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Prostitution and gender-based violence

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Abstract

Prostitution is not the oldest "trade" in the world; rather, it is the oldest form of exploitation, slavery and gender-based violence devised by men to subjugate women and keep them at men's sexual disposal. Whenever prostitution is discussed, the role played by the client is disregarded, protected and minimised. However, it is essential to understand the starting point of this situation: "There is no supply without demand". It is men who, as a class, maintain, enforce and perpetuate subjection to this form of gender-based violence, demanding this "trade" and socialising new generations in its "use". In general, studies on the subject have failed to address this issue, and the consumers of prostitution themselves experience difficulty recognising and accepting their responsibility. This refusal to engage in a critical examination of the users of prostitution, who are by far the most important link in the system of prostitution, is nothing more than a tacit defence of male sexual practices and privileges. It is therefore fundamentally contradictory to talk about and advocate equality between men and women during the education of children whilst simultaneously supporting relationships and spaces of power that are an exclusively male preserve and in which women only seem to have a place when they are at the service of men. We have a duty to imagine a world without prostitution, just as we have learnt to imagine a world without slavery, without apartheid, without gender-based violence and without female infanticide or genital mutilation. We must not abandon our aspirations to transform society and teach equality between men and women.

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1. Prostitution

Prostitution is the consequence of monetary or other payment by clients to obtain their sexual pleasure. Let us not forget that for those who "endure" it, the cornerstone of prostitution, the intrinsic element around which the relationship of prostitution revolves, is not sex but the money or economic gain that is thus obtained. Talking about sexuality within the context of the practice of prostitution is not only a conceptual aberration, but also reflects a worldview that is profoundly patriarchal (Ulloa, 2011). The people who are used for the purposes of prostitution, those who "endure" it, are not seeking sexual relationships but rather the money they thus obtain. If it were a genuinely sexual relationship, it would be freely entered into on equal terms without involving purchase and monetary payment.

The scientific research, reports and studies on the subject have amply demonstrated that the vast majority of male prostitutes' clients are other men (Rafael & Gil Llario, 1996; Hendel & Vacarezza, 2011; Amador Soriano, Arroyo Arcos & Segrado Pavón, 2010). In other words, the strategy of subjection and enforcement remains the same, replicating a pattern of androcentric and patriarchal sexism that is identical to the one imposed on women.

It is of interest here to consider some of the fundamental data reported by studies on prostitution conducted in the last ten years (Sullivan & Jeffreys, 2001; Valle, 2005; Del As, 2005; Hernández, 2007; Martínez, 2007; Castellanos, 2008; Fábrega, 2009; García, Barahona, Heras & Corchado, 2010; Lucero, 2010; Heim, 2011; López Romito, 2011; Garagallo & Sánchez, 2011):

- 90% of the people who are engaged in prostitution are women, 3% are men and 7% are transgender.
- 87% are migrant women, most of whom come from Latin America, sub-Saharan Africa and, in recent years, from Eastern European countries such as the Ukraine or Russia. However, since the current economic crisis erupted, Spanish women are also finding themselves compelled to return to this situation.
- According to the United Nations Population Fund Report published in the year 2000, 4,000,000 million women and girls around the world are victims of trafficking for the purposes of sexual exploitation.
- 70% of men report having utilised another person as a prostitute at some point in their lives.
- Worldwide, the sex industry reaps some 12,000 million dollars each year. It is the second largest business in the world, surpassing both arms and drugs trafficking.
- According to the 1949 United Nations Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, ratified by 72 States: "prostitution and the accompanying evil of the traffic in persons for the purpose of prostitution are incompatible with the dignity and worth of the human person...".

2. The debate on prostitution

The debate on prostitution has traditionally revolved around the dilemma of whether prostitution is a form of exploitation that should be abolished or a profession that should be regulated (Hernández Oliver, 2010). The regulation of prostitution is based on two assumptions: first, that prostitution is a job like any other, and second, that it is a job that may be freely chosen or abandoned at will like any other. The argument for abolition rests on the assumption that prostitution is the oldest form of slavery in the world and a species of gender-based violence against women (Rubio Castro, 2008; Díez, 2009; Pérez, & Quintero, 2010).

Three fundamental stances can be identified in this debate, summarised as follows: regulationist (embodied in "progressive" and "liberal" discourse), prohibitionist and abolitionist (Riera, 2009).

- Regulationist discourse tends to locate this standpoint as a self-styled progressive position, employing the argument of the "defence of sexual freedom" and contending that not all prostitution is imposed but may be freely chosen. Closely related to this regulationist discourse is the liberal position, which adopts an economic perspective and invariably equates prostitution with an economic activity, and views those engaged in prostitution as "sex workers".
- Meanwhile, the prohibitionist stance reflects a conservative worldview which is linked to "Catholic" morality. Although there is something of a protectionist element to this position, the fact is that it is predominantly based upon a double standard in which there is "implied consent" of prostitution, provided that it is not visible or obvious. "Take those sticky condoms out of MY street" or "Get THOSE women out of MY neighbourhood"

are some examples that would summarise this approach.

- Lastly, from the feminist abolitionist standpoint, prostitution is viewed as an instrument of patriarchal control and the sexual subjection of women, and as a phenomenon that has a negative effect not only on those women and girls engaged in prostitution, but on all women as a group, since prostitution confirms and reinforces patriarchal definitions of women, according to which their primary function is that of providing men with sexual services (Aragó i Gassiot, 2010).

3. The role of men

The point of departure for an analysis of the role of men in the current situation of prostitution is the following incontrovertible fact: "If there weren't so much demand, there wouldn't be so much supply". In other words, it is men who, as a social group, maintain, enforce and perpetuate the subjection of women and children to this form of gender-based violence, demanding this "trade" and socialising new generations in its "use". We start from a widespread basic assumption, regardless of whether this explicitly or implicitly acknowledged: the belief that every man, in all circumstances and at whatever the price, should be able to have sexual relations.

Prostitution is justified as an "inevitable" social reality that most men accept as something natural and unchangeable (Lorenzo Rodríguez-Armas, 2008). The "client", or consumer of prostitution - the most sheltered, protected and invisible character in this story - is the main protagonist and the one most responsible for the prostitution of others. The exploitation of women and children is only possible thanks to the client, although his participation in this matter often appears as of secondary importance. In general, studies on the subject have failed to address this issue, and the consumers of prostitution themselves experience difficulty recognising and accepting their responsibility.

In the UNICEF National report on the sexual exploitation of children and adolescents in Argentina (September 1999), Silvia Chejter reported that from a total of three hundred news stories on this topic, only two of them alluded to the clients, and that even in these two reports, clients only appeared tangentially. In a report on AIDS published in Geneva in 1998, the WHO devoted several pages to a description of the socio-economic and cultural profiles of women engaged in prostitution, whilst only devoting a brief, subsequent paragraph to the fact that "clients are more numerous than the providers of sexual services; the factors that lead people to become clients are largely unknown".

This generalised refusal to undertake a critical examination of, or attribute any responsibility to, the consumers of prostitution, who are by far the most important link in the system of prostitution, is nothing more than a tacit defence of male sexual practices and privileges.

4. Why do men consume prostitution?

The majority of in-depth studies and analyses of the subject (Barahona & García Vicente, 2003; Rafael & Gil Llario, 1996; Meneses Falcón, 2010; Westerhoff, 2010) have reached a similar conclusion: "A growing number of men seek prostitutes more in order to exert power over another than to achieve sexual pleasure. They have experienced a loss of power and traditional masculinity in their social and personal relationships, and have failed to create relations of reciprocity and respect with the women with whom they interact. These are the men who seek the company of prostitutes, because what they actually want is to feel they are in absolute control and command".

It would thus appear that a large segment of humanity, the men who consume prostitution, have serious problems with their sexuality and are not capable of establishing a relationship of equality with women, who represent 50% of humanity, believing instead that women should be at their service. It is as if every time that women attain a higher degree of equality and rights, these men become more incapable of adjusting to relationships of equality and thus resort with increasing frequency to commercial relationships in which they pay in order to be the exclusive centre of attention, regressing to an infantile stage of extreme self-centredness and seeking a relationship that does not involve any "burden" of responsibility, care, attention or commitment to respect and parity.

A second important conclusion of those studies which have been conducted in Spain is that this is one of the countries where the consumption of prostitution is least deprecated. Surveys indicate that 39% of Spanish men regularly consume prostitution, without experiencing either social censure or legal consequences.

This strategy of consent is related to a third conclusion drawn from these studies, which is that this consumption has an impact on the socialisation process of children and young people as regards the use of prostituted sex. The problem entailed in the socialisation that exists in our societies with respect to prostitution is that all homo- and heterosexual men are classified as potential clients once they have grown out of childhood. If this situation were to be compounded by the regulation of prostitution as a profession, we might generate socialised expectations in which girls learn that prostitution could represent a potential "employment niche" for them, and boys learn that they can "buy" partners in order to meet their sexual desires (Díez, 2010).

5. Questioning the arguments that legitimise prostitution as a job

The argument currently in use is based on the right to self-determination of one's body and one's sexuality, which could encompass the act of engaging in commercial sexual relations, defining the terms of this sexual transaction (Juliano, 2002; Garaizábal, 2011).

The issue of consent, the "politics of personal choice" (Tamarit, 2007), rests on a Western liberal vision of human rights that elevates personal will and individual choice above all other human rights and the whole notion of the common good (Barry, 1995). Inspired by a particular conception of human beings and the common good, society has often found it necessary to place limits on individual freedom (sale of organs, slavery, drug use, etc.). The regulation of prostitution is advocated on behalf of some women who allegedly participate of their own free will. However, in accordance with this criterion, it would have been possible to regulate slavery on the basis that some slaves declared themselves content with their lot (as Scarlett O'Hara's slave "Mammy" proclaims in *Gone with the Wind*).

This stance (Caruso, 2011) exhibits a clear inability to discern social, economic and political imbalances of a structural nature or the sexual power relations between women and men, which together form the context of these choices and decisions and consequently render it impossible for prostitution to ever occur, even theoretically, in conditions of freedom. Moreover, this position conceals class inequalities and essentially represents the view of countries located in the North.

A second argument is to claim that it is possible to consider the experience of human sexual interaction as "sex work". Two justifications for this emerge: first, that prostitution fulfils a number of socially useful functions - sex education, sex therapy, or provision of sexual relations for people who in the absence of prostitution would be deprived of them, such as migrant workers separated from their families and older or disabled men; and second, that prostitution is a job like any other, such as being a typist or a servant, coupled with the claim that there are generally very few decent jobs in society and, above all, that there are very few alternative jobs to prostitution that are profitable for prostitutes. Furthermore, it has been contended that it is more rewarding to be a prostitute than to clean toilets (Torquemada, 2004). Abolitionist feminists are accused of being paternalistic and of not respecting the views of the prostitutes themselves (Zabala, 2008).

The problem is that unlike any other job, prostitution does not merely involve the sale of an activity or a product, but of the body itself, without intermediaries, and the body cannot be separated from the personality. What prostituted women have to endure in their 'work' is equivalent to what in other contexts would correspond to the accepted definition of harassment, sexual abuse and repeated rape (Rubio, Labrador, Huesca & Charro, 2003; Terol Levy, 2010). This way of thinking never takes into account the violence inflicted by this violation of human intimacy, which constitutes a form of "paid rape" (Ulloa, 2011). Consequently, violence and degradation, even if not expressed in action, are inherent conditions of prostituted sex because on the one hand, violence is always a possibility, and on the other, hired sexuality implies a licence to impose the type of sexual act to be practised (Vicente Collado, 2009).

As regards the assertion that prostitution as a *socially useful occupation*, this stance implicitly assumes that male sexual needs stem from a biological necessity that is incontrovertible, similar to nutritional needs. This clearly contradicts the proven fact that people, both women and men, spend long periods of their lives without sexual relations but do not suffer the fatal outcome that deprivation of food would entail.

To baldly and simply assert that women do not have better career options is to abandon the political battle to empower women, and is a sign of tolerance for the growing number of extremely lucrative activities of the sex industry, in which women are the raw material (Valiente, 2004).

6. How abolish prostitution: the eradication of demand

In the Netherlands, the legalisation of brothels and the regulation of prostitution as if it were the same as any other occupation has been a failure (Miranda, 2010). Neither the working nor the health conditions of prostitutes have improved, nor has clandestine prostitution disappeared. Not only has illegal prostitution continued, but the prostitutes involved are even more marginalised, hidden and vulnerable.

However, Sweden has dramatically reduced the number of women engaged in prostitution (Engman, 2007). The "Swedish solution" commenced in 1999 when, after years of research and studies, a law was passed that criminalises the purchase of sexual services and decriminalises the sale of such services. The novel rationale behind this legislation is clearly stated in the government literature on the law: "In Sweden, prostitution is regarded as an aspect of male violence against women and children. It is officially recognised as a form of exploitation of women and children, and constitutes a significant social problem ... gender equality will remain unattainable so long as men continue to buy, sell and exploit women and children by prostituting them".

7. Teaching equality in a world where prostitution is a profession

Can anyone seriously think that the regulation of prostitution would represent a breakthrough in the process of constructing equality between men and women?

Boys who are "socialised" in a context where prostitution is legally regulated as a profession, and is therefore socially approved, as well as promoted and advertised - essential actions in a consumer society - are learning that women are or can be "objects" at their disposal, that women's bodies and sexuality can be purchased, that no limits are placed on the use of women, and even that violence or force may be used against them because there will be certain areas where males have all the rights if they have money to pay.

It is therefore fundamentally contradictory to talk about and advocate equality between men and women during the education of children whilst simultaneously supporting relationships and spaces of power that are an exclusively male preserve and in which women only seem to have a place when they are at the service of men. On the contrary, by these means we educate boys in the belief that there is no need for them to renounce any of their sexual desires or to show any consideration for the other person, because if they have the money to pay for it, anything is possible.

We are socialising children in clearly different values: in the case of boys, that when they are men, they will be able to buy - pay to use - the bodies, attention and time...of women. And in the case of girls, that one option open to them when they are women is to be at the service of men.

We have a duty to imagine a world without prostitution, just as we have learnt to imagine a world without slavery, without apartheid, without gender-based violence and without female infanticide or genital mutilation. We must not abandon our aspirations to transform society and teach equality between men and women.

References

- AMADOR SORIANO, K., ARROYO ARCOS, L., & SEGRADO PAVÓN, R. (2010). Turismo sexual, prostitución varonil y VIH-SIDA en Cancún. *Teoría y Praxis*, (7), 115-127.
- ARAGÓ I GASSIOT, M. (2010). La opción abolicionista: una sociedad sin prostitución es posible. *Jueces para la democracia*, (68), 69-83.
- BARAHONA GOMARIZ, M. J., & GARCÍA VICENTE, L. M. (2003). *Una aproximación al perfil del cliente de prostitución femenina en la Comunidad de Madrid*. Madrid: Dirección General de la Mujer, 2003.
- CARUSO FONTÁN, V. (2011). Sobre la criminalización de las actividades relacionadas con la prostitución consentida. *Revista de derecho y proceso penal*, (25), 31-44.
- CASTELLANOS RODRÍGUEZ, B. (2008). Prostitución, sexualidad y producción. Una perspectiva marxista. *Nómadas: revista crítica de ciencias sociales y jurídicas*, (17), 189-196.
- DEL AS, J. (2005). La marginación a escala internacional. En AA.VV. *Globalización y salud* (15-26). Madrid: Federación de Asociaciones para la Defensa de la Sanidad Pública.
- DÍEZ GUTIÉRREZ, E. J. (2009). Prostitución y violencia de género. *El Viejo topo*, (262), 28-31.
- DÍEZ GUTIÉRREZ, E. J. (2010). ¿Cómo educar para la igualdad en una sociedad que pretende regular la prostitución como una profesión? *Revista Iberoamericana de Educación*, 51(5)
- ENGMAN, E. (2007). Prostitución y tráfico de mujeres: las actitudes en Suecia y las experiencias para combatirlo. *Hermes: pentsamendu eta historia aldizkaria = revista de pensamiento e historia*, (23), 4-8.

- FÁBREGA RUIZ, C. F. (2009). Inmigración y prostitución: regularización, prohibición y lucha contra la trata, una reflexión. *Diario La Ley*, (7291)
- GARAGALLO VAAMONDE, L., & SÁNCHEZ FERNÁNDEZ, M. (2011). El tráfico de mujeres para su explotación sexual: una esclavitud invisible. *Revista General de Derecho Penal*, (16)
- GARAIZÁBAL ELIZALDE, C. (2011). La prostitución: una autodeterminación sexual del cuerpo femenino como fuente de estigma y discriminación. In *Cuerpos políticos y agencia: reflexiones feministas sobre cuerpo, trabajo y colonialidad* (1ª ed., pp. 131-162) Universidad de Granada.
- GARCÍA VICENTE, L. M., BARAHONA GOMARIZ, M. J., HERAS VALLE, V. D. L., & CORCHADO CASTILLO, A. (2010). Los estudiantes universitarios ante el fenómeno de la prostitución. *Trabajo social hoy*, (59), 7-24.
- HEIM, D. (2011). Prostitución y derechos humanos. *Cuadernos electrónicos de filosofía del derecho*, (23), 234-251.
- HENDEL, V., & VACAREZZA, N. L. (2011). Subjetividades masculinas en construcción: Prácticas prostituyentes entre los jóvenes del Club Agronomía Central. *Intersticios: Revista sociológica de pensamiento crítico*, 5(1), 171-179.
- HERNÁNDEZ OLIVER, B. (2007). La prostitución, a debate en España. *Documentación social*, (144), 75-90.
- HERNÁNDEZ OLIVER, B. (2010). ¿Abolir o legalizar la prostitución? *Razón y fe: Revista hispanoamericana de cultura*, 261(1337), 189-200.
- JULIANO CORREGIDO, M. D. (2002). *La prostitución: el espejo oscuro*. Barcelona: Icaria.
- LÓPEZ ROMITO, F. S. (2011). ¿Qué hacer con la prostitución en España? *Temas para el debate*, (195), 14-16.
- LORENZO RODRÍGUEZ-ARMAS, M. (2008). Constitución Española, estado social y derechos de las mujeres que ejercen la prostitución. *Feminismo /s: revista del Centro de Estudios sobre la Mujer de la Universidad de Alicante*, (12), 253-270.
- LUCERO, Z. (2010). Prostitución y trata de personas: violencia simbólica y económica. *ICEV.Revista d'Estudis de la Violència*, (10)
- MARTÍNEZ, A. (2007). Efectos psico-sociales en el ejercicio de la prostitución. *Documentación social*, (144), 91-110.
- MENESES FALCÓN, C. (2010). Factores motivacionales en una muestra de hombres españoles que pagan por servicios sexuales. *Revista de la Asociación Española de Neuropsiquiatría*, (107), 393-407.
- MIRANDA, A. (2010). Europa en lucha contra el tráfico de personas y la prostitución. *En la calle: revista sobre situaciones de riesgo social*, (17), 19-20.
- PÉREZ VIEJO, J., & QUINTERO, A. (2010). Violencia de género y prostitución femenina. *A tu Salud*, (71), 27-28.
- RAFAEL, R., & GIL LLARIO, M. D. (1996). *Prostitución masculina: estudio psicosocial en nuestro contexto* (1ª ed.) Promolibro.
- RIERA, M. (2009). Abolicionismo, regulacionismo, prohibicionismo: entrevista a Lara Padilla. *El Viejo topo*, (262), 32-37.
- RUBIO CASTRO, A. M. (2008). La teoría abolicionista de la prostitución desde una perspectiva feminista. Prostitución y política. In *Género, violencia y derecho* (1ª ed., pp. 251-274) Tirant lo Blanch.
- RUBIO GUZMÁN, E., LABRADOR FERNÁNDEZ, J., HUESCA GONZÁLEZ, A. M., & CHARRO BAENA, B. (2003). In Meneses Morales C. (Ed.), *Perfil de la prostitución callejera: análisis de una muestra de personas atendidas por APRAMP* (1ª ed.) Universidad Pontificia Comillas.
- SANCHIS, E., & SERRA YOLDI, I. (2011). El mercado de la prostitución femenina: una aproximación desde el caso valenciano. *Política y sociedad*, 48(1), 175-192.
- SULLIVAN, M. Y JEFFREYS, S. (2001). Legalising Prostitution is Not the Answer: the Example of Victoria, Australia. Coalition Against Trafficking in Women, Australia and USA. Consultado en www.catwinternational.org
- TAMARIT SUMALLA, J. M. (2007). Regular la prostitución: razones y retos. *Hermes: pentsamendu eta historia aldizkaria = revista de pensamiento e historia*, (23), 10-16.
- TEROL LEVY, O. (2010). Violencia de género y prostitución. In *La violencia contra las mujeres en la pareja: claves de análisis y de intervención* (1ª ed., pp. 347-360) Universidad Pontificia Comillas.
- TORQUEMADA DE LA HOZ, G. (2004). La prostitución y su posible regulación legal: la minoría de edad y la prostitución. In *Mujer y empleo: una estrategia para la igualdad* (1ª ed., pp. 159-174) Comares.
- ULLOA ZIÁURRIZ, T. (2011). La prostitución, una de las expresiones más arcaicas y violentas del patriarcado contra las mujeres. *Pensamiento iberoamericano*, (9), 293-312.
- VALLE, P. (2005). ¿Legalizar la prostitución? *El País*, 18-07-2005.
- VICENTE COLLADO, S. (2009). La prostitución también es violencia machista. *Crítica*, 59(960), 48-52.
- WESTERHOFF, N. (2010). El cliente de la prostitución. *Mente y cerebro*, (40), 18-23.
- ZABALA, B. (2008). Los pasos invisibles de la prostitución. Estigma, persecución y vulneración de los derechos de las trabajadoras sexuales en Barcelona. / La prostitución a debate. Por los derechos de las prostitutas. / Ninguna mujer nace puta. *Viento sur: Por una izquierda alternativa*, (97), 122-123.