic aspects of prostitution. Pro-sex work scholars point out that an abolitionist attitude is not helpful for sex workers; because of it, they face stigmatization from society. They already have occupied a marginal position in society that denies them any protection from violence and abuse. Therefore, they are defensive and self-conscious when talking about their work and life. I agree that if we acknowledge sex work as a form of work and sex workers as real workers, then it may help sex workers to overcome conflicts and hypersensitive attitudes that occur in them as a result of being excluded from mainstream society. It is essential to recognize and respect the agency of women involved in the sex industry. By acknowledging their autonomy and choices, we can work towards creating a safer environment where sex workers can fully exercise their agency and advocate for their own well-being. The Pro-sex work and sex radical position project the image of empowering women who get economic and personal stability from sex work. Thus, it can be said that the pro-sex work position, along with the sex radical position, is more convincing than the abolitionist position.

References

1. Bernstein, E. (1999). What's wrong with prostitution? What's right with sex work? Comparing markets in female sexual labor. *Hastings Women's Law Journal*, *10*(1), 91-117.
2. Chapkis, W. (1997). *Live sex acts: Women performing erotic labor*. Routledge.
3. Datta, B. (Ed.). (2010). *Nine degrees of justice: New perspectives on violence against women in India*. Zubaan.
4. Delacoste, F., & Alexander, P. (Eds.). (1998). *Sex work: Writing by women in the sex industry*. Cleis Press.
5. Galazia, J. (2007). Staged. In A. Oakley (Ed.), *Working Sex: Sex workers write about a changing industry* (pp. 86-90). Seal Press.
6. Isaacs, T. (2002). Feminism and agency. *Canadian Journal of Philosophy Supplementary Volume 28*, 129–154.
7. Jean, R. (2015). Prostitution and the concept of agency. In H. Marway & H. Widdows (Eds.), *Women and violence: The agency of victims and perpetrators* (pp. 52–67). Palgrave Macmillan

8. MacKinnon, C. A. (1989). *Toward A Feminist Theory of State*. Harvard University Press.
9. Morgan, P. (1998). Living on the edge. In F. Delacoste & P. Alexander (Eds.), *Sex work: Writing by women in the sex industry* (pp. 21-28). Cleis Press.
10. Nussbaum, M. C. (1999). *Sex and Social Justice*. Oxford University Press.
11. Oakley, A. (Ed.). (2007). *Working Sex: Sex workers write about a changing industry*. Seal Press. Pateman, C. (1988). *The sexual contract*. Stanford University Press.
12. Schwarzenbach, S. (2006). Contracterians and feminists debate prostitution. In J. Spector (Ed.), *Prostitution and pornography: Philosophical debate about the sex industry* (pp. 209-239). Stanford University Press.
13. Scoular, J. (2004). The 'subject' of prostitution: Interpreting the discursive, symbolic and material position of sex/work in feminist theory. *Feminist Theory*, *5*(3), 343-355.
14. Showden, C. R. (2011). *Choices women make: Agency in domestic violence, assisted reproduction, and sex work*. University of Minnesota Press.
15. Sullivan, B. (2004). Prostitution and consent: Beyond the liberal dichotomy of 'free and forced'. In M. Cowling & P. Reynolds (Eds.), *Making Sense of Sexual Consent* (pp. 127–139). Routledge.
16. Truong, T. D. (1990). *Sex, money, and morality: The political economy of prostitution and tourism in South East Asia*. Zed Books.
17. West, R. (1998). U.S PROStitutes Collective. In F. Delacoste & P. Alexander (Eds.), *Sex work: Writing by women in the sex industry* (pp. 279–289). Cleis Press.
18. Zatz, N. (1997). Sex work/sex act: Law, labor, and desire in constructions of prostitution. *Signs: Journal of Women in Culture and Society*, *22*(2), 277-308.