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The Language of Violence: Exploring the Contested Relationship Between Violence Against Women and Sex-Work/Prostitution

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journals.sagepub.com/home/sls**Rebecca MF Hewer** 

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Abstract

Definitions of violence are never merely descriptive. Rather, defining violence is an evaluative and normative project, struggles over which reflect a range of contexts, particularly relations of power. Given this, I argue that feminists should focus on what understandings of violence achieve, rather than striving to provide a conclusive definition. This requires a critical genealogical analysis of discourse. In this article, I undertake such an analysis: exploring how a selection of 21 Westminster policy-actors define violence vis-à-vis sex-work/prostitution, and situating those definitions in the socio-political conditions of their production. I demonstrate how policy-actors drew on a range of logics and technical knowledge to variously frame sex-work/prostitution as reducible to, (irrevocably) associated with, and severable from violence in ways which – I argue – variously served hegemonic and counter-hegemonic ends.

Keywords

violence, violence against women, sex-work, critical discourse analysis

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Introduction

‘Violence’¹ is a contested concept. Whether ‘violence’ should be conceived as a descriptive or normative term, an objective act or a lived experience, an interpersonal confrontation or a kind of social harm, is subject to debate (Bufacchi, 2005; De Haan, 2008; Mider, 2013). Hegemonic understandings promote narrow definitions, centring on physical attack and somatic injury; critical renderings promote more expansive understandings encompassing myriad social wrongs (Galtung, 1969). At stake within these struggles are evocative connotations: brutality, injustice, personal liability and harm, as well as the moral imperative to do *something* to alleviate suffering (Mukherjee et al., 2011). Competing definitions of what constitutes ‘violence’ are evaluative and normative, prompting highly contextualised struggles over the ethico-political weight of an act, the significance of different kinds of suffering, and the relative necessity of a (collective) response.

Contesting dominant understandings of ‘violence’ has long animated a feminist epistemology which treats language as a site of political struggle within which women’s interests are variously marginalised and promoted. Prevailing definitions of ‘violence’ that privilege narrow masculine conceptions of harm constitute a hermeneutic injustice: effacing women’s suffering and robbing them of the symbolic resources necessary to speak their pain (Kelly and Radford, 1995; Fricker, 2007). Accordingly, broadening what is pervasively believed to constitute ‘violence’ (e.g., to include sexual attack), has been a vital area of feminist activism (Kelly, 1988). Feminist theorists have also sought to frame ‘violence’ experienced by women, and perpetrated by men, as expressive of, and instrumental in, systemic masculine domination (Kelly, 1988). This ‘feminist sociological model’ challenges understandings of ‘violence’ as episodic and pathological, and frames ‘violence’ against women (VAW) as a ‘cause and consequence’ of gender inequality (Cavanaugh, 2012). Within the context of these struggles, radical feminists have defined sex-work/prostitution as ‘violence’, framing it is an exceptionally harmful manifestation of masculine domination (Raymond, 1998; MacKinnon, 2011; Tyler, 2012; Coy, 2017). This is a contentious position. A range of other feminists and feminisms resist this characterisation, arguing that eliding ‘violence’ and sex-work “totalizes a variety of situations involving different levels of personal will” (Agustin, 2001: 107) and “contributes to a culture which degrades women who choose sex work as their profession” (Kesler, 2002: 234). This intra-feminist struggle provides a compelling example of the evaluative and contextual processes contributing to competing significations of ‘violence’.

In this article, I critically evaluate how this struggle manifests in Westminster² sex-work/prostitution policy debates, by discussing interview data generated with a range of ‘policy-actors’. I illustrate how (broadly feminist) activists and officials draw on, and respond to, hegemonic discourses, feminist theory, debate dynamics, technical knowledge and the criminal law to define ‘violence’ vis-à-vis sex-work/prostitution. I subsequently demonstrate how different definitions might promote and undermine a range of (counter)-hegemonic projects with a range of potential outcomes. Additionally, I bring participant perspectives into dialogue with resonant academic literature, seizing the opportunity to elaborate the significance of the latter by reading it into a

specific context. In light of this work I argue that it is more analytically and politically worthwhile to expend energy considering what competing and contextualised understandings of ‘violence’ ultimately achieve, than to try and delineate a static, homogenising and largely de-contextualized definition of the same. I do not offer a conclusive definition of ‘violence’ vis-à-vis sex-work. Rather, I argue for continued attention to the genealogy and normative tenor of different definitions, as well as their contextually specific and shifting utility in the pursuit of a range of political goals. I argue that feminist activists should not ask whether ‘sex-work/prostitution *is* ‘violence’?’, but rather ‘when, if ever, *should we* conceive of sex-work/prostitution as ‘violence’, under what conditions, and for whom?’

A rich seam of feminist scholarship explores sex-work/prostitution (see Davidson, 1998; Nussbaum, 1998; Jeffreys, 2008), as well as the materiality and politics of VAW (Dobash and Dobash, 1979; Kelly, 1988; Hester et al., 1995; Mooney, 2000). Moreover, a significant body of work explores Westminster sex-work/prostitution policy, generally (Carline, 2012; Munro and Scoular, 2012; Scoular and Carline, 2014). Little has been said, however, about how sex-work/prostitution is conceived vis-à-vis ‘violence’ within Westminster policy spaces (see Coy, 2017 for a notable exception). This article thus offers notable theoretical and empirical contributions

In what follows, I briefly outline well-established debates regarding the meaning of sex-work/prostitution, and ‘violence’. Thereafter, I provide a brief synopsis of the Westminster sex-work/prostitution and VAW policy landscapes. Both sections provide context for the latter half of this article, in which I offer an interpretation of participant perspectives by reference to the social, political and intellectual conditions of their production.

Conceptualising Sex-Work, Prostitution & ‘Violence’

Sex-Work/Prostitution

The antagonistic character of sex-work/prostitution debates is well established (Rubin, 1984; Brents and Sanders, 2010; Beran, 2012). Comprised of two putatively distinct orthodoxies that variously promote abolition and criminalisation, or legitimisation and decriminalisation, disagreements regarding the nature of transactional sex are so contentious that activists are often unable to agree on a common language. Those who favour the legitimisation of transactional sex often utilise terms like *sex-work* – terms which abjure connotations of deviancy or victimhood, and frame the provision of sexual services as an acceptable form of wage labour (Kempadoo and Doezema, 1998). Contrastingly, those who promote its abolition tend to resist validating terminology, preferring instead to persist with pathologising terms, e.g., prostitution, or terms which frame sex-work/prostitution as a practice done *to*, rather than *by*, women, e.g., Jeffreys (2008) and MacKinnon (2011) use the term ‘prostituted women’.

Whilst ultimately favouring the decriminalisation of sex-work/prostitution, I am broadly sympathetic to some arguments promoted in favour of abolition. Indeed, I wrote a doctoral thesis from an anti-prostitution perspective before, ultimately, changing my mind. In light of my split allegiances, and my shifting perspective, I try to nurture a

sense of intellectual humility: remaining reflexive and open. My chosen terminology (sex-work/prostitution) reflects these labours, as well as an effort to resist readings of my work as always already beholden to one perspective over another.

What is perhaps less frequently acknowledged about sex-work/prostitution debates is their narrative plurality and complexity. Whilst those who favour prostitution's abolition are routinely called 'radical feminists' and those who promote sex-work's legitimisation are often labelled 'liberal' (see Beran, 2012), these classifications can bely the heterogeneity of positions. To illustrate, the contention that sex-work/prostitution should be decriminalised is variously defended by proponents of liberalism (Ericsson, 1980; Meyers, 2014), Marxism (Marx, 1844; Nussbaum, 1998), decolonialism (Kapur, 2002) and sex positivity/radicalism (Rubin, 1984; Cossman, 2002). Broadly speaking, these proponents argue that women-who-sell-sex can and do engage in reasoned deliberation regarding sex-trade participation. They disagree, however, regarding the *nature and (normative) impact* of the context within which deliberations take place. Whilst broadly liberal feminists tend to promote an understanding of women-who-sell-sex as capable of exercising asocial and authentic choice, Marxist's argue that transactional sex is demonstrably akin to other forms of wage labour, similarly undertaken in contexts of profound economic injustice (Overall, 1992; Nussbaum, 1998). Contrastingly, some de-colonial feminists frame sex-work/prostitution as a readily available (though not necessarily desirable) way for women to negotiate colonialism, racism and misogyny (Kapur, 2002); while sex positive feminists frame transactional sex as a transgressive and performative politics that *transforms* oppressive heteronormative contexts (Glick, 2000; Cossman, 2002; Showden, 2012; Comte, 2013).

Conversely, those who advocate for the abolition of sex-work/prostitution argue that selling sex is irrevocably unjust: expressive of, and instrumental in, masculine domination (Dworkin, 1993; MacKinnon, 2011; Overall, 1992; Pateman, 1983; Shrage, 1989). Many proponents of this position argue that structural and interpersonal coercion compel sex trade involvement to such a degree that transactional sex cannot be deemed adequately consensual (see MacKinnon, 2011; Miriam, 2005; Pateman, 1988). Indeed, some would go so far as to elide sex-work/prostitution and rape. Famously, Dworkin (1993: 3) said sex-work/prostitution was "more like gang rape than it is like anything else." Alternatively, many anti-prostitution feminists posit that sexuality is an alienable bodily capacity which cannot be commodified without undermining personal liberty (Radin, 1987; Pateman, 1988; Satz, 1995). And, of course, many advocates of abolition problematise the conditions within which sex-work/prostitution is practiced, arguing that sex trades are invariably mired by, e.g., myriad forms of 'violence' (Dworkin, 1993; Raymond, 1998; MacKinnon, 2011).

Notably, despite the prevailing antagonism, there is a measure of consensus regarding the presence of 'violence' in sex-work/prostitution. For instance, research by Cunningham et al. (2018: 334) – who avowedly favour the decriminalisation and de-stigmatisation of sex-work/prostitution – demonstrate "that sex-workers are, by a large margin, the occupational group at most risk of homicide in the United Kingdom". There is no denying that women-who-sell-sex are subject to a disproportionate number of physical, sexual and psychological attacks, resulting in somatic and emotional injury. Discord arises, however, regarding the scale of these attacks and injuries, and their precise relationship to sex-work/prostitution. Critics of the

abolitionist position argue that its proponents grossly over-estimate the ‘violence’ associated with sex-work/prostitution when – in reality – only a marginal group of women selling sex face extreme and ongoing attacks (Weitzer, 2005; Brooks-Gordon, 2010). Moreover, those who favour sex-work’s decriminalisation tend to argue that what ‘violence’ does occur within the context of sex-work/prostitution is at least partially explained by criminalisation (e.g., insofar as it necessitates clandestine working) (Sanders, 2004; Sanders and Campbell, 2007; Cunningham et al., 2018). For those feminists who favour sex-work/prostitution’s abolition, however, the notion that it could be severed from ‘violence’ is unintelligible: either because ‘violence’ is considered inherent to the sex trade and/or because the sale of sex is, in and of itself, understood to constitute ‘violence’. Indeed, anti-prostitution feminism is frequently framed as reducible to the contention that sex-work/prostitution is VAW (Comte, 2013; Scoular and Carline, 2014). Illustratively, Farley and Kelly call for “prostitution (to) be exposed for what it really is: a particularly lethal form of male violence against women” (2000: 54); whilst Jeffreys claims her work demonstrates “the appropriateness and importance of including prostitution in feminist human rights theory and activism against violence against women” (2008: 276).

Arguments regarding sex-work/prostitution vis-à-vis ‘violence’ are sustained both by disagreements regarding the empirical prevalence of certain kinds of attacks and harms, and fundamental disagreements regarding what does or should constitute ‘violence’. It is the latter debate to which this article attends.

‘Violence’

Prevailing definitions of ‘violence’ congregate around an exemplar paradigm that defines violence as occurring when an intentional and forceful perpetrator physically attacks a non-consenting victim, causing somatic harm (De Haan, 2008). This exemplar frames ‘violence’ as aberrant: a discrete disruption of an otherwise non-violent norm (Mider, 2013). As with contested concepts generally, debates focus on the definitional elasticity of this paradigm. Many posit that a wider array of attacks (e.g., psychological and sexual) and harms (e.g., emotional) should be considered ‘violence’ (Kilpatrick, 2004; Saltzman, 2004), whilst others query the degree to which perpetrator intentionality and victim consent should be considered necessary preconditions (Galtung, 1969; Bufacchi, 2005). Beyond this, some promote definitions of ‘violence’ that substantially extend the exemplar case. For instance, in theorising ‘structural violence’, Galtung argues that “violence is present when human beings are influenced so that their actual somatic and mental realisations are below their potential realisations” (1969: 168). This definition captures both interpersonal forms of attack and harm, and more social, systemic, and structural injustices. Notably, understandings of ‘violence’ that encapsulate the structural not only expand the descriptive scope of the term, but complicate notions of moral responsibility and individual blameworthiness. They demand a shift away from the Judaeo-Christian and socio-legal conception of personal liability that dominates, in favour of a more political kind of responsibility (Young, 2003).

What is at stake here is more than the descriptive scope of violence: the word lends a sense of severity and brutality to an attack or harm, creating an imperative to respond (Mukherjee et al., 2011). Discourse can “justify actions and... legitimise... practices and systems” (Fairclough, 2010: 19). Galtung’s work is valuable because it lends the evocative

undertones of physical ‘violence’ to a structurally unjust world, demanding that attention be paid to the latter. And of course, what is at stake for feminists, is women’s ability to articulate their suffering in the context of masculine hegemony (Kelly and Radford, 1995).

Of course, any project of (re)appropriation and (re)signification is beset with risk, including putatively resistant feminist projects. As Mohanty (1984) posits, even marginalised voices are inscribed in relations of power. Women are not homogenous: seizing the power to name on their behalf can be fraught and exclusionary. Indeed, whilst feminist theorists of ‘violence’ have long celebrated an epistemological approach which centre women’s interests and experiences it is not always clear *which* women they mean. It is therefore imperative that feminist’s remain critically engaged with their uses of the word ‘violence’: whose experiences do they bring to light? Whose experiences do they silence? What social and material realities might they produce? And at whose expense?

Sex-Work/Prostitution and VAW Policy

Sex-Work/Prostitution Policy

In 2004, New Labour’s *Paying the Price: A Consultation on Prostitution* (Home Office, 2004) ushered in a new epoch of Westminster sex-work/prostitution policy (Phoenix, 2009). Whilst twentieth century efforts had emphasised the ‘public nuisance’ of on-street sex-trades (Laite, 2006), *Paying the Price* focused on women’s vulnerability. Women-who-sold-sex were framed, primarily, as victims: forced to practice sex-work/prostitution and requiring rescue (Carline, 2012; Scoular and Carline, 2014). And whilst the precise cause of women’s vulnerabilities remained ambiguous throughout *Paying the Price* and most subsequent policies,³ close scrutiny evidences a fixation on individuals and their immediate relationships (Phoenix, 2005; Munro and Scoular, 2012; Hewer, 2018). Illustratively, 2008’s *Tackling the Demand for Prostitution* focuses almost exclusively on the coercive ‘violence’ of third parties (pimps and traffickers) and demand-side dynamics (men who buy sex). Notably, this policy also led to the enactment of s.14 Policing and Crime Act 2009, a controversial offence criminalising the purchase of sex from a person subjected to ‘exploitative conduct’, regardless of whether the offender knew or should have known exploitation had taken place.

This policy shift echoed broader trends within Northern Europe, typified by the increasing influence of Sweden’s so-called ‘Nordic Model’ (Scoular and Carline, 2014). Westminster policy, however, diverges from the Swedish approach insofar as it: contains a less fervent problematization of masculine domination⁴; and fails to abolish supply side offences. Indeed, despite a policy focus on the abject vulnerability of women-who-sell-sex, offences that criminalise on-street solicitation and off-street joint working remain in effect. This, Carline (2012) points out, constitutes a dissonance within contemporary Westminster sex-work/prostitution policy. The government exploits feminine vulnerability as an evocative symbolic resource to justify increasingly punitive responses to a broader range of actors (e.g., men who buy sex), whilst systemically failing to respond to the needs of women. It has, in short, fundamentally failed to respond appropriately to its own framing of sex-work/prostitution (Scoular and Carline, 2014).

What is demonstrably absent from these policy discourses is an account of the structural injustices that organise vulnerability, as well as an acknowledgement that some women choose to sell sex following reasoned deliberation (Munro and Scoular, 2012). The latter omission not only homogenises diverse experiences, but arguably perpetrates an ‘epistemic injustice’ (Fricker, 2007; Hewer, 2021). Insofar as many women-who-sell-sex characterise the practice as chosen, predicating policy on an understanding of transactional sex as necessarily forced, functions to silence (and further marginalise) marginalised voices (Smith and Mac, 2018). Indeed, *Paying the Price* openly queries the credibility of those who claim to choose transactional sex. It states that: some “women involved in prostitution argue vociferously that [sex-work/prostitution] is their occupation of choice” but do so “through a combination of fear, the process of normalisation or in an effort to maintain their dignity” (Home Office, 2004: 39). Thus, any woman who might seek to challenge the government’s framing, is always already incredible. This subsequently provides ‘ideological cover’⁵ for state intervention, foreclosing more nuanced discussions regarding the conditions under which women encounter sex-work/prostitution.

What is curious about the insistence that women-who-sell-sex are almost invariably victimised, is a concurrent commitment, within policy, to the idea that the very same women should be held individually liable for their sex-trade involvement (Munro and Scoular, 2012; Scoular and Carline, 2014; Hewer, 2021). Indeed, when disposed to contemplate broader cultural and economic contexts, contemporary policies pathologise women’s suffering, focusing – for instance – on poor debt management and tenancy maintenance over, say, feminised poverty and systemic homelessness (Carline, 2012; Hewer, 2018). In turn, this process of responsabilisation expands ‘ideological cover’ for state intervention via the continued enforcement of supply side offences: the criminalisation of women-who-sell-sex is framed as a way to organise individualised welfare provision (Scoular and Carline, 2014). Under *s.17 Policing and Crime Act 2009*, women convicted of a sex-work/prostitution offence can be given an ‘Engagement and Support Order’ (ESO), in lieu of a more traditional sentence, e.g., a fine. This ‘enforcement plus support model’ (Phoenix, 2005: 98) ostensibly diverts women away from punitive sanctions and towards services designed to support *lifestyle* change. Not only do these interventions efface the degree to which women’s lifestyles are shaped by (structural) conditions beyond their control, they can act as a conduit towards more castigatory responses (e.g., if they are breached).

In tracing the genealogy of these policy discourses, some have surmised that they reflect an appropriation and re-articulation of feminist condemnations of the sex trade. The focus on vulnerability, duress, and ‘violence’ is clearly reminiscent of abolitionist objections to transactional sex (Brooks-Gordon, 2005). In reality, the policies are genealogically more complex, and should be understood by reference to both abolitionism *and* a neoliberal hegemony which privileges hyper-responsibilisation over more radical problematisations of structural injustice (Scoular and O’Neill, 2007; O’Neill, 2010; Munro and Scoular, 2012). The responsabilisation and criminalisation of women-who-sell-sex reflects a broader neoliberal project which neglects structural injustice, governs via carcerality, penalises marginality (Lissovoy, 2013) and inculcates governmentality (Barnett et al., 2008). Scoular and Carline (2014) have labelled this ideological amalgam ‘neo-abolitionism’.

'Violence' Against Women Policy

The VAW movement is a relatively successful policy project which seeks to mobilise international organisations and state legislatures (Frazer and Hutchings, 2020). In the UK, this formerly grassroots movement has given rise to a well-established institutional topography (e.g., charities) animated by the contention that VAW is a 'cause and consequence' of masculine domination (Coy et al., 2011). Many of the abolitionists interviewed for this research were affiliated with related organisations. This reflects ideological and aetiological intimacies between the VAW movement and anti-prostitution feminism.

Successive UK governments have, since 2008, published a series of integrated VAWG policies which address various fields of 'violence' (e.g., rape and stalking) and are ostensibly founded on a weak framing of VAW as a product of gender inequality (HM Government, 2009, 2010, 2012, 2016; Dustin et al., 2013). These policies demonstrate an ambivalent position to sex-work/prostitution, variously including and excluding it from their ambit. For instance, the inaugural Westminster VAWG policy - published by New Labour (HM Government 2009) - sporadically mentioned 'prostitution' and 'trafficking for the purposes of sexual exploitation', whilst its 2010 successor *Call to End Violence against Women and Girls* (HM Government 2010) declared that sex-work/prostitution was dealt with in "separate initiatives".

Methodology

Methods

This article draws on data from semi-structured qualitative interviews, conducted in 2015, with 21 *Westminster sex-work/prostitution 'policy-actors'*, the majority of whom self-identified as 'feminist'. In brief, *policy-actors* are people who seek to influence and shape government policies. Drawing from the work of Sabatier (1988) I have operationalised this term broadly, to capture a range of individuals, from a range of institutional and occupational backgrounds, who participate in a range of policy-activities (e.g., reviews, consultations, policy-writing). Materially, this included campaigners, academics, journalists, service providers, and elected officials who often worked together to effect (or try to effect) policy change. I sampled purposively across civil society, statutory organisations and government, and actively sought out participants who expressed a plurality of contradictory and complementary views vis-a-vis sex-work/prostitution and 'violence'. In text, I refer to these individuals by reference to their job title, broadly construed. As a cohort, however, I use the term 'policy-actor' to capture the role they actively seized in relation to the government process of policy-making. My interviews were avowedly oriented towards these activities. For an explanation of why I utilise the term *Westminster*, see endnote two.

Data Analysis

Analytically, this article draws on critical discourse analysis (CDA): "a theory of and methodology for analysis of discourse" (Fairclough, 2010: 178). Discourse, according to CDA, is constituted dialectically by the relationship between localised communicative acts (e.g., spoken or written texts) and externalities, e.g., materiality, praxis, power

relations, and institutions (Fairclough, 2010). Implicit in this reading, is the idea that meaning and processes of meaning making are contingent, situated, and inherently political. Methodologically, then, CDA recommends that we analyse meaning and meaning making by scrutinising the relationships that constitute discourse, their relationships to other discourses, and their consequences. This necessitates critique insofar as it requires the historicisation of taken for granted understandings (e.g., definitions of ‘violence’) and collective common sense (e.g., logics of ‘violence’).

In deference to these requirements, I present interview data, posit a reading, and offer a critique. I do not represent my reading as conclusive: it is necessarily provisional, contingent, open-ended, and normative. With that said, I establish the intellectual value and robustness of my analysis by focusing on the ‘fit’ between data and contemporaneous social, political and intellectual conditions. Substantively, I demonstrate that it is possible to read participants as drawing on, and responding to masculine hegemony, a range of feminist politics, debate dynamics, pervasive bodies of feminist technical knowledge, and the criminal law/carcerality. This subsequently suggests that localised communicative acts are dialectically related to gender power, institutions, the state, and praxis, as well as a range of entangled ideologies. Importantly, CDA posits a pre-reflexive (rather than agentic) subject of discourse (Bacchi, 2005). As such, in drawing inferences, I do not mean to suggest that participants necessarily *intended* to construct discourse by reference to particular ideologies, etc.

Limitations

Whilst a minority of recruited participants had experience of selling sex, the relative exclusion of women-who-sell-sex is a significant limitation of this article. In researching policy-actor perspectives, my intent was never to establish ‘the’ truth or illuminate sex-trade realities. Rather, I intended to scrutinise and critically engage with the shape, tenor and foreseeable effects of *powerful perspectives* – perspectives with disproportionate potential to shape the conditions within which transactional sex plays out. With that said, it is undoubtedly necessary to centre and amplify the voices of women-who-sell-sex in conversations about the sex trade. I do not offer this article in-stead of those voices, but rather to provide a broader and better-developed sense of the political context within which they are heard and silenced.

Results

Participants variously framed sex-work/prostitution as severable from, inherently related to, and synonymous with ‘violence’. In addition, they expressed a handful of perspectives regarding the relationship between sex-work/prostitution and the feminist sociological model of ‘violence’ – variously positing that the latter explained all, part and none of the former. In what follows, I present interview data representing a range of these perspectives, exploring them by reference to the social and political conditions of their production.

Disassociating sex-Work/Prostitution and ‘Violence’

Almost half of all participants resisted the idea that sex-work/prostitution was reducible to, or inherently associated with, ‘violence’ – variously describing related frames as

“highly insulting” (Statutory Service Provider) “abhorrent” and “sexist” (Civil Society Campaigner). In the main, they predicated this perspective on two claims: a) that sex-work/prostitution was objectively not ‘violence’ and b) that claiming otherwise undermined women’s credibility.

“It doesn’t really make sense because it isn’t violence and you are removing people’s own agency to give and take consent”

Civil Society Service Provider

“[Framing sex-work as violence] says to women generally that you don’t know your own mind between consenting and non-consenting sex and that it doesn’t matter what you say about your own situation”

Civil Society Campaigner

“I think that we are very conscious of the violent elements within sex-work [...] so violence as in physically hit, rob, rape - but then there is also the, kind of buying into the ideology that selling sex is violent for women in every respect and I don’t think that a lot of women see it like that”

Statutory Service Provider

In the first excerpt, the participant claims that describing sex-work/prostitution as ‘violence’ “doesn’t make sense” because “it isn’t violence”. This position mirrors a tendency among some participants to define ‘violence’ tautologically, arguing that “violence is violence” (Statutory Service Provider) and “I am quite a stickler for keeping ‘violence’ as violence” (Journalist). Tautological definitions indicate a perceived intimacy between a signifier (e.g., the word) and its signified (e.g., the reality it refers to) and point to the effects of de-historicization (Bourdieu, 2001). By relying on tautology, participants indicated that ‘violence’ was axiomatic. This arguably appeals to the hegemonic ‘common sense’ of the exemplar paradigm of ‘violence’, and related understandings of ‘violence’ as physical attack resulting in somatic harm (Galtung, 1969; De Haan, 2008). Given that transactional sexual intercourse between two ostensibly consenting adults differs in important respects from the exemplar, the respondent’s position is comprehensible. Uncritical reliance on hegemonic definitions should provoke suspicion, however. Prevailing conceptions of ‘violence’ often legitimate elite perspectives and efface more marginalised experiences (Fairclough, 2010; Eastaale, Bartels and Bradford, 2012). This is not to say that we should necessarily conceive of sex-work/prostitution as ‘violence’, but that by relying on hegemonic common sense – without carefully considering the implications of doing so – we risk reproducing oppressive social arrangements.

The idea that sex-work/prostitution is not ‘violence’ because women-who-sell-sex do not classify it as such demands a more extended analysis. What is stake, as each participant suggests, are interrelated questions of credibility and power. To what degree do we

believe women? To what degree do we permit women to shape collective understandings and, subsequently, the material conditions of their own lives? Feminist resistance to hegemonic renderings of ‘violence’ have similarly posed these questions – arguing that when we silence, dismiss and disbelieve women, we stymie (collective) recognition of their suffering and the redress that might follow (Kelly and Radford, 1995). Similarly, Fricker (2007), posits that systemic failure to recognise the credibility of certain groups prevents those groups from shaping the knowledge trends of their polities. Indeed, and as demonstrated by *Paying the Price* (discussed above), if sex-work/prostitution is conceived in terms of ‘violence’, no matter *what* women say, certain dialogues and normative responses are definitively curtailed. This is not a liberal defence of sex-work/prostitution, predicated on individualism. Rather, it is a problematisation of gendered, racialized, and classed knowledge production, and the systemic consequences of excluding a *variety* of subjugated knowers. From this perspective, awarding definitional power to women-who-sell-sex, with regards to the proper classification of sex-work/prostitution and ‘violence’, is a social justice imperative, insofar as it carries the potential to disrupt knowledge-based inequities and redistribute the power required to shape social, cultural, economic, and political worlds (Meyers, 2014).

Of course, ensuring that women-who-sell-sex are able to wield this kind of power *does not* produce a static and stable definition of sex-work/prostitution vis-à-vis ‘violence’. For whilst many women-who-sell-sex *do not* identify their labour as violent, some clearly *do* (Reist and Norma, 2016). There are women for whom the realities of, e.g., trafficking, misogyny, interpersonal and/or structural coercion, create a context in which they experience sex-work/prostitution as *per se* violent. The contention, then, that framing sex-work/prostitution as ‘violence’ “says to women generally that you don’t know your own mind” (Civil Society Campaigner, as above) is problematic. Indeed, claiming that sex-work/prostitution is necessarily not violent would similarly undermine some women’s knowledge. Thus, if we identify subjective apprehension of ‘violence’ as definitionally key, we must necessarily accept a *polyvocal* conception of sex-work/prostitution.

Polyvocality can work to disrupt various narratives associated with sex-workers’ rights advocacy, abolitionism and neo-abolitionism. It resists the meta-theorisation and essentialism associated with liberalism and radical feminism and invites, instead, a post-structural, shifting and multitudinous conception of transactional sex, sensitive to individual voice and context (Hewer, 2021). What this demands, in turn, is a sophisticated feminist politics, capable of capturing – and responding to – socio-politically mediated difference, as has long been recommended by Black and de-colonial feminists (Mohanty, 1984; Crenshaw, 1991).

Disassociating Sex-Work/Prostitution and ‘Violence’ Against Women and Girls

A similarly significant number of participants expressed concern regarding the inclusion of any dimension of sex-work/prostitution within VAW policies, even aspects they felt should or could be conceived as gendered ‘violence’ (e.g., gendered ‘violence’ that occurs during the course of sex-selling). This came not from a rejection of VAW policies themselves but was born of a fear that to cede ground concerning

some aspects of sex-work/prostitution, vis-à-vis violence, would be to risk complete discursive seizure.

- Author:* “Do you think that there is, taking your objections into account, do you think that there is any aspect of sex-work which does belong in the VAWG agenda?”
- Statutory Service Provider:* “Yeah, I think where there is coercion and exploitation and trafficking, yes. But I think that it is, what worries me, when you get into those kind of groups, there is a kind of a - what is the word - not a philosophy, a demeanour that a lot of those people think that all sex-work is violent and I can’t support that.”

This concern can be read as demonstrating two interrelated beliefs: first, that the word ‘violence’ has been discursively colonised by the VAW movement and second, that explaining sex-work/prostitution by reference to the ‘feminist sociological model’ risks undesirable elaboration of its meanings.

As Mohanty (1984: 333) explains, ‘discursive colonisation’ is an epistemic injustice produced by the “appropriation and codification of scholarship and knowledge”. From her perspective, white feminist ‘violence’ activists in the Global North seized the conceptual categories of women and ‘violence’ and signified them in exclusionary ways, alienating those to whom they could be said to belong. Echoing this, activists who favour a rights based approach to sex-work/prostitution felt wary of problematizing the sex trade by reference to ‘violence’, lest the ‘colonisers’ knowledge be substituted for their own. This concern can arguably be contextualised by reference to the relative dominance of the VAW movement, and the (albeit partial) inscription of its narratives into Westminster policy. In short, to concede discursive ground is to make one’s framing vulnerable to annexation by a powerful discursive frame. Thus, abject aspects of sex-work/prostitution may be defined as ‘not gendered violence’, in an effort to avoid undesirable symbolic and political outcomes.

Second, we can read the above excerpt as an expression of anxiety regarding the organising *logic* of the VAW movement, e.g., the feminist sociological model of ‘violence’. Indeed, insofar as the VAW movement is animated by a particular explanation of ‘violence’, relies on a well-established and growing body of academic theory, and has received growing recognition in law, it is no longer *just* a site of political mobilisation – it is a source of influential technical knowledge (Frazer and Hutchings, 2020). What this means, in practice, is that to call something (gendered) ‘violence’ is to embed it in a framework, a logic, an institutional landscape and to elaborate its meaning accordingly. That this may be undesired renders the dynamics of signification fraught. What this *may* mean, in practice, is a reduction in the symbolic resources with which women-who-sell-sex can make sense of their experiences (e.g., a hermeneutic injustice (Fricker, 2007)) – though, of course, the scale of impact depends on the relative influence of politicians, activists and service providers over women’s epistemic resources, which is beyond the purview of this article. With that said, self-identified sex-workers Smith and Mac (2018) note that many of their peers feel trepidation when discussing their trauma, lest it be seized as ‘ammunition’ by abolitionist activists.

The Irreducibility of Sex-Work/Prostitution and Rape

Within academic debates, anti-prostitution feminists are frequently accused of subscribing to the broadly Marxist theory of ‘false consciousness’ (Overall, 1992; Davidson, 1998), e.g., the contention that oppressed groups are socialised to accept the ideational claims of elites, manufacturing consent to their subjugation. Indeed, this was an accusation made by several participants, who posited that abolitionist policy actors refuted the credibility of lived experience.

“I think these are the things that the abolitionists are not thinking about... it is about... saying that what you say about your life is not true because you are experiencing false consciousness, which means that you are actually a victim and then you don’t have agency in other parts of your life.” **Civil Society Organisation Board Member**

What is perhaps curious, then, is that *no* participant actively endorsed theories of false consciousness; indeed, very few explicitly sought to undermine the credibility of women’s voices *at all*. The majority of participants framed a woman’s lived experience, and her account of that experience, as definitional in conceptualisations of ‘violence’ done unto themselves. I could present a number of possible explanations for this relative consensus. Perhaps the ubiquity of a liberal ethic, which positions rationality as central to the realisation of humanity, and which has been parsed in relation to sex-work/prostitution by Davidson (2008), was to blame. Or perhaps participants were persuaded by a critical feminist epistemology, and felt masculine epistemic dominance could be resisted by foregrounding women’s voices (Kelly and Radford, 1995; Eastal, Bartels and Bradford, 2012). One justification presented by a range of participants, however, was that to undermine the lived experience of women – and to call sex-work/prostitution ‘violence’, regardless – would be to present ostensibly consensual sexual practices as tantamount to rape.

“...men and women will tell you that...it is quite insulting to have to use the term ‘paid rape’ when some women will say to you ‘no, no I have been raped many times within the prostitution experience and I wouldn’t call every sexual encounter a form of paid rape’. So, we need to be very careful about that” **Journalist**

“If one time somebody does pay but then you take away your consent halfway through – and they continue to have sex – then that for me is rape. But if somebody says that all sex-work is rape, then it takes away agencies to be able to define that as rape and not the other” **Civil Society Campaigner**

This amounts to an explicit repudiation of Dworkin’s claim that sex-work/prostitution is analogous to gang rape (above). Moreover, these excerpts echo sentiments explored by Sullivan (2007). A consideration of her work is therefore instructive. Briefly, Sullivan argues that, when we present sex-work/prostitution as reducible to ‘violence’, we construct women-who-sell-sex as ‘always already’ rape victims. If consent carries no definitional significance in the ‘violence’ of sex-work/prostitution, there can be no meaningful

distinction between consensual transactional sex and sexual ‘violence’. In the words of the second participant cited: “it takes away agencies to be able to define that as rape and not the other”. This subsequently renders discriminate complaints of rape, expressed by women-who-sell-sex, functionally unintelligible. Not only does this unintelligibility silence women, it undermines their capacity to pursue desired sanction, e.g., a rape conviction. The contemporary urgency of this critique is demonstrated by s.14 PCA 2009 – the strict liability offence that criminalises the purchase of sex from a person subject to exploitation. In contrast to rape (s.1 Sexual Offences Act 2003), which carries a maximum penalty of 19 years in prison, those convicted of a s.14 offence can expect no more than a £1000 fine (Scoular and Carline, 2014). Whilst both offences putatively seek to address non-consensual sexual encounters, the state treats that which exclusively pertains to sex-work/prostitution as *significantly* less serious. Thus, in this instance, blurring the lines between rape and sex-work/prostitution appears to dampen responses to the former. Indeed, as Sullivan argues, presenting women-who-sell-sex as ‘always already’ rape victims, reproduces the effect of misogynistic framings of women-who-sell-sex as ‘always already’ consenting, e.g., ‘unrapeable’. Whether we deem them unrapeable or always already raped, these elisions marginalise and weaken women-who-sell-sex vis-a-vis the law.

‘Violence’, Carcerality and the Criminal law

What Sullivan’s work also elucidates is the productive capacities of ‘violence’ when brought into dialogue with institutional power, e.g., the criminal justice system. Labelling a thing ‘violence’ can be instrumental - summoning institutional recognition and redress. When ‘violence’ is not recognised by the criminal justice system (e.g., because a person is viewed as ‘unrapeable’) recognition and redress are withheld. When we foist ‘violence’ onto unwilling subjects, we render them objects of the criminal justice system, removing their capacity to seize or mitigate its impact. Labelling something ‘violence’ can provide logics for, and legitimate, institutional gatekeeping, as well as the undesired policing of bodies (discussed further below).

Acknowledging the productive power of ‘violence’ in relation to criminal justice creates two imperatives. First, it demands that we remain critically engaged with the criminal law, its real world impact on women-who-sell-sex, and our appropriation of, or complicity with, it. Second, it mandates a careful contemplation of the degree to which we should award the criminal law epistemic credibility. In short: should we grant the criminal law control over (or use the criminal law to delineate) what constitutes ‘violence’? In light of these imperatives, it is notable that a number of participants suggested that the criminal justice system *should* steer our conceptualisations of ‘violence’. Indeed, five participants said ‘violence’ should be defined in accordance with broadly legal criteria.

“I don’t think you can criminalise asshole behaviour and nor should we, I hate now that we call domestic violence, domestic abuse – I recognise that there is much abuse within heterosexual relationships that is horrendously damaging to women and their children, that isn’t criminalised and nor should be. So, violence to me is physical violence, sexual violence is sexual violence and can also include physical violence... but I wouldn’t call keeping

money away from women at the end of the month violence. I would call it asshole behaviour."

Journalist

The logics and terminology of the criminal law elaborate terms like 'violence'. Much like the feminist sociological model of 'violence', the criminal law puts flesh on the bones of 'violence' - situating the concept within a dense framework of meaning, causal relationships, and implications. In turn, it legitimates some kinds of conceptual development and renders others unintelligible. As intimated, the criminal law emulates Judaeo-Christian logics of liability, focusing on individual intention and guilt, whilst placing next to no emphasis on structurally mediated harms (Galtung, 1969; Young, 1990). To wit, you cannot put capitalism in prison.

This should give us pause. Feminist legal theorists have long expressed scepticism regarding the letter and practice of the law, arguing that it is phallogocentric. This is aptly illustrated by the law's dealings with sex and sexual 'violence'. As Smart (1990: 205) opines:

"We know that a woman's account of her abuse is always filtered through a mesh of legal relevances... Her story is reconstructed into a standard form of sexual fantasy or even pornography in which she becomes the slut who turns men on and indicates her availability through every fibre of her clothing and demeanour.... It has been stated over and over again by feminists and by women who have been raped that it is the victim who becomes the prime suspect."

From this perspective, definitions of 'violence' shaped by the criminal law are more likely to ingrain than refute symbolic conditions of oppression.

Beyond this, feminist turns to criminal law necessitate a consideration of carceral states, e.g., states which govern via the criminal justice system and its logics. Carcerality treats marginality as a matter of individual pathology to be tackled through invasive surveillance, increased criminalisation, and punitive sanctions (Lissovoy, 2013; Kim, 2018; Bracewell, 2019; Terwiel, 2020). It promotes a regressive conceptualisation of justice, which effaces structural determinants of disadvantage, as well as the promise of economic and social rights. And, of course, the activities of carceral states fall with discriminate, often fatal, weight on black and brown bodies (Kim, 2018). Indeed, Lissovoy (2013: 744) argues that the carceral state itself commits 'violence' both by legitimating physical attacks on individual (marginalised) bodies, and by the "bending of bodies and wills to the new regime of accumulation, and the use of the state to police the material and political boundaries of this system". Given that women involved in sex-work/prostitution are not only disproportionately poor, marginalised, and minoritised (Hester et al., 2019), but very often understood to violate the boundaries of hegemonic value systems (Hubbard, 2004), these observations are particularly pertinent. Indeed, it would be reasonable to read Westminster sex-work/prostitution policy, and its approaches to vulnerability, as manifestations of a carceral logic.

Critics of carcerality frequently recommend transformative, restorative and community based interventions in lieu of criminal justice – interventions which displace the state and position communities as responsible for harm prevention, mediation and

sanction (Kim, 2018). Whether feminists who are concerned about carcerality should embrace these alternatives, and engage in a *wholesale* resistance to the criminal justice system given the profundity of its ‘violence’, remains a matter of debate, however. Terweil (2020) argues that uncritical anti-carcerality risks the re-privatization of VAW, and that so-called transformative alternatives to incarceration are often premised on an implausibly romantic notion of communities. Feminists, she argues, should adopt a much more nuanced approach to the power of the state, and the role of criminal justice. We need not choose, Terweil suggests, between one of two extreme options (e.g., absolute prison abolition or the carceral state) when more subtle shades of ‘decarceration’ are possible.

In the context of defining ‘violence’ vis-à-vis sex-work/prostitution, Terweil’s recommendation, and Smart’s warning regarding the phallogentrism of legal doctrine, arguably prompt another turn to (contextually mediated) polyvocality. There may be instances in which it is desirable to appropriate, or at least cautiously accept, the criminal law – defining some experiences within sex-work/prostitution as violent for the purposes of criminalisation (e.g., rape) and some as not (e.g., transactional sex). This does not mean, however, that experiences that fall into the latter category should, or could, *never be* deemed violent. We should not relinquish the power to define ‘violence’ to a phallogentric value system, an individualistic logic, a condition of oppression.

Sex-Work/Prostitution and Structural ‘Violence’

Framing carcerality as violent both indicts many modern states, and complicates the logics of ‘violence’ on which they rely, e.g., a logic which stresses intentionality and personal liability. Similarly, notions of structural ‘violence’ (Galtung, 1969) posit new logics and horizons of focus. In recognition of this, when interviewing participants, I often asked how they felt about these more radical, structural, conceptualisations of ‘violence’. They were, for the most part, ambivalent.

“Sure, poverty is violence. It is terrible. You know poverty is an absolute form of violence, it is a form of violence that begets yet more forms of violence because thousands of people get on boats and cross the Mediterranean and that is violence. Absolutely – the world is a violent place... But I don’t think that is useful. I think we need to tackle those issues; we have to be able to say why poverty is hugely problematic and what it leads to.”

Statutory Service Head

“Just as a language thing – I think it is something else. I think it is something else – it is bad, and I think we should do something about it, but I am just not comfortable framing something in such an umbrella catch all.”

Civil Society Service Head

In contrast with those who framed ‘violence’ as axiomatic, these participants appear to take a reflexively strategic approach to the conceptualisation of the term, describing a wish

to avoid terminological inflation. This is a concern similarly expressed, and elaborated, by Coady (1985). A consideration of his position is therefore instructive. In brief, Coady argues that radical and expansive redefinitions of ‘violence’ create “undesirable practical consequences” by eliding distinct causal relationships and subsequently undermining particularised interventions. “The use of the wide definition” Coady (1985: 12) opines, “seems likely to encourage the cosy but ultimately stultifying belief that there is one problem, the problem of (wide) violence, and hence it must be solved as a whole with one set of techniques”. In turn, and in concert with the participants cited above, he suggests that it is possible to deplore all manner of human suffering, without resorting to conceptual expansion. Whilst I am broadly sympathetic to concerns regarding terminological inflation (Hewer, 2018), I think it necessary to critically engage with which conceptualisations are embraced, which are not, and why. Why are certain interpersonal harms furnished with the brutality connoted by violence, whilst the injustices of poverty are not? Interestingly, whilst Coady (1985: 3) admits that “social and political concepts of any importance... often do embody diverse moral and political outlooks or visions”, he goes on to argue that it is manipulative to try and actively appropriate the power of a term for one’s political project. What this perspective arguably effaces is the degree to which *every* conceptualisation serves a political project: if we judge reflexive re-appropriation to be more manipulative than hegemonic signification, it is largely because processes of historicisation render the former more visible and less ‘natural’ than the latter.

Notably several participants *were* willing to embrace a concept reminiscent of structural ‘violence’ in one scenario. These participants posited either that sex-work/prostitution was ‘violence’ insofar as it did harm to women who were not immediately involved, via socially diffuse processes, or that ‘chosen’ sex-work/prostitution reproduced a trade that forced women to sell sex.

“I would say that prostitution is harmful to the people involved and harmful to the wider society... So the whole structure is interlinked to be discriminatory and to have a disproportionate impact on women and to disproportionately benefit – or so called benefit – some at the expense of others and that is exploitative and that is where it fits (in the VAW agenda)”
Civil Society Service Provider

“I think that for a woman to choose to market herself, the consequences for women as a class are serious” **Member of Parliament**

“What (is) the correct public policy response when you have some people saying ‘well this is my legitimate choice’ but that legitimate choice fuels a trade that takes away choice from other people? And I suppose I am burdened, I feel skewed towards protecting those who have the least choice even if it means restricting the rights of others to do that” **Member of Parliament**

The first two excerpts, cited above, gesture at the idea that sex-work/prostitution perpetrates ‘violence’ against women generally, whilst the last traces a causal link between those who sell sex voluntarily and the ‘violence’ committed against those who putatively sell sex against their will. The choice to sell sex has *serious consequences*; wilfully

selling sex *fuels* the sex trade. As Florin (2012: 276) posits: “if prostitution is violence against women as a collective, then individual women can actively contribute to that violence”.

From the perspective of much critical social theory, the idea that individual people (often without clear power) contribute to the (re)constitution of unjust structures is relatively uncontroversial. As Iris Marion Young (2003) argues, structures and individual praxis are co-productive. Structures are the “social outcomes that result from the confluence of many individual actions within given institutional relations” (2003: 4). Accordingly, it is eminently possible that individual acts of sex-work/prostitution contribute to the structures that structure them. By that measure, it is intellectually defensible to say an individual act of transactional sex might contribute to the structural ‘violence’ of sex-work/prostitution. And, as intimated, theories of structural ‘violence’ do important political work: they lend a sense of brutality and urgency to under-recognised and deprioritised injustices. Framing sex-work/prostitution as structural ‘violence’ works to highlight the harms which constitute and occur in the sex-trade, in the absence of inter-personal ‘violence’. What seems intellectually and politically problematic, however, is the particular focus on women-who-sell-sex. Even if the participants quoted did not intend to imply personal liability or guilt (which would be congruent with a broader displacement of intentionality implied by the problematisation of the structural), they demonstrably implicate some women in the indirect perpetuation of structural ‘violence’ against others. This feels particularly troubling in a context in which framing poverty and immigration policy as violence is rare and viewed as undesirable.

Let us, for a moment, imagine just a handful of the variety of individual choices that arguably organise routes into and experiences of the sex trade, albeit in indirect ways. What about the decisions of state and corporate actors who keep wages low, work precarious, and welfare benefits paltry? Who fail to fund childcare or remunerate care-work properly? What about private citizens who rent out squalid homes, prioritising profit over human wellbeing? What about immigration policies that – when enforced – compel people to live clandestine lives, outside of the formal job market? Why is it intelligible to frame individual women who earn an income via transactional sex as perpetrating structural violence and not the myriad other people responsible for making choices with consequences that constitute the sex trade?

This focus seems particularly strange when we acknowledge the limited political power exercised by women-who-sell-sex, in contrast to, say, employers, landlords, and border guards. As Young (2003) persuasively posits, whilst a confluence of individuals contribute to structures – and by extrapolation, structural ‘violence’ – not all individuals carry the same degree of political responsibility to transform them. Indeed, Young suggests that “persons who benefit relatively from structural inequalities have special moral responsibilities to contribute to organised efforts to correct them... because they are able to adapt to changed circumstances without suffering serious deprivation” (2003: 18). Given that it would be incoherent to suggest women are disproportionately powerful or served by participation in a structure that can be violent towards them, it is similarly incoherent to suggest they carry disproportionate political responsibility to redress it. It is therefore, at the very least, odd, and politically questionable, to single out women-who-sell-sex as peculiarly responsible for structural ‘violence’.

In attempting to explain this peculiarity, I would tentatively posit two things. First, that white feminism prevails, and that white feminism is – by definition – insufficiently intersectional (Crenshaw, 1991). The failure to problematise the racialized and classed injustices which motivate sex-work/prostitution with the same urgency as the transactional sex which is deemed to effect women generally, demonstrates an over-focus on gender at the expense of a more variegated analysis (Kapur, 2002). This, in turn, speaks to policy-actor inscription in relations of power: they are invested (albeit pre-reflexively) in highlighting some injustices at the expense of others (Mohanty, 1984). Second, and more charitably, the political conditions within which policy-actors promote different understandings of (structural) ‘violence’ constrain radical representation.

To explain, in work which explores women’s under-representation in senior management positions Goodwin (2013) found that the relative success of different feminist frames depended on the character of prevailing gender regimes. Specifically, the political power of men made it difficult to explicitly problematise men. In order to succeed, then, feminist policy-actors were compelled to frame women’s under-representation as a ‘woman’s issues’. Discursive spaces have histories that limit possibilities (Butler, 2006): what reads as intelligible to others is shaped by prevailing symbolic conditions (Benford and Snow, 2000; Fairclough, 2010). An elaborated version of this explanation arguably provides elucidation here: feminist activists interested in the abolition of sex-work/prostitution conceptualise structural ‘violence’ in a context of neoliberal hegemony, right wing populism, and gender subordination. These conditions are determinative when it comes to the success of their conceptualisations. What arguably results, substantively speaking, is yet more ‘neo-abolitionism’ (Scouler and Carline, 2014). Of course, the conditions that make the peculiar problematisation of women-who-sell-sex possible are, in and of themselves, a good reason not to pursue such problematisations. Women who sell sex may contribute to the structures that structure their experiences, but we have a (political) choice about whether to point that out.

Sex-Work/Prostitution and the Inviolability of Sexual Capacities

Finally, a handful of participants *did* frame sex-work/prostitution as straightforwardly reducible to ‘violence’. In articulating this position, they *did not* promote an elision between sex-work/prostitution and rape but rather argued in favour of an inalienable sexuality.

“Because I think it institutionalises control over somebody else’s body, even if there is an exchange of money, it is saying that you can take control over this. I think that sexuality is an expression of identity and that you can’t rent out your identity and that actually it damages your identity to rent it out and therefore we should not tolerate renting it out in that way” **Member of Parliament**

“So, I think simply doing that is a form of exploitation, I would like to say enslavement, and if people say, ‘Yes I am quite happy to be a slave... I am quite happy to be abused’ – that

doesn't, that is an inalienable right, you can't give it away. So that is how I feel about it"
Senior Civil Servant (Retired)

The genealogy of these claims appears relatively clear: they amount to a re-articulation of arguments against 'universal commodification' (Radin, 1987), e.g., the contention that everything should be amenable to market transfer. Specifically, they echo a position most famously espoused by Pateman (1983) (albeit somewhat re-contextualised by its invocations in discussions of 'violence'). Thanks to Pateman's formative work, the contention that sexual capacities cannot be severed from the self, and that the commodification of sexual services undermines bodily integrity and personal freedom, is a position common to anti-prostitution feminism (Pateman, 1983; Radin, 1987). This perspective has been powerfully undermined, however, by critics who argue that whilst it provides a compelling (Marxist) problematisation of wage-labour, it lacks a well-reasoned foundation for the problematisation of sex-work/prostitution specifically (Nussbaum, 1998; Smith and Mac, 2018). There is, in short, no clear reason why sexuality and sexual capacities should be construed as peculiarly integral to the self, and as subsequently inalienable (Radin, 1987). What features of sex as labour meaningfully distinguish it from personal care, massage, or physiotherapy? Importantly – as the second excerpt cited above neatly demonstrates – this framing does not undermine the consensual capacities of women-who-sell-sex (as elision with rape would), but rather labels consent to transactional sex normatively problematic. One may feel "happy to be abused" but they remain complicit in perpetrating 'violence' unto themselves. This presents a potentially problematic configuration of variables often expressed in binary terms, and often central to understandings of 'violence', e.g., victim-perpetrator, guilt-innocence (Christie, 1986). Women who sell sex are victims of their perpetration, guilty of their violation.

Arguably, insofar as this framing does not question a woman's capacity to choose sex-work/prostitution, it creates an imperative for her to desist (or, in more contemporary parlance, to 'exit'). This is, I would argue, a reasonable interpretation of claims like, "you can't give it away" and "we should not tolerate renting [sexuality] out in that way". Even if intended otherwise, however, we must consider participant claims in the context of contemporary discursive landscapes. In the context of a hegemonic neo-abolitionism that promotes the pathologisation of marginality, and the subsequent hyper-responsibilisation of women-who-sell-sex, promoting a narrative that appears to support intolerance towards subjugated people and increased surveillance of their choices, is ill-advised. Indeed, this discursive turn ultimately risks appropriating a radical problematisation of capitalism for regressive ends. As Munro and Scouler suggest (2012: 194) translating activist frames into policy is precarious, and "broader moral, socio-political and economic agendas will be relied upon to give meaning to the parameters and operation" of arguments regarding sex-work/prostitution. Beyond this, problematising consent encourages surveillance, and policing, of bodies: an interventionist approach that legitimates scrutiny of how individual women conceive of and instrumentalise their sexuality. And, of course, the criminal justice system tends to take umbrage with those who consent to 'violence' – particularly in contexts classified as transgressive (Giles, 1994; Tadros,

2011). It does not stretch credulity to suggest that pursuit of this framing could inflame the state's already irritable carceral tendencies.

Discussion and Conclusion

This article offers three insights. First, it describes how Westminster sex-work/prostitution policy-actors, from various occupational backgrounds, espousing a range of views regarding transactional sex, spoke about 'violence' vis-à-vis sex-work/prostitution. Second, it situates those perspectives in, and explains them by reference to, the social, political and intellectual conditions of their production. Third, it deploys a range of critical social theories and perspectives to think differently about definitions of 'violence', and to posit alternative approaches to meaning making.

Regarding the first, I shared data indicating that participants relied on a plurality of narratives and justifications to explain 'violence' vis-à-vis sex-work/prostitution. Some presented 'violence' as axiomatic; other suggested it was a strategic tool. Most stressed the validity of women's voices, whilst a handful argued that bodies were inviolable – regardless of what embodied voices might say. Some framed women-who-sell-sex as simultaneously complicit in and victims of structural 'violence', whilst others resisted structural understandings altogether. There was no ultimate consensus, despite moments of convergence. The most striking example of the latter pertained to lived experience and, relatedly, the importance of separating sex-work/prostitution from rape. Regarding the second, I situated participant perspectives in the contemporaneous social, political and intellectual conditions of masculine hegemony, neoliberalism, the law, carcerality and white feminism, as well as the sex-work/prostitution debate itself. Moreover, I offered a reading of participant perspectives as shaped by these conditions, and evaluated them accordingly. These conditions, I have argued, provide organising logics for, and constraints on, policy-actor theorising, in ways that variously affirm and resist extant power dynamics, institutional configurations and prevailing ideological frames. Regarding the third, and in response to my critical evaluations, I identified a non-exhaustive list of provisional criteria that, I argue, we should consider when defining 'violence' vis-à-vis sex-work/prostitution.

Definitions, I have argued, should honour women's voices, engage critically with the carceral state, problematise those with disproportionate degrees of political power, and avoid (even inadvertent) complicity with the increased surveillance of women's bodies. What is more, I have argued that definitions should be poly-vocal (and therefore various) in deference both to the specificity of women's lived experiences and the shifting utility (and risk) of the word 'violence' across contexts. This is a *non-exhaustive* list because I have not considered all circumstances that might necessitate a definition. Nor could I. Insofar as critically defining a word requires careful consideration of context and contingency, genealogy and foreseeable outcomes, identified criteria will always be partial. The criteria are *provisional* because my reading is personally contingent and contestable, and because changes in circumstance might necessitate a re-evaluation of priorities. Importantly, and as these provisional and non-exhaustive criteria demonstrate, I suggest that feminists should not focus their attentions on identifying a static and stable definition of sex-work/prostitution vis a vis 'violence' which adheres

across contexts, but should rather remain critically engaged with what the word ‘violence’ can and should do.


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Notes

1. I use quotation marks in an effort to capture the definitional indeterminacy of the term ‘violence’. I in no way mean to question the severity or significance of attacks often deemed to constitute, or the injury which often follows, ‘violence’.
2. I use the term *Westminster* in acknowledgement of the complex political and institutional realities created by devolution in the UK. The UK’s central government is in Westminster, London, but not *all* policies it produces pertain to the whole of the UK. Referring to the government’s geographic location cuts through this complexity without dwelling on it needlessly.
3. See *A Coordinated Prostitution Strategy and a Response to Paying the Price (2006)*, *Tackling Demand for Prostitution: A Review (2008)*, *A Review of Effective Practice in Responding to Prostitution (2010)*
4. Westminster prostitution policy pays little attention to the gendered dynamics of sex-work/prostitution (Hewer, 2021). In contrast, the Swedish government justified its approach by arguing that sex-work/prostitution pertained “to relationships between men and women, relationships that have significance for sex equality, in the particular case as well as in the community at large.” (emphasis added) (Proposition 1997/98:55 Kvinnofrid quoted in, MacKinnon, 2011, p. 301).
5. I have borrowed this helpful phrase from Ells, C. (2003). Foucault, Feminism, and Informed Choice. *Journal of Medical Humanities*, 24(3/4), 213–228.

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