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Is it time to drop the term 'prostitution' from policy discourse?

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In this paper, I wish to explore whether it is time to drop the use of the term 'prostitution' in English policy discourse. I argue here that 'prostitution' is a culturally loaded term and is insufficiently precise in describing the different contexts in which the exchange of sex for money or other resources between adults takes place. This lack of clarity has implications for policy action, which in turn materially affects the lives of those involved in the sex industry. I draw on [MacKinnon's \(1989\)](#) thesis of the eroticisation of dominance as a productive framework for explaining why violence, harm and coercion are possible within the exchange of sex for money (or other resource), though not inevitable. I propose that we distinguish four categories: sex entrepreneurship, sex work, survival sex and sexual exploitation. For some scholars, such categorisations overlook how disparate practices are connected ([Jeffreys, 2009](#)), most obviously by patriarchy or economic inequality. However, I believe we need to see both the connections *and* the distinctions: if we conflate different practices, we lose the particularity of the contexts of practice and weaken the rationale for policy action. Worse, policy interventions may be harmful. I suggest these four categories can help us identify and distinguish between *structural* and *interpersonal harm* and *structural* and *interpersonal coercion* and help to formulate attendant criminal justice and social justice measures.

key words sex work • prostitution • sexual exploitation • policy • discourse

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Introduction

In this paper, I wish to explore whether it is time to drop the use of the term 'prostitution' in English policy discourse.¹ I argue here that 'prostitution' is a culturally loaded term and is insufficiently precise in describing the different contexts in which the exchange of sex for money or other resources between adults takes place. This lack of clarity has implications for policy action, which in turn materially affects the lives of those involved in the sex industry. I draw on [MacKinnon's \(1989\)](#) thesis of the eroticisation of dominance as a productive framework for explaining why violence, harm and coercion are possible within the exchange of sex for money (or other resource), though not inevitable. I propose that we distinguish four categories: sex entrepreneurship, sex work, survival sex and sexual exploitation. For some scholars,

such categorisations overlook how disparate practices are connected (Jeffreys, 2009), most obviously by patriarchy or economic inequality. However, I believe that we need to see both the connections *and* the distinctions: if we conflate different practices, we lose the particularity of the contexts of practice and weaken the rationale for policy action. Worse, policy interventions may be harmful. I suggest these four categories can help us identify and distinguish between *structural* and *interpersonal harm* and *structural* and *interpersonal coercion* and help to formulate attendant criminal justice and social justice measures.

Definitions

According to the Merriam Webster Dictionary, the term ‘prostitute’ comes from the Latin *prostitutus*, combining the prefix *pro-* (meaning ‘before’ or ‘in front of’) and *stitū-* (from *statuere*, meaning to cause to stand, establish). The word originally then conveyed the idea of standing in public or being exposed publicly. It is not until the sixteenth century onwards in England that prostitution appears as a term for women offering sex indiscriminately, first as a verb and later as a noun. Prior to this, words such as ‘harlot’, ‘strumpet’ or ‘whore’² were used (see Lister, 2017 for a summary). The key here is the link to dishonour; to a woman corrupting her sexuality. This moral judgement persists in current usage, where it may apply to all genders but, in the popular imagination, applies foremost to women. ‘Prostitution’ can also be used as a metaphor for ‘selling out’: debasing one’s talents in exchange for greater financial reward or notoriety. In contemporary British culture, the word ‘prostitute’ conjures red lights and street workers or belles de jour working out of expensive hotels. These images simultaneously castigate and titillate, yet the contemporary exchange of sex for money is far more complex.

If we start first with prostitution referring to the exchange of sexual acts between adults – defined as penetration (as defined in Section 4(4) of the Sexual Offences Act 2003) and/or masturbation – for money or some other non-monetary resource. This exchange occurs outdoors on streets, on industrial estates, at transport hubs or in parks, for example; it occurs indoors in private flats, brothels, in the homes of sellers or buyers, in hotels and rented holiday accommodation, at sex parties and sex clubs, among other venues. Individuals who provide such services would usually term themselves ‘full-service’,³ ‘independent’ sex workers, ‘escorts’, ‘street workers’ or ‘brothel workers’. However, there are also a range of sexual or erotic practices exchanged for money – including for example, erotic massage, stripping, bondage, discipline, sadism and masochism (BDSM), webcamming, acting in pornography, or some forms of sugar dating: these are distinct practices in their own right, some involving no genital or even in-person contact, yet which in other contexts may be offered in conjunction with full-service work. It is important to recognise this wider context of sexual services since there are common features across these settings and the same sellers and buyers may move between each (for further discussion, see Hester et al, 2019). It also matters in terms of conceptualising a policy response.

Mackinnon's (1989) eroticisation of dominance

In the very first issue of the *Journal of Gender-Based Violence*, Maddy Coy called on us to ‘extend Liz Kelly’s (1987) continuum of violence against women to prostitution,

drawing on definitions of VAWG, research evidence on harms and conceptual links between men's abusive practices' (Coy, 2017: 117). Rather than employing this continuum, I suggest we consider MacKinnon's (1989) work on the eroticisation of dominance and power. MacKinnon links masculinity to the eroticisation of dominance and femininity to the eroticisation of submission (1989: 130; Mulvihill, forthcoming). This dynamic accounts for the masculine-ness of sex buying (see also Mulvihill, 2018). The eroticisation of dominance underpins the sale and purchase of sex, sometimes in complex ways that appear to flip the dynamic: in BDSM, for example. It is that underlying context which makes violence and harm possible – though not always inevitable. I define harm here as the injurious impact of any act or omission which affects an individual (or group) physically, psychologically, emotionally, sexually, financially or spiritually. Such harm may or may not currently be designated a criminal offence. I believe it is conceptually useful to distinguish between structural and interpersonal harm and coercion. I understand the term 'structural' to relate to social relations (for example, relations of class, age or sexuality) and social institutions (for example, government, medicine, the law): in other words, contexts where we cannot definitively hold one individual as singly representative or accountable. I use 'interpersonal' to refer to contexts where individuals can be identified and named (for example, a sex worker, a family member, a trafficker). I recognise of course the relationship between both and the possibility of grey areas, but conceptually and practically, I hope to show why it is important to recognise these distinct areas of social practice.

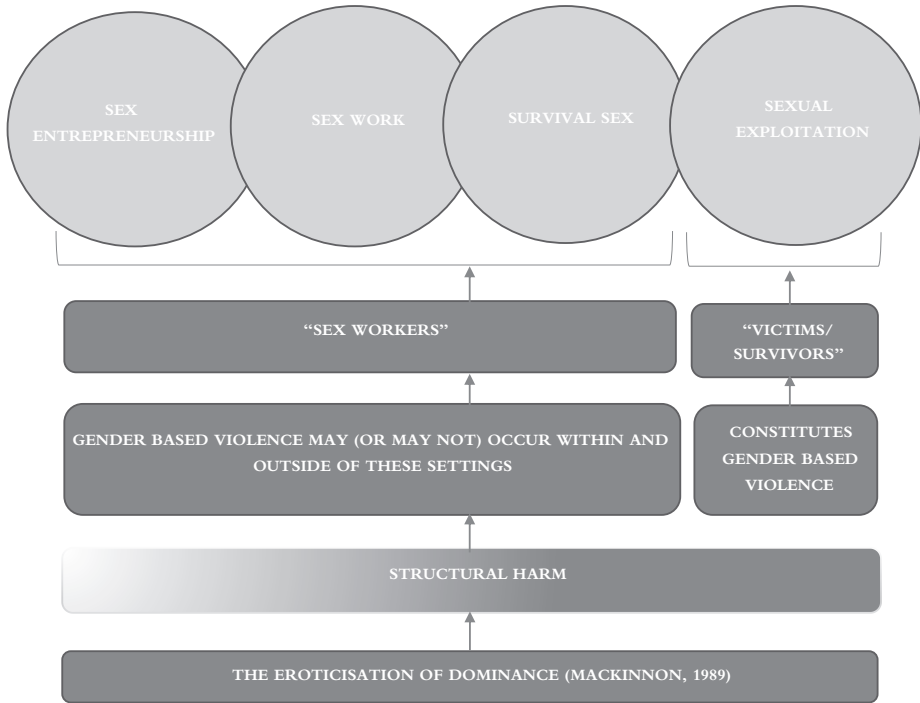
Four conceptual categories

To replace the term 'prostitution' and 'prostitute' in English policy discourse, I propose four categories: sex entrepreneurship; sex work; survival sex and sexual exploitation. The typology focuses on individuals but also has implications for the intermediaries and corporations which may employ and/or derive profit from individuals. Such institutions may be mediators of structural harm (See Figure 1): this will be further discussed later.

Turning to the first proposed category: 'sex entrepreneurship'. There are a number of individuals involved in selling sexual services who have created a lucrative career. They are likely to be registered as self-employed and/or employ others and have a developed web presence, advertising across a number of platforms. Some will have a public profile and may be involved in lobbying around law and policy in relation to sexual services, sexual health or sexual freedoms. This group are likely to have highly developed processes for sifting potential clients and managing safety: they may also operate out of their own business premises, such as a flat, dungeon or massage practice. Some may view their job as a vocation, as therapeutic, and generally pleasurable. It is likely that this group have the social and economic resources to do other work, if they wished.

The second category is 'sex work', a term attributed to Carol Leigh in the 1970s. Individuals in this group are selling sexual services and engaged in sexual entertainment as a temporary, intermittent or permanent way to earn or to supplement income. Their own perceptions of their work may vary between active enjoyment and indifference ('just a job') and may indeed change over time. This group may share what they do with trusted friends and family: others will work covertly. A key challenge for individuals in this category, as for sex entrepreneurship and survival sex, is navigating

Figure 1: Summary of four proposed categories where sexual services are exchanged for money (or other non-monetary resource)



the legal environment. At times, complying with the law can mean compromising safety – for example, where sex workers are not allowed to work together out of the same premises. Some within this group will never experience sexual or physical assault; others may experience both, as well as stalking, robbery or attempts at blackmail. This group may also experience labour exploitation, for example, where brothel owners charge extortionate room rental and commission fees, or where strip club owners employ dancers without an agreed work contract or fail to enforce ‘no touching’ rules consistently (see [Hester et al, 2019](#)).

The third category is ‘survival sex’, a term which evolved in global studies of development and poverty where it is referred to as ‘transactional sex’. Survival sex can relate to individuals in vulnerable situations – those who are homeless, misusing drugs or alcohol, former victims and survivors of sexual abuse, displaced people in transit or in refugee camps, and so on – as well as individuals who are simply constrained economically. The term ‘survival sex’ has received particular attention in the UK context since the austerity measures imposed by successive governments following the 2008 financial crisis. Cuts to support services for those in need and cuts to benefits for the disabled, for single parents, for the unemployed and well as discrimination and bullying in the workplace experienced by women and by trans people, have led some to sell sex to get by financially. Selling sex in this category may be a ‘choice’ but a choice made in the context of structural constraint (a situation I refer to in this paper as ‘structural coercion’). Unlike sex entrepreneurs and many sex workers, alternatives for those engaged in survival sex are limited, and may involve exploitative labour practices, such as zero-hour contracts, low pay and restrictive

work conditions. Many in this group will be caring alone for children, for parents, for partners, making regular hours in other sectors (which may not provide sufficient income) challenging. Therefore, while individuals in this category may or may not experience interpersonal harm, they are subject to structural harm (see [Figure 1](#)): this type of harm can be severe and extensive.

The final category is 'sexual exploitation'. This may include one individual (or more) coercing another individual (or more) to engage in paid (or in exchange for some other favour or resource) sexual services, irrespective of whether any of the proceeds are given to the exploited individual. I use the term coercion here as defined in Section 53A of the Sexual Offences Act 2003, meaning the use of force, threats or deception. This may occur once or on a number of occasions. I would also draw on the definitions of 'controlling behaviour' and 'coercive control' defined in Section 76 of the Serious Crime Act 2015 to define domestic abuse, to argue that an individual subject to such behaviours from any other individual or group (a partner, family, employer, gang or acquaintance, for example) such that they are effectively coerced into paid sex, is also a victim of sexual exploitation. Commercial sexual exploitation may occur within the context of what appears to be a licit business, such as a nail bar or bed and breakfast. This may be contrasted with massage parlours employing women who would self-identify as full-service sex workers who are not coerced, albeit such premises would constitute a brothel under English law, and therefore be illegal. Commercial sexual exploitation may be a revenue stream for organised crime gangs. Some victims of sexual exploitation may be trafficked from other regions either nationally or across state borders but they should not be conflated with migrants who are sex workers or who are engaged in survival sex. This final category constitutes sexual exploitation, likely physical harm and certainly psychological trauma, both concurrent and subsequently. It is not labour exploitation because those involved cannot be conceived as 'workers'.⁴

Patriarchy and other unequal relations of power

This discussion appears so far to have missed a key factor: the vast majority of sex buyers are male. Those selling sex are disproportionately female. It is undoubtedly true that prostitution is both an outcome and a reflection of patriarchy. As I have written elsewhere, men do not buy sex because they need to, but because they can ([Mulvihill, 2018](#)). We could add in the context of survival sex that it is not inevitable that women sell sex, but structural factors mean they are more likely to than men. Men do sell sex, mainly to other men but a small number to women. Women (and couples) may sell sex to couples or a small number to women. While these contexts deserve distinct analysis, gender remains an important element in making sense of how sex work or victimisation are experienced by all. Returning to the definitions of structural and interpersonal harm and coercion outlined earlier, I suggest here how they manifest through the four proposed categories.

First, sex entrepreneurs, sex workers and those engaged in survival sex may experience sexual, physical or coercive abuse and violence from sex buyers, but also from intimate partners, from members of the public, from enforcement agencies, and others. Therefore, gender-based violence may (or may not) occur within and outside of these categories, but these categories cannot be defined *as* gender-based violence at the interpersonal level, though could be understood as a manifestation of

structural gendered harm. Second, individuals engaged in survival sex are foremost experiencing structural harm, given the policy and practice failures which have led to the constraints that they face. Given the disproportionate representation of women and trans women among this group, it can be argued that they are experiencing gendered harm perpetrated by the state and its institutions, as well as economic and other harms. Depending on individual context, buyers, brothel owners and other facilitators can be considered complicit in this process of *structural coercion*. Third, individuals in the sexual exploitation category are predominately female or younger adults. Their experience of sexual exploitation is gender-based violence: it is harm at the interpersonal and structural level. All those profiting from such sexual exploitation can be understood as perpetrators of, or complicit in the perpetration of, gender-based violence and *interpersonal coercion and harm*, as can sex buyers in this category, through ignorance or intent.

If economic equality between genders is achieved, the numbers of those engaged in selling sex should contract. As well as economic equality, social rights are needed to eliminate discrimination or vulnerability around gender, LGBTQ identities, migrant status, ethnicity, disability, age and so on. Such work will start to undermine the drivers for sexual exploitation and must also extend across borders. Would this cause the sex work or sex entrepreneurship categories to ‘wither away’? This in part depends on how far all sex markets are rooted in inequality. MacKinnon’s thesis suggests they would. The picture today appears complex: the neoliberal and post-modern logics of consumption, commodification, individualism, autonomy, pleasure and the satisfaction of desires – sexual or otherwise – appear to transcend social differences. Yet in practice they tend also to rely on social disparities. Unravelling the eroticisation of dominance and recreating a common sexual ethic based on reciprocity requires scrutiny of all relations of power, foremost gender.

Proposed model: challenges and limitations

Figure 1 provides a visual summary of the arguments made earlier. I want now to consider the challenges and limitations of the proposed approach. First, how should individuals be categorised and who decides? Second and relatedly, how do we account for the grey areas where categories overlap? Inevitably theoretical categories are a simplification: real life and practical translation are far messier. In terms of policy discourse, I suggest ‘sex work(er)’ is the appropriate collective term for the first three categories. It is true that people may not always recognise their own situation, but it does people no service to be labelled a ‘prostitute’ or ‘person in prostitution’ or ‘prostituted person’ by policymakers, given its cultural and discursive heritage. Nor, for the reasons outlined earlier, does ‘prostitution’ capture the diversity of experience. At the individual and social movement level, individuals are best placed to describe themselves (and indeed, to reject all the proposed categories). An individual may initially identify as a ‘full-service sex worker’ and later refer to ‘doing survival sex’, depending on changing contexts. There should also be space in the model for the sex worker who later (perhaps after leaving) identifies their experience as sexual exploitation or indeed who engages initially in survival sex but goes on to work independently in the sex industry, once they are economically secure. For the purpose of criminal justice enforcement, it should be possible to ascribe sexual exploitation, where certain legal evidentiary tests are met, except where doing so relies exclusively

on the evidence of a victim who does not wish to testify. In terms of policy discourse, those who experience sexual exploitation are 'victims/survivors'.

Third, it could be argued that 'sexual exploitation' does not capture the specific context conveyed by the term 'prostitution'. Until recently in England and Wales, children under the age of 18 could be prosecuted for 'prostitution'. Section 1 of the Street Offences Act was amended by section 68(7) of the Serious Crime Act 2015, so that the offence of loitering or soliciting now applies only to persons aged 18 or over. This was to recognise that children in such circumstances are victims. There is no legal definition in English law of 'sexual exploitation' and it is notable that it tends to be used in relation to either trafficking victims or children (see for example the Sexual Offences Act 2003). The definition offered by [Hughes \(1999\)](#) and promoted by The Women's Support Project (WSP) is useful:

Any practice by which a person achieves sexual gratification, financial gain or advancement through the abuse or exploitation of a person's sexuality by abrogating that person's human right to dignity, equality, autonomy, and physical and mental wellbeing.

Of course, its interpretation hinges on what constitutes 'abuse', 'exploitation' and 'abrogation'. For many (including Hughes and WSP), the exchange of sex for money is by definition sexual exploitation. However, as argued in this paper, I believe such a definition is too broad and fails to distinguish adequately between structural and interpersonal harm and coercion. It is not clear that employing the criminal justice system to penalise individuals who pay for sex will effectively target structural harm and coercion, particularly where those selling sex identify their position as their choice (even if constrained). Rather, social and economic policies which raise the wellbeing, dignity and autonomy of all are required. I suggest that 'sexual exploitation' in terms of law and policy needs to be understood in relation to evidence of interpersonal harm and coercion (as outlined earlier, in relation to individual, group or commercial perpetrators), either as identified by the victim/survivor or through legal evidentiary tests.

Fourth, discussion of sex work and sexual exploitation has in recent decades adopted the metaphors of the market: policymakers and commentators talk in terms of 'worker', 'seller', 'buyer', 'clients' and a 'sex trade' (see [Niemi, 2010](#), for a critical review). Many see this as problematic in that it normalises the commodification of sexual services and appears to discursively neutralise any exploitation involved. It is for this reason that I refer to the sexual exploitation category as distinct from labour exploitation and apportion criminal co-responsibility to the buyers. I am not clear however that exchanging money for sex (outside of the sexual exploitation category) can be better understood than as a means to earn income. It is notable that while the term 'sex work' has been criticised, the collective noun 'demand', which also draws on market language, is less often problematised. In general, while a convenient short-hand, we should be vigilant that the over-use of market discourses risks de-personalising and de-particularising the social context and lived experiences of all those involved.

Fifth, it could be argued that the term 'prostitution' offers a useful ambiguity around agency and coercion. Disaggregating prostitution into categories risks polarising and simplifying what is a complex issue. The group who, for example, policymakers designate to the 'survival sex' category may be unjustly responsibilised for their situation.

I recognise these risks but would maintain that the proposed model seeks to clarify further the nature of agency, and its relationship with structural harms. There is no absolutism here for policymakers: on the contrary, their task is made clear.

Sixth, the proposed model tells us nothing about the relative size of each category. It is not currently possible to identify a representative sample of individuals to ask them within which category, or between which categories, they identify. This is because the overall population is often hidden, mobile, with shifting patterns of engagement: a fuller discussion of estimating prevalence can be found in [Hester et al \(2019\)](#) and [Lanau Sanchez and Matolcsi \(under review\)](#).

Finally, this paper focuses on structural processes and individual experiences of sex work: the operation of groups, networks, corporations or other institutions is under-theorised here. Further work is also needed to theorise how far these categories hold, or could be developed, once we take in to account the corporate, capital and global dimensions of the sex industry or compare different national contexts.

Concluding thoughts

I have suggested that the term ‘prostitution’ is no longer appropriate nor sufficiently specific for use in government policy discourse. The value of the proposed model is to highlight the differences between the contexts of paid sex (the position of gender-based violence; varying levels of autonomy; the different criminal justice responses required) as well as the commonalities between (the need to decriminalise sellers; the need for policies promoting social justice and economic equality for all). I also argue that we need to differentiate structural and interpersonal harm and coercion in order to develop practical, effective and safe policy. Further, I suggest that a more useful framework in understanding the socio-cultural position of sex work and exploitation is not within the continuum of violence against women or GBV, but the wider eroticisation of dominance ([MacKinnon, 1989](#)). It is this dynamic which makes violence and harm possible, though not inevitable. Accordingly, we need to recognise and oppose the sexualisation of masculine dominance as well as challenge the radiating eroticisation of control through other social power relations, including age, class, ethnicity or migrant status.

Policymakers need to listen to those involved and those no longer involved. Feminist researchers are well placed to contribute to that work, since our approach is to come alongside individuals and facilitate their voice. This does not mean that we cannot challenge what we hear, but we should ensure that we listen in totality, rather than seek evidence for pre-held beliefs.

Despite the seduction of single explanations or magic bullet policies, these rarely translate in practice. They tend instead to displace or invisibilise harms elsewhere. As ever, to promote human flourishing we need to focus on the long-term, less politically convenient work of acknowledging and grappling with complexity and of dismantling the structures of inequality within society.

Conflict of interest

The author declares that there is no conflict of interest.

Notes

¹ I have been researching English policy in this area since 2008 and most recently worked as part of a research team at the University of Bristol on a study funded by the UK

Home Office and by the Office of the Police and Crime Commissioner for South Wales on the current 'nature' and 'prevalence' of prostitution in England and Wales (Hester et al, 2019). The latter research drew responses from over 500 individuals involved in 'prostitution' and 'sex work'. Reflecting on this and earlier work, this paper is an attempt to delineate a productive theoretical base for policy action. I would like to acknowledge the influence of all the Home Office research participants and my project colleagues Dr Andrea Matolcsi, Dr Alba Lanau Sanchez and Sarah-Jane Walker. In particular, my thanks to Professor Marianne Hester for reviewing a draft of this paper and for her always critical but supportive approach to my developing thinking.

² This paper is not concerned with groups or individuals who wish to reclaim words which have been formerly used to denigrate: rather the focus is on the use of 'prostitution/prostitute' in government policy discourse.

³ Note the marketised language of 'service', 'work(er)', 'buyers' and 'sellers'. This language is not used uncritically and will be further considered below.

⁴ But what if the individual entered the sex industry willingly and was later exploited? Discussion later in this article considers the challenges and limitations of the proposed categories.

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