



E-PROVOCATION: IS THE CRIMINALIZATION OF SELLING SEX A FORM OF CLASS WARFARE?

An enduring debate in social policy and criminal law is how society should treat prostitution. The debate tends to focus on whether buying and selling sex should be illegal, as well as whether criminalization is actually counterproductive. Drawing on a body of research on the regulation of prostitution, we develop a class-based argument: that the criminalization of selling sex is a form of class war.

To think about this, we must first discuss salaries and pay, and how these relate to class—a topic we discuss in Chapter 7.

People who work with their minds are socially and financially rewarded. At the elite end, a Chief Executive Officer at a major multinational company in the UK makes £2,750 an hour. Meanwhile those who teach university students make £2,750 a month. It is commonly thought that pay is related to merit, but this is only distantly true. The more training one has, or the richer the company, the more one might get paid—although this is only true if you occupy a sufficiently esteemed position. This connects with ideas about merit being related to intellectual and skill levels (see Chapter 6 for discussion of meritocracy).

We tend to value careers that require high levels of skill. Things that very few people can do well (like professional sports stars, musicians, or nuclear physics) are rewarded. Conversely, occupations that require use of the body but not rare or highly-developed skills, often called manual labour, tend to receive far less money and social capital. Indeed, the jobs that working class people do tend overall to be paid less well than those associated with the middle class.

As such, wage can be seen to be quite closely linked to class position. Children from well-to-do families are more likely to become a CEO, physician, politician, or academic. Those from working class backgrounds are more likely to work in an office, to be a nurse or work in the service sector. Your background is a good predictor of the type of job – and the amount of money you will be paid – in the future (Bloodworth 2016). Children who come from rich families have social and cultural capital (see p.166 in the book on this) and financial safety nets to rely on; those who do not come from money have less access to this important symbolic economy of class, and thus significantly lower chances of earning high salaries, than those from wealthy families. These inequalities are entrenched in education systems across the world, and are integral in how they are reproduced (Alon 2009; Reay 2017).

Yet, there is one trade that relies on the use of the body for work that does not require one-in-a-million talent, like a professional sports person; if done with legal protection and access to health services, causes little or no harm to the body; and unlike soldiering or policing, does not have a high mortality rate. This occupation requires no formal training, although there are undoubtedly skills involved. It is older than most occupations, and those in this trade have always been and continue to be sought for their services. It is the selling of sex—an act that is illegal in many countries.

Some countries, like Norway, permit the selling of sex, but criminalize the purchase of it—a rhetorical device that seeks de facto criminalization without using the terminology (Baratosy and Wendt 2017). As such, in Norway, as in many countries, the exchange of sex for money is illegal. And even in the countries where selling sex is legal (like the UK), there is great stigma around it.

Why is it the selling of sex criminalized? We argue that it is a result of sexual stigma and social control, and does not stand up to scrutiny.

One of the core arguments is that criminalizing sex work is a way to protect sex workers. Yet sociological research shows that this simply does not work (Baratosy and Wendt 2017). Countries where sex work is criminalized find harmful results for sex workers (Ahmed 2011). Criminalization serves to scare off the more law-abiding clients, while not discouraging those who have more dangerous instincts or intentions. It also encourages criminal elements to take control, putting sex workers at great risk (Chapkis 1997). In the UK, where selling sex is legal, a number of rules actively prevent selling sex safely; research shows that sex workers are safest when they work together and have at least one person serving as a chaperone, but British law currently makes this illegal (Collins and Judge 2008; Kinnell 2013). If the safety of sex workers was truly the law's primary concern, it would have policies that enabled sex workers to work together, rather than compelling them to work alone (Ellison 2017).

Compare this to a context where sex work was legal and regulated, as other businesses are: sex workers would have statutory protections. As Martha Nussbaum (1998) and Gayle Rubin (1993) have both argued, the social policy interventions that would best protect sex workers are those that improve work conditions and enable unionization—not blanket criminalization.

Given that sexual stigma is a component of the desire for criminalization, why do we argue that this criminalizing sex work is a form of class war?

Prostitution is one service that poor people can provide without specialist schooling or training. It particularly gives poor young people the opportunity to use their inherited assets to make a living. This is true for both men and women. Indeed, recent research has shown some female university students funding their studies by selling sex (Masvawure 2010; Sagar et al. 2016).

Criminalizing and stigmatizing sex work limits poor people's opportunities to raise themselves out of poverty. It is thus our argument that criminalizing and stigmatizing sex work is to commit an act of class warfare. This is not to ignore or deny that a sub-group of sex workers are engaged in 'survival sex', where they are compelled to sell their bodies to feed themselves or their families. But social policy interventions that gave legal protections to sex workers would help this group too, much more than blanket criminalization does (Armstrong 2018; Sagar and Jones 2018).

We provide a real-life example for you to consider. Take a heterosexual male who is troubled by the facts that: 1) he is not sexually attractive; 2) has poor social skills; 3) is single, and has never had a girlfriend; 4) is now 40 years old and still a virgin. This individual can either do the socially acceptable thing of paying £150 an hour to speak to a psychologist with the hopes that this will somehow raise his self-esteem; or, he can pay the same amount and no longer be a 40-year-old virgin. Which will better serve the client?

Feminist philosopher Martha Nussbaum (1998) asks why the selling of sex is different from other bodily services. We can pay for medicine, massage, personal training and psychotherapy. We can consent to having our bodies tested on for medical science, earning money in the process. We can pay someone to clean our homes, where the cleaner must enter a stranger's house alone—not without risk. We can pay to be entertained by men punching each other violently in a boxing ring. We can legally pay for pornography or erotic dance. Many forms of employment are inherently risky, yet they are not criminalized. Sex, for some reason, is different.

Consider some of the other options for people with few qualifications or social contacts: they can work picking fruit, stacking shelves in a supermarket or drive a taxi, which are low-paid and with little job security; they can join the army, where many men suffer post-traumatic stress disorder, alcohol abuse and depression—men who were also likely to be from socially disadvantaged background (MacManus et al. 2013); they could work in manual labour, where more than 3,000 men a year die in the UK alone from asbestos-related illnesses (Barber et al. 2016). Sex work has the potential to be a safe form of work that can yield a reasonable wage, or a part-time job that can be used as supplementary income.

Given that the criminalization of the exchange of sex for money does not reduce harm for sex workers; and given that a moral argument is rarely used against selling sex outside of religious areas; we argue that the fundamental issue is one of class: it is about regulating working class people's bodies and reducing the options they have to make money and support themselves and their families in capitalist societies. As Laura Graham (2017: 201) argues, "By framing sex work as an issue of crime, with sex workers being both the perpetrators of crime and the potential victims of exploitative crime, the state is able to legitimise its actions against sex workers, while ignoring the harm done to sex workers by the state."

Provoked? Read more here:

Nussbaum, M. (1998). "Whether from reason or prejudice": Taking money for bodily services. *The Journal of Legal Studies*, 27(2): 693-723.

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