Prostitution: The New ‘Abolitionism’?

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There is all of the difference in the world between paying and being paid.
- Herman Melville

Last year the Irish government declared its intention to reexamine legislation surrounding prostitution in Ireland. Shortly after this statement, the Minister for Justice and Equality Alan Shatter, announced he was taking legal advice from the Attorney General on the so-called Swedish model or the criminalization of the purchasing of sex. The proposal was enthusiastically received by organisations such as Ruhuma and the umbrella organisation Turn Off the Red Light (TORL) who argue that the Swedish approach is the most effective means of tackling sex trafficking and prostitution in Ireland. This so-called Swedish model is increasingly being presented as a ‘magic bullet’ that will eradicate the demand for commercial sex through the criminalization of those who purchase it. This approach is certainly not the only approach open to the government and it is increasingly being viewed internationally as a highly problematic approach; yet, it is being presented to the Irish public as the only progressive and reasonable approach that should be considered. Indeed, so powerful is the consensus emerging around this approach in Ireland that even to question it, one risks standing accused of being an apologist for pimps, brothel owners and the exploitation of women and children.

Prostitution is a highly complex issue and any serious response to the problem must address the structural inequalities that lead women and men to sell sex to begin with. Sex work in Ireland has changed dramatically over the course of the past decade. Firstly, what was once a mainly street-based phenomenon has metamorphosed into a sophisticated, highly mobile and easily facilitated activity due, in part, to the development of modern


\[2\] In the course of this article I will make use of both the term ‘prostitute’ and ‘sex worker’. Some readers may object to the term ‘prostitute’ as it is often regarding as a denigrating word for women who are forced into selling sex through poverty and exclusion. Others find the term ‘sex worker’ objectionable on the basis that it dignifies an activity that both reflects and compounds women’s oppression. No offence is intended in the use of either term. Both terms are imprecise in terms of job descriptions and are loaded with ambiguities and moral judgements. The term ‘sex worker’ tends to be more commonly used in international discourse but the term can be problematic for the purposes of this article as it also incorporates different aspects of work in the sex industry from stripping and pornography to prostitution and brothel owning. The term ‘sex worker’ should not be seen to suggest a view that sex is ‘a job like any other’. The term is often used by the women and men themselves who sell sex and have attempted to organise themselves in trade unions and collective organisation, seeking to be incorporated into civil society. However, not everyone who sells sex thinks of themselves as a ‘sex worker’, or wishes to be recognised as such.
technologies like the Internet and mobile phones. Secondly, the growth and normalisation of the global sex trade has meant that there has been huge increase in the demand for sex workers in Ireland. Accurate figures for the total number of women working in the sector in Ireland are probably unattainable but research from various sources suggests that more than 1,000 women, mainly migrants, are available or are made available for paid sexual services on a daily basis. Thirdly, the globalisation of the sex industry has resulted in the sex-trafficking of a small number of women into the country. Again, reliable figures are difficult to obtain but reports to the gardaí suggest that in the three years ending 2011, 134 people – 102 adult females and 31 minors – were alleged victims of sex trafficking.

A Brief History of Prostitution in Ireland

Julia Varela has called prostitution the most modern profession, contradicting the oft-repeated cliché about it being the world’s oldest profession. Numerous historians have shown how our contemporary sense of prostitution was constructed in Enlightenment ideas about women and sexuality. From the late eighteenth century onwards prostitution was increasingly considered to be an activity that needed to be monitored, controlled and contained. Socialist anarchist Emma Goldman quoted a study called *Prostitution in the Nineteenth Century* to describe the conditions that fuelled the growth of prostitution:

> Although prostitution has existed in all ages, it was left to the 19th century to develop it into a gigantic social institution. The development of industry with vast masses of people in the competitive market, the growth and congestion of large cities, the insecurity and uncertainty of employment, has given prostitution an impetus never dreamed of at any period in human history.

The origins of Irish legislation can be found in the various pieces of nineteenth century legislation; Contagious Disease acts, the Vagrancy Act of 1824 and the Criminal Amendment Act of 1885. From the early nineteenth century prostitution became a major social issue of concern in Ireland to moralists, public health advocates and the law and, consequently, the policing of prostitution became a major concern. In many European countries and US cities regulatory systems and legal frameworks were introduced which attempted to control the levels of prostitution and the spread of venereal diseases, systems overseen by both the police and medical profession. Maria Luddy’s impeccably researched history of Irish prostitution argues that the policy of examining prostitutes for venereal diseases

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quickly developed into a mandatory system of surveillance.

While prostitution and venereal disease were largely viewed as social and moral problems, in Ireland these issues were politicised by nationalists who connected them to the presence of the British garrison in Ireland and used them to argue for British withdrawal. Once Irish independence was achieved in 1922 these problems were expected to disappear. Needless to say, they did not. In the aftermath of independence the buying and selling of sex continued to be widespread but now prostitution was explained by the effect of the violent transition to independence on social and personal morality. In post-independent Ireland the ‘prostitute’ was less a figure of innocence corrupted by the British garrison in need of saving and was increasingly associated with unmarried motherhood and the expression of sexuality of young Irish women. A moral panic about prostitution led to the clearance of Dublin’s ‘Monto’ (red light district) by the Legion of Mary in 1923. The 1935 Criminal Law Amendment Act was heavily influenced by Catholic social teaching and sought to close down the spaces for prostitution. This was affected through the granting of greater powers to the Gardaí to search premises and to criminalise women whose loitering could be seen to give offence to the general public. The main aim of the 1935 act was to suppress prostitution through coercive prohibitionist policies that criminalise the sex worker and made all women vulnerable to the charge of being a ‘common prostitute’ on the word of a Garda. Interestingly, the bill also outlawed the sale, importation or display of contraceptives.

Due to the influence of Catholicism on the Irish state and in wider society prostitution continued to be what Eilís Ward termed a ‘low visibility issue’. This changed from the 1960s onwards when more liberal attitudes to sexuality began to emerge and a corresponding restructuring of the Irish prostitution market occurred. Another major change in the law on prostitution took place with the introduction of the Criminal Law (Sexual Offences) Act of 1993. However, as Eilís Ward notes in her overview of prostitution in Ireland, the changes introduced in the 1993 bill did not come from a comprehensive review of the states policy on prostitution but was an attempt to update inoperable laws. Nevertheless, the act moved away from a prohibitionist model shifting the focus onto the ‘client’ and others who were seen to benefit from the exploitation of the prostitute. It kept Irish policy in line with international trends that move away from criminalizing the sex worker. It is this 1993 act that provides the legal framework for sex work in Ireland today (Interestingly this 1993 act also introduced the decriminalisation of homosexuality). It is not, in itself, an offence in Ireland to sell sex. Nor is it an offence to purchase sex. In other words, adults who sell or purchase sex in private are not breaking the law. It is an offence to solicit sex in a public place and the organisation of prostitution is also illegal. The following are offences under Irish law: pimping (managing and exploiting prostitutes), soliciting sex (requesting sex), living off the earnings of a prostitute and brothel keeping.

Generally, when it comes to the regulation of prostitution there are three regime types: prohibitionism, regulationism and abolitionism. Prohibitionism seeks to ban prostitution and to criminalise all parties including the prostitute; abolitionism seeks to ban prostitution but not to crim-
inalise the prostitute; and regulationism seeks to control and regulate prostitution again without condemning or penalising the prostitute. Ward argues that historically a broad common pattern in terms of prostitution is evident in that in Europe, North America and Australia, a prohibitionist approach has largely given way to abolitionist and regulatory models. Today the debate about prostitution tends to be conducted between two poles: the abolitionists who hold that prostitution exploits women per se and call for the prosecution of the pimps and ‘clients’ as a way of protecting against sex slavery and trafficking in human beings. Liberals and libertarians hold that sex is a commodity like any other and call for the social recognition and official regulation of prostitution in order to improve prostitutes’ working conditions. Both positions are highly problematic and involve gross oversimplifications.

In Ireland the abolitionist view in the form of Turn off the Red Light (TORL) campaign has come to dominate. They argue that male demand for commercial sex is the root cause of sex work and prostitution. Prostitution from this perspective is viewed as a form of male sexual violence against women. The market in commercial sex necessarily reduces women and girls to mere objects or commodities to be bought and sold. There is no distinction to be made between ‘forced’ or ‘voluntary’ prostitution. All sex work is a form of violence against women and needs to be eradicated. As the sex industry is fuelled by demand it is necessary to criminalise the purchase of sex. The model that the TORL campaign proposes is known as the ‘Swedish Model’.

### The Swedish Model

The Swedish model, introduced in Sweden in 1999, is understood by many to be a progressive model as it purports not to punish the sex worker (usually, but not always, a woman), but the purchaser of sex (usually, but again not always, a man). The legislation was intended to address the demand side of sex by eliminating street-based prostitution and by preventing new sex workers from entering prostitution. The legislation was part of a general initiative to end all barriers to the equality of women in Sweden and was based on the conviction that prostitution, by definition involves structural violence against women and that no woman voluntarily decides to be a prostitute. Under Swedish law a person who obtains, or attempts to obtain, a casual sexual relation (in any place) in return for payment commits the offence of purchase of sexual service. The penalties include a fine and up to twelve months in prison. The law was enormously popular in Sweden with opinion polls suggesting that up to 80% of the population were in favour of the law. There are conflicting views about the effects of the law. The Swedish government and supporters of this model have claimed huge successes with the approach arguing that prostitution and sex trafficking have decreased as a direct result of the laws introduction. Opponents of the law and sex workers themselves have attacked the law arguing that all that it has succeeded in doing is driving prostitution deeper underground.

Statistics about commercial sex in Sweden are uncertain so it is difficult to get a precise picture of prostitution in Sweden either before or after 1999. The most in-

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9 Ward, 48.
10 See the Turn Off the Red Light campaign website: [http://www.turnofftheredlight.ie/learn-more/](http://www.turnofftheredlight.ie/learn-more/)
fluential and supportive report on the law is the official government evaluation published in 2010, known as the Skarhed report. The report claims that street prostitution was halved and that Sweden was no longer a country desirable for human traffickers. The report also claimed that the law was slowly changing peoples attitudes to prostitution and that it was having a deterring effect on the purchasers of sex. Most importantly, and controversially, the report claimed that the law had resulted in no negative consequences for sex workers. However, even within Sweden the Skarhed report was heavily criticised for being biased, riddled with bad research and contained speculative conclusions that could not be backed up with hard data. The report made little or no effort to explore how the nature of prostitution has changed in Sweden. Many researchers have commented on how there has been an observable decline, in Sweden and other Western countries, since the 1970s in street prostitution. Secondly, just because street prostitution has decreased one cannot automatically conclude that this amounts to less people at risk. Louise Persson, a Swedish social scientist and research co-ordinator with the Swedish Drug Users Union, argues that to be able to draw the conclusion that the law has produced a 50% reduction in street prostitution, one must obviously be able to assess prevalence before and after. The report itself acknowledged that this information was not available\textsuperscript{12} Persson also notes that the claim that Sweden is a less desirable for sex-traffickers is based on the premise that if street prostitution declines, trafficking must have declined in parallel. Again, there is little empirical research on trafficking in Sweden to support these claims. However, if we look at the research into Swedish model as a whole a number of serious problems have arisen for the very people the law purports to protect\textsuperscript{13}

- Women engaged in street-based prostitution (who have always been the most vulnerable group) have reported that their situations have become more difficult. They are forced out of urban, brightly lit areas with CCTV and are forced to negotiate sex in more remote, industrial or rural locations, increasing their risk of violence and removing them from contact with support services.

- Women cannot work together and help each other as they would be in breach of the law.

- The decrease of the number of ‘clients’ have made the street workers. They are more likely to accept unsafe sex and to put their health at risk in other ways.

- The police look for condoms as evidence of sex. This gives sex workers a strong incentive not to carry condoms.

- In the first year, the police used video cameras to harass clients and to collect evidence. This meant that they had to film both the exchange of money and the sex. A lot of women felt that the law was being used by the police to violate their integrity.

\textsuperscript{12}Louise Persson, ‘Swedens sex work laws: Too good to be true?’ Irish Examiner. Saturday, October 13, 2012, 9.\url{http://www.irishexaminer.com/ireland/swedens-sex-work-laws-too-good-to-be-true-210705.html}

Indeed, several countries including Canada, Australia and Britain have all explicitly rejected the Swedish model for precisely these reasons. Using the law to engineer social and economic change is fraught with danger. Indeed as Eilís Ward argues ‘there is a considerable body of evidence that tackling prostitution through legal mechanisms is very problematic’ and it only works when ‘the state has deep and comprehensive surveillance and enforcement capacities’. Granting the State such powers violates accepted notions of civil liberties and is ultimately futile given the fact that most commercial sex goes on beyond the reach of the state.

Alternatives

One of the most striking aspects of the debate in Sweden and, now here, in Ireland has been the exclusion of sex workers from the discussion. Women and men who engage in sex work are more than simply victims to be rescued or sinners to be saved, the have the right to be heard and consulted. The reasons that people sell sex are complex and diverse to fund addition, to escape dead-end jobs and earn more money, to provide a better life for their children or to return money to family abroad. As sociologist Paul Ryan argues, to assume given the complexity of motivations involved and the high levels of poverty and exclusion that force women into sex work, to simply assume that women return to the formal labour market when they leave prostitution, is deeply naïve.

Many of those who are engaged in sex work argue for a regulatory model. Proponents of this perspective argue for the decriminalization of prostitution and the application of labour law to the sex sector arguing that prostitution should be considered respectable, regular work like any other. However, proponents of model tend to be overly optimistic about the possibilities of such a model. Integrating sex work into the formal economy does nothing to abolish the inequalities of gender, race, age and class that are inherent in capitalism. There are a number of other problems with this model.

Firstly, one of things that is most evident from the wide body of empirical research on sex work is that the term ‘prostitution’ does not refer to a uniform experience. There is a world of difference between the experience of a young girl from Africa or Eastern Europe who is trafficked across international boarders against her will and has all her earnings appropriated by a third party, and a woman who works independently as an escort because it satisfies her interest in anonymous sex and partly because she can earn upwards of 2000 euros a week. But it is not even necessary to go to extreme ends of the spectrum to acknowledge that under capitalism it is very difficult to draw a neat dividing line between coercion and consent (whether we are talking about sex work or any other form of labour). Can we ever say that someone who enters into sex work out of economic need is making a free ‘choice’? Or rather can we conclude, as Julia OConnell Davidson argues, that ‘in the absence of alternative opportunities, or where the inducements are great enough, people can and do volunteer to enter contracts that may harm them or that they would not otherwise choose to enter’.

Outlawing trafficking and tol-

14 Paul Ryan, ‘Do we have the Right to buy and sell sex?’ The Journal.ie http://www.thejournal.ie/readme/column-do-we-have-the-right-to-buy-or-sell-sex
erating or regulating ‘voluntary’ prostitution does not resolve the problem because once you leave the extreme ends of the debate the precise point where prostitution becomes a ‘free-choice’ is not easily identified.

Secondly, most commercial sex takes place in the informal or unregulated, even criminal, economy but this would continue to be the case even if prostitution was legalised. The majority of people who engage in the most exploitative aspects of the sex industry do so precisely because they are excluded from civil society (e.g. the very poor, runaway teenagers, drug addicts and undocumented migrants). If sex work was professionalised and incorporated into mainstream economic activity as proponents of this model campaign for, it would not be open to these groups. Furthermore, those who turn to prostitution out of desperation do not do so because they are looking for an occupation, they do so as a strategy for survival.

Finally, increasingly in Europe significant numbers of women who engage in prostitution are migrants. Proponents of the abolitionist model argue that this is the only way to end the demand for trafficked persons. It is important to note that there is no demand for trafficked persons labour or services as such, only a demand for cheap and unprotected labour. There is, for example, strong pressure in Ireland to divorce the debate on trafficking from debates on migration. However, if the primary objective is to end the demand for forced labour, than the distinction between ‘trafficked victim’, or ‘illegal immigrant’ make no sense. A woman who has been trafficked according to the United Nations Palermo protocol is vulnerable because she is abused, isolated and unable to seek redress. But an illegal immigrant who is in Ireland without legal papers is equally vulnerable to abuse and exploitation within prostitution for exactly the same reasons. The difference between ‘trafficked victim’ and an ‘illegal immigrant’ may be clear to those whose priority is boarder security but it is not clear to anyone who is interested in protecting and promoting migrant rights. Indeed, as research has shown it is the very policies designed to control and restrict immigrant that fuels the ‘demand’ for trafficking. Therefore if we are serious about tackling the issue of trafficking we have to be equally serious about promoting migrant rights and opposing draconian migrant controls.

Socialists and Sex Work

There are no easy solutions to the problem of sex work under capitalism. Socialists should certainly support the full decriminalisation of sex work. We should also fully support the rights of sex workers to organise themselves to improve their working conditions and their campaigns for better access to medical and other support services. However, this is not the same as arguing that it should be regulated and controlled by the state. State intervention in the sex industry will not address or overcome the sexism that exists in society, or the material conditions which make people choose prostitution or sex work as the best alternative open to them. This does not mean we understand sex work as the same as other forms of work. The Russian socialist Alexander Kollontai describes prostitution as fundamentally a social phenomenon. As such

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16 Ibid., 10.
17 The Palermo protocol defines trafficking as the transport of persons, by means of coercion, deception, or consent for the purpose of exploitation such as forced or consensual labor or prostitution. For full definition see http://www2.ohchr.org/english/law/protocoltraffic.htm
it is closely connected to the needy position of woman and her economic dependence on man in marriage and the family. The roots of prostitution are in economics. Woman is on the one hand placed in an economically vulnerable position, and on the other hand has been conditioned by centuries of education to expect material favours from a man in return for sexual favours whether these are given within or outside the marriage tie. Kollontai rightly locates both economic vulnerability and equality between the sexes as primary reasons why women enter into prostitution. Therefore, if we want to end prostitution we need to address both questions of economic inequality but also the sexism that pervades our world.

The question of demand

The growth of the sex industry has led some to conclude that men are the problem as they are the main consumers of the commercial sex. Those who support the abolition of prostitution often campaign, in the interim, for the criminalisation of men who use prostitutes, citing the case of Sweden. Yet as we have seen, criminalising men who purchase sex does little to address the reasons why women enter into prostitution to begin with. Nor is prostitution the only form of exploitative sex work that people engage in. Legal regimes like the Swedish model barely touch on the majority of these or on most sex businesses: the erotic phone lines, peep shows, X-rated films, lap dance and hostess clubs, fetish venues and then, of course there is the internet. There are no clear boundaries to separate these activities or workers from each other. Do we move from punishing men who buy sex to banning pornography and lap-dancing clubs? Do we monitor and censor the internet? Where do we draw the line? The problem is that commercial sex under capitalism cannot be understood, or challenged, in isolation from other forms of violence and oppression, such as racism, restrictive labour and migration laws, and poverty. As Marx writes:

Prostitution is only a specific expression of the general prostitution of the labourer, and since it is a relationship in which falls not the prostitute alone, but also the one who prostitutes and the latters abomination is still greater the capitalist, etc., also comes under this head.

Focusing on male violence against women positions women primarily as victims, while giving power to male police and politicians to ‘protect’ women from ‘bad men’. It creates the idea of two opposing genders perpetually in conflict: man = masculine = aggressive versus woman = feminine = passive. It offers no analysis of, and therefore no effective political opposition to, the ways violence against women relates to other forms of violence that women and men experience. Moreover it defines women’s experiences of sex and sexuality almost exclusively in terms of fear and danger.

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Sex under capitalism

We live in a hyper-sexualised culture. Indeed, twenty-first century capitalism has dramatically increased the commodification of sex. Sex is everywhere and is used to sell everything. A European Parliament report from 2004 estimated the global sex industry to be worth $5,000 billion to $7,000 billion. The sex industry has not only grown in a quantitative sense, it has also been normalised in an unprecedented way with pole-dancing and pornography becoming celebrated as outlets for liberated and ostentatious women as female sexuality becomes increasingly defined by the terms of the sex industry. Activities that were once viewed as oppressive to women such as lap-dancing are now accepted as mainstream leisure and fitness activities. Even prostitution has been subject to a profound normalisation through television and the media with the number of men willing to admit using prostitutes doubling between 1990 and 2000. At the core of this culture is reduction of sex to a commodity, an increasingly alienated sexuality and the reduction of women to passive sexual objects. However, this ‘raunch’ culture is packaged and sold to us through magazine, adverts and television in a very different way. We are told that it is empowering to be a stripper, a porn star, or a prostitute and that magazines like Playboy and Maxim, and TV shows like Sex and The City, and Belle du Jour are empowering examples of women in charge of their sexuality, when they are in fact the very opposite. As the writer Ariel Levy asks:

How is resurrecting every stereotype of female sexuality that feminism endeavoured to banish good for women? Why is labouring to look like Pamela Anderson empowering? And how is imitating a stripper or a porn star a woman whose job is to imitate sexual arousal going to render us sexually liberated?

The social relationships that create the possibility of a sex industry are deeply ingrained in the structures of capitalism itself as human relationships are transformed into commodities that can be bought and sold. As O’Connell Davidson remarks:

Human beings are not born wishing to buy commercial sex services or visit lap dancing clubs, any more than they are born with specific desires to play the lottery or drink Coca-Cola. They have to learn to imagine that it would be pleasurable to pay a stranger to dance naked for them; they have to be taught that consuming such services is a signifier of the fact that they are having fun, a marker of their social identity and status as ‘a real man’, ‘adult’, ‘not gay’ or whatever.

It is capitalist society, with its sexist social structures and rampant consumerism, that is the educator, for women and for men. Sex is nothing more than a commodity that can be bought and sold, becoming abstracted from human relationships and

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this results in alienated and contradictory expressions of sexuality.

What are the implications of all of this for Marxists and our attitudes to the family and sex work? First, we need to restate that one aspect of liberation for both men and women is about developing our full potential as individuals, regardless of gender. Second, we have a vision of human sexual relationships that are freely entered into and based on mutual attraction, consent and satisfaction. Whether such relationships are short or long lived, with the same or the opposite sex, between couples of the same age or with big age differences, will be a matter for the couples themselves to decide. And in a world which encourages the development of every aspect of the human personality, the utter dependence on one ‘love’ relationship will give way to more varied relationships based on solidarity.

Furthermore, Marx argues that because exploitation is systematic to capitalist societies, this leads to the most profound alienation of human beings from their natural capacities. At the heart of capitalism is a fundamental contradiction; a tiny minority at the top control the means to life but this control is hidden behind the apparently impersonal working of the market. The very essence of human beings, their labour, is bought and sold according to market forces in the face of which they seem powerless. This process, Marx argued, influenced the totality of human life and experience, including our sexuality, the thing that is most personal and intimate to us as human beings:

Each attempt to establish over the other an alien power, in the hope of thereby achieving satisfaction of his own selfish needs—becomes the inventive and ever-calculating slave of inhuman, refined, unnatural and imaginary appetites. He places himself at the disposal of his neighbours most depraved fancies, panders to his needs, excites unhealthy appetites in him, and pounces on every weakness, so that he can then demand the money for his labour of love.\(^{23}\)

Capitalism distorts sex and sexuality. ‘Sex work’ is not only a symptom of the most degrading and alienated aspects of life under capitalism, but it also serves to reinforce that degradation and alienation. Human beings have the potential to establish genuinely fulfilling and free sexual relationships but these attempts are thwarted under capitalism As Frederick Engels put it:

What we can now conjecture about the way in which sexual relations will be ordered after the impending overthrow of capitalist production is mainly of a negative character, limited for the most part to what will disappear. But what will there be new? That will be answered when a new generation has grown up: a generation of men who never in their lives have known what it is to buy a woman’s surrender with money or any other social instrument of power; a generation of women who have never known what it is to give themselves to a man from any other considerations than real love or to refuse to give themselves to their lover.

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from fear of the economic consequences. When these people are in the world, they will care precious little what anybody today thinks they ought to do; they will make their own practice and their corresponding public opinion about the practice of each individual and that will be the end of it.  