

Drawing the line: Is prostitution consensual sex for a price or men's violence against women¹?

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He said, she said. He said it was consensual sex; she said it was rape. How could we have such different views of the same event? If you were a stabbing victim, no one would ask you if you consented to being stabbed. The behavior itself is violent. But unlike most forms of physical violence, sexual violence is context-dependent. It is not the behavior per se (e.g., sexual intercourse) that is violent; it is the context in which the behavior occurred (i.e., without the other person's permission) that makes it violent. If the other person gave permission or consent, we call it sex. Without that permission, we call it rape or sexual assault.

Elements of consent: Since the presence or absence of consent is the dividing line between sexual respect and sexual violence, we must have a clear definition of consent if we hope to build sexually safe communities. That definition needs to include four elements: (1) Asking the question (e.g., you cannot assume that someone wants to have sex with you simply by the way they are dressed, by how they dance with you, not even by the fact that they have had sex with you before); (2) Of a person who at the time is capable of granting consent (e.g., that person must be old enough, sober enough, conscious and not in a relationship that would prohibit sexual contact such as being a blood relative); (3) With adequate disclosures (i.e., sharing any information that each of you needs to decide whether you want to be sexual with each other such as the presence of communicable diseases, willingness to use contraception, etc.); and (4) Without coercion (e.g., no use of threats, force, or manipulation). If even one of these elements is missing, you do not have consent. You might get compliance, but not consent.

Is prostitution consensual sex? Some people say “yes,” contending that prostitution is the world's oldest profession that women freely select, while others say “no,” contending that prostitution is a violent form of gender-based oppression. By briefly referring to the elements of consent described above, we can begin to resolve that debate. **Asking the question:** Does the typical “john” ask the woman: “*Are you sure you want to . . .*” or does he assume that once he pays her, her wishes no longer matter? **Capacity:** According to a study by Farley, Baral, Kiremire and Sezgin (1998), the average age to enter prostitution is 12, when those children are not old enough to consent to sexual contact with anyone under any circumstance. **Coercion:** As one woman said, “*If I really wanted to be there, why would he have to pay me?*” Another said: “*I consider [the payment] to be an out of court settlement – the amount he has to pay me so that I don't report him to the authorities for raping me, because make no mistake – prostitution is sexual assault of the girls doing it.*” In addition, there are many other coercive tactics employed to keep women in prostitution (e.g., threats, violence, forced drug use, etc.).

¹ While this article focuses on prostitution as a form of men's violence against women, the author acknowledges that prostitution can also include (though less frequently) other combinations such as boys and men as prostitutes and women as pimps or purchasers of sexual services

Often this violence and coercion are delegated to the pimp so that the john can hold onto his fantasy that the act was consensual. **Disclosure:** Do johns routinely share relevant information (telling her, for example, if he has a communicable disease that could place her at risk; that he plans on beating her or not paying her if she doesn't satisfy him; or what his home phone number is in case she unintentionally becomes pregnant, so that she can invite him to become a responsible father)?

By applying this standard of informed consent to sexual behavior, we can quickly see why prostitution is viewed as a form of sexual violence. Ten more reasons are listed below.

1. **Prostitution begins as child rape.** Since the average age to enter prostitution is 12 (i.e., under the age of consent in all 50 states), most become child rape victims when they are first prostituted (many were abuse victims even before being prostituted).
2. **Women do not want to be prostituted.** Women ranked “because someone offered me money to do it” (i.e., prostitution) as the second worst reason to have sex (236th out of 237 reasons to have sex) (Meston and Buss, 2007).
3. **Women want to escape prostitution.** Ninety two percent of those who are prostituted, say they want to get out (Farley, et al., 1998).
4. **Women who are prostituted are trauma survivors.** Rates of post traumatic stress disorder found in prostitution (67%) are similar to those found in war veterans (Farley, et al., 1998) probably due to how one woman described prostitution: as “*the repeated invasion of my body and soul.*”
5. **Prostitution is a tactic of oppression.** One of the worst insults for men to call women is a “whore.” And yet, these same men are willing to pay women whatever it takes to turn them into “whores.” This is a common tactic of oppression (i.e., deliberately beating down a group of people and then blaming them for being down there).
6. **Prostitution rewards men and punishes women.** We congratulate sexually active men by referring to them as “players” and “studs.” We even use an ordinary man’s name – john – to suggest that his participation in prostitution is nothing more than what we would expect from normal men. In contrast, we denigrate sexually active women by calling them “sluts,” “ho’s” and “hookers.” This derogatory language is used as an attack on all women, not just those we coerce into becoming victims of prostitution.
7. **Ask the experts.** Women’s descriptions of their experience of being prostituted make clear its violent nature (e.g., “*It’s not sex, it’s men masturbating inside of you;*” “*How would you like to be a sexual toilet?*” and “*I don’t know of any other job where you are beaten, raped or drugged by your employer for not doing what you are told.*”)
8. **Prostitution, like pornography, is an acting job.** An actor’s job is to create the illusion of reality. In a movie featuring, for example, firefighters, the actors pretend to be in danger, even though they are relatively safe due to special effects, stunt doubles and careful scripting. Those who are prostituted or pornographed also create an illusion. But the illusion is not of being in harms way – they in fact are harmed. The illusion is that they want to be there; that the acts are

- consensual; that women deserve to be treated that way. The long term effect is to normalize and perpetuate violence against women in general.
9. **Women's choice does not preclude men's violence.** Assume that some women do choose to be prostitutes. That does not prove that they are not victims of men's violence. By analogy, just because many battered women stay with their abusive partners, doesn't "prove" that their partners are not violent. These women stay despite (sometimes even because of a threat of) their partner's violence. Part of the grooming process employed by all sex offenders (pimps and johns included) is to make it appear that the sexual activity was the victim's choice.
 10. **Prostitution makes it illegal to be a sexual assault victim.** Legislators unwittingly make it difficult for women to escape prostitution. How? By making it illegal for women to engage in prostitution. Women who would otherwise reach out for help are reluctant to do so for fear that they will be arrested for engaging in criminal activity. As one woman said, "*You men are smart; in effect you've silenced us by making it illegal to be a sexual assault victim.*"

Recommendations:

Perhaps we would have less trouble seeing prostitution as men's violence against women if we stopped analyzing and judging her behavior (e.g., "*Why does she choose to be a hooker*") and instead focus on his behavior (e.g., "*Why would any man want to do this to a woman*" and "*When are we going to insist that men stop treating women as sexual objects?*"). To build sexually safe communities, we need to understand what consent is and promote it as a minimum standard for all sexual activity. We need to prioritize one person's sexual safety and autonomy over another person's sexual access and satisfaction.

With regard to prostitution in particular, Sweden might have the most promising approach. Legislators in that country amended their laws to take into account the sexually exploitive nature of prostitution. Consequently, in 1998, they made it illegal to purchase sexual services, but not to sell those services (Swedish Penal Code, 1998). Arrest the pimps and johns, not the women and children they are victimizing. The resulting decline in rates of prostitution has been encouraging. We should seriously consider similar attitudes and legislation in the United States and elsewhere.

References

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