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[Not] Buying It: Prostitution as Unwanted Sex

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Abstract

Noting the relative invisibility of prostitution buyers, or Johns, in discussions of the morality of prostitution, this article criticizes Johns' behavior on the grounds that they are culpably involved in causing the typical harms of prostitution in the lives of the women whom they pay for sex. Those harms are, at bottom, the result of being habitually subjected to unwanted sex, and they are exacerbated rather than mitigated by such sex being bought and paid for. Efforts to normalize and legalize sex-buying should therefore be resisted.

Keywords

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[NOT] BUYING IT: PROSTITUTION AS UNWANTED SEX

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ABSTRACT

Noting the relative invisibility of prostitution buyers, or Johns, in discussions of the morality of prostitution, this article criticizes Johns' behavior on the grounds that they are culpably involved in causing the typical harms of prostitution in the lives of the women whom they pay for sex. Those harms are, at bottom, the result of being habitually subjected to unwanted sex, and they are exacerbated rather than mitigated by such sex being bought and paid for. Efforts to normalize and legalize sex-buying should therefore be resisted.

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PROSTITUTION IS A MULTI-BILLION-DOLLAR INDUSTRY, in which mostly men purchase sexual access to, and sexual activity with, other persons—predominantly women and girls. For some men, this is a routine practice, while others do it only on rare occasions. Some men pick up women on the street; others visit legal or illegal brothels, and still others hire high-priced escorts. These variations should not obscure the fact that the purchasing behavior itself is remarkably common and consistent, cutting across standard political, religious, ethnic, and national lines among men (Monto 2004).¹

Discussions of the morality of prostitution too often focus primarily if not exclusively on the woman's morality (or lack thereof). The male buyer is rendered invisible, and his choices are thus shielded from moral criticism.² When his behavior is noticed or remarked upon, it is often assumed to be, if not morally ideal, at least natural: boys will be boys, after all, and they have their needs.³ The prostitution buyer is "everyman," or so we are told. Not surprisingly, given the attitudes

¹ While Monto emphasizes that it is a minority of men who buy sex from women in prostitution, he also makes clear that customers "come from diverse backgrounds, participate in a range of sexual activities, and have a wide variety of motivations for seeking out prostitutes" (2004, p. 165).

² There are some welcome exceptions in recent years to the invisibility of the male buyer; see, for instance, Monto 2004 and Coy et. al. 2012.

³ An exclusive focus on the female sellers, rather than the male buyers, has also characterized many efforts to explain the incidence and prevalence of prostitution. Sheila Jeffreys (1997, p. 214) explains that "One basic assumption of pro-prostitution ideology is that johns are just doing what comes nat-

just mentioned, he typically sees his own behavior as morally innocuous (Malarek 2009). Let's call him—what else?—John.⁴

Even feminist philosophical work criticizing industries of sexual exploitation tends to be silent on the specific culpability of Johns (Gauthier 2011, Brison 2006). Perhaps this is because such work has often focused broadly on prostitution's damaging social and ideological implications; as Jeffrey Gauthier observes, "feminist criticisms of prostitution have focused on the ways in which the current practice reinforces sexist beliefs about women, and thereby contributes to women's subordination" (2011, p. 174).

While I share many of those criticisms, in this paper I focus primarily on the harms to women involved in prostitution, and thus on some of those who are most directly responsible for causing those harms: the men who buy their services. In this way, my approach mirrors and amplifies the increasing focus in public debates over prostitution on challenging and/or ending demand—that is, on diminishing the harms of prostitution by targeting those who are buying, rather than those who are selling. The most prominent approach here is the so-called "Nordic model" of legislation, which decriminalizes those who sell sex (and supports them in exiting the trade) while criminalizing pimps and buyers. As the Nordic model continues to gain traction in Europe, it is important to underwrite the approach by articulating a clear moral critique of Johns' behavior. While such a critique will not suffice alone to legitimize the Nordic legal approach, to which many empirical and ethical questions are relevant, it would be hard to support that approach absent any moral critique of Johns: if they are not doing anything wrong, then why should their behavior be criminalized?

I have few illusions about my argument herein dissuading prostitution users from continuing to buy sex. Rather, my hope is to affect the judgments of others regarding sex-buying. As I hope to show, and in opposition to the protestations of many "sex work" supporters, we as a society should indeed stigmatize Johns—resisting efforts to legalize and normalize their behavior, and counteracting their networks of mutual support and self-congratulation (Malarek, 2009).

In its broadest outline, the argument herein is simple: what a John does is wrong because he is culpably involved in causing the typical harms of prostitution in the lives of the women whom he uses. Those harms are, at bottom, the result of being habitually subjected to paid, unwanted sex.

As will soon become clear, by "unwanted" I do not mean "nonconsensual." Certainly, many women in prostitution are not there consensually, and prostituted women are routinely raped both by customers and by others. While outrage at such slavery and overt abuse is appropriate, we should not allow it to eclipse the grave harms that I will claim are intrinsic to prostitution itself, including consensual

ually, acting out biologically created, imperative urges in the bodies of prostituted women. Sexologists who have sought an explanation for prostitution have concentrated on the women, since it was the women who were seen as acting abnormally."

⁴ Jeffreys points out that the term 'john', invented by prostituted women themselves, is apt in that it conveys the anonymity and interchangeability of customers as the women encounter them. It captures the sense in which, from the women's point of view, the buyers are 'generic males, indistinguishable one from another' (1997, p. 3).

prostitution. Those harms, I will argue, are largely the result of unwanted sex, and they are exacerbated rather than mitigated by such sex being bought and paid for.

After a brief explanation of the distinction between wanting something and consenting to it, I will offer an account of what prostitution is like for the women doing it, and of its typical damaging effects on their bodies and psyches. I will contend that one important explanation for those effects is that the sex they are having is unwanted, and that this fact renders morally problematic the behavior of those who inflict the unwanted sex on them. I will then explain why the harms of unwanted sex—which certainly occur outside prostitution as well as within it—are made worse, not better, by the commercial context of prostitution and its associated norms.

A few clarifications and caveats are called for before I begin the argument in earnest. First, although both women and men can and do prostitute, and there are some female Johns, I will focus here on what I take to be the paradigm case: namely, a man purchasing sexual service from a woman. Thus, hereafter, by “the man” I mean the buyer or John, and by “the woman” I mean the woman prostituting.

Second, prostitution is a broad and complex set of practices, including not only street, escort, and brothel prostitution but also stripping, phone sex, pornography, and more.⁵ Although I believe that my analysis, suitably modified, could shed light on significant moral features of these other types of prostitution, herein I will focus on prostitution that involves a direct, physical, sexual encounter between a seller and a buyer. To emphasize that prostitution is a condition or activity, not an identity or status, I do not refer to the woman as a prostitute, but rather as a prostituted (or prostituting) woman.

Third, in this paper I focus on the morality of Johns’ behavior only insofar as it affects the prostituting woman; my interest is in whether he is wronging *her*, and if so, how. I will thus set aside the moral implications of Johns’ actions insofar as they affect other persons—for instance, his deception of or infidelity toward his wife or partner if he has one, the extent to which his behavior puts his other partners at risk for sexually transmitted diseases, and any effects of his use of prostituted women on his overall treatment of his female partner and/or of women in general.

Fourth, for sellers prostitution is often accompanied and/or produced by a set of brutal and punishing background conditions (MacKinnon 2011). These conditions may include desperate poverty, a violent or threatening pimp, drug addiction, and/or prior experiences of sexual abuse (especially in childhood). The general cultural awareness of these background conditions—an awareness often disturbingly reflected in jokes and mockery—is highly relevant to Johns’ level of moral blameworthiness, since in general we ought not to take advantage of people whom we have good reason to believe are unusually vulnerable and/or whose

⁵ While different scholars and activists use the term “prostitution” differently, it is common among feminist abolitionists to use it in the relatively encompassing way that I indicate here. For analyses of pornography in particular as a form of prostitution, see Whisnant (2004) and Jensen (2004).

consent to do what we want them to do is, at best, questionable. In my view, however, the moral wrongness of the John's behavior does not depend either on such conditions obtaining, or on his being specifically aware of them if they do obtain. I hope to show that what he does is wrong, even absent these exacerbating conditions in the life of the particular woman to whom he does it.

Consenting and Wanting

The difference between consenting to do something and wanting to do it is familiar enough, in a rough and ready way. It is one thing for someone to take a philosophy course because she is interested in learning philosophy; it is quite another thing for someone to take the course only to fulfill a graduation requirement. The latter consents to do something that he does not want to do, that he in fact may want very much not to do, because there is something he does want (a degree) to which taking the course is a necessary means.

Sometimes one consents to do something that one simply has no independent or pre-existing desire to do. For instance, a friend or roommate asks one to ride along on a trip to the grocery store. Before being asked, one was indifferent to the prospect of going to the grocery store, and one still has no particular desire to go, but one consents—perhaps even cheerfully—to go anyway. On other occasions, one consents to do something that one actively desires *not* to do, that one finds repugnant, boring, or otherwise unpleasant: a noxious household chore, for instance, or a visit to a lonely but annoying relative. These brief examples should suffice to suggest that there are many common and straightforward reasons for consenting to unwanted activities.

A person's sex act is unwanted in my sense when, as Clelia Anderson and Yolanda Estes put it, she "performs sexual acts for another without any interest in or desire for connection to that person, without any response to sexual needs of her own, or solely to accomplish some end extraneous to her sexual and emotional satisfaction" (1998, p. 153). The overwhelming majority, if not all, of the sex acts in prostitution are, in this sense, unwanted by the woman. They are acts that she performs not because she wants to, but because there is something else that she does want, to which the sex acts are necessary means. As Catharine MacKinnon puts it, "When you are having sex with someone you want to be having sex with, you aren't generally paying each other. Being one of those things money cannot buy, the real thing is neither bought nor sold" (2011, p. 281). The woman's attitude toward the sex acts of prostitution may sometimes be simple disinterest, but often enough is more strongly negative; as prostitution survivor and activist Rachel Moran observes, "sexual revulsion is a daily experience in prostitution" (2013, p. 158).

We should not be too quick to assume that the thing that the woman wants and anticipates getting, to which the sex is an unwanted but necessary means, is money. Obviously, it may be. But what she wants could also be a drug fix, or to avoid a beating, or to please her pimp and thus be assured of his continued "love" and/or protection, or to make a certain quota of customers tonight and thus be let back into the house by her pimp husband who commandeers and controls any money that she has made. So even when the immediate object is money, the woman's desire or need for money—and for the ordinary goods of life that money can buy—may be far from the whole story. Missing this point may lead us to see women in prostitution as more mercenary in their motivations than many in fact

are, and to understate the degree of vulnerability and desperation that often underlies their choices.

To clarify, I do not believe that my argument in what follows requires the claim that all sex that is not mutually desired is thereby morally flawed. Ann Cahill criticizes this view, pointing out that “a model of sexuality that assumes that desire precedes sexual engagement, or even arousal, may be distinctly masculinist” (2014, p. 310). Not only can desire emerge during (rather than initially motivating) a sexual encounter, as Cahill observes, but in many ongoing relationships, there are occasions when one partner has sex even though she lacks any particular occurrent (or even emergent) desire to do so. She has sex to please, comfort, and connect with her partner because she loves her partner; and her partner does the same on other occasions. (Note that such generosity would not count as unwanted sex on Anderson and Estes’ definition, since it is rooted in an emotional connection to the other person.) Rather, my argument trades on the likelihood that repeated and habitual unwanted sex, unleavened by a broader relational mutuality and taking place in the commercial context of prostitution, results in serious damage to the women having it.

The Experience of Prostitution: Three Common Elements

In what follows, I describe some key experiential elements that repeatedly arise both in first-person accounts and in research studies of women in prostitution. The three elements discussed here are especially worthy of attention because they appear to cut across many kinds, or contexts, of prostitution—forced and consensual, legal and illegal, pimp-controlled and not, street and brothel, and so on. The presence of these experiential elements across the board suggests that they are in some sense inherent to prostitution itself—rather than, for instance, mere byproducts of social stigma and/or illegality. Of the three elements, two are due (at least in significant part) to the fact that the sex is unwanted, while the third is likely to exacerbate that very unwantedness.

First, women in prostitution commonly report that, to tolerate the experience of prostituting, they have to find some way to dissociate psychologically and emotionally from that experience as it is happening. Women describe this process in various ways. Some say that they “leave their bodies,” others that they just “shut down” or “go numb” and pretend not to be there. One woman reports that to get through turning a trick, you have to “make yourself empty inside” (Bishop and Robinson 1998). Many prostituted women—as many as seventy percent, according to one study—use legal or illegal drugs as a means of dissociation (Kramer 2003, p. 191).

These dissociative strategies constitute strong *prima facie* evidence that the sex of prostitution is unwanted. Common sense suggests that one dissociates from something in one’s mind because one does not want that thing to be happening; these are modes of psychological escape from an unbearable reality. As Rachel Moran observes, “when a person needs to practise and perfect a state of mental lockdown . . . in order to stand the sexual acts they are enduring, that person is being abused” (2013, p. 110). Indeed, it is striking the extent to which many women’s first-person accounts of prostitution, including of the dissociative mechanisms employed to endure it, resemble first-person accounts of rape (Brison 2002). Many prostituted women can report on this continuity in their own experience, since they acquired the dissociative skills early on to survive childhood rape and molestation.

The necessity of dissociation to psychological survival is a double-edged sword, since it undermines a clear perception of one's current reality; as Moran puts it, "the disconnection which is so crucial for maintaining [the prostitute's] own peace of mind is itself a pollutant because it forces her to deny to herself the reality of her own experience.... on a psychological level, dissociation is a betrayal of the self" (2013, p. 139).

As Moran's observation makes clear, this first element is closely related to the second: namely, the routine necessity of faking and dissembling in prostitution. Making evident one's real feelings and reactions—which may include boredom, disgust, contempt, and/or fear—is manifestly incompatible with pleasing the John and may subject one to harm at his hands. One must therefore develop considerable skills of pretense. As D.A. Clarke observes, it is not enough for the prostituted woman simply to submit to sexual activity; she is rather expected

to provide active sexual service to the client on demand. She is further expected to provide make-believe at various levels: to pretend that she enjoys it, that he is physically impressive and a good lover, that she finds him attractive; depending on her rank and place in the sex industry she may be required to pretend to be somebody in particular, to act out some simple or complex scenario of the client's choice. The fact is that her job is about lying, and lying at the most intimate level. The more intimate the lie, the more it costs the liar; and this cost, like so many others in our economy, is concealed. (Clarke 1993)

Here, again, a telling parallel can be drawn between rape and prostitution. It is common for rapists to force women not only to perform certain acts, but to feign arousal and enjoyment, to say that they love it, that it's the best they've ever had, and so on. Such coerced performances constitute for victims an especially humiliating and traumatizing aspect of the rape. In prostitution, it is all in a day's work not only to have unwanted sex but to feign enjoyment, because that is what the customer wants.⁶ The humiliation of the performance remains, and it becomes yet one more aspect of the experience from which to dissociate.

These two intertwined elements of dissociation and faking often become, over time, so ingrained that they begin to take over the woman's experience even when she is not prostituting. For some prostituting women, dissociation becomes so habitual that they are dissociated—out of it, disengaged, spacey—most if not all of the time. One woman describes the result as follows:

⁶ Johns can engage in truly stunning feats of self-deception with respect to such fakery, and in general with respect to the women's experience of their encounters. For example, one man interviewed by Jacquelynne Bailey says, "I suppose I do think of myself as a good lover and I reckon that both of us are getting something out of it, not just me. I presume the women here would think that." Another john, who identifies himself as a "submissive," says that he knows the prostituted woman "wants it, because she is dictating the terms . . . I have to do what the woman wants." Apparently, it has not occurred to him that it is he who "[dictates] the terms," in that he demands that she pretend to dominate him. See Bailey (2002).

Soon I just lost track of days at a time . . . I started feeling invisible. When I would come back home from a call, I used to stand in front of a mirror and pinch myself to see if I was real. (Williams 1991, cited in Farley 2003)

A similar sense of alienation and disconnection from the body is evident in the comment of another prostituted woman: “I don’t really feel like my body’s alive, I think of it more as bruised, as a weight.”⁷ The depersonalization involved in constantly “acting the part of the thing men want her to be” (as researcher Melissa Farley puts it) can result in “the mask [taking] over,” such that it begins to eclipse the woman’s original or real personality (Farley 2003, xiii-xiv). As one woman puts it, “You become in your own mind what these people do and say with you.”⁸

The third experiential element is the stunning pervasiveness of hostility and aggression against women in prostitution. While prostituted women are subject to insult and violence from various sources, including pimps and police (MacKinnon 2011, Raphael 2004), my focus here is on their abusive treatment by many Johns. As Andrea Dworkin has observed, the prostituted woman is treated not just as an object but as a target, an outlet for hostility and dominance (1997, pp. 146-47). Women are routinely spat on, called abusive names, and compelled to endure particularly degrading or painful sex acts. In more extreme but still common cases, they are slapped, punched, choked, tied up, kicked, penetrated with dangerous objects, threatened with weapons, burned with cigarettes, and more. Sometimes a woman’s submission to such treatment is, as it were, part of the bargain; the John may be willing to pay a high price to subject her to his violent fantasies or degrading fetishes. Other times, the abuse just happens. One way or another, a woman’s experience in prostitution is almost sure to include a number of these hostile encounters—to the point that they become normal, rather than surprising or exceptional, in the course of her day-to-day life.

Prostitution is a dangerous, indeed life-threatening, line of work, and it is dangerous in large part because of the aggression and violence of Johns (Moran 2013, MacKinnon 2011, Raphael 2004). The aggression sheds further light on the prevalence of dissociative strategies: when someone is slapping you and calling you a filthy whore, or worse, you need to be able to feel like you are not really there or like it is not really you he is talking to. The aggression is also often connected to the need to dissemble: the John may require you to act like you love being slapped and called a filthy whore, either as part of the bargain or to avoid still worse violence.

Not every prostitution encounter is openly hostile and dangerous, of course, but the woman never knows whether the next John will be the one who rapes, tortures, or tries to kill her.⁹ Rachel Moran observes that

⁷ This is the comment of a French prostituted woman, cited in Jeffreys (1997), p. 221. See also Ekman (2013), pp. 90-111, and Coy 2012.

⁸ Unpublished interview cited in Farley et. al. (2003), p. 58.

⁹ It seems likely that in some cases where no violence is committed, that is precisely because the woman—knowing the risks of doing otherwise—has submitted to the Johns’ demands. Rachel Moran observes that “the more pliable a woman is, the more she is willing to have her body used and abused according to the whims of her client, the less likely she is to encounter physical violence” (2013, p. 124).

if anything is more pervasive than violence itself it is the threat of it . . . For every time I was slapped, punched or dragged around by the hair I was threatened with those actions, subtly or overtly, countless times. . . . The past experience of violence acts as a guarantee of the legitimacy of all present and future threats. (2013, p. 123)

Thus Dworkin, also a survivor of prostitution, describes the experience as follows:

If you have been in prostitution, you do not have tomorrow in your mind, because tomorrow is a very long time away. You cannot assume that you will live from minute to minute. . . . If you do, then you are stupid, and to be stupid in the world of prostitution is to be hurt, is to be dead. No woman who is prostituted can afford to be that stupid, such that she would actually believe that tomorrow will come. (1997, p. 139)

No one can function with that level of fear and threat foremost in her mind all the time; thus, we come full circle back around to dissociation.

I will have more to say later about what gives rise to the extraordinary levels of violence and hostility against women in prostitution. For now, I'll simply note that the fear and vigilance with which prostituted women live their daily lives—fear directed largely, with good reason, toward Johns—must exacerbate the unwantedness of the sex acts they endure.

Given the experiential elements outlined above, it should not be surprising that prostitution commonly results in devastating damage to women's physical and emotional health. Such damage includes not only the predictable physical effects of violence and STDs, including HIV/AIDS, but also high rates of depression, drug addiction, and other serious psychological difficulties (Herman 2003, MacKinnon 2011). One study of prostituted persons in nine countries, including the U.S., found that 68% of the study subjects met the diagnostic criteria for post-traumatic stress disorder—a rate similar to that of battered women, rape victims, and survivors of state-sponsored torture (Farley et. al. 2003).

Johns' Culpability

At this point, however, we can imagine our John interjecting, "Yes, but is all this really *my* fault? I'm one of the nice ones, after all. I don't choke or spit on or hurl verbal abuse at anyone, and I don't do anything that she doesn't consent to. I just get what I came for, say thank you, pay the nice lady, and go home." He might protest, in short, that any damage to the prostituted women whom he uses is primarily if not exclusively a result of their openly abusive treatment by *other* Johns—as well as by pimps, police, and others—and has nothing to do with him.

The John's response, while understandable, is entirely too hasty. In fact, it only makes sense to look to the common structural element of unwanted sex as at least one central explanation for the harms of prostitution. To be in prostitution is to routinely have sex that one does not want, that one (at least often) finds repellent. This fact constitutes the primary occasion for dissociation, and it is worth noting

that women dissociate from sex acts with all Johns, not only the abusive ones.¹⁰ To shut down or numb out, presumably, is to employ an act of will to transform one's emotional state from disgust, fear, or hatred to indifference. The unwantedness of the sex is also the main reason why women have to fake and dissemble—to pretend that they want it even though they don't. Anyone needing still further evidence of unwantedness might consider the fact that prostituted women commonly develop, and share with each other, techniques for getting it over with as quickly as possible.

One study of prostituted women in South Africa found that, although there was significantly more violence against women prostituting on the street than in brothels, there was no difference in the levels of post-traumatic stress disorder in these two different populations (Farley 2004, p. 1100). This finding suggests that it is the core experience of prostitution itself—not only, or even primarily, the violence often associated with it—that produces in women such severe emotional distress.

The analysis so far suffices to ground a preliminary criticism of the John's behavior: no matter how nice and polite he is, he is having sex with someone who almost certainly does not want it, and who is having to tie herself in psychological knots both to endure it and to fake enjoying it.¹¹ If, as I am suggesting, unwanted sex is among the most central and inescapable harms of prostitution, then John is involved in causing that harm to the prostituted women whom he uses for sex. Furthermore, his cheerful willingness to impose sexual activity on someone who does not want it displays a deficit of empathy and a grossly inflated sense of sexual entitlement.¹²

It might be objected here that the behavior of many Johns, even if wrong, is not blameworthy because they are unaware of the harm they are doing. After all, the typical John's satisfaction in a prostitution encounter depends on a certain "suspension of disbelief" (O'Connell Davidson, 1998, p. 139) wherein he believes that she *does* want the sexual acts she performs; hence the necessity for her to fake enjoyment. But if he believes this, then why would he see her as being harmed? On the contrary, it would seem to him that she is fortunate to be paid for something that she also enjoys.

As the suspended-disbelief descriptor suggests, however, the John's belief state is not one of simple error but rather of complex and motivated denial. At best, he has what Jeffrey Gauthier describes as "a kind of double consciousness in which

¹⁰ I base this claim on the fact that, among many first-person accounts of women's experiences prostituting, I have never seen a woman say or imply that her dissociative practices are limited to encounters with violent Johns. Rather, the dissociation is typically described as a steady state that occurs whenever she goes to "work"—and, again, as eventually seeping outside of her "work" life as well. One typical example is a woman in massage parlor prostitution who says, "I've learned not to be there when they touch me. When they touch my breasts I tell myself they're not really touching me . . . I wonder what there is left for me. I wonder where I am." See Ross, Farley, and Schwarz (2003), p. 207.

¹¹ Even in the unlikely event that a particular prostituted woman does happen to want it, John has no good reason to believe that she does, since her expressions of desire and/or pleasure are likely to be indistinguishable from those of the (much more numerous) prostituted women who fake and dissemble.

¹² That such attitudes are also revealed in many men's behavior with their own, non-prostituted partners does not exonerate John, but rather indicates that inflated male entitlement (sexually and otherwise) is unsurprisingly widespread in patriarchal cultures.

[he] believes both that the prostitute is acting on the basis of a contractual agreement, and that she is driven by some kind of sexual motive” (2011, p. 172). And in fact, when Johns volunteer information about their beliefs and desires—as they do in online prostitute-user review forums—they frequently complain that a particular woman fails to *seem* interested and enthusiastic.¹³ That is, while they are irate that her performance is not sufficiently convincing, they are nonetheless aware that it is just that: a performance. In these cases, then, the level of entitlement reaches a new level: the John feels entitled not just to sexually use a woman who does not want it, but to have her cater to his fantasies by convincingly faking desire and satisfaction.

Why Is Sex Different?

So far, I have argued that the unwanted sex of prostitution is harmful, and that those who obtain it are culpably involved in causing that harm. Because the John’s sexual use of a prostituted woman is purely optional—he cannot plausibly claim to be satisfying a need, or at least not one that cannot be satisfied without harming others—his behavior is morally illegitimate.

We may still be puzzled, however, about *why* the unwanted sex of prostitution—unlike many other unwanted but consensual activities, both paid and unpaid—would have such harmful effects. After all, mere consent suffices to morally ratify many activities—or, at least, so we commonly think. The waitress does not have to *want* to bring the customer his coffee; it is enough that she consents to do so to earn a paycheck. I do not have to *want* to grade a stack of papers on Descartes; it is enough that I consent to do so as a condition of my getting to do other things that I do want to do and to earn a salary. My complaints about the grading notwithstanding, it is legitimate for my institution to impose this task on me, and doing it does not harm me in any significant way.

So, as the constant refrain goes in discussions of prostitution: What makes sex different? Why isn’t it just another service occupation, another form of wage labor—to which, so long as it is consensual, we either have no moral objection or, at least, no more or different such objections than we have to various other forms of wage or service labor? And how could the view that it is different be motivated by anything other than anti-sex puritanism?

In my attempt to answer this question, I do not assume that sex is the *only* activity for which mere consent is not enough. It may well be that people should not have to take philosophy courses, or serve coffee, or whatever else unless they honestly want to. In particular, I do not presume the moral legitimacy of other forms of service labor, or of the fact that they are often unwanted. That is, my claim is not that sex is, in this respect, in a class by itself—but merely that the class exists and that sex belongs to it.

Some frequently-made observations about why sex is different are true and important as far as they go. Sex is very intimate. It penetrates and invades the body—at least for women, and sometimes for men. It is close to the center of hu-

¹³ Illustrations of this claim can be found at <http://the-invisible-men.tumblr.com/>.

man personality and self-definition. It has serious repercussions and risks, especially for fertile women and girls. It is not clear, however, that such answers can support the view that mere consent is not enough to morally ratify sexual activity. After all, if one is fully informed about the intimacy, risks, and repercussions, and one consents anyway—either to have sex for free, or to have it for money—then it is not clear what the problem is, or indeed that there is a problem at all. So, what else can be said here? Why is sex different such that it belongs to the class of human activities that morally ought to be mutually wanted rather than merely consensual?

To motivate some relevant intuitions, consider the following. Rus Funk, a longtime anti-rape educator, reports that when he talks with groups of boys and young men about sex, dating, respect, and rape, they are often most interested in finding out exactly where the line is separating consent from non-consent: “What if she does this or says that—does that count?”¹⁴ They want to know, that is, just how far they can push things without technically committing rape. While their interest in this question is certainly understandable, the moral standard that it sets seems lower than we might wish: they should be interested in finding out not just whether their partner is consenting, but whether she *wants* to be participating. Their own desire to continue with sexual activity should be, at least to some degree, contingent on their partner’s desire.

The second kind of case is discussed by Kathleen Trigiani in her critique of bestselling self-help author John Gray (of *Mars and Venus* fame). Trigiani recounts Gray’s discussion of one couple, James and Lucy, who (Trigiani goes on)

were having marital problems because of James’ guilt over his enjoyment of quickies Lucy remained unconvinced because she couldn’t “respond” to quickies. So James told her: “If you are OK with occasional quickies, I promise to never expect you to respond. It will just be your gift to me. I don’t expect you to get anything out of it. You can lie there like a dead log!” (Trigiani 2000)

The consensual, but unwanted, sexual activity that is recommended here seems to me, as it does to Trigiani, a morally ugly spectacle. (That Gray himself celebrates it as a successful resolution reveals much about his sexual politics.) Granted, its ugliness may be overdetermined; for instance, part of what disturbs here is that James does not even want or need for his wife to *fake* interest. But the core of the problem seems to be that, in James’s mind, it simply does not matter whether Lucy desires or enjoys the sex. That she consents is enough for him. But should it be?

Some may be inclined to say that these cases are indeed ugly, but that this is precisely because they are non-commercial interactions—that is, they take place in relational contexts where we expect people to have consideration for their partners’ desires and feelings. In a commercial context, the lack of such concern and any sexual or emotional payoff is just what is compensated by a monetary benefit. So, we might say, the prostituted woman—unlike poor Lucy—does “get [something] out of it”; it is just that what she gets is some financial or other material benefit rather than sexual or emotional satisfaction. It will thus be important to explain

¹⁴ Rus Funk, personal communication.

(as I will shortly) why the commercial context of prostitution exacerbates rather than obviating the harms of unwanted sex.

Even those who share my intuitions in the cases above, and who are willing to extend them to prostituted sex, will still be looking for what grounds the intuitions. Again, what makes sex different, such that I should want my sexual partner to want to have sex with me, whereas it may matter less—or at least not in all the same ways—whether the person pouring my coffee or grading my paper wants to do that? (Surely there is *some* difference: unwanted waitressing is no fun, but it seldom results in post-traumatic stress disorder.) I will contend that at least a significant part of the answer, and one unremarked in many other philosophical discussions of prostitution, lies in the cultural meanings of sex within patriarchy.

Patriarchy and the Meaning[s] of Sex

A univocal account of what sex means in a given culture—let alone universally—is, of course, impossible; sex can and does mean many different things. But sex has one familiar and timeworn set of cultural meanings within patriarchy that is important to review in this context. According to this set of meanings, to be the male or masculine do-er in the act of sexual intercourse is to express dominance, ownership, and/or aggression toward the female or feminized do-ee. Allan Johnson puts the point this way: “the patriarchal form of heterosexuality is male-dominated, male-identified, and male-centered. As such, its social significance goes beyond sexuality per se, because it also serves as a general model for male dominance and for dominance and aggression in general” (1997, p. 150).

This modeling is painfully evident in many of the ways that we use sexual language. We express our sense that we have been harmed or disrespected by saying “I’m so screwed,” and the less delicate among us convey hostility and anger by saying “Fuck you!” Less coarse expressions such as “he possessed,” “had,” or “took” her also show that we associate sexual intercourse with ownership and dominance. Making a sexual overture to someone is often described as “hitting on” the person, “blow me” expresses contempt and a desire to subjugate the addressee, and the observation that “he made so-and-so his bitch” is understood as a sexualized metaphor for his having established his power and dominance over some feminized if not female other.

On this view, sex harms and defiles, elevating one participant’s status in the pecking order at the expense of the other participant’s. As Sheila Jeffreys puts it, sexual acts in a male-supremacist culture such as ours “confirm and create political status” (1997, p. 226). In having sexual intercourse, especially for the first time, a man or boy is seen as having gotten or achieved something, a woman or girl as having given something up. He has become a man; she has been made a woman. The more he does it, the more manly and powerful he is; the more she does it, the lower and cheaper she becomes. This sexual double standard is based, at least in part, on our cultural assumptions about what sex is and what it does: namely, that it is an encounter in which one party conquers and gets the best of the other. He is the winner, and thus his status is enhanced by the encounter. She is the loser, the one he got a piece of. Thus, again, sex is seen as lowering a woman’s value, making her cheap and dirty, while enhancing a man’s power and status.

Although these are not the only meanings of sex, they are among the culturally prominent and shared meanings. I will also suggest shortly that these hostile

meanings are among those most likely to be made manifest in the context of prostitution. For now, however, this brief account suffices to ground an initial suggestion about why it is that sex—unlike coffee-bringing or philosophy-teaching—should, in general, be mutually wanted rather than merely consensual. Some complications and exceptions will then follow, the elaboration of which will help move us back toward the case of prostitution.

My basic idea is this: mutual desire is the bare minimum condition that mitigates or defuses the hostile cultural meanings of sex discussed above. Ensuring mutual desire places a minimal context of safety around this act that is considered to—and thus, as a matter of social fact, does—place one party’s human value and status in some jeopardy. Coffee-bringing and philosophy-teaching do not require such a defusing context—or at least we would need an argument to show that they do.¹⁵

This point can help us understand, even if we do not agree with, the concerns of those who insist that it is wrong to have sex without love. What may sometimes underlie this insistence is the conviction, or at least the suspicion, that only a relationship of mutual loving regard can truly lift sex out of, or insulate it from, the hostile cultural meanings just outlined. A context of ongoing love, intimacy, and trust can go some distance toward assuring that what sex means in the culture at large is *not* what it means here, now, between us. It is perhaps not wholly absurd, then, to see sex outside this kind of relationship as morally risky.

Such a relational context can, in fact, ground the kind of exception mentioned earlier to the general principle that sex should be mutually desired: cases where one member of a relationship has sex out of generosity and desire to please the partner. To the extent that we see some such encounters as morally unproblematic, it is at least partly because the broader relational context defuses or even supplants the unfriendly cultural meanings of sex, thus obviating the need for the occurrent mutual desire to defuse those meanings on every single occasion. The relational context can succeed, to a significant extent, in altering those meanings—so that the thing that one does even though one does not particularly want to do it is significantly less dangerous to one’s well-being and integrity than it might be outside of this context. In this way, an ongoing relationship with love, trust, and regard can float a couple, morally speaking, through the occasional instance of sex without mutual desire.¹⁶

¹⁵ I do not mean to suggest that mutual desire is sufficient to morally ratify sexual activity. In particular, there can be shared desire for a kind of sex that might plausibly be viewed as degrading or otherwise morally problematic (for instance, sadomasochism). While I cannot fully address these matters here, I do mean to leave room for the view that sexual activity can be morally wrong even where mutually desired.

¹⁶ As suggested earlier, it may not be quite correct to call these cases of “unwanted sex.” It may be more felicitous to describe at least some of them as cases where one does want to have sex, not out of a desire for one’s own specifically sexual satisfaction, but rather because it is emotionally gratifying to please and connect with the partner.

Paid For: Exacerbating the Harms of Unwanted Sex

However, this is never the case in prostitution—indeed, quite the contrary. In prostitution, there is no defusing context of love or even mutual respect or affection.¹⁷ The John has bought his way out of any such thing or even its remotest and most minimal simulacrum. After all, an essential part of what the John purchases in prostitution is a release from most of the interpersonal standards and expectations that otherwise typically accompany intimate encounters. He buys a sexual experience in which he is simply not required to take the other person's needs, desires, or vulnerabilities into account—an experience in which his word is law and his desires carry the day. He buys the entitlement to act, on this occasion and with this person, as what Julia O'Connell Davidson calls a “despotic subject” (2002, pp. 90-92).

Thus, prostitution highlights and exacerbates the most hostile and objectifying cultural meanings of sex. Whereas a context of mutual love and regard can defuse those hostile meanings, the commercial context of prostitution does just the opposite: it provides an arena in which they get especially free play because they are not restrained, compromised, or tamed by ordinary social expectations of even minimal regard or reciprocity. As Anderson and Estes put it, “A man seeks a prostitute in order to avoid the inconvenience of sexual relations with another subject . . . Prostituted sex . . . delivers a woman-thing without the responsibility of dealing with a woman” (1998, p. 155). In this way, commodification ups the ante on the harms of unwanted sex.¹⁸ Indeed, this analysis helps explain a phenomenon discussed earlier: namely, the extraordinary level of aggression and violence directed at the women by many Johns.¹⁹ The commercial context of prostitution unleashes the hostile meanings of sexuality while providing an unusually vulnerable and socially approved target for that hostility.

There is an additional reason why the exchange of money (or other material benefits) exacerbates the harms of unwanted sex in prostitution. In her memoir and analysis, Rachel Moran emphasizes that the transfer of money functions as a mode of silencing:

what you are actually doing when you prostitute yourself is sanctioning and accepting payment for the sexual abuse of your own body. You go through all the negative feelings associated with sexual abuse, but in the sanctioning of it you have effectively gagged yourself. (2013, p. 107)

¹⁷ Granted, a particular John may sincerely express concern for the woman he uses—making sure she is comfortable, for instance, or asking after her health and general well-being. The point is that the commercial norms of the institution deem any such concern an optional extra, and thus he is likely to regard it that way himself: “I’m such a nice guy.”

¹⁸ For fuller accounts of the meanings and effects of commodifying sex, see Anderson (2002) and Jyrkinen (2012).

¹⁹ Martin Monto (2004) discusses a study of prostitution customers in which their tendency to conceive of sex as a commodity “was associated with rape myth acceptance, attraction to violent sexuality, and failure to use condoms when with prostitutes. This would seem to suggest that this particular orientation toward sexuality . . . may be associated with some of the violence faced by prostitutes” (p. 174).

Moran's connection to sexual abuse is an apt one, since many child molesters give gifts or money to their victims as a way of buying their acquiescence and keeping them quiet. In much the same way, Moran says, the payment of women in prostitution functions as "hush money" (p. 112).

The silencing function of money exchange in prostitution is exacerbated by two ideological currents. The first is the free-market fundamentalism that underlies much economic and political discourse in the United States—the assumption that, as D.A. Clarke puts it (paraphrasing neoliberal dogma), "The Market is the perfect and maximally functional mechanism by which all human needs can be met; it is automatically just, fair, and free" (2004, p. 165). On this view, all market exchanges are by definition legitimate, and their results are beyond criticism; thus, whatever a woman feels was done to her, or taken from her, in prostitution, she has no legitimate grounds for complaint. The second ideological current has its origin not in capitalism but squarely in patriarchy: the view that women who seek or accept money for sex are "whores," with all that the term implies. The whore, as a character in the patriarchal imagination, is the wrong kind of woman to be—dirty, cheap, tainted, worthless, an outcast—and, crucially, she deserves whatever she gets. Thus, the money exchange in prostitution silences insofar as it places the female recipient squarely into a category of persons thought to be unworthy of concern, justice, or dignity. She knows this as well as anyone else does, and so the money exchange of prostitution, as Moran points out, yields "shame [as] the psychological cancer of prostitution." Moran continues,

The voice of shame that whispers in the ear of some abuse victims: "You can't say you were abused because you got enjoyment from it," is not dissimilar to the voice of blame that tells every prostitute: "You can't say you were abused because you got paid for it." (p. 109)

Some Connections and Implications

Before concluding, let me draw out a few implications of my argument. First, my analysis may help clarify why some radical feminist critics of prostitution have been tempted to elide entirely the distinction between forced and consensual prostitution. Both are, and are experienced as, unwanted sex—and both do fundamentally rape-like damage to the women involved in them. Furthermore, the factors undermining women's apparent consent to prostitution are so punishing, and the line between meaningful free consent and its lack so shifting and elusive, that it is indeed tempting to throw up one's hands and call it all forced, or all equally forced.²⁰ My analysis also explains, however, why such elision is a mistake. It wrongly assumes that prostitution—indeed sex in general—can be gravely wrong and harmful *only* if nonconsensual, and thus obscures from view the significant harms of consensual but unwanted sex.²¹

²⁰ The elision is also due in part to the frequency with which proponents of prostitution contend that, while forced prostitution should of course be illegal, "free" or consensual prostitution should be legalized, normalized, and viewed as unproblematic. It is understandable that those radical feminists who strongly disagree with this strategy (as I do), and who are engaged in active political efforts to oppose it, often do so by attacking the "forced versus free" distinction itself.

²¹ For an illuminating discussion of these harms, see West (2008). West argues that women who engage in consensual but unwanted sex "may sustain real injuries" to their capacities for self-assertion and to their senses of self-possession, autonomy, and integrity. Her comments on the depth and nature of these harms seem particularly applicable to prostituted women: "These harms—particularly

Second, the analysis herein helps make sense of the common idea that prostituted women lack self-respect. It reveals as distorted the woman-blaming version of this idea that says “she wouldn’t be doing that if she had any self-respect at all,” allowing us to understand that the causal arrow goes in the other direction. Prostitution is structured as if for the purpose of destroying the self-respect of those who do it. The identity and status of the prostituted woman is defined by her unconditional susceptibility to an act that is culturally considered to diminish the human value of those to whom it is done. Furthermore, surviving the daily demands and material conditions of prostitution—not least the dull and dehumanizing routine of unwanted sex—requires that she mute and suppress her instincts toward self-respect, self-determination, and integrity. Little wonder, then, that the levels of serious psychological disturbance among prostituted persons, including self-mutilation and suicide attempts, are as high as they are.

Third and finally, my account suggests that the most fundamental and most nearly universal harms of prostitution would not be remedied, and would likely be exacerbated, by its legalization. The sex of legal prostitution is, after all, just as unwanted and paid-for as the sex of illegal prostitution; thus, we can expect—and the research suggests—the same levels of dissociation, dissembling, and so on to occur where prostitution is legal as where it is illegal. Furthermore, I think my analysis suggests that legalization advocates are mistaken in their frequently-heard claim that legalization will reduce violence toward prostituted women.²² I have argued that the primary reason for the violence of many Johns is the volatile context created by the unleashing of the hostile cultural meanings of sex, within a commercial setting that is thought to release consumers from many ordinary human obligations. There is little reason to expect that either of these cultural forces will change dramatically anytime soon,²³ and certainly, there is no reason to suppose that legalizing prostitution would tame or alleviate them in any way.

Advocates of legalization often claim that it will help prostituted women by removing the stigma of what they do. If my analysis is correct, however, the stigma, or set of attitudes and prejudices, that makes prostitution degrading and dangerous is not (or not only) the hatred of prostitutes *per se*, but rather the contempt for women as such that is encoded and expressed in patriarchal hetero-sexuality. The

if multiplied over years or indeed over an entire adulthood—may be quite profound, and they certainly may be serious enough to outweigh the momentary or day-to-day benefits garnered by each individual transaction. Most debilitating, though, is their circular, self-reinforcing character: the more thorough the harm—the deeper the injury to self-assertiveness, self-possession, autonomy and integrity—the greater the likelihood that the woman involved will indeed not experience these harms as harmful, or as painful . . . that they are not felt as harmful is a consequence of the harm they have already caused” (p. 264-265).

²² My own argument aside, it is worth bearing in mind that the most obvious effect of legalization is a dramatic upsurge in prostitution itself. (See Raymond 2013.) A seldom-noted implication of this fact is that, even if legalization brought about a modest decrease in the rate of violence in prostitution, the manifold increase in the total number of women prostituting means that overall more women are victimized by violence in prostitution (not to mention suffering the other typical harms of prostitution that I’ve discussed here).

²³ For a comprehensive discussion of the connections between free-market consumerist ideology and prostitution, and of the failure of both the political right and the political left to apprehend and respond to these connections, see Clarke (2004).

stigma of prostitution derives not from its illegality—after all, Johns’ behavior is also illegal but is not similarly stigmatized—but rather from the culturally recognized *status* of the prostituted woman as receptacle and target for sexualized male dominance and misogyny. Each act of prostitution—whether legal or not—solidifies the woman’s status as a prostitute, thus deepening the stigma and making her more, not less, of a target. Thus, as Sheila Jeffreys puts it, “Prostitution cannot be saved . . . by removing the stigma, when it is precisely the attitudes identified as ‘stigma’ that create the phenomenon of prostitution in the first place” (1997, pp. 240–41). Fortuitously, this point also helps us articulate a further moral criticism of the John: in using a prostituted woman—whether legally or illegally, and whether or not he is gentle and polite—he both exploits and deepens her degraded status.

If the preceding conjectures are right, then legalization serves only to place a cloak of legitimacy around the devastating harms that I have argued are intrinsic to prostitution as we know it. In fact, as mentioned earlier, my analysis may offer some implicit support for the so-called Nordic model of legislation, which criminalizes the pimp and the buyer, but not the seller, in prostitution.²⁴ My account moves us in this direction, at least, by showing that Johns are wrongfully harming the women from whom they buy sexual service.

Conclusion

The view that prostitution is just a job like any other job depends for its surface plausibility not only on considerable naiveté about the conditions of life for most prostituted persons, but also on a convenient forgetfulness about some of the most central and familiar meanings of sex in our patriarchal culture. Given those meanings, it is morally important across many contexts for sex to be mutually desired, rather than merely consensual. Furthermore, the typical harms of unwanted sex are greatly amplified when the right to impose such sex on another person is thought to have been bought and paid for.

Prostitution tells many lies. But it tells important, if uncomfortable, truths about sex in our culture. The combustible power of these truths, combined with our resistance to examining them, explains why prostitution is both celebrated and

²⁴ Advocates of legalization frequently claim that legalization is necessary to enable prostituted women to report acts of violence against them. Such claims ignore the Nordic model option (originating in a 1999 Swedish law): decriminalizing the women while keeping and enforcing laws against pimps and johns, thus penalizing those who are harming others rather than those being harmed. In this way, advocates of legalization encourage the invalid inference that, in order to stop criminalizing vulnerable people who have enough problems as it is, we must also treat pimps as legitimate employers and johns as legitimate consumers. For a full account of the Swedish law, its justification, and its consequences, see Ekberg (2004).

vilified, both publicized and hidden away, both institutionalized and pushed underground. The particular brutality of these truths as they are made manifest in prostitution helps explain the growing global strength of movements for prostitution abolition.

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