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Book Review Essay: *Not a Choice, Not a Job: Exposing the Myths about Prostitution and the Global Sex Trade*

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Not a Choice, Not a Job: Exposing the Myths about Prostitution and the Global Sex Trade.
Janice G. Raymond. 2013. Potomac Books. Dulles, VA. 272 pages. Index included. ISBN
978-1-61234-626-7. \$29.95, hardcover

Reviewed by Tran Truong¹

Introduction

The old radical saw: conservative men believe that women are private property; liberal men believe that women are public property. One need not be an adherent to the horseshoe theory to recognize that canonical left-right distinctions often fail to function in the interest of women as a political class, a fact acknowledged immediately in the introduction to Janice G. Raymond's *Not a Choice, Not a Job*. Conservatives are fatalists, resigned to the inevitability of prostitution; liberals are pragmatists, committed to a politics of harm minimization and an ethics of consent. Neither side accommodates abolitionists, who envision a world without commercial sexual exploitation. Raymond synthesizes an eclectic panoply of academic research, legal scholarship, and first-person perspectives to advocate for the eradication of prostitution by means of asymmetric criminalization. Her meticulous curation of facts and (debunked) myths alone makes *Not a Choice* as invaluable to the women's studies scholar as it is to the abolitionist activist.

This review shall honor Raymond's preference for the terms *prostitution* and *women in systems of prostitution* over less polemical phraseologies such as *person in the sex trade*. As *Not a Choice*'s core arguments are predicated on the material reality that the globalization of prostitution under conditions of male supremacy comes with a set of female-specific consequences, it would be malapropos to use politically neutral or gender-inclusive terminology. *Decriminalization* describes the dissocation from legal penalty all components of the sex trade, inclusive of solicitation, procurement, and brothels. *Asymmetric criminalization* refers to a policy in which the purchase of sex is criminalized, but the woman selling sex is not; this usage is preferred over the more common but culturo-geographically essentializing *Nordic model* or *Swedish model*, in acknowledgement of the fact that such legislation has begun to spread elsewhere.

Not a Choice presents the logic of abolitionism by means of a series of analogies, around which this review shall be organized. Section 2 criticizes regulationism by comparing the prostitution and slavery lobbies. Section 3 criticizes the decriminalizationist understanding of harm reduction by comparing the prostitution and tobacco lobbies. Section 4 criticizes the misuse of the human rights discourse by comparing the prostitution and pedophilia lobbies. Section 5 criticizes the notion of consent in its comparison of prostitution and domestic violence. In Section 6 criticizes the oft-heard false equivalence between prostitution and other forms of waged labor. Section 7 concludes with a nonexhaustive enumeration of possible critiques of Raymond's analysis.

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Assistant planters & sex workers

The contemporary prostitution and historical slavery lobbies share a regulationist bent: just as many decriminalizationists restrict their criticism to particular elements of the sex *industry*, and not the practice of prostitution in itself, so did many slavery apologists restrict theirs to particular elements of the slave *trade*, thereby salvaging slavery as a legitimate economic sector. Racialized economic exploitation could be made incrementally safer by such means as regular health inspections of slave ships, limitations on the duration of slave voyages, and a two-tier separation between kidnapped slaves (which would be illegal) and purchased slaves (which would remain legal). Criminalization would merely relocate the slave trade to more permissive nations, costing abolitionist nations huge amounts of profits; the use of less stigmatizing labels—such as *assistant planters*—would humanize the practice. To Raymond, these strategies are spiritually, if not directly, concordant to the decriminalizationist demand for workers' unions for women in systems of prostitution, the recognition of the forced/free trafficking distinction, and the use of terminology such as *sex worker* or *migration for sex work*.

Social justice advocates are constitutionally prone to rejecting sex-race comparisons as incognizant of intersectionality, or worse, nurturant of erasure: after all, while women in the sex industry are agents of economic exchange, slaves are patients. A radical feminist perspective of women's oppression as rooted in male sexual-reproductive violence, combined with a historical perspective on women's status as the very first property may help legitimize the prostitution-slavery equivalence. One need not engage in a comparison of the relative *severity* of prostitution and slavery (noting of course, that the boundaries between these two categories are extraordinarily fuzzy in black women's lived experience) to acknowledge similarities between the arguments propounded by decriminalizationists and slavery reformists. Slavery abolitionists were not content to isolate cases of objectionable slavery from cases of unobjectionable slavery: likewise, prostitution abolitionists reject any attempt to isolate a caste of women who are legally targeted for sexual-economic exploitation.

Harm reduction as a patriarchal reversal

Raymond likens the push for increased condom usage, STI monitoring, and brothel zoning to the marketing of low-tar and filtered cigarettes, exemplifying how a liberal ethic of harm reduction transitions seamlessly into a neoliberal acquiescence to capitalist relations of production. In the context of such health initiatives, women in systems of prostitution need no longer be considered as economically exploited subjects with female-specific reproductive vulnerabilities; rather, they are self-responsibilizing subjects in charge of their own sexual health and economic empowerment. Women have always borne and continue to bear the burden of such initiatives: it is they who must submit to STI screening, they who must be sequestered away from polite society in tolerance zones. Decriminalizationist regimes never mandate the increased monitoring of *clients*, nor do they mitigate the perverse incentives that compel women in systems of prostitution to engage in unprotected sexual activity, whether as a way to maximize their earnings or as a result of client coercion. In the parlance of Mary Daly, this amounts to a patriarchal reversal (1978: 79): while it is the client who is dangerous to the woman (given his socioeconomic privileges and her physiologic increased risk of infection), it is the woman who is deemed dangerous to society and thereafter targeted for medicalization, isolation, and stigma. Raymond documents a second reversal in the prostitution lobby's attempt to rehabilitate its public image by means of copious contributions to putatively progressive causes, such as HIV/AIDS prevention—"the very problem

that the sex industry has helped to create” (127).

The male sex right in human rights' clothing

The elimination of the age of consent is consistently framed by pedophile activists in terms of children's right to sexual expression and exploration, just as prostitution is framed by decriminalizationists in terms of women's economic and bodily autonomy. Raymond stresses that such approaches obfuscate an underlying androcentrism, in that they both reify men's right to abuse the vulnerable, a more or less equivalent formulation to Carole Pateman's conception of the male sex right (1999: 56). Sheila Jeffreys (2008) has outlined how decriminalizationists have managed to resell this old wine in the new bottle of disability activism, in another appropriation of the human rights discourse. Prostitution, stylized as “sex therapy,” is set forth as simultaneously a right of men and as a harm-reduction strategy, to keep men with cognitive disabilities from discharging their sexuality onto other persons with whom they are institutionalized. These arguments at once ennoble and normalize commercial sexual exploitation by means of *divide et impera*: women in systems of prostitution—who are already disproportionately likely to be poor or of color, and to have disabilities and chemical dependencies of their own—are now positioned as in some respect more disposable than women within institutions.

One could retort that any truly disability-affirmative prostitution policy would also permit women with disabilities to avail themselves of paid sexual services, though this pseudo-egalitarianism represents a failure to engage with the incongruities between men and women's conceptions of “sex rights” under conditions of male supremacy. As Jeffreys notes, women with disabilities experience phenomenal rates of sexual abuse, both within personal relationships and from institutional caregivers, but prostitution boosters have done much more work in the promotion of men's right to “facilitated sexuality” than of women's right to bodily integrity and sexual-reproductive autonomy. Too often, the prostitution conversation is reduced to the socially atomistic battleground of “consent” and “agency,” with little attention paid to the culturally transformative potential of abolitionism to improve the condition of all women and to fundamentally alter the manner in which sexuality has been constructed. While these intrusions into the human rights discourse doubtless visit the most perilous consequences onto women and children, they also betoken a lamentable diminishment in the possibilities of men, who have now been relieved by the prostitution and pedophilia lobbies from the responsibility of imagining and realizing a sexuality that is not compulsory, hierarchical, or transactional.

Let's talk about his choices

A woman who remains in an abusive situation is rarely argued to be consenting; instead, Raymond argues that onlookers “recognize the complexity of her compliance” (19). Incongruously, decriminalizationists argue that women in systems of prostitution who choose their work are indeed practicing consent. This would seem to pose a problem for the liberal concept of enthusiastic consent, much in vogue in recent years. To the extent that they consent to commercial sexual activity, women in systems of prostitution may not always, or even often, be “enthusiastic”—their cooperation may be better characterized by Raymond's notion of compliance (which, to radical feminists, resides many galactic superclusters away from consent).

A similar problematization of consent comes from Robin West's work on women's hedonic lives. Liberals conceive of social life as constituted by voluntaristic actions effected by rational

agents seeking to maximize their individual welfare in accordance with their own desires and preferences. A just society should therefore seek to build a juridico-cultural climate facilitative of individuals' ability to make consensual choices. West objects to these claims, not the least because the liberal "self-regarding self" is a *male* self. As a result of their sex-specific reproductive vulnerabilities (i.e., as impregnable persons) and their conscription into conventional femininity (e.g., into caretaking roles), she argues that women very often do not exercise consent to fulfil their own desires, but rather the desires of others. Given the unrelenting threat of male sexual-reproductive violence, women are unable to engage in the subject formation processes that would produce the rational, utility-maximizing self of the liberal imaginary. Instead, women cultivate a "giving self" in order to survive in consensual monogamous relationships, a port in the storm of Daly's patriarchal sad society (1984: 53). Regarding the wife who consents to boring, irritating, invasive, or painful marital sex, West concludes: "an ethical standard which ties value to the act of consent...leaves these miserable relationships beyond criticism" (2000: 161).

The most intransigent of liberals may rejoin that this is a feature, not a bug: that an ethics of consent engenders female-specific hedonic consequences is of no import; a woman should be free to make any choice, however hedonically unfavorable. West counters that a saner politics would decenter women's lack of choices, or even their lack of power—rather, it would center women's abundance of *pain*, unique in its severity, statistical disproportion, and sex-specificity. A liberal construction of social life simply guarantees women's freedom to consent to their own misery for the sake of others (e.g., their partners or children). With this argument she forges a contiguity with Raymond's rejection of consent: given the circumstances of dire economic need in which women in systems of prostitution are embroiled, one should not support prostitution on the grounds of consent and agency; one should reject it on the grounds of exploitation and *harm*. Political analyses that center pain and harm may be closer to women's lived realities than ones that shoehorn women into men's imagined realities.

Interestingly, while decriminalizationists claim that women can sell sexual services freely, men do not seem to believe that they are buying them freely. Raymond's guided tour through the haunted house of men's narratives reveals bone-chilling accounts grounded in biological determinism, sex-role essentialism, and an externalization of the locus of control (emphasis *sic*): "MEN are the ones being exploited by these whores...they [men] cannot control the urge. This leaves men open to abuse and exploitation" (42). Those lamenting the perilously scanty scholarship on the phenomenology of men who buy sex may consult political artist Nia Thomas's *Invisible Men* project (Murphy 2014), which collates clients' "reviews": "She just lay there motionless... It was the equivalent of paying £150 for sex with a blow up doll. Except the doll wouldn't have made me feel so crap." On the available evidence, one could be led to the outré conclusion that the decriminalizationist focus on consent has visited sex-specific negative consequences on *men's* subjective well-being—or one could be led to forswear the religion of consent.

Femina economica

Where conservatives (and apparently clients) frame prostitution around the discourses of biologism or moralism, liberals prefer economism, a discourse which supposes a notion of *homo economicus* not altogether differentiable from West's model of the self-regarding self. Detached defenses of prostitution (or stoic surrender to its ineludability) on economic grounds are as old as water and time, confirming Alison Jaggar's observation that while capitalism alienates both men

and women in a sex-neutral way as workers, it additionally alienates women in sex-specific ways *as women* (1983: 308). Raymond argues that the decriminalization produces and normalizes conditions of “gender apartheid” (4), in which male exploitation of the economically marginal is exalted as an inalienable right and in which prostitution is repositioned as a job like any other. Decriminalizationists may be unmoved by the assertion that prostitution is, indeed, unlike other jobs: no other sector penalizes experience, requires dissociation, or produces chemical dependency to the same extent and at the same level of female-specificity. In practical terms, attempts to codify formal equality between prostitution and other types of employment have been uniformly unsuccessful. In the interest of protecting their anonymity, women are loath to register with the state to avail themselves of the benefits of unions, pensions, and health care. Women who are unable or unwilling to formalize their participation in systems of prostitution in decriminalizationist regimes end up every bit as economically vulnerable as women in criminalizationist ones. Women exploited by systems of prostitution are reluctant to be secondarily exploited by the state: “This involves my body; I will not pay tax over it” (97).

Decriminalizationists argue that this prioritization of anonymity proceeds rationally from the stigma attached to women in systems of prostitution, called elsewhere “whorephobia” (Queen 1997: 135). One could accept this proposition at face value, without too closely interrogating the line separating misogyny and whorephobia, which would seem to quantum-mechanically oscillate between gossamer-thin and nonexistent, if the linguistic practices of street-harassing men are any indication. It must then be asked: why would decriminalization do anything to end or limit stigma? Within the North American context, there are plenty of practices that are legal but stigmatized (e.g., smoking cigarettes), just as there are plenty of practices that are illegal but non-stigmatized (e.g., pirating music). It is unclear whether the social status of women in systems of prostitution is noticeably higher under decriminalizationist regimes—and more importantly, if this higher social status correlates at all to any material benefits. There are more things undergirding the hatred of women inside and outside of systems of prostitution than are dreamt of in decriminalizationist philosophy.

The consequences of globalized prostitution lay bare the fiction that one could improve women's condition if only prostitution were legal. The utility-maximizing functions available to *Homo economicus* are simply not the ones available to *Femina economica*. As documented by Raymond, the widespread availability of prostitution (and pedophilia) tourism creates a buyers' market, ultimately permitting men to use their socioeconomic advantages to purchase sexual services in nations and contexts in which women and children are the least protected, at once undermining gains in more progressive regimes and driving down the wages and bargaining power of women in systems of prostitution. If the prostitution tourism boom is a direct consequence of the criminalization of prostitution, one could decriminalize (relatively more consensual) prostitution in advanced economies in order to keep economically privileged men from exploiting the women engaged in (relatively less consensual) prostitution in less developed economies. It remains an open question whether someone who supports this policy would also support the decriminalization of intergenerational sex to achieve similar ends.

Given the context of sexual dimorphism, hierarchized sex-role differentiation, and a globalized capitalist political economy, the right to buy is, in Raymond's view, not equivalent to the right to sell, measured in terms of the relative agency and harm accruing to each party. Only a policy of asymmetric criminalization, which penalizes buyers while decriminalizing sellers, codifies this nonequivalence into law and recognizes that prostitution is less a consensual economic transaction and more the “abuse of a person's vulnerabilities” (23).

A selection of likely critiques

Naturally, decriminalizationists will reject Raymond's claim that harm should take precedence over consent as the lodestar of prostitution legislation. Perhaps the commonest objection to asymmetric criminalization is that it drives prostitution underground, subjecting women to greater danger and harm. Raymond's riposte: "The critics of the Swedish model cannot have it both ways" (65). Critics argue that *indoor* prostitution is safer when they seek to promote decriminalization (e.g., by claiming that it is better for women and society for prostitution to take place within legal brothels in tolerance zones, off the streets), but they argue that *outdoor* prostitution is safer when they seek to confute asymmetric criminalization (e.g., by claiming that it forces women off the street, reducing their access to witnesses and organic systems of support).

Decriminalizationists may take particular issue with some of Raymond's numbers. It is with the understanding that data on prostitution and human trafficking are notoriously difficult to collect and verify that this review has not dwelt on specific figures. Indeed, critics of abolitionism have often voiced legitimate methodological objections to abolitionists' use of statistics. For instance, consider the case of activist Emi Koyama (2010), who for years has endeavored to correct the oft-cited finding that the average age of entry into prostitution is thirteen. She cautions that since these survey instruments are restricted to youth subjects, the average age is skewed lower, as the earliest entrants into systems of prostitution remain eligible as samples for longer. For her part, Raymond confesses a level of frustration with those who would wax pedantic over the absence of airtight statistics: "What numbers qualify as actionable? Are we supposed to feel 'proportional revulsion'" (6)?

Anarchafeminists and prison abolitionists will reject Raymond's investment in criminalization and punishment. They may be joined by queer theorists who are disconcerted by Raymond's collusion with the state in the social construction of a new deviant subject, the "punter," to be excluded from the charmed circle (Rubin 1984) and targeted for surveillance, pathologization, and social control. Opponents of capitalism and neoliberalism may completely dismiss the entire debate between decriminalization and asymmetric criminalization as playing at the margins of liberal reformist incrementalism, as the problem of (or problems contained in) prostitution would be neutralized under a political economy that exposes no one to conditions of poverty, deprivation, or disposability. This group of critics is unified in a principled skepticism of the state, whether as it is or in itself. Just as the parameters of the prostitution debate would radically change under conditions of economic justice, so would state-directed skepticism melt away were the state to redirect its investments away from carcerality and towards human flourishing. Raymond leaves no space in her work to imagine these possibilities: she writes of a world that would penalize men who buy sex, not of one that would furnish women with the means to live without having to sell sex.

It goes without saying that many prostitution abolitionists share the aforesaid reservations, mindful of the state's propensity to entrench women's subordination. Such advocates of asymmetric criminalization do not view themselves as disloyal to radical politics, but rather committed to the provision of value-added solutions that improve the immediate quotidian conditions of women in systems of prostitution, who do not have time to wait for a cultural moment that is more amenable to large-scale social transformation. However the economic needs of women in systems of prostitution and be met, Raymond argues that it cannot be through (symmetric) criminalization, nor through (extant regimes of) regulationism. A significant minority of

abolitionists, particularly those who center in their work the criticism of the institutions of heterosexuality and mandatory penis-in-vagina intercourse, may find prostitution to be objectionable under any imaginable political economy, and therefore a hyperfocus on redistributive justice will smack to them of liberal economism.

As a result of space constraints, Raymond is unable to give a treatment of the race-specific harms endured by women of color in systems of prostitution, even as she readily incorporates into her work data and case studies on their experiences. It is difficult to disentangle the abuse of Thai women and children in prostitution and child abuse tourism from how the white male gaze eroticizes and racializes (and indeed, constructs) the “Asian” subject. It is difficult to disentangle the abuse of domestically-trafficked First Nations Canadian women from the ongoing regime of culturally-disintegrative settler colonialism. The level of detail to which Raymond discusses these and other cases may be insufficient for the reader interested in the lived experience of women whose sex-based oppression is compounded by their positionality with respect to white supremacy and Western hegemony.

It may appear entirely apt to black liberationists that a book that underdiscusses race should also happen to advocate for criminalization. While not a single person has been imprisoned pursuant to the *Kvinnofrid* law in Sweden at the time of this writing, it certainly stands to reason that the enactment of similar legislation in the United States, given its relatively larger investment in anti-blackness, might produce a regime of disproportionate surveillance and criminalization targeting black men—even as several studies have found *white* men to be overrepresented as clients. From the perspective of at least a few antiracist activists, then, Raymond has—however unintentionally—presented a false dilemma between poor black men's right to be free from criminalization and poor women (mostly of color)'s right to be free from sexual-economic exploitation. Rather than pursuing a solution that protects both sets of interests, she has opted for the counter-intersectional policy of asymmetric criminalization. Abolitionists might respond that the anti-blackness of the carceral state exists altogether independent of its prostitution policy: that is, poor black men would be no more or no less of targets in an abolitionist regime than in a regulationist (or criminalizationist) one. Their experience of racialized oppression and risk of extrajudicial execution would be unacceptably high in either case. The status of women, however, does materially improve under asymmetric criminalization, which is precisely what makes it a worthwhile policy, though of course it would have to be implemented in concert with the reform—perhaps even the elimination—of the police force in its current state.

This debate is but a microcosm of a much larger interchange of recriminations between radical feminists and leftists more generally. Radical feminists have often been dismissed by leftists as insufficiently *radical*, as many (but certainly not all) of them in favor of juridico-carceral solutions to the problem of male violence, which to them includes pornography and prostitution. In turn, leftists have been dismissed by radical feminists as insufficiently *feminist*, as many (but certainly not all) leftists explicitly or implicitly prioritize race and class over sex. Raymond's work demonstrates, but does nothing to resolve, the tensions between the race-differential consequences of carcerality foregrounded by decriminalizationists and the sex-differential consequences of prostitution foregrounded by abolitionists.

In the final analysis, Raymond's distrust of the liberal understanding of consent, coupled with her insistence on the recognition of female-specific vulnerabilities and the manner in which they are exploited and neglected by an androcentric legal system, provides one with an excellent base to interrogate any institution of male dominance. Alas, Raymond does not extend her analysis to the other known sites of male sexual-reproductive violence against women, namely

pornography, marriage, and heterosexuality itself, all of which contain obvious material and theoretical isomorphisms to prostitution. Perhaps the most important critique of *Not a Choice* is that it simply does not go far enough.

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