

Sexual Labour in Contemporary Capitalism

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Introduction

Prostitution and sex trafficking are old phenomena, brought to the attention of the world community only at the turn of this century by the League of Nations. Almost a century after the formal recognition of the problems and the adoption of countermeasures, the situation has not shown significant changes. In fact, prostitution and sex trafficking today have become a highly organized trade, cutting across many layers of complicity and power relations, including family and household, communities, nation-states and the global economy. This calls for a re-examination of the problems and the countering measures adopted so far at the international and national levels, and points to the need for new frameworks of interpretation to guide responses in ways that do not re-enforce the social formation and expansion of these two phenomena. Three major areas that need re-consideration are: 1) the existing legal instruments which may be too narrowly conceived, and hence are effective in directing the control at women only and not at their clients and procurers (Truong and del Rosario, 1995), 2) the piecemeal approach to prostitution that ignores the multiplicity of spheres of gender power and how they may re-enforce each other (Kapur and Purewal, 1990), 3) the gaps of information and knowledge about the new dynamics of the sex industry. A deeper understanding of prostitution requires the incorporation of women's voices.

However, the web of power relations in prostitution tends to instill fear and hence silences the victims rather than encourages them to speak. As prostitution involves the core of the human being, i.e. the body and the self, and the morality that gives the body and the self social meanings, women's voices on prostitution are also subjective, rebellious and bitter. Women who spoke and took a collective stand, such as the International Committee for Prostitutes' Rights (ICPR), the English Collectives of Prostitutes (ECP), and WHISPER, a US-based organization whose members are survivors of the sex industry, emphasize different aspects of social power.

ICPR stresses that prostitution does not necessarily result from the victimization of women, but from the individual decision of adult women. It proposes that voluntary prostitution should be considered as a legitimate profession, emphasizing that the stigmatization of prostitution as a business transaction is an unfair social practice. ECP and WHISPER also raise the issue of stigmatization as unfairness, but rather than stressing individual choice, they emphasize the oppressive nature of prostitution as a capitalist-patriarchal institution (i.e. one which uses the power of men to exploit women's sexuality for commercial gains). ECP in particular stresses the structural determinants of women's choice to enter prostitution (i.e. lack of other economic options due to gender and racial position). ECP and WHISPER's position points to the need to query the liberal definition of free choice, and to understand how a woman becomes a prostitute, and why she can or cannot get out, rather than focusing only on her status as a prostitute per se.

Academics working on the issue of prostitution face the task of maintaining an openness to such

articulation, and claim no more than the position of a translator or painter. Yet, the gesture of translation or painting itself is the act of self-expression of the academic concerned, i.e. it does express whether or not she or he has come to terms with the prejudices inherent in her/his mental schemes and acquired through her/his socialization, in order to see the situation differently¹. Hence, openness is more than maintaining a position towards others. It is also an attitude towards the self which allows a process of overcoming the epistemic barriers that separate the world of prostitution from the world of knowledge building and interpretation. As such, openness does not mean privileging particular standpoints, but it does mean the acceptance of such standpoints in their own context, and the creation of a process of negotiation over the meanings assigned to come to a better understanding of the context in which such meanings are created. Such a process may provide the opportunity to transform dominant modes of understanding and practices in prostitution, to unveil the arbitrary power that legitimizes the conditions of domination. This would contribute to the improvement of the conditions of women in prostitution on the one hand, and to alter the structures which play a key role in the social formation of prostitution and sex trafficking.

The paper locates prostitution and sex trafficking in the contemporary context of 'wild' capitalism, i.e. the transitional phase during which old modes of regulation mediated by the state are no longer effective and new modes are not yet in sight. It will first highlight the current situation of sex trafficking and its relationship with prostitution, showing the changing trends as well as similarities and differences between various patterns of trafficking. Second, the concept of sexual labour is introduced as an analytical tool that may help dissect the political economy of prostitution, so as to grasp its relationship with market forces. Finally, the paper will present some reflections of strategies for change. The aim is to try to unlock the current antagonistic opposition between abolition and regulation by proposing a third position, i.e. regulation towards abolition. Such a position must accept the pragmatic concerns of regulation of the sex industry to control violence and to strengthen the position of vulnerable women in prostitution to press change against the organized groups as well as individuals who abuse them. Regulation must be interlocked with a strategy towards abolition which requires a much more profound structural change in the organization of sexual relations, linking symbolic struggles with struggles over social practices.

Prostitution and Sex Trafficking Today

In recent years alarming evidence of violence against women in prostitution worldwide has made international public opinion more aware of the problem. The lack of effectiveness of state action against traffickers combined with other factors, such as the deterioration of the socio-economic conditions of women in the last two decades and the thriving sex industry in many countries which plays a leading role in foreign exchange earnings, led to a precarious situation in which young women are becoming more vulnerable to violence and exploitation.

Some of the most recent and shocking evidence of violence against women in prostitution include the following. In 1984, a fire broke out in the red light district in Phu Ket, Thailand, exhibiting the burnt bodies of young women chained to their beds and unable to escape the fire (Truong, 1990). In 1985, 28 women from the Dominican Republic bound for the sex industry in Europe died of suffocation in a closed container which was seized in Saint Martinique due to irregular registration. The container was left for three days in the sun at the harbour (Truong and del Rosario, 1995). In 1995, five Ukrainian women and their employers were found hacked to pieces in a suburb of Frankfurt in what the police speculate to be a dispute between rival

trafficking networks (IOM, 1996c: 16). Much more evidence of violence remains untold because in many countries sex traffickers operate with impunity. What has surfaced to public knowledge is only a tip is only the tip of an iceberg of much deeper networks of crimes worldwide. Such networks seem to have spread rather than reduced and function as 'white-collar' crimes (e.g. money laundering, drugs), and do present a threat to the economic security of the established business world (World Economic Forum, 1996).

In the 1980s, the countries which were known to experience a significant scale of trans-national sex trafficking were Thailand, the Philippines, the Dominican Republic, Colombia, Ghana and Nigeria (de Stoop, 1994). In the 1990s, new evidence shows that Nepal, Burma, Vietnam, China and Central and Eastern European countries have also been affected by networks of sex trafficking. Figures on victims of trafficking are guestimates and therefore the scale of trafficking and the number of women involved in prostitution remain so far speculative. With the emergence of Human Rights organizations and the involvement of other civic organizations in monitoring the problem, one may expect more reliable data in the future.

Sketchy evidence does indicate that trends in sex trafficking and prostitution are on the increase rather than decrease, involving women from diverse geographical locations and of younger age, mainly due to the fear of AIDS, and the new construction of child eros. According to one estimate, over the last few years, some 20,000 Burmese women and girls have been trafficked into Thailand, and 10,000 new recruits come into the country every year (Human Rights Watch, 1993). In the 1990s, Thailand itself has gained a reputation of having the highest number of women working overseas in the sex trade, followed by Brazil, the Philippines and the Dominican Republic². Nepali NGOs estimate that the number of Nepali women in the prostitution houses in India is in the order of 172,000, and yearly about 5,000 to 7,000 young Nepali women are sold to India alone (Subedi, 1993). According to IOM, the number of victims of trafficked women from Central and Eastern Europe (e.g. Bulgaria, Slovakia, Belorussia, Poland, Ukraine, Russia, the Czech Republic) who sought help from local organizations in Western Europe, has more than doubled in the last three years (IOM, 1995).

The trends in sex trafficking show several important features. First, most countries of origin of trafficked women have experienced major economic structural reforms with adverse effects on women's livelihood (i.e. Thailand and the Philippines in the late 1970s, Burma, Nepal, the Dominican Republic, Brazil, Nigeria and Ghana in the 1980s, and Central and Eastern European countries in the 1990s). Recent studies on the effects of economic restructuring worldwide show that this process has created a two-tier system: a) the creation of a formal and successful economy connected with the global market, and b) the exclusion of socially vulnerable groups (women, youth, ethnic minorities, senior citizens) and a deepening line of division between urban and rural (Standing, 1996). The deepening of social exclusion is re-enforced as cyclical unemployment becomes structural unemployment. The socially excluded become the preys for a new predatory shadow economy constituting of smuggling, bribes, illegal employment and black markets (Offe, 1993: 662). Women are among the more vulnerable since they are the worst hit by economic reforms. As Barr (1994) notes, in Russia, "women outnumber men by 2:1 among the unemployed and pensioners, and 94 per cent of single-parent households are headed by women." Similar findings are also found in other countries in transition (Truong, 1996; Molyneux, 1990; Einhorn, 1993). Hence, the inner logic of structural reforms which bears a gender bias must be exposed to show how such logic may have a bearing on the social formation of women as preys for predators in the underground economy.

Second, changes in the direction of sex trafficking may be affected by other factors directly related to the

sex trade, such as 1) changes in the structure of the sex industry in the recipient countries which generate new demands for substitutes, 2) costs of transaction, and 3) a weak legal framework. With regard to the changing structure of the sex industry, the traffic of Burmese, Chinese and Vietnamese women into Thailand (IOM, 1995) shows how market forces can have effects on the trade in women's bodies. Whereas in the past, procurers could locate and find young women from rural areas particularly the North East of Thailand for the sex industry in Bangkok and tourist resorts, many rural women in these areas are now lured into accepting contracts overseas, e.g. Japan and Western Europe, due to higher wages (Phongpaichit, 1996). To provide substitutes for the sex industry in Thailand, procurers now turn to young women from neighbouring countries who can be bought at cheaper prices and on whom more control can be exercised due to their socio-economic and legal status.

A similar case of substitution may be cited of the European Community where the number of migrant women in prostitution has become higher than that of local women engaged in the same activity. As local women move into more protected and socially acceptable position such as escorts (Brussa, 1995: 7; IOM, 1996: 6), gaps are created at the lower range of the industry. These are filled by migrant women, something which may partially explain the rise in international sex trafficking to Western Europe. For example, in Germany, it is estimated that 75 percent of women in prostitution are foreigners (Altink, 1995: 33); in Italy, 80 percent of street prostitution is conducted by foreigners (Brussa, 1995: 49); and in the Netherlands between 33 to 50 percent, depending on the city.

Examples of the effects of costs of transaction on the trends in sex trafficking may be found in the flow from Central and Eastern Europe into Western Europe. Prior to 1992, these trafficking routes were unknown to Western Europe. Since 'shock therapy' was introduced as a reform measure, the sex industry in Central and Eastern Europe is also booming and has turned many cities, most notably Prague, into points of attraction and 'depots' for western-bound traffic. Proximity has lowered the costs of transport, and made it easier and more profitable to traffic women from Central and Eastern Europe. The following commercial representation of women clearly shows this point:

'... Poles are cheaper than Asians both in terms of capital investment and maintenance: What is a cheap train ticket in comparison to a 5,000 Deutsch Marks air ticket from Bangkok or Manila? And, whereas a Thai is unprepared for cold winters—one has to buy her clothes—a Pole brings her own boots and fur coat. And she is good in bed and industrious in the kitchen (cited in Morokvasic, 1991).' Oversupply sometimes makes sex trafficking syndicates from these countries use violence to force club owners in Western Europe to accept the women they have brought (Kootstra, 1995; Altink, 1995).

With regards to the law, most countries impose a very weak penalty on traffickers. The main attention has been placed on the issue of illegal migration and deportation (Truong and del Rosario, 1995). For example, according to Maria Franzi (field notes, 1996), her interview with the police in the city of Lugano, in the canton of Ticino, Switzerland shows tacit tolerance so long as the concerned women have a proper visa, even when the police know about their activity and the involvement of the owner of the club. Such tolerance may be derived from many factors. One is the refusal on the part of the state to recognize the relationship between tourism and prostitution, and hence it fails to provide more personnel to monitor this relationship. Franzi reports that in the whole canton of Ticino there is only one police officer assigned to control many night-clubs. Franzi does not mention the exact number of clubs, but states that there are many due to the tourist resorts in the Canton. Another reason for police tolerance and complicity may be an effect of the

reduction of state budget which affects police personnel and hence weakens law enforcement. For example, in Hungary reported crimes have doubled in the past four years while police budget has dropped by one fifth (Economist, 11 March, 1995). This may have created conditions for bribery and corruption of the state from within.

Police corruption is a well known factor contributing not only to weak law enforcement but also to violence against the victims by police agents themselves. For example, Amnesty International documented a case in March 1991 when the Thai Police tried to force three female Burmese detainees to return to a brothel where they have been made to work as prostitutes. The brothel owner had come to pay fines for their release, but the women refused to go with him. The police used violence against these women and another inmate who tried to intervene on the women's behalf (Amnesty International 1991). This case is significant in that it not only shows the complicity of state agents, i.e. the police, but also how women's resistance can be dispelled instantly due to their transient status.

Weak structures of law enforcement combined with weak penalties make the smuggling of aliens much less risky activity for the criminals than other crimes such as the smuggling of drugs or of stolen cars (IOM, 1995). "The maximum penalty for alien smuggling in the Netherlands and Belgium is only one year, and in Switzerland three years. In Poland, there are no specific laws governing the smuggling of aliens, whilst in the Czech Republic, smuggling of aliens is considered a misdemeanour (a crime less serious than felony)." (IOM, 1995: 13). By contrast, penalty against forced prostitution is high, up to ten years, but the crime is very difficult to prove. One case in the Netherlands shows that it took eight years for a woman from the Philippines, trafficked into the Netherlands, to succeed in escaping and prosecuting her trafficker, who received a two-year sentence (Truong and del Rosario, 1995).

The difficulty to prove forced prostitution as a crime is due to many factors that are inter-related. Formally, forced prostitution is only accepted if physical coercion and deceit can be proven. Otherwise, the case is treated as prostitution with consent. If the woman entered the country illegally, or if her legal permit to stay expires, she is expelled from the country on immigration grounds. However, research in Asia (Truong, 1996) and Europe (van de Vleuten, 1990; IMO, 1996a, b, c, d) has showed that a common practice of traffickers is to bring the women into relation of indentureship at the recruiting phase by advancing their travel costs, and to withhold their passports at the place of destination, hence rendering them captive in the 'governance' of the underground. They must work to pay their debt derived from advances made by their employers for travel, clothes, food and accommodation. Their debt payment period can take several months before they are allowed to keep a percentage of their daily earnings. Thus, forced prostitution may not be derived only from physical coercion and deceit, but also from indentureship. Often, the three mechanisms are used in combination.

In some cases, during the recruitment process, the women were given a false identity in legal certificates (birth certificate and identity card) to obtain passports. Thus, their passports may be real, but their identity is false. This strategy is used by traffickers to avoid legal problems in both the country of origin and destination, namely the women cannot complain legally or ask to be repatriated because they are using a non-existent identity, and in the case of disappearance, there is no thread to follow up with investigation (IOM, 1996: 3). Even when the women know the traffickers, they are not prepared to reveal their identity for fear of reprisal. For example, most cases filed against traffickers in Austria are registered as cases against "unknown persons" (IOM, 1996).

Furthermore, the process of trafficking itself involves a series of transfer from one agent to another, i.e. the local agent will transfer the women to another agent for transport, and at the port of arrival the women are again transferred to another agent responsible for the placement of women into their jobs (Gulati, 1993; Matsui, 1994; IOM, 1996a and b; Rosario, forthcoming). On their jobs the women are rotated every week to different places, and as such it is impossible for them to be fully aware of the networks of trafficking and the individuals involved. Finally, women's experiences with and perception about the police and court authority instill more distrust than confidence to use legal channels. For example, the discovery of police corruption as well as police suspicion towards migrants and victims of sex trafficking undermined women's trust in state agents to formalize their complaints (IOM, 1996b: 9). Thus, the combination of weak laws, nature of law enforcement and the subversive strategies of sex traffickers create a conspiracy of silence against the victims of the sex trade.

To recapitulate, the issue of prostitution and trafficking in women today needs to be located in the macro picture of their countries of origin and destination. Structural linkages ought to be made between prostitution and broader social trends such as 1) the changing role of the state, 2) gendered dimensions of economic restructuring, 3) changing gender relations including the symbolic re-naming of female eros based on social factors such as ethnicity and youth, or a combination of both, 4) structural changes within the sex industry itself and changing strategies of actors in the underground economy to procure new recruits. These are the major spheres of power relations which are active in the process of transforming women's sexuality into sexual labour, and in shaping the consciousness of women in prostitution.

What is Sexual Labour?

Sexual labour may be defined as the utilization of the sexual elements of the human body as an instrument of labour. As such, it is directly tied to sexuality. Sexuality expressed in intimate relations need not be understood as sexual labour per se, as its expression may be related to other meanings than economic (love, care, mutual fulfilment, or simply subjective domination). Sexuality becomes sexual labour when the use of the sexual functions assumes an instrumental role in achieving economic ends. Sexual labour requires an ideological structure which defines the human body of the provider as a passive instrument without an intrinsic value, which then legitimizes its utilization for commercial gains by the mediator.

Social relations governing sexual labour are historically and socially specific, and are linked to the social interpretation of biological differences. The dynamics of sexual labour may be best explored through the concept of the apparatus of sexuality developed by Foucault. In his view, sexuality is managed socially by mechanisms of power and knowledge which are embedded in discourses on biological sex, such as religion, law, pedagogy and medicine. Such discourses create sexualized bodies and sexual identities that are differentiated and through which social power is exercised.

Foucault's view can be extended further to include the link between the constitution of the sexual subject through discourse, and the active role of discourse in the transformation of sexuality into sexual labour through legitimation. For example, in many societies the sexual history of a woman (e.g. rape or loss of virginity) can have an effect on the moral and social worth of a woman as a subject. Her sexualized identity acquired through such experiences can prevent her from a so-called normal life, and grant men the legitimate right of access to her body. A common problem faced by rape victims and women who are labelled as 'loose' is the sexual harassment by men. Hence, a common strategy used by pimps is to first cajole a young woman,

then rape or “deflower” her to first destroy her own sense of self-worth. Then, he brings her into a state of emotional dependency and makes her accept other men. Once labelled as “loose” or deviant, women’s entry into prostitution is often seen by society as an outcome of her sexual history and choice. Penalty is imposed on her while the clients and pimps are often left untouched.

A recent strategy of pimps is to approach communities where sexual mores are not very rigid, e.g. tribal communities, to recruit young women for prostitution in urban areas. Due to the different definition of sexual behaviour in such communities, the sale of sex by tribal women is often seen by urban communities as a normal outcome of their ethnic and caste features (Rosario, forthcoming). Hence, there is a process of misrecognition of sexual labour as a product of individual choice or ethnic-specific behaviour which veils the economic process of profit-making.

Accumulation from sexual labour could become intensified by moral negation or economic justification of its existence. For example, in various periods and contexts since the beginning of capitalism, organized forms of women’s sexual labour have been critical to the maintenance of civilian and military labour forces. Women’s sexual labour has been formally provided in prisons, on colonial plantations, in imperial armies, in industrial settings and, more recently, implicitly through military “rest & recreation” agreements between national governments. In these cases sexual labour plays a crucial role in maintaining “malehood” much needed for military or commercial operations, yet it is morally negated, leading to the negation of the women involved as human subjects. It is precisely this negation which leads to their exploitation and to the creation of wealth for procurers.

Forms of sexual labour do respond to technological innovation, changing market forces and structures of states. Innovation in reproductive technology now allows sexual labour in biological reproduction to take the form of surrogate motherhood based on monetary exchange rather through slavery and indentureship. Similarly, innovation in the fields of transport and communication technology enables the formation of a proliferation of forms of sexual labour for pleasure, ranging from sex-package tours and the provision of pornographic materials to escort services, eros centres, sex therapy centres, and telephone sex-lines. Technology may help firms to disintegrate these dimensions to the point of the total absence of bodily contact in sexual labour for pleasure (as in the case of both traditional and technologically advanced forms of pornography). It can also help to integrate different dimensions of sexuality into one single product such as sex-package tours, commonly known as sex tourism.

Hence, sexual labour must be understood as being historically constituted and therefore its mechanisms of control are also historically specific. Changes in mechanisms of control produce different conditions that constraint or facilitate the action of women who provide such labour. Just as the social origins of women in prostitution are diverse, so too are their experiences and consciousness. As such, women’s voices must be assessed according to the structural position they occupy in the sex industry. The behaviour of institutions which mediate the transaction involving sexual labour (organized criminal gangs, agents of the state such as the police and court system), civic groups as well as their own families also affect their views about themselves and their situation.

Against this background, the proliferation of forms of sexual services in prostitution today must be understood as part and parcel of the broader incursion of capital into the domain of sexuality and eroticism. Apart from formalizing the place of sexual labour in the existing international division of labour, this incursion has also initiated a new process of sexual subjugation. Through the construction of new sexual and

erotic categories, this incursion is able to simultaneously conceal the intensification of accumulation from sexual labour while providing a seemingly more progressive sexual morality to consumers.

The reality of prostitution and sexual labour today confronts the ethics of labour and the ethics of sexuality at the deepest level. The industrial production of sexual services and eroticism implies that a continuous supply of sexual labour must be ensured. This has led directly to an increase in the use of violence to locate and control sexual labour. In this respect, the plurality of sexual choice and recognition of prostitution as a praxis which confronts both patriarchal ideology and economic dependence may not be considered as adequate responses. The border of sexual ethics extends beyond the question of individual choices regarding practice or consumption. It does include the process of sexual domination of some which precedes the availability of sexual choices for others.

Prostitution and Feminist Politics

Contemporary feminist political thought on prostitution is polarised between the abolition and regulation of prostitution. The mainstream view continues to be dominated by the moral concern over female sexual slavery. Practices of prostitution are viewed as the epitome of the principle of women's oppression and hence should be abolished. In this regard, there is little deviation from the main line of argumentation advocated by the Social Purity movement in the last century. The anti-prostitution lobby today supports the 1949 Convention, seeking to make it more effective in penalizing sex syndicates. Alliances with prostitutes are created in so far as women in prostitution are regarded or claim themselves as victims. Women in prostitution as actors with their own social world and agendas are often viewed with suspicion, although this trend may be decreasing with the emergence of NGOs lending support to women in prostitution without stigmatizing their views.

Since 1975, women in prostitution have advanced their perspectives that are grounded in their lived reality. They point to the complexity of sexual transactions today and the links with the service sector. The perspectives of women in prostitution do reflect a diversity of consciousness. Depending on their location, women in prostitution have emphasized either women's autonomous choice, or women's survival needs, or victimization and exploitation. Their views are reflected in the pro-prostitute lobby which is split in three main tiers. One works closely with groups that oppose the stigmatization of sexual identities and advocate the freedom of sexual choices. The other works with groups that try to gain the recognition of domestic work as work. Still, another works with groups that lend support to victims of sex trafficking.

Driven by pragmatic concerns over the conditions of women in prostitution, the pro-prostitute lobby makes a distinction between prostitution as a capitalist-patriarchal institution and prostitutes as human beings caught in this institution. It aims at the introduction or improvement of the existing regulation of prostitution so as to maximize the protection of women from exploitation and victimization by clients, pimps, owners of commercial sex enterprises, and agents of the state (e.g. police). It advocates the view that the process of capital accumulation in prostitution today hinges upon the stigmatization of prostitutes by the law and society at large. Stigmatization fosters and enhances the relation of domination and dependency between women in prostitution and their employers. Such a relation minimizes the effects of the wage system as a redistributive measure and permits the use of force to discipline women in prostitution in order to intensify their productivity. Legal persecution limits the space for resistance by women in prostitution or discounts resistance where space has been created. As such, it benefits men as pimps and as sex-capitalists

rather than women (Truong, 1990).

However, the pragmatic concerns of the pro-prostitute lobby need to be re-examined. Despite the fact that this lobby initially sought to make a conceptual distinction between prostitutes as human beings, and prostitution as a social institution in order to challenge stigmatization, when it comes to strategy, this distinction is erased. The following view of a member of the Foundation Against Trafficking in Women, who is part of the pro-prostitute lobby reflects this erasure: “The fight against trafficking in women, coercion and exploitation in prostitution can only be won if the existence of prostitution and the social rights of prostitutes are recognized and guaranteed. It is not considered realistic to attack prostitution as such” (Wijers, 1995: 5). While the rights of women in prostitution must be accepted as an undebatable principle, we need to reflect further on a number of issues.

The first issue concerns the rights of women as human beings in general, and the rights of women as human beings caught in prostitution. Women in prostitution are human beings, and hence social stigmatization against prostitution should be lifted and their basic rights as human beings should not be denied (e.g. right to litigation, welfare, family life). Regardless of how women enter prostitution, these basic rights should not be negated. This requires that sex outside marriage, and prostitution as one form of sex outside of marriage, must no longer be mystified as promiscuity.

The second and more difficult issue concerns women’s agency in prostitution and prostitutes’ rights as a special set of rights. To account for women’s agency in prostitution and to define their rights, it is necessary to come to terms with the social structures in which they act, and with the major elements which constitute prostitutes as a community or group. When stigmatization and the view that prostitutes are inherently immoral is removed, the major element binding this group is commercialized sexual transaction. The question that must be addressed here is what constitutes justice in the area of commercialized sexual transaction. Here three positions have been articulated:

1. Commercialized sexual transactions are freedom of sexual expression, a form of erotic art, hence it is unjust to penalize sex as work (ICPR).
2. Commercialized sexual transactions and the predominance of women as providers are outcomes of the interplay between gender, class and race which are hierarchical. Hence, it is unjust to penalize sex as work so long as other means of livelihood for women are absent (SKAV).
3. Commercialized sexual transactions are not victimless and without violence, and the agency of older women in the victimization of younger ones and in committing violent acts cannot be discounted (Rosario, forthcoming).

The three positions hold different views on justice, i.e. justice as freedom of self-expression, justice as distributive justice, and justice as retribution. The just treatment of women in commercialized sexual transactions today requires more than addressing their freedom of expression as social subjects, or the broader issues of distributive justice between men and women within countries and among countries. It requires an inter-generational dimension of justice, i.e. how practices in commercialized sexual transaction re-enforce the vulnerability of the younger generation. The question is whether or not legalization, i.e. the formal recognition of prostitutes’ rights, will lead to more female control of the sex industry as some have argued (ICPR) and will lessen male monopoly of violence. Or whether it would create conditions for large-scale prostitution while erasing the grounds to fight violence against women’s bodies as they have given their consent. As I have argued, violence against women in prostitution stems from the dynamics of

the sex industry itself, i.e. the constant renewal of sexual labour and the denial that sexual labour exists, both of which silence victims and allow violence to perpetuate itself. If sex work is to be recognized, it would solve only half of the problem, and not the whole.

Finally, the recognition of prostitution as a legal form of commercial transaction does re-enforce the conception of the human body as an instrument devoid of any intrinsic value. It is precisely this instrumentalization which enables market forces to violate the physical integrity of women and turn them into commodities to be bought, sold, consumed and transferred from one hand to another. Thus the issue is not grounded on sexual morality only, but it also related to whether or not the integrity of the human body can be maintained if the dynamics of the market are to be left uncontrolled.

This last issue is a much deeper moral problem of contemporary capitalism. More and more, the trade in human bodies in the form of human materials (parts of the human body such as organs, embryos) and sexual labour, points to a fundamental conflict between the core value system of "Modernity" as a sociological project and the historical evolution capitalism. Inherent in 'Modernity' is the ideology of emancipation based on social equality and enlargement of choices. The system which is supposed to create such social equality and choices is based on the functioning of market. Yet, the functioning of the market has been allowed to the extent that it now gives us the choice to consume each other on a mass-scale. As Berlinguer (1994) argues, if the body market were to generalized, it will 1) threaten the basic principle of human solidarity, i.e. the ability to see the other as a self, as members of the same species, and 2) create an economy of "substitutes" which enhances the capability of humanity to consume itself, or more precisely, the capability of those in power to consume the bodies of, or human parts produced by, those who are weaker due to their social positioning (class, gender, age, ethnicity). Hence, the plea for tolerance of exchange as long as it does not involve irreversible harm needs serious re-examination.

In the case of prostitution, the notion of harm must be re-examined to take into account not only physical harm but also psychological harm and social stigmatization, as well as harm incurred by STD and AIDs. Particularly, when the case involves young children, this harm may mean the nullification of the life chance of the subjects all together. Furthermore, due to the inequality of social positions occupied by the subjects involved, harm may already have occurred before the subjects enter the act of exchange, e.g. the use of physical coercion and violence such as rape and beating to discipline the subjects into accepting the act of exchange (Pyne, 1995; Rosario, forthcoming). That such violations of rights exist today in Asia and Europe may indicate that somehow, the capitalist system has not moved beyond "primitive accumulation," at least insofar as women's sexuality is concerned.

In this regard, feminist politics on prostitution needs to unlock the current paralysis created by the opposition between abolition and regulation. We need to work towards a strategy which takes on the ambiguous space between these two positions. Regulation must not be accepted in an ideological vacuum to be filled in by market ideology. It must be directed at abolition as a long-term goal through measures that address distributive justice and create space for public pressure and state accountability. Abolition cannot be accepted as banning prostitution by legal means, but should be directed at isolating organized criminals and banning those practices which maintain the self-reproduction of prostitution in the first place, e.g. female poverty and stigmatization of women in prostitution. Most often, stigmatization is a major mechanism of self-reproduction of prostitution since it prevents women and their children from having another life and forces older women to exploit younger ones for their own social security. De-stigmatization

and the creation of viable alternatives would destabilize the institution of prostitution from within. Creating space for public pressure can take many forms, one of which (tried by the Netherlands and Belgium) is to reform legal measures to enhance the physical, social and economic security of women in prostitution, combined with extensive networks of social support and legal aids that would facilitate their right to litigation and help them press charge against abusers. Through such measures, criminals can be more isolated and made to face higher risks in dealing with forced prostitution. State agents engaged in forced prostitution as a mediator cannot be exempt from prosecution. Clients consenting to forced prostitution must be faced with strong penalties. Regardless of where they have committed the crime, prosecution should be made possible in their home countries or host countries (e.g. Germany and Australia have reformed the law to make this prosecution possible, particularly with regard to child prostitution).

It should be emphasized, however, that the strategies discussed so far have been based on the state as the unitary actor. Reality shows that such a conception of the state cannot respond to the problem of sex trafficking and prostitution which extends beyond national boundaries and is controlled by trans-national actors capable of evading state control and operating with impunity. The only countervailing force resides in an engaged global citizenry with aspirations for new futures who realizes that the abolition of prostitution cannot be achieved through piecemeal approaches. It involves a major restructuring of social relations without which the future of younger generations of women will be cloned by the present.

Conclusion

Prostitution is a reflection of colonial relationships. Sousas Santos provides a definition of colonization which helps capture the many layers of power relations in prostitution. To him, colonization “consists in the ignorance of reciprocity, in the incapacity to conceive of the other as other than an object” (1995: 27), and solidarity is a way of knowing that puts an end to this colonization (1995: 27–50). To abolish prostitution requires abolishing colonial relationships, and replacing them with relations of solidarity, starting with our beliefs and practices towards our own bodies and the signification of our bodies in mediating our relationship with others. The ability to treat the bodies of others as instruments begins with the ability to treat our own body as an instrument, detached from our soul.

Feminist politics has played an important role in bringing out the significance of body politics and the historical process of male colonization over female bodies. However, we need new frameworks of body politics that can integrate the perspectives of women in prostitution in ways that can open up relations of solidarity rather than antagonism. A constructive dialogue is needed between those who support abolition and those who support regulation to improve our ways of knowing, our access to the reality of women in prostitution. The participation of women in prostitution in this dialogue is vital, however diverse their positions may be. Diversity in prostitution is produced by the interaction between sexuality and economy. The more intensified this interaction becomes, the more diversified the experiences are. However, the diversification of experiences should not be confused with the diverse manifestation of the same reality, i.e. the encroachment of market forces on women’s bodies and sexuality, legitimized by the male privilege as consumers which constitutes the first layer in the sequence of colonial relationships.

As Vargas points out (1992) women’s interests in general are grounded by the specific process of confrontation, negotiation and alliances with others, e.g. other women, other social groups. As such, they are flexible, dynamic and cannot be “frozen” in time and space, except under political slogan. Recognition

and misrecognition of power are part and parcel of the process of definition of interests and alliance building. Hence, interests should be encouraged to be articulated. Only through such articulation can women's own perceptions of power be understood and a certain modality of alliances can be built. In as far as prostitution is concerned, the confrontation between women in prostitution and law enforcers, between prostitutes' organizations and feminist groups is part of the process of interest definition. As dominant perspectives have gained their significance primarily through the ability to assign meanings to practices of prostitution, and through having such meanings sanctioned by objective structures (such as the law) and public expression (such as media), feminist lobby groups must recognize that what ever meanings assigned to prostitution are both a product and an effect of power. Hence, the alteration of meanings must be a collective enterprise which can only take place in parallel to the de-stigmatization of women in prostitution.

Solidarity with women in prostitution means to initiate a concrete process that makes this alteration of meanings possible, and to overcome the antagonistic opposition between abolition and regulation. Such a process requires: 1) a commitment to gender equality and to an improvement in human relationships in general, without accepting a hegemonic truth about sexuality and intimacy, 2) a commitment to perceive diversity in prostitution as a rule, and hence to permit and promote the diverse articulation of the perspectives of women in prostitution, and 3) a commitment to respond to this diversity by transforming the dominant modes of understanding and regulation in line with the first principle.

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Notes

1. For example, what a researcher sees as "cheating" may be a strategy to circumvent the effects of power.
2. The number of Dominican sex workers abroad is estimated to be 50,000 (IOM, 1996b: 1)

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