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Why Sex Work Isn’t Work

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Many in favor of the legalization of prostitution refer to it as “sex work” and employ concepts such as “consent,” “agency,” “sexual freedom,” “the right to work,” and even “human rights” in the course of making their defense.[1] Consider some of the common claims defenders of legalization advance: sex work is work just like any other form of work, only the social shame and stigma around sex prevent people from seeing it as such;[2] many (most) women[3] who sell sex chose to be there, so we should respect their choice and agency, after all they are in no different a position than someone who chooses a minimum wage job without better alternatives;[4] women choosing to sell sex is an example of sexual freedom and rejecting repressive norms that limit women’s sexuality,[5] so we should respect their sexually autonomous choices to sell sex for a living. Other defenders are more circumspect in their defense of legalization, arguing that prostitution is “the oldest profession,” isn’t going away, and so we are better off adopting a “harm reduction model.” That is, they argue that many of the harms associated with the buying and selling of sex are harms that are either a product of its illegality or can be reduced by a program of regulation that would be required if prostitution were legalized.[6] For example, they claim that legalization will reduce trafficking for purposes of sexual exploitation; they claim that legalization will increase the health and safety of women (the workers); they claim that legalization will reduce death, violence, and other abuses.[7]

There is an abundance of literature rebutting these claims. Study after study shows that the primary reason that women begin selling sex for money is out of economic desperation.[8] Moreover, many women in prostitution began before the age of 18;[9] many feel trapped and feel they have no other realistic opportunities for economic survival.[10] Legalization does not come with many of the benefits its proponents suggest: it does not reduce trafficking (assuming a distinction can be made)[11]; “indoor prostitution” is not necessarily safer than “outdoor” prostitution or streetwalking, as it is called;[12] it does not provide a solution to the most vulnerable women in prostitution—immigrants—who are often excluded from regulatory procedures and licensing; it does not necessarily increase the health and safety of women—buyer’s health and STD status is not tested under legalization; legalization does not remove social stigma for the women in prostitution.[13] However, legalization does likely remove some of the social stigma for the buyers in addition to making access to women easier and less dangerous (for the buyer). Moreover, despite the common refrain calling prostitution “sex work,” many of the women in prostitution, both actively and exited, refer to it as “the life” or “a lifestyle”—the emphasis on “the life” as describing a way of being in the world, a description of the whole of one’s existence, not as something one leaves at “the office.”[14] Finally, the violence—the potential for assault, rape, and even death–endemic to prostitution exceeds the level of danger accompanying even those most dangerous of other forms of

work.[15]

Many of these arguments have been made and are gaining more and more traction against the legalization (regulatory) position. More and more nation-states and international bodies are recognizing that the options for addressing prostitution aren't simply legalization or criminalization[16]—neither of which does anything for the women in prostitution.[17] The Nordic model, in which the selling of sex is decriminalized and the buying of sex criminalized, along side social services for increasing the exit options of the women, is being increasingly adopted and considered as the best approach to combating the harms of prostitution, empowering persons in prostitution, all the while affirming a commitment to sex equality.

However, in this paper, rather than defend the Nordic Model further, as eloquent defenses are already made,[18] I wish to take seriously the claim that selling sex is "work like any other kind of work" and examine what taking this claim on its face as true would entail in the United States. In my view, there are serious problems with the regulatory approach that aims to treat women selling sex ("sex work" in their lingo) as simply a form of work like any other. To take the claim that "sex work" should be treated/regulated like any other form of work seriously, the following, at minimum, would have to be addressed:

1. Worker Safety
2. Sexual harassment
3. Civil rights

In what follows, I draw on the laws of the United States regarding workers safety, sexual harassment, and civil rights to show that the claim that selling sex is work just like any other form of work is indefensible. It's indefensible because if we apply the regulations currently applied to other forms of work to the selling and buying of sex, the acts intrinsic to the "job" can't be permitted; they are simply inconsistent with regulations governing worker safety, sexual harassment laws, and civil rights.

OSHA (Occupational Safety and Health Administration) is responsible for overseeing worker safety and health in the U.S. They specify the standards for worker safety regarding in employment contexts that include exposure to blood borne pathogens and other potentially infectious materials (of which sperm counts)[19], as they are concerned with the potential transmission of HIV or Hepatitis, or other infectious diseases. The sexual acts that form the necessary working conditions for (persons) women selling sex means that routine "Occupational Exposure" is intrinsic to the "job". Occupational exposure "means reasonably anticipated skin, eye, mucous membrane, or parenteral contact with blood or other potentially infectious materials that may result from the performance of an employee's duties."[20] Employers must "list … all tasks and procedures or groups of closely related task and procedures in which occupational exposure occurs…" and [t]his exposure determination shall be made without regard to the use of personal protective equipment."[21] So, presumably, every potential sex act would need to be on the list, as "tasks", in which occupational exposure occurs, and the list needs to be made without reference to condom use because the list is

required list exposure threat without reference to personal protective equipment.

Condom use certainly would be a minimum requirement for compliance with OSHA standards. However, condom use will not be sufficient to meet OSHA regulations, for: “All procedures involving blood or other potentially infectious materials shall be performed in such a manner as to minimize splashing, spraying, spattering, and generation of droplets of these substances.”[22] Condoms break, they are not foolproof. Moreover, condoms break more frequently in anal sex. The CDC states that receptive anal sex with an HIV positive person, even with a condom, represents a 100X greater risk for contracting HIV than oral sex with a condom.[23] Anal sex, with an HIV positive partner, without a condom puts the “recipient” at a 2000X greater risk for contracting HIV than oral sex with a condom.[24] Condoms, while reducing risk, does not eliminate it, nor arguably does it “minimize risk” per the OSHA standard; Condoms also don’t protect against all sexually transmitted infections (STIs). The CDC makes clear that, though condoms can reduce some STIs, they are not effective for all STIs, HPV and genital ulcers occur in places that condoms don’t cover, and hence condom use is not necessarily an effective prophylactic in all cases.[25] Moreover, we know that even where condoms are required by law, “clients” often prefer not to use them.[26] We also know that the most vulnerable among persons selling sex are the least likely to use condoms (to have the power to require purchasers of sex to use them), for example, transgendered persons and “migrant sex-workers.”[27]

Other relevant OSHA regulations that clearly would govern worker safety in a “sex work” environment:

1. “Mouth pipetting/suctioning of blood or other potentially infectious materials is prohibited.” Note this doesn’t say is permitted with protective gear. It says prohibited. So, oral sex seems to be inconsistent with OSHA worker safety standards as applied to every other form of work.[28] Will “sex work regulations” allow an exception? And if so, what could possibly be the rationale? Will we say that worker safety is less of a concern in this industry?

2. “Gloves. Gloves shall be worn when it can be reasonably anticipated that the employee may have hand contact with blood, other potentially infectious materials, mucous membranes, and non-intact skin…” This regulation seems to entail that “sex workers” must wear latex gloves while performing any “work task” in which their hands may come in contact with potentially infectious materials (i.e., sperm). Should this sound ridiculous to some readers, consider that the St. James Infirmary Occupational Safety & Health Handbook makes a very similar recommendation, but only for some activities. The Handbook suggests: “use latex gloves (ideally, elbow length) and lots of lube for fisting.”[29] But, this is not the only “task” in which exposure is possible or even likely. Moreover, in other fields in which exposure is possible or likely, notably medical fields, glove wearing is mandatory. Small cuts or abrasions to the skin are potential transmission sites and “minimizing risks” surely seems to demand gloves be worn at all times for all “tasks” in which exposure is possible. Hence, St. James’s Handbook goes further and states: “Because body fluids such as blood, vomit, urine, feces, saliva and semen many contain infectious organisms, protective gloves must always be worn when dealing with

body fluids."[30]

3. "Masks, Eye Protection, and Face Shields. Masks in combination with eye protection devices, such as goggles or glasses with solid side shields, or chin-length face shields, shall be worn whenever splashes, spray, spatter, or droplets of blood or other potentially infectious materials may be generated and eye, nose, or mouth contamination can be reasonably anticipated."[31] Ejaculation on the face of women in pornography is routine. Data for how wide spread this practice is among men who buy sex is unknown. However, we can safely assume it's not zero. However, this practice would either be prohibited (under the OSHA minimize risk standard) or if permitted worker protection demands masks, eye protection, and face shields. If this sounds absurd, consider that among porn performers gonorrhea and Chlamydia is frequent, including such infections in the eyes.[32]

4. "Gowns, Aprons, and Other Protective Body Clothing. Appropriate protective clothing such as, but not limited to, gowns, aprons, lab coats, clinic jackets, or similar outer garments shall be worn in occupational exposure situations. The type and characteristics will depend upon the task and degree of exposure anticipated." While this may indeed sound absurd in the context of "sex work", it goes to the point that the kinds of worker protections deemed necessary in every other work context, in which exposure to infection materials is possible or likely, cannot be maintained in the context in which the work is sex. One can argue that an exception can be carved out for this type of "work", but then what does that say about the relative value of these "workers" as opposed to every other worker who is entitled to such protection? Moreover, exceptions are permitted only in "rare and extraordinary circumstances" where it is judged that health and safety are put in jeopardy by the use of personal protective equipment.[33] Even further, as noted above not all STIs can be protected against by condom use, or even gloves. "Syphilis can be transmitted through skin-to-skin contact and does not require exposure to semen or vaginal fluids." The same is true of herpes, molluscum contagiosum, and HPV, among other infectious diseases.[34] Direct skin on skin contact puts "workers" at risk. Hence, direct skin-to-skin contact is not compatible with OSHA regulations governing exposure to potentially infectious materials.

5. In the event of exposure OHSA requires: "The source individual's blood shall be tested as soon as feasible and after consent is obtained in order to determine HBV and HIV infectivity. If consent is not obtained, the employer shall establish that legally required consent cannot be obtained. When the source individual's consent is not required by law, the source individual's blood, if available, shall be tested and the results documented."[35] This means that if any employee is exposed to a potentially infectious material, despite using personal protective equipment, the source individual (the buyer in the case of "sex" work) needs to be tested for HIV and HBV. In all of the places in which prostitution is legal it is the sellers not the buyers that are mandated for testing, which of course protects the buyer to an extent, but does nothing to protect the seller/worker.

Obviously the OSHA standards were not created with sex work in mind, however that is irrelevant to the key point being made here—namely, if these are the regulations deemed

necessary to protect worker safety in every other work environment in which exposure to potentially infectious material is a risk of the job, why should they not apply in the context of "sex work"? If selling sex is work like any other form of work, then the safety of these workers is just as important to protect as the safety of workers in other contexts. The retort that condom use will be required by law and that is sufficient to protect the health and safety of "sex workers" is simply not true. Condoms may reduce risk in some cases, as noted above, however they do not "minimize" risk nor do they protect against all potentially infections transmissions (STIs) as noted above. Moreover, where the selling and buying of sex is currently legal and condoms required by law–New Zealand, Australia, the Netherlands, parts of Nevada, e.g.—there is ample evidence of clients preferring sex without condoms, offering to pay more for sex without condoms, and a lack of enforcement among "management."[36]

The attempt to draw attention to worker safety in the sex industry is not new. In 2012, voters in Los Angeles voted for "Measure B"—a law requiring condom use in the pornography industry as a means of protecting worker health and safety. The result of the law was not, in fact, increased worker safety. The result was that applications for permits to film in L.A. County dropped 90%; porn production companies either stopped filming in L.A. County or stopped filing for permits and continued to film illegally.[37]

The fact is the buyers drive the market, as is true generally in commercial exchanges. If the buyers don't want to use condoms or follow other "worker safety protocols" as would be necessary to protect the safety and health of workers, then we have little reason to be confident that legalization and regulation will effectively protect those who sell sex.

Sexual Harassment

Sexual harassment is defined as "unwelcome sexual conduct that is a term or condition of employment."[38] Such harassment can take the form of a quid pro quo (when "submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual") or in subjecting the employee to a hostile work environment.[39] The standard kinds of cases of sexual harassment involve a supervisor or co-worker harassing, in one form or another, a co-worker. Presumably, in the context of "sex work" a supervisor or co-worker demanding sex as a condition of employment or creating a hostile work environment could be adjudicated similarly to other work contexts. A more difficult kind of case to consider in the context of "sex work" is harassment by a client. Hence, it is important to note: "The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer."[40] So, "clients" or "customers"—purchasers of sex in this discussion—can also be found to have sexually harassed someone from whom they are purchasing sex, under the current legal standards.

It is a serious question as to how sexual harassment laws can possibly be enforced in a context in which sex is a commercial exchange. Where every "job task" potentially involves unwelcome sexual conduct as a condition of employment, because sex is the job, how can we possibly enforce sexual harassment law? Will we carve out an exception for commercial sex—sexual

harassment laws don't apply in this context? Or will we continue to stand by our judgments that sexual harassment is a form of sex inequality, from which employees deserve protection? In which case, legalization of prostitution is simply incompatible with sexual harassment legislation that protects "all workers."

To see precisely how the legalization of the buying and selling of sex is inconsistent with the logic of sexual harassment law, consider the following. First, as noted above "unwelcomeness" is the legal standard for whether some act constitutes sexual harassment. Whether the victim of the harassment voluntarily complied is not a defense to sexual harassment. "[T]he fact that sex-related conduct was 'voluntary,' in the sense that the complainant was not forced to participate against her will, is not a defense to a sexual harassment suit brought under Title VII. . . . . The correct inquiry is whether [the victim] by her conduct indicated that the alleged sexual advances were unwelcome, not whether her actual participation in sexual intercourse was voluntary."[41] "The Eleventh Circuit provided a general definition of "unwelcome conduct": the challenged conduct must be unwelcome "in the sense that the employee did not solicit or incite it, and in the sense that the employee regarded the conduct as undesirable or offensive."[42] In the context of commercial sex, what will count at "soliciting" or "inciting" sexual conduct? Will it be because she agreed to do acts x, y, and z, she will have been found to "inciting" the acts she finds objectionable, refuses, or declares unwelcome? In other words, suppose she does agree to oral sex, vaginal sex, but refuses anal sex. Suppose the client then demands anal sex and conditions payment upon agreement. Suppose she complies—she views the overture and the act as unwelcome, it was in fact a condition of employment (payment), whether it was voluntary is immaterial to whether she was sexually harassed. She was. But why should we exempt the first acts, the prior agreed upon acts, from sexual harassment? They were unwelcome in the sense that they were done for the money—and not for reciprocal sexual enjoyment—and they were a condition of getting the money (the employment). Submitting to unwelcome sexual acts as a condition of employment—getting paid for sex—is sexual harassment; submitting to sexual harassment is the job.

Moreover, there are legal grounds for thinking that the fact that she works in the sex industry and may have welcomed some acts but not others is irrelevant to whether some specific act was unwelcomed and so harassment. Legally, the fact that someone works in the sex industry is irrelevant as to whether any specific act of harassment was unwelcome. So, we can imagine an attempted defense along the lines that "well, she works as a prostitute. So, the behavior in question could not have been unwelcomed." However, "any past conduct of the charging party that is offered to show "welcomeness" must relate to the alleged harasser." In other words, the only past conduct of the charging party that is relevant is conduct related to the specific individual alleged to have harassed her.

The EEOC acknowledges "A more difficult situation occurs when an employee first willingly participates in conduct of a sexual nature but then ceases to participate and claims that any continued sexual conduct has created a hostile work environment. Here the employee has the burden of showing that any further sexual conduct is unwelcome, work-related harassment.

The employee must clearly notify the alleged harasser that his conduct is no longer welcome.If the conduct still continues, her failure to bring the matter to the attention of higher management or the EEOC is evidence, though not dispositive, that any continued conduct is, in fact, welcome or unrelated to work… In any case, however, her refusal to submit to the sexual conduct cannot be the basis for denying her an employment benefit or opportunity; that would constituted a "quid pro quo" violation."[43] Assume for the moment that in the context of "sex work" agreeing to accept money for specific sex acts constitutes welcomeness—insofar as doing so can be understood to "solicit" or "incite" the agreed to acts. Under this assumption, the employee has the burden of showing that any further—unwelcome acts—are, in fact, unwelcome. Moreover, the employee must clearly notify the harasser that the conduct is unwelcome, and notify management. If we adopt the language of some of those who defend legalization, and see sex workers as "consumer service agents" engaged in "customer relations," how realistic is it to think that the sex worker is going to be in a position to make meaningful refusals?, to notify the customer that is conduct is unwelcome?, to report to management continued harassment? We know that economic survival is the reason that people do this "work." We also know that in work environments that aren't sexual, sexual harassment is underreported due to fear of sanction or loss of job. Moreover, what possible sense can it make to say that "refusal to submit to the sexual conduct cannot be a basis for denying her an employment benefit or opportunity" when sex is the condition of employment?

Consider further that Courts have found the presence of "pornographic magazines." "vulgar sexual comments" "sexually oriented pictures in a company- sponsored movie and slide presentation," "sexually oriented pictures and calendars in the workplace," all relevant to hostile work environment claims.[44] In *Barbetta*, "the court held that the proliferation of pornography and demeaning comments, if sufficiently continuous and pervasive "may be found to create an atmosphere in which women are viewed as men's sexual playthings rather than as their equal coworkers."[45] How could such a ruling have effect in a brothel: where pornography is used as an accompaniment to sex? Where "vulgar sexual comments" are the eroticized language of clients? Where sex is the job?

Of course, these rulings and regulations are premised upon the fact that sex isn't the job itself. If the sex is the job, what sense can we make of the claim that treating (unwelcome) sex as a condition of employment is an instance of sexual harassment, and so sex inequality? Legalizing prostitution is not compatible with the legal recognition of sexual harassment as a form of sex inequality. And, supposing advocates argue for a carve out, an exception, for this form of "work," what message does that convey? Some women are deserving of protection from, or legal recourse in the event of, unwanted sexual harassment while some women are not? And those that aren't are the least advantaged of all "workers"? This reeks of the all to common view that women that prostitute themselves are whores by nature and deserve whatever they get.

Civil Rights

Although those advocating for legalization (or decriminalization) often frame their arguments

in terms of the civil or human rights of “sex workers,” once sex is a regulated commercial activity the civil rights of the “clients” are legally enforceable. Businesses may not refuse service to a person on the basis of race, color, national origin/ancestry, sex/gender, religion/creed and disability (physical and mental), as a matter of Federal Law. Some U.S. states have further legislation prohibiting discrimination on the basis of sexual orientation, gender identity and expression. What this means is that businesses that provide “public accommodation” are not free to deny service to anyone who is a member of such a protected classes because they are member of the protected class. To do so is to infringe upon the civil rights of the relevant person. So far, so good. But, how are we to understand this in the context of providing sex, as a commercial service, and so “public accommodation”?

If sexual autonomy is to mean anything, it has to mean the right to refuse sex with anyone, at anytime, for any reason. We may think in one’s personal life refusing to entertain the possibility of dating or becoming sexually involved with someone solely on the basis of their race, religion or disability is an undesirable preference, especially if such preferences are rooted in prejudice or animus more broadly speaking. Nonetheless, everyone has the right to choose their sexual partners on whatever grounds they subjectively judge to be relevant, including the sex and gender of any potential partner. If someone thinks they absolutely don’t want to have sex with anyone over 65, it is absolutely their right to act (or refuse to act) on that preference. We are under no obligation to have sex with someone who might be interested in sex with us. The right to refusal for any reason, whether an “admirable” reason, or not is absolute.

However, where sex is a commercial activity, considered to be work just like any other form of work, its hard to see any rationale for defending the “rights of workers” to refuse service to someone based on their subjective preferences. Should “clients” have the right to sue brothels or particular women for “refusing service” based on their membership in a protected class? If this sounds absurd, consider the evidence New Zealand’s Prostitution Reform Act (PRA) offers: In a report following up on the PRA, five years after its passage, the Review Committee queries, among other things, the ability of “sex workers” to refuse sexual services to a particular client. They found that 60% of “sex workers” felt more able to refuse sex with a particular client than prior to the passage of the PRA, which, of course, means 40% did not feel more able to refuse sex with a particular client.[46] In interviewing both brothel owners and “sex workers”, the Committee reports that although “workers” have “right” to refuse a particular client both “workers” and owners held that refusal was acceptable “only with a good reason.” One brothel owner is quoted as saying, “We won’t allow nationality to be the reason—they [the women selling sex] don’t have a right to discriminate.”[47]

Hence, where sex is a “job like any other,” a regulated commercial exchange, the “providers” are cannot be legally free to refuse clients in protected classes on grounds of their membership in the protected class. Refusing to have sex with anyone over 65 is age discrimination, where sex is a job like any other. Similarly, refusing to have sex with someone because of their sex (or gender or transgender status, where protected) is also potentially a civil rights violation of the client. This argument, more than any other, I think exposes the fault lines of the “sex work is work like any other form of work” argument. Refusing sex is not like refusing to serve someone

dinner, do their nails, cut their hair, or other forms of "personal service." Refusing to give someone a manicure on grounds of their race, age, sex, etc. is a gross refusal to treat them as an equal person. It is, in fact, to treat them unequally and to deny their basic civil rights. Refusing to have sex with someone, on any grounds, is simply not parallel. Refusing to have sex with someone does not make them unequal, civilly or otherwise.

Beyond the arguments I have presented here there are further questions raised by a system of legalization. Where it is legal to include sex as a condition of employment (in sex work), other types of job descriptions may be redefined to include sex. How will we draw the line? Or is sex potentially legitimate part of any job description? Where welfare or unemployment benefits require recipients to accept available work, will sex work be required of people (women) in lieu of public assistance? Under current contract law, failure to perform agreed upon services is a violation of the terms of the contract and may demand compensation or penalties for the party refusing to fulfill the contract: will this extend to "sex work" contracts?[48] Simply extending the regulations that currently cover employment law, contracts, and other public benefits to "sex work" reveals the implausibility of the slogan "its work *just* like any other form of work."

One of the primary motivations for the legalization argument is the desire to reduce harm among persons in prostitution, although as noted above many of the harms associated with the selling of sex will not be removed or reduced with legalization, and some, indeed may be exacerbated. However, the harms associated with the criminalization of the selling of sex—arrest, incarceration, inability to report the crimes of rape, assault, and other forms of violence—need to be addressed. Even worse, under systems of criminalization of the selling of sex, vulnerable persons (largely, women) are made more vulnerable to assault and coercion into sex by police officers, the very people charged with "protecting" them against such abuses.[49] The answer to these harms is not legalization. Rather, it is the full decriminalization of the selling of sex. However, a commitment to sex equality, to the full social, civil, and political equality of prostituted persons does not entail providing buyers full, unfettered legal access through a system of legalization. The buyers—the demand—fuel the system of inequality that keeps prostitution flourishing. Criminalization of the buying of sex is an essential element of addressing the harms of prostitution, and the harm that is prostitution. We need the kind of Copernican Revolution the Nordic Model embodies.

Notes

[1] For a history of the "Sex Worker" movement, see: Chateauvert, Melinda. *Sex Workers Unite: A History of the Movement from Stonewall to SlutWalk* (Boston, MA: Beacon Press, 2013). For an example of arguments in favor of legalization, see: Weitzer, Ronald. *Legalizing Prostitution: From Illicit Vice to Lawful Business* (New York: New York University Press, 2012).

[2] See, for example, Nussbaum, Martha. "'Whether from Reason or Prejudice': Taking Money

for Bodily Services," *in Prostitution and Pornography: Philosophical Debate about the Sex Industry* (Stanford, CA: Stanford University Press, 2006), edited by Jessica Spector, pp. 175-208.

[3] Men, boys, and transgendered persons also sell sex for money. However, I refer to women throughout the text when I refer to the sellers of sex. I do this because, overwhelmingly, the persons who sell sex are women or girls. The fact that women are the overwhelming sellers, and men are the vast majority of buyers is relevant to discussing prostitution its harms and who would benefit from legalization. Moreover, it makes clear that it is a socially gender institution, which is crucial to an accurate engagement with the issues at stake.

[4] Weitzer (2012).

[5] Various groups such as C.O.Y.O.T.E (Call Off Your Old Tired Ethics) make this claim, see *Sex Workers Unite* for discussion. Weitzer also makes this argument of some women in prostitution. For example in a table defining "Selected Types of Prostitution" he classifies "Independent Call Girl/Escort" as having "None" under the category of "Exploitation by Third Parties" (Table 1.1, p. 17). And, later in discussing the benefits of prostitution, he cites job satisfaction higher among indoor workers including the benefits of "feeling 'sexy,' "beautiful," and "powerful" (*Legalizing Prostitution*, p. 29).

[6] The best examples of these claims can be found in the *Occupational Health and Safety Handbook* published by St. James Infirmary (edited by Naomi Akers and Cathryn Evans, 2013, 3rd edition). St. James Infirmary "is an Occupational Saftey & Health Clinic for Sex Workers founded by activists from COYOTE (Call Off Your Old Tired Ethics) and the Exotic Dancers Alliance in collaboration with the STD Prevention and Control Section of the San Francisco Department of Public Health." They are a private, non-profit. The entire handbook has been archived at https://perma.cc/02CetqGsJMU?type=live.

[7] This was part of the argument relied on in *Bedford v. Canada* (2013), the Canadian Supreme Court Case in which the Court struck down the avails and bawdy house provisions of the Canadian criminal code (provisions which made it illegal to live off the avails of prostitution of another person and to maintain a bawdy house or place of prostitution, respectively). For a thorough analysis of the Bedford case, see: Waltman, Max. "Assessing Evidence, Arguments, and Inequality in Bedford v. Canada," *Harvard Journal of Law & Gender*, Summer 2014, Vol. 37, pp. 459-544, available online at https://harvardjlg.com/wp-content/uploads/2014/07/Waltman.pdf.

[8] A variety of sources confirm this, across a range of perspectives on whether prostitution should be legalized, decriminalized, or criminalized in some form. See for example: A study conducted by the Policy Department on Citizen's Rights and Constitutional Affairs for the European Parliament titled, "Sexual Exploitation and Prostitution and its impact on gender equality," completed in January 2014, available on line at https://www.europarl.europa.eu/RegData/etudes/etudes/join/2014/493040/IPOL-FEMM_ET(201

4)493040_EN.pdf; see also, “Behind Closed Doors,” a report by the Sex Workers Rights Project, available at https://sexworkersproject.org/downloads/BehindClosedDoors.pdf, citing “financial vulnerability” and “economic deprivation” as the overwhelming reason for entry into prostitution in a study of “indoor” sex work in New York City; see also, “Shifting the Burden: Inquiry to assess the operation of the current legal settlement on prostitution in England and Wales,” a March 2014 report prepared by an All-Party Parliament Group on Prostitution and the Global Sex Trade, available at https://appgprostitution.files.wordpress.com/2014/04/shifting-the-burden1.pdf, citing “poverty” as the primary reason for entry into prostitution for 74% of indoor workers. Other routes into prostitution cited by the report include: experience of sexual abuse as a child, drugs and alcohol abuse, being in the foster care system as a female child; they conclude “More often than not, prostitution is entered out of desperation arising from a number of situation-specific factors.”

[9] The FBI reports the average age of entry for girls into prostitution (in the U.S.) at between 13-14, see: https://www.fbi.gov/stats-services/publications/law-enforcement-bulletin/march_2011/human_sex_trafficking; see also, “Myths and Facts about Trafficking for Legal and Illegal Prostitution” (March 2009)https://www.prostitutionresearch.com/pdfs/Myths%20&%20Facts%20Legal%20&%20Illegal%20Prostitution%203-09.pdf

[10] Melissa Farley’s extensive study of prostitution across nine countries, reports that 89% of those women in prostitution interviewed for the study “wanted to escape prostitution but did not have other means for survival.” See: Farley, et al. “Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder,” available at https://www.prostitutionresearch.com/pdf/Prostitutionin9Countries.pdf

[11] See: MacKinnon, Catharine A. “Trafficking, Prostitution, and Inequality,” *Harvard Civil Rights-Civil Liberties Law Review*, 2011, Vol. 46, No. 2, pp. 271-293, available at https://harvardcrcl.org/wp-content/uploads/2011/08/MacKinnon.pdf

[12] See, Waltman. See also, *Behind Closed Doors: An Analysis of Indoor Sex Work in New York City*, published by Sex Workers Project at the Urban Justice Center (2005), available at https://sexworkersproject.org/downloads/BehindClosedDoors.pdf

[13] See, Waltman and MacKinnon (2011). See also, Moran, Rachel. *Paid For: My Journey Through Prostitution* (Dublin: Gil & Macmillan, 2013).

[14] As one example, see Moran, *Paid For* (2013).

[15] According the National Bureau of Labor Statistics report on fatal job injuries in 2011, fishers and logging are the most dangerous jobs in the U.S. (as measured by fatalities). “In 2011, the fatal injury rates of fishers (127.3) and loggers (104.0) were approximately 25 times higher than the national fatal occupational injury rate of 3.5 per 100,000 full-time equivalent

workers. Pilots, farmers, roofers, and drivers/sales workers and truck drivers also had fatal injury rates that exceeded the all-worker rate of 3.5 fatal occupational injuries per 100,000 full-time equivalent workers." See: https://www.bls.gov/opub/btn/volume-2/death-on-the-job-fatal-work-injuries-in-2011.htm. By contrast, the death rate of women in prostitution is 40 times higher than women not in prostitution. In a study of women in prostitution in Colorado, researchers calculated a crude morality rate of 391 per 100,000 and a homicide rate among active "prostitutes" as 229 per 100,000. See, "Morality in a Long-Term Open Cohort of Prostitute Women," *American Journal of Epidemiology* (2004), Vol. 159, no. 8, pp. 778-785. Based on this study, the death rate of women in prostitution is just over 3 times higher than that of fishers, and nearly 4 times higher than loggers, the two most dangerous jobs in the U.S.

[16] Increasingly States and International Bodies are considering or advocating for the Nordic Model, which recognizes that the criminalization of the selling of sex harms women, and other prostituted persons, and so decriminalizes the selling of sex while continuing to criminalize the buying of sex. Norway, Sweden, Iceland all have adopted this model of legislation. France's parliament recently voted affirmatively in favor the Nordic Model, as did the European Parliament. It is currently being considered in the U.K. as well as Canada. In Germany, trauma experts are organizing against the current system of decriminalization and advocating for the Nordic model as well claiming: "Prostitution is in no way a job like any other. It is degrading, torturous, exploitive. On the side of the prostituted, there is a lot of horror and disgust at play, which they have to repress in order to get through it at all." So says Michaela Huber, psychologist and head of the German Society for Trauma and Dissociation. See: https://www.emma.de/artikel/traumatherapeutinnen-gegen-prostitution-317787, see the English translation here: https://www.sabinabecker.com/2014/09/german-psychologists-and-the-scientific-case-against-prostitution.html

[17] Persons, women, in prostitution are not a monolithic group. The more inequality persons, women, face generally with regard to race, national origin, age, ability, economic status the more unequal they are within systems of prostitution. To the extend that legalization would benefit anyone currently in prostitution, it would benefit the most well-off, the women with the most choice, the most safety, and the most freedom within. Just like any other industry regulated by a capitalist market, there will be (and are) tiers of employment–hierarchies within the industry. There is no reason to think that legalization will equalize the hierarchies within the sex industry anymore than in any other industry.

[18] See for example: MacKinnon (2011).

[19] "Other Potentially Infectious Materials means (1) The following human body fluids: semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, saliva in dental procedures, any body fluid that is visibly contaminated with blood, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids; (2) Any unfixed tissue or organ (other than intact skin) from a human

(living or dead); and (3) HIV-containing cell or tissue cultures, organ cultures, and HIV- or HBV-containing culture medium or other solutions; and blood, organs, or other tissues from experimental animals infected with HIV or HBV." See: Occupational Safety and Health Standards, Code of Federal Regulations, Standards, Part 1910, Toxic and Hazardous Substances, Blood Borne Pathogens, (hereinafter, OSHA regulations) available on line at, https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10051

[20]OSHA regulations, https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10051

[21] Ibid.

[22] Ibid.

[23] See, https://www.cdc.gov/hiv/topics/treatment/PIC/pdf/chart.pdf

[24] See, https://www.cdc.gov/hiv/topics/treatment/PIC/pdf/chart.pdf

[25] See, https://www.cdc.gov/condomeffectiveness/brief.html

[26] "Throughout the world, study after study documents that about half of all johns

request or insist that condoms are not used when they buy sex. Many factors militate

against condom use: the need of women to make money; older women's decline in

attractiveness to men; competition from places that do not require condoms; pimp pressure on women to have sex with no condom for more money; money needed for a drug habit or to pay off the pimp; and the general lack of control that prostituted women have over their bodies in prostitution venues. Even though sex businesses had rules that required men to wear condoms, men nonetheless attempted to have sex without condoms. According to an economic analysis of condom use in India, when extremely poor women used condoms, they were paid 66%-79% less by johns." See: https://www.prostitutionresearch.com/pdfs/Myths%20&%20Facts%20Legal%20&%20Illegal%20Prostitution%203-09.pdf

[27] In a Special Report "Thematic Report: Sex Workers. Monitoring implementation of the Dublin Declaration on Partnership to Fight HIV/AIDS in Europe, Central Asia" prepared by … reports, "Overall, condom use by female sex workers with clients is relatively high. Reported data suggest that condom use may be lower among male sex workers than among female sex workers but it is difficult to draw firm conclusions as relatively few countries reported data on condom use by male sex workers and sample sizes were generally not representative. Reported data do not provide any information about use of condoms by other sub-groups of sex workers,

such as migrant sex workers.
https://www.ecdc.europa.eu/en/publications/Publications/dublin-declaration-sex-workers.pdf

[28] St. James Infirmary recommends the use of "dental dams or plastic wrap for both oral-vaginal and oral-anal activity." *Occupational Health and Safety Handbook*, p. 18. However, this recommendation is insufficient to meet current OSHA regulations.

[29]St. James Infirmary, Occupational Health and Safety Handbook, p. 18.

[30] Ibid. p. 13.

[31] OSHA regulations,
https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10051

[32]
https://www.dir.ca.gov/dosh/DoshReg/comments/STD%20and%20HIV%20Disease%20and%20Health%20Risks%20Los%20Angeles%20County%20DPH.pdf

[33] OSHA Regulations: "Use. The employer shall ensure that the employee uses appropriate personal protective equipment unless the employer shows that the employee temporarily and briefly declined to use personal protective equipment when, under rare and extraordinary circumstances, it was the employee's professional judgment that in the specific instance its use would have prevented the delivery of health care or public safety services or would have posed an increased hazard to the safety of the worker or co-worker. When the employee makes this judgment, the circumstances shall be investigated and documented in order to determine whether changes can be instituted to prevent such occurrences in the future. OSHA regulations,
https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10051

[34] St. James Infirmary, *Occupational Health and Safety Handbook*, pp. 21-30.

[35] OSHA regulations,
https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=10051

[36] See: Waltman (2013); Farley, Melissa. *Prostitution and Trafficking in Nevada Making the Connections* (San Francisco, CA: Prostitution Research & Education, 2007); Malarek, Victor. The Johns: Sex for Sale and The Men Who Buy It (New York: Arcade, 2009), esp. p. 232, where he writes: "The WHO failed to understand that the very request to wear a condom can get a woman beaten or even killed."

[37] https://www.latimes.com/opinion/editorials/la-ed-condoms-porn-20140810-story.html

[38] https://www.eeoc.gov/policy/docs/currentissues.html

[39] Ibid.

[40] Ibid.

[41] https://www.eeoc.gov/policy/docs/currentissues.html

[42] Henson v. City of Dundee, 682 F.2d at 903

[43] https://www.eeoc.gov/policy/docs/currentissues.html

[44] Ibid.

[45] Ibid.

[46]https://www.justice.govt.nz/policy/commercial-property-and-regulatory/prostitution/prostitution-law-review-committee/publications/plrc-report/documents/report.pdf, p. 45.

[47] Ibid.

[48] For a thorough development and analysis of these questions, see: Anderson, Scott, Prostitution and Sexual Autonomy," in *Prostitution and Pornography*, ed. Spector (cf. fn. 2).

[49] See, "Behind Closed Doors," available at https://sexworkersproject.org/downloads/BehindClosedDoors.pdf

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Selling Sexual Services: A Socialist Feminist Perspective

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INTRODUCTION

The current debate about sex work among feminists generates more heat than light. Accusations of bad faith fly back and forth across the two sides, research findings are mobilized to undercut the other side even when the research itself is limited by its methods and scope, different sex worker voices are authorized by each side as either genuine or manipulated, depending on whose position those voices seem to support. Feminists who want to defend sex workers' right to sell sexual services argue that it is not so different from much other highly gendered service work. I appreciate that this moves prostitution from the lurid and sensationalized to the daily grind of everyday labor.[2] However, in justifying this move, proponents tend to downplay the particularly risky and dangerous aspects of the work. And they ignore or reject the feminist argument that prostitution is an extreme expression of sexism. On the other hand, feminists who argue that selling sexual services is inherently harmful and should be eliminated downplay the resilience and survival skills of prostitutes who may not regard their jobs as uniquely difficult or dangerous or who take pride in their capacity to successfully negotiate these risks.

Over the past decade or so, the stakes in this debate have been substantially raised by efforts to legislate sex work in the name of feminist goals. On one side, are feminists who support the Nordic model in which the law criminalizes buyers but not sellers of sexual services and outlaws any "third parties" from profiting, and who approve the expansion of anti-sex trafficking laws. On the other side are feminists who call for decriminalization (and regulation) of sex work and who believe that anti-sex trafficking laws are overly broad, penalizing rather than protecting women who migrate to do sex work.

Once a political battle is joined, the pressures are enormous to over-simplify an issue in order to "win" the fight. I do not want to take a "removed" position as if I stand above the fray. Yet, I think it has not served feminism well that each side in this debate approaches a topic as multi-varied (especially as a global phenomenon), complex, and difficult to research (because of its clandestine nature) as prostitution with such unjustified certainty. I also think it is a mistake to pose the question of sex work in an either/or way, e.g., is sex work oppressive or empowering?

I find myself torn between very counter-posed descriptions of prostitution, all of which seem accurate. There *is* a huge range within the work of selling sexual services and wide differences

in the experience of sex workers depending on the locations, organizations, and conditions within which the work is done. This is a class and race-stratified business as well. In the (relatively small) "middle class" sector of the U.S. industry, white women, 90% with some college education, make $500 an hour and more working independently as escorts. Women of color are over-represented in street work, doing clients in cars or motel rooms. Eastern European women migrate to work in massage parlors, brothels, and clubs in the west, Filipina women go to Japan, teenage girls from rural India are trafficked to Kolkata brothels. Migrant women who are not directly coerced rely on both legal and underground networks to travel and once at work experience varying degrees of exploitation and coercion, from overwork and wage theft to virtual enslavement. I try to take this variation into account, but in a limited fashion, given space constraints.

I have always been a "social constructionist" when it comes to understanding sexuality and so I am generally uncomfortable with universal statements about how women experience our bodies and sexual selves. Yet, I do wonder if, given the conditions under which most prostitutes work, including intense stigmatization, economic exploitation, as well as criminalization, selling sexual services does not pose serious risks to their physical and mental health—risks that are higher than much feminized service work (which is certainly not risk free).

As a socialist-feminist, I am opposed to the increasing intrusion of commodification into every area of human experience, including into sexual relations. Yet, I also understand the dangers for feminists of drawing on categorical dualisms–private vs. public, family vs. market, the natural vs. the manufactured—that have been fundamental to patriarchal constructions of femininity and to women's oppression.

I am drawn to the feminist argument that there is something inherently sexist in men's wish to and ability to purchase sexual gratification—whether the upscale date with an escort or the quick blow job in a parked car. However, I also struggle with how to take that critique into social policy or law without reproducing the stigmatization of people who sell sexual services.

In this essay, I try to sort through the various claims about the work of selling sexual services. Next, I examine the arguments and data with regard to different legal regimes, concluding that it is difficult, on the basis of existing evidence, to sort out their costs and benefits. Nonetheless, I conclude supporting decriminalization and regulation of the business, because I think that it offers greater possibilities for workers to self-organize. Even under conditions of criminalization, sex workers in countries as diverse as India and New Zealand have built impressive grass-roots based organizations. Decriminalization ought to make this easier.

However, decriminalization (or any legal regime) is extremely limited in what it can accomplish, since it does not touch the forces that create the demand for and the supply of labor in this industry. Contemporary prostitution is linked to global neo-liberal capitalism and the patriarchal social, cultural, and political arrangements imbricated within it. It is important, therefore, that feminists who care about prostitutes join the struggles of women across the globe fighting for land reform, for changes in family law, for labor rights, for an end to

austerity, to raise their wages, to gain recognition for the value of their caring labor, to end their poverty.

IS PROSTITUTION JUST LIKE OTHER SERVICE WORK?[3]

The claim that prostitution is uniquely difficult and dangerous revolves around three ideas. First, that although much service work requires workers to use their body or their emotions or both to meet the needs of customers (or patients, or children, or elders), prostitution involves a level of bodily intrusion by the client that is unique and inherently harmful. Second, that workers experience high levels of violence, extensive damage to their health, and emotional trauma. Third, that precisely because it is such awful work, no one would voluntarily choose to do it. The corollary being that prostitutes are almost always coerced (or tricked or seduced) into the work and are held there by others.[4]

Gathering credible evidence to support or refute such claims is difficult as so much of the work is clandestine. Some, probably not insignificant numbers of prostitutes, work in slavery-like conditions and they are especially difficult to find or study. Prostitutes who are willing to be interviewed may be those who have the best conditions and are least afraid to talk with a researcher. " Knowledgable" informants (e.g. police, social and health workers, NGO's, sex workers) often have their own agendas and very partial information, leading to very different assessments on any issue about sex work[5] While I see no reason to deny that selling sexual services exposes workers to risks of physical violence, damage to their health and emotional distress well beyond the risks of most feminized service work, I think that the conditions under which it is done can either heighten or minimize these risks.

Coercion or Choice?

All sides of this debate agree that direct coercion (by pimps, brothel owners, traffickers) is wrong and support outlawing it.[6] Differences revolve around the question of choice. Some prostitutes have no real alternatives due to drug addiction, their age, or extreme discrimination in the legitimate economy (e.g. transgender people). But for many, the benefits of prostitution outweigh the risks, given the very limited choices available to them in gendered capitalist labor markets. It is not primarily the dramatic coercion of seduction and imprisonment, but the dull compulsion of the market that drives women into this work—work that often pays more and has more flexible hours than other jobs available. (For more in depth analysis of the question of choice and work in capitalism, see Nancy Holmstrom's essay in this issue.)

Those who argue that prostitution is work point out that we rarely question whether a woman really "chooses" to be a restaurant server or a nurses' aide. Why so for prostitutes? I take this point. Yet, I would then ask, is giving a blow job really no different than serving a piece of pie? Or changing diapers in a nursing home? This is the question to which I now turn.

Risks to Emotional Health

It is difficult, but necessary, to recognize our complicated and culturally shaped feelings about

sexuality, intimacy, and bodies in this discussion. The meanings given to bodily boundaries and sexual exchanges vary within human cultures. In the social location of most of the protagonists in the feminist debate (and in many contemporary societies) our bodily boundaries are constructed as an inviolable locus of personhood. Further, body parts most closely associated with sexual arousal are central to the psychological sense of a private self. Many feminized service workers have intimate contact with other people's bodies and with the "dirty" sides of life. Yet, their own bodily boundaries generally remain intact. Not so in prostitution. Here, "intimate" parts are used in the service of someone else's pleasure, and not one's own. This poses real psychological risks—of alienation from one's own desire, of dissociation from one's body, of dulling down of feeling, depression, and so forth.

Prostitutes use a range of strategies to protect themselves from these emotional risks. One is to redefine body parts and sexual activities as those which are "kept" for oneself and one's intimate partners and those which are used for work—for example, not allowing kissing or a client to perform oral sex. In several studies, condoms were markers of the boundary between sex at work and sex for pleasure, when prostitutes insisted on condoms with clients but not with their intimate partners.[7]

In much of prostitution, a worker is required to do more than make her body available for use. Melissa Gira Grant argues that sex work is a performance.[8] But what gendered fantasies are being performed and what do women risk when performing them?

The skill of the act centers on the pretense of desire. I would extend Susan Bordo's analysis of women in pornography to prostitution. "In pornography women are subjects, but subjects whose agency expresses itself only as a desire to please the projected male viewer…There is a mind inside the pornographic female body, but it communicates only a limited range of nonthreatening desires, and therefore it exists as a truncated self."[9]

The core fantasy enacted in prostitution expresses the insistent masculine narcissism of culturally authorized sexual scripts. Men who purchase sexual services are generally similar to men who do not—they are not necessarily more lonely, less attractive, less sexually confident, unmarried, although some are.[10] In purchasing sexual services they are expressing broader patriarchal constructions of sexuality that authorize masculine entitlement to sexual pleasure/release from women and to women's affirmation of their masculine potency.[11]

Outside of the most limited encounter, in prostitution the simulation of pleasure is central. Several studies of prostitution as work draw on Arlie Hochschild's analysis of service work in *The Managed Heart*. Hochschild argues that acting in accordance with "feeling rules," is a part of human relating. We may draw on a repertoire of past experiences of feeling in order to express emotions that we wish to feel. In this sense, we "manage" our emotions.[12]

But just as Marx argued that alienated labor is not about the doing in itself but the context of power relations within which one acts, Hochschild argues that once emotions become directed by an external power—by management—then the worker is in danger of becoming estranged

from her self. This is not a matter of counter-posing some sort of “essential” or “authentic” self to the self that is produced in the course of work. It is rather to ask the question whether or not the demands of emotion management in certain jobs and certain work settings interfere with an individual’s capacity to manage her feelings in her own interests and for her own ends when she is not at work.[13]

Hochschild studied non-unionized flight attendants working for a southern-based airline. This, she says, allowed her to focus on a sector of the occupation where the demands for emotion management would be greatest. With the spread of feminism, speed-up in the industry, and unionization, the flight attendant role has changed. We don’t see “I’m Sara Fly me” ads for airlines any more. This sort of shift is simply not possible in prostitution.

Hochschild developed the concepts of “surface acting” and “deep acting” to distinguish between jobs that require lesser or greater degrees of emotional investment in the performance of emotional labor, with ”deep acting” producing more destructive forms of estrangement. As Elizabeth Bernstein argues, in the post-industrial arena of prostitution in global cities, the demands for “deep acting” are expanded when prostitutes compete to offer “bounded authenticity”—the sale of authentic emotional and physical connection.[14] Maintaining a clinical attitude and an emotional distance in the course of producing the “girlfriend experience” may be more rather than less emotionally draining.

Finally, we have to consider the negative consequences of doing highly stigmatized work that is so psychologically demanding. Even beyond the anxieties produced by criminality, social stigma throws its shadow over prostitutes’ working lives.

In any case, gauging the risks to prostitutes’ emotional health is difficult. It does seem that women engaged in street prostitution have worse mental health than women of their same age and background who are not prostitutes. It is difficult to sort out the multiple reasons for this difference. Some research indicates that factors in their lives, often associated with their entry into sex work (e.g., drug use, childhood trauma of various kinds, early age of entry into prostitution), rather than the work itself explains the difference.[15]

The evidence for indoor prostitution is mixed. (“Indoor” covers a range of locations, such as saunas and massage parlors, “call out” workers like escorts, women who work on their own or with others out of an apartment, and work in brothels which may be legal or illegal). A study in the Netherlands comparing workers in legalized indoor venues to women health care workers, mainly nurses, and to people undergoing treatment for occupational “burnout” found that on two out of three measures, the nurses and prostitutes scored similarly and much lower than the treatment group. Prostitutes measured higher than nurses on one measure, “depersonalization” with regard to clients, which has been associated with burnout among nurses. Higher scores on “depersonalization” might be a healthy adjustment rather than a sign of burnout.[16] From Hochschild’s perspective, this distancing may be a form of surface acting that protects against the more pervasive loss of a sense of self. Yet, “there was no evidence of a relation between cynicism and positive health, such as high self-esteem and personal

competence and low stress symptomatology." The researcher concluded that depersonalization of clients may be a coping mechanism with the negative consequence of emotional exhaustion.[17] A small study of women done in New Zealand prior to decriminalization found that sex workers were not more likely to experience lower self-esteem or impaired social relationships than women in general.[18]

On the other hand, one oft-cited cross-country study (Melissa Farley et. al.) uncovered extremely high levels of PTSD, as measured by a brief questionnaire. Although most of the study participants were street workers, in Mexico levels of PTSD were similarly high for both brothel and street workers.[19] In his defense of the Swedish law, Max Waltman references two studies, one based on interviews with mental health professionals treating former prostitutes and another of 46 former prostitutes in Korea (who were indoor workers) that also indicate high levels of PTSD among former prostitutes.[20]

Risks of Physical/Sexual Violence

Street workers, at least in Europe and North America, are in a different position from "indoor" workers. Many studies show that street prostitutes are more likely than indoor workers to experience violence from clients. Church et al found that in their sample of prostitutes in three British cities 50% of street workers and 26% of indoor workers had experienced client violence during the last six months. In terms of their entire working lives, 47% of street prostitutes and 14% of indoor workers had been slapped, punched or kicked, 28% of street workers and 17% of indoor workers had experienced attempted vaginal rape, and 22% of street workers and 2% of indoor workers had been vaginally raped.[21] Since street workers are a minority (10-20 %), their experience cannot be used to characterize prostitution as a whole. Still, considering the levels of violence experienced by "indoor" workers, it is difficult to identify a feminized service occupation where 17% of workers experienced attempted rape as part of their job. (Whether or not a high level of violence is a necessary part of prostitution is heavily debated. I discuss this in the last section of the article.)

Health Risks-Physical Health

After the AIDS epidemic, international bodies and national states have stepped up interventions to encourage condom use and it does seem that condom use in many, but by no means all, countries has substantially reduced the rate of infection among women selling sex.[22] Still, the ability to use a condom depends on the woman's negotiating power.[23] Since men are willing to pay a substantial bonus for sex without a condom, as research reported in The Economist showed, if women need the money, they may very well feel that they have little choice but to comply.[24] Some prostitutes have access to regular healthcare and can treat STIs and other health problems that are common in their work so that they do not become serious threats to their health. Worldwide, however, women of the working classes lack access to healthcare, and, given prostitutes' greater exposure to infection and other ailments, this lack particularly decreases their physical well-being.

FEMINIST INTERVENTIONS

Contemporary prostitution is intimately tied to the profound economic inequalities of neo-liberal global capitalism, the expansion of the hospitality and tourist industries, the drive toward gentrification in global cities, austerity regimes, state responses to indebtedness through encouraging both sex tourism and female migration for remittances, etc. It is also tied to patriarchal constructions of masculine sexuality and the large and petty patriarchal powers that shape women's experiences as daughters, mothers, wives and workers.

These structural/political contexts limit what any particular social programs or legal regime can accomplish with regard to prostitution. Perhaps the most effective intervention would be to revolutionize the global capitalist economy by, for example, raising wages in general and women's wages in particular and to provide affordable housing, affordable childcare, and other services that support solo parents, especially because so many prostitutes have children. While we fight to make these changes, we are nonetheless called upon to identify interventions that will maximize the benefits and minimize the harms of this business for the workers within it.

I focus here on two arenas for action: 1)providing social services and other programs in a non-judgmental way so that sex workers who want to leave have the opportunity to do so; 2)legal regulation.

Social Programs

Farley et. al, surveying 854 prostitutes in 9 countries, found that 89% want to quit. It is difficult to know what this means, however. Prostitutes in many countries make multiples of what they would earn in the other jobs available to them (jobs which by the way often expose them to sexual predation by employers and managers).[25] It seems quite plausible that many want to leave but would not unless for a job that paid at least somewhat equivalently and where conditions were better than those in the other jobs now available to them. Anti-trafficking programs that teach former prostitutes to use sewing machines, for instance, often fail to keep women from returning to selling sexual services. Some sex workers in the global south, like some in the global north, have no wish to leave their jobs.[26]

All feminists might agree that regardless of the *numbers* of people who want to leave, there should be expansive, effective services which support prostitutes in a non-judgmental fashion, build their trust, and meet their needs. Worldwide, HIV/AIDS prevention has led to "harm reduction" approaches to prostitution such as increasing condom use. As Farley argues, harm reduction needs to be expanded to include services that help people leave the industry.

Critics of anti-trafficking and rescue programs argue that it is not only counterproductive but incompatible with feminist values for social programs to narrowly focus on exit. As feminists, we should be aware of the relations of power between "provider" and "client" that, historically and today, course through many governmental and non-governmental projects addressed to the women of the working classes.[27] Services should be provided whether prostitutes wish to stay or to go.

Best practices for helping prostitutes to exit include: recognize that exiting is not a one-time decision or event, provide housing (emergency accommodation, half-way houses, and long-term stabilized housing), alcohol and drug services, childcare, career counseling and job training (although many prostitutes mention that the higher wages and flexible hours of their current work make it difficult to leave for the other jobs available).[28]

Legal Interventions

Legal regulation is incredibly complex.[29] Although debate about the rationality and effectiveness of laws is not limited to prostitution, claims about different legal regimes with regard to their impact on people selling sexual services are especially difficult to evaluate. Studies of clandestine activity are limited by who can be accessed and what they are willing to talk about. I disagree with those who argue that only "survivors" are free from constraint and are uniquely qualified to comment on the effects of different laws.[30] On the other hand, given that enslavement and coercion are a part of this business, it has to be recognized that prostitutes who participate in research represent an unknown proportion all workers.[31]

With regard to selling sexual services, there are roughly three models of legal regimes (with a fair amount of variation among them): criminalization, legalization, decriminalization.[32] While I am going to talk a bit about the evidence on legalization, I focus on two counter-posed legal regimes, both of which are attempting to drive legal reform with feminist values: Sweden's legal regime, often termed the Nordic model, which criminalizes all aspects of prostitution *except* the selling of sexual services by an individual and New Zealand's laws which have decriminalized all aspects of the business but have also, unlike most legalization regimes (e.g. Germany), instituted a system of regulation and enforcement that aims toward improving prostitutes' conditions of work.

Legalization

The purpose of legalization is generally to protect social order (e.g. reduce the criminal element, get sex off the street) rather than sex workers. Legalization can have perverse consequences. Legalization for some sex work, e.g. only in licensed brothels, or for some sex workers, e.g., only those with documents to work, can produce even worse conditions for others, e.g. those in unlicensed brothels, on the street, or immigrants.

As one illustrative example, in Queensland, Australia, the size of licensed brothels is limited, they cannot offer escort services (outcalls) or serve alcohol. Advertising is restricted and controlled. As of 2010, only 25 brothels had been licensed in Queensland, a state with a population of four and a half million and a thriving tourist industry. Researchers estimated that only 10% of the business took place in licensed brothels and 75% in the outcall services sector. Individuals may legally do outcall, but they may not work with another sex worker or employ a receptionist. They may employ a licensed security guard and (since 2009) can maximize their safety by making phone contact with another person before and after a job. Landlords can be prosecuted as "third parties to prostitution" when two or more workers are operating from the

same premises. This discourages collective arrangements among prostitutes through which they might share their earnings rather than being exploited by a boss.

Because there are so few legal brothels, many prostitutes work in illegal brothels where they are more vulnerable. Legalized brothel managers do not have to provide particularly good working conditions because the supply of workers is so large.[33] It is not clear whether prostitutes as a whole are better or worse off in this kind of legalized regime.

One of the arguments for legalization is that if prostitution becomes a job like any other, prostitutes will have access to the same range of benefits (e.g., health insurance and pensions at least in the EU!.) as other employees. However, most brothel workers are treated not as employees but as "contractors" who "rent" rooms from the brothel and pay fees for various services the brothel provides. They are therefore excluded from the benefits of regular employment status. It should come as no surprise to those of us who have tracked the rise in "irregular" and "precarious" employment throughout the global north, that this is often a fiction and their work is highly controlled and regulated by owners/managers little differently from normal employees.[34] It may well be that legalization of brothels improves the *possibilities* for workers to organize. But it may also be the case that giving brothel owners a legal monopoly undercuts the potential for collective power. Many feminists think it is particularly abhorrent for brothel owners (or pimps) to earn a living from women who sell sexual services. Whether or not it is possible effectively to outlaw this form of exploitation is the question raised by the Nordic model.

Criminalizing the Client, the Pimp, and the Brothel Keeper

The Nordic model has some attraction to feminists because it criminalizes the buyer but not the seller of sexual services. Passed in 1999, the Swedish law also criminalizes organized sex work of any kind (in brothels, saunas, escort services, etc.) by making it illegal for anyone except the prostitute herself to profit from her labor. The law is intended to shrink the demand for sexual services, to encourage prostitutes to exit the work, to empower prostitutes in relation to clients (for example, to report violence or theft by clients to the police), and to limit sex-trafficking.

There is no space here to enter into the hotly debated details of the effect of this law.[35] Overall, it is fair to say that the jury is out on whether or not the market for sexual services has shrunk substantially as a result. Street prostitution has decreased; however, the government's own report could not say for certain that the law had reduced the total numbers of women in prostitution, because they did not know how much of the business had moved indoors, facilitated by the internet. There were no reliable studies of "indoor" workers previous to the law and thus it was not possible to judge. Various estimates were put forth. However, the report could only conclude that: "Altogether, this means that we can feel somewhat secure in the conclusion that prostitution as a whole has at least not increased in Sweden since 1999."[36]

Another often cited proof of the effectiveness of the law are two surveys, one in 1996 and one

in 2008 that showed that since the passage of the law the number of men who said they bought sex had decreased by “close to one-half” (from 13.6% to 8%).[37] Whether this reflects an actual decrease or reflects men not wanting to admit that they engaged in criminal activity or increasing shame produced by the law is unknown. Supporters of the law argue that societal support for gender equality is incompatible with the state authorizing men to purchase sexual services. It may be that the law has increased negative social attitudes toward men who pay for sex.[38]

But on the downside, opponents of the law argue that whatever its benefits in changing social attitudes or shrinking the market, it has heightened the risks faced by prostitutes. In general, police target street workers, because policing indoor sex work is time consuming and expensive.(Another main reason is that street prostitution is more visible.) This is still the case in Sweden.[39] Although street workers cannot be arrested themselves, the police presence makes their jobs more difficult. Opponents of the law argue that it has pushed clients to demand more secrecy, doing business in more secluded areas, giving prostitutes have less time to size a client up, making them even more vulnerable than previously. There is some evidence but no systematic research in Sweden to support this claim.[40] However, a study in Vancouver, B.C. that interviewed street based workers both before and after the Vancouver police shifted enforcement toward arresting clients instead of prostitutes found that targeting clients did not improve levels of violence experienced. Further, prostitutes reported that the new policy impeded their ability to negotiate with clients and elevated their risks for client condom refusal.[41]

Opponents of the law also argue that since clients are afraid to contract in public, this has opened the door to an increased role for “middlemen,” including pimps. On this point, I am aware of no reliable evidence showing either that the law has increased pimping or decreased it.[42]

Proponents of the law argue that it will increase reporting to the police about robbery, sexual and physical assault by clients, since the prostitute can no longer be arrested. There is no evidence that the law has increased reporting to the police in any government reports on the effect of the law available in English.[43] This would not be surprising. Prostitutes are reluctant to report instances of violence or theft, for a range of reasons, such as their own illegal drug use, fear of retaliation by clients, wish to preserve their anonymity because they are not “out” to their friends and family, skepticism about the legal process given that cases are difficult to prove and so the trouble of reporting is outweighed by the unlikelihood of redress.

Opponents of the law argue that criminalizing third parties does not diminish the exploitation of prostitutes and increases their vulnerability to harm. Recognizing that brothels are not necessarily the best work environments, they argue that forcing prostitutes to work underground makes them even more vulnerable. And, they argue, that if the law discourages pimping, it also prevents prostitutes from making arrangements with third parties for their own protection. For example, the law criminalizes a third party from earning income by being paid

to provide security. Landlords who tolerate a woman working out of her apartment or several women working out of a house the landlord owns is liable to arrest as a "third party." Prostitutes have been evicted by landlords for this reason. Any adult who lives in a dwelling with a prostitute and shares her income is liable for prosecution.

I think this is a knotty issue. It seems absurd to allow women to provide sexual services but then penalize the landlord who rents them an apartment.[44] And it does seem to be the case that, as with pimping, it is not always easy to sort out the actual relationship of power between a prostitute and the "third parties" involved.[45] On the other hand, defenders of the law argue there is no evidence that actual boyfriends or husbands have been arrested—except when they are actively engaged in the prostitute's work—that is, acting as a pimp.[46] Even were this to occur, I think it important to distinguish between the law and its enforcement. Enforcement problems are not a definitive argument against a particular law. For example, the policy of mandatory arrest when police are called out on a domestic violence incident has proven to be counterproductive. This implies doing something about enforcement policies, but ought not lead us to conclude that the law criminalizing domestic violence is in itself negative for women.

The question remains, though, whether the criminalization of most aspects of selling sexual services is positive or negative for women who do the work. This concern lay behind New Zealand's legal reform.

Decriminalization

New Zealand has gone furthest toward decriminalization, passing the Prostitution Reform Act in 2003. In the NZ system, brothels must be licensed, it is illegal for brothel keepers to force workers to take on clients they do not wish to, owners are required to encourage and support condom use (oral, anal or virginal sex without a prophylactic is illegal), they must make their premises available for inspection, they may not hire anyone under 18. It is illegal to induce or compel any person to sell sexual services so pimping is a criminal act. However, it is legal to be a "third party" that is, to live off the "avails" of prostitution[47] The New Zealand Prostitutes' Collective, which was very active in the years long negotiations that led to passage of the law, argued against high barriers for licensing, because they feared creating a dual system such as that in Queensland.

More important, they argued, successfully, that the law should promote businesses owned and operated by prostitutes. Up to four people can work together from a residence or rented space without having to apply for an "operators license." (If more than four people are working together, one of them has to apply for the license.) They can advertise under the same limitations as managed brothels. They can hire whomever they wish to help, without restrictions (e.g. they do not have to be "licensed" security professionals as in Queensland). The law also allows prostitutes to immediately collect social benefits, even if they quit work voluntarily.[48]

Opponents of decriminalization argue that it increases prostitution. One study of the reform's

effect on the size of the market for sexual services in Christchurch is fairly credible. A methodologically sound study was done prior to and then three years following the passage of the PRA. The study found, at least for this locality—the second largest urban area in New Zealand—a small increase of 17 people (from 375 to 392) selling sexual services.[49]

It has also been argued that legalization and decriminalization increase trafficking. The one often-cited study purporting to show that legalization increases trafficking, however, has many flaws.[50] The data measuring trafficking flows in different countries was drawn from a UN study, the authors of which cautioned that it was highly unreliable, since the definitions of trafficking across countries and the credibility of their sources of information in different countries varied wildly. Moreover, this was a study that measured all trafficking not just sex trafficking, so its application to sex trafficking is illegitimate.[51] In New Zealand, following the reform, there were no cases of trafficking prosecuted by the New Zealand immigration service (which monitors "indoor" workers). The reform law review committee concludes that the "prohibition on non-residents working in the sex industry, coupled with New Zealand's geographical isolation and robust legal system provides protection against New Zealand being targeted as a destination for human traffickers.".[52]

One of the goals of the PRA was to improve the working conditions of prostitutes. The reform does seem to have opened up opportunities for prostitutes to work for themselves. Again, referring to the Christchurch study, in 1999, 62% of prostitutes were in the managed sector while 10% were independent. In 2006, managed workers declined to 51%, while independent workers increased to 23%.[53]

In addition to shrinking the "managed" sector of the business, the PRA aimed to improve the working conditions of managed workers. According to one study, brothel operators who had treated workers well before legalization continued to do so, but those with prior unfair management practices had continued. As with many occupational health and safety laws, enforcement is difficult and depends less on regulations than on the capacity of the workers themselves to challenge bosses.[54] Still, just because we understand the limits of health and safety rules, does not seem to me a definitive argument against having them. If worker bargaining power is critical here, then it would stand to reason that criminalization is problematic because it even further decreases workers' bargaining power and opportunities for redress.

Violence and Reporting

Prostitutes surveyed felt that since the law, they were more able to refuse clients and had refused clients more often. On the other hand, as opponents of decriminalization have pointed out, while prostitutes said they felt they could report violence, mostly they did not report and when they did report were reluctant to follow through on complaints. The same factors discouraging following through on reports of violence in other countries appear to be operative here as well.[55] It may be that over time, education of enforcement officers and changes in enforcement practices will open up more space for reporting and following through. On the

other hand, the social stigma of prostitution is a major barrier to reporting. Prostitutes fear loss of anonymity and exposure to friends and family. Perhaps over time, decriminalization will decrease stigma; but there are good reasons to expect it will not.

The New Zealand regime expresses feminist values. It accepts the current reality that there is a large demand for commodified sexual services and focuses on minimizing the risks of a potentially risky business. But what most attracts me to the New Zealand model is that it encourages the self-organization of prostitutes both as workers and as political subjects. While collective action can perhaps improve working conditions in the managed sector, I would also hope to see increasing government and NGO support (perhaps a co-op incubator program?) for collectively operated workplaces.

Other interventions

Prahba Kotiswaran concludes her review of sex work in India with the observation that the most effective interventions on behalf of workers have come from membership-based organizations run by the Durbar Mahila Samanwaya Committee (DMSC), a sixty-thousand member sex workers' organization based in Kolkata. The DMSC

"provides access to credit and savings schemes, educational facilities for sex workers and their children, primary health, and an avenue for cultural expression, while fostering an active political culture of protest against abusive customers, landlords, and brothel keepers. ….despite a highly abusive anti-sex work criminal law, an organization of sex workers has taken root …to achieve the very results of labor laws that the DMSC is so keen to have applied formally to the sex industry."[56]

She goes on to say that self-regulation, although it has problems such as reproducing conservative stereotypes of "good' and "bad" women, ought to be considered as an alternative to the police and courts.

"Sex workers in Kolkata interviewed preferred to have disputes resolved locally or by the DMSC-run self-regulatory boards rather than by state courts. THE DMSC organizes protest marches against physically abusive brothel- keepers and community sex workers are known to chase away violent customers or accost those who may have stolen from a sex worker or cheated her. The police often arrive too late to be of any use."[57]

Laws are important. But as the above makes clear, perhaps even more important would be for feminists to pour the equivalent of time, money, and passion into the self-organization of prostitutes that now is devoted to pushing for and arguing about various legal regimes.

The New Zealand Prostitutes Collective is another model for self-organization. Like the DMSC, the NZPC originated as a response to the AIDS/HIV epidemic. The founding members of the organization came together out of anger and frustration at their social stigmatization, police harassment, unfair and arbitrary management practice in their workplaces which they had no legal right to redress, and the marginalization of sex workers in policy making. They also

wanted to organize themselves to prevent the spread of HIV in the sex industry. In 1988, the group received funding from the New Zealand Minister of Health and opened a drop-in center in Wellington. The NZPC engages in advocacy as well as providing services, including advice and help on exiting (as well as entering) the industry. It was central to the movement toward legal reform and has remained very much involved in the implementation and evaluation of the reforms. The widespread and deep connections of the NZPC in the industry have been instrumental in facilitating researchers' access and contributed to the quality of the information that has been gathered. (This is not to say that these studies are without some bias.)

Both DMSC and NZPC are inspiring projects worth careful study to see how they might be developed in other countries. Surely the huge differences between New Zealand and India indicate that in many places the self-organization of prostitutes is not impossible (although I do recognize many of the daunting difficulties). As with other women's issues, the self-organization of prostitutes (not the organization of advocates for prostitutes) is the key.

In New Zealand, the NZPC was, and is, a fairly dominant voice representing sex workers. In other countries, there are competing feminist organizations representing prostitutes with different approaches to what should be done. I recognize there are downsides of any legal regime. I also take Kotiswaran's point that sex markets differ and legal approaches that might work in one area may not be best in another. Still, I favor the New Zealand legal regime (which allows involvement of "third parties" but criminalizes coercion). I am especially interested to see what further interventions in policy might help to shift the balance even further away from "managed" to "self-managed" organization of the industry.

Whatever assessment any one of us makes on this topic, it is fundamental that feminists embrace the tremendous complexity of the issue before us, finding common ground where we can, and respecting the validity of the multiple perspectives that animate our dialogue. Most importantly, we need to bend our collective energies toward revolutionizing the global capitalist economy and challenging patriarchal powers, however and wherever we can.

This essay was developed in close collaboration with Nancy Holmstrom; we originally intended to write jointly but ended up with separate articles. Jan Haaken offered key insights on which I have drawn heavily. Thanks also to Meena Dhanda, Bill Resnick, and Liz Rappaport for their valuable feedback.

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Notes

[2] Even language is contested in this debate. I do not use the term "prostituted women/persons" because it extinguishes the agency of people doing prostitution. On the other hand, I do not want to use the term sex workers instead of prostitutes, because that term elides the particularity of selling sexual services as a form of work. (On this point, see Nancy Holmstrom, this issue). At least some people who sell sexual services continue to use prostitute to describe themselves as workers, reclaiming the word in the same way that Melissa Gira Grant wants to reclaim the name whore.

[3] This essay focuses on women selling sexual services. It is impossible to do justice to the particular experiences of men and transgender people in this work within space limitations of this article.

[4] Melissa Farley, "Prostitution, Liberalism, and Slavery." *Logos: A Journal of Modern Society and Culture*, v. 12, no. 3, 2013.

[5] For an illustrative example, see Swedish Government National Board of Health and Welfare, *Prostitution in Sweden 2007* (November, 2008) www.socialstyrelsen.se, november 2008.

[6] However, there is fierce debate about the anti-sex trafficking movement, whether laws specifically addressed to sex-trafficking rather than to trafficking in general are necessary, how laws should be written (e.g. what should constitute evidence of coercion), and practices of enforcement. Compare, for example, the Swedish Institute Report, *Targeting the Sex Buyer: stopping prostitution and trafficking where it all begins* (2010) https://eng.si.se/areas-of-operation/events-and-projects/targeting-the-sex-buyer/ and Laura Maria Augustin, *Sex at the Margins: Migration, Labour Markets and the Rescue Industry* (London: Zed Books, 2007). For reasons of space I don't address these questions.

[7] Women working out of their own homes distinguished between work and personal areas, for example not using their own bed for sex work. Gillian M. Abel, "Different stage, different performance: The protective strategy of role play on emotional health in sex work," *Social Science & Medicine* 72 (2011), 1177-1184; Teela Sanders,

'It's Just Acting': Sex Workers' Strategies for Capitalizing on Sexuality," *Gender, Work and Organization*, V.12 no. 4 (July 2005), pp. 319-342.

[8] *Playing the Whore* (London: Verso, 2014),p.. 90

[9] Laurie Shrage, "Feminist Perspectives on Sex Markets", The Stanford Encyclopedia of Philosophy (Winter 2012 Edition), Edward N. Zalta (ed.), URL = <https://plato.stanford.edu/archives/win2012/entries/feminist-sex-markets/>.

[10] Sven-Axel Månsson,*Men's Practices in Prostitution and Their Implications for Social Work;* Martin A. Monto, "Prostitutes' Customers: Motives and Misconceptions," in Ronald Weitzer, ed,

Sex for Sale: Prostitution, Pornography, and the Sex Industry, (Hoboken, N.J.: Taylor and Francis, 2009). For a review of the range of ideas on this question, see Nikolas Westerhoff, "Why Do Men Buy Sex," Scientific American Mind. June 2009 Special Issue, Vol. 20 Issue 3, p70-75. Surveys in India found that 45.5-64% of customers were married, the majority living with their spouses. Prahba Kotiswaran, *Dangerous Sex, Invisible Labor: Sex Work and the Law in India* (Princeton: Princeton University Press, 2011), p. 241

[11] There is much more to be said on this than can be dealt with here. Research based on internet exchanges and interviews with prostitutes' about the services they provide, indicates that in great part the demand is for oral and vaginal sex. However, there are "niche" markets for other sexual practices. Culturally authorized racial fantasies also come into play. Additionally, the nature of fantasies enacted when men purchase services from other men may be different. See, for example, Juline Koken, David S. Bimbi, and Jeffrey T. Parsons, "Male and Female Escorts: A Comparative Analysis," in Weitzer, ed., pp. 205-232.

[12] Arlie Russell Hochschild, *The Managed Heart: Commercialization of Human Feeling* (Berkeley: University of California Press, 1983) Chapter 3.

[13] Hochschild, 181-184

[14] Elizabeth Bernstein, *Temporarily Yours*: *Intimacy, Authenticity, and the Commerce of Sex* (Chicago: University of Chicago Press, 2007), pp. 103-104; Janet Lever and Deanne Dolick, "Call Girls and Street Prostitutes: Selling Sex and Intimacy," in Weitzer, ed., pp. 187-203.

[15] Ine Vanwesenbeeck, "Burnout Among Female Indoor Sex Workers," Archives of Sexual Behavior, Vol. 34, No. 6, December 2005, pp. 627–639, esp. p. 627-628. See also, Teela Sanders, "A continuum of risk? The management of health, physical and emotional risks by female sex workers," *Sociology of Health & Illness* Vol. 26 No. 5 2004, pp. 557–574. There is some evidence that street prostitutes are more likely than indoor prostitutes to use drugs to psych themselves up for their work. Lever and Dolick, p. 196.

[16]Vanwesenbeeckk, pp. 635-636

[17] Vanwesenbeeck, pp. 638.

[18] Gillian Abel and Lisa Fitzgerald, "Risk and Risk Management in Sex Work post-Prostitution Reform Act: a public health perspective," in Gilian Abel, Lisa Fitzgerald, Catherine Healy with Aline Taylor, eds., *Taking the Crime Out of Sex Work: New Zealand Sex Workers' Fight for Decriminalization* (Bristol: The Policy Press, 2010), pp. 217-238, p. 231

[19] Melissa Farley et.al. "Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder," Journal of trauma practice 2 (3/4), 2003 pp. 33-74. The validity of these results has been challenged on both the inadequacy of measuring PTSD on the basis of a 10 question survey and the over-representation of street prostitutes in the respondents. John Lowman, "Crown Expert-Witness Testimony in *Bedford v. Canada:*

Evidence-Based Argument of Victim-Paradigm Hyperbole?", in Emilv van der Meulen, Elya M. Durisin, and Victoria Love, eds. *Selling Sex: Experience, Advocacy, and Research on Sex Work in Canada* (Vancouver-Toronto: UBC Press, 2013), pp. 230-250, esp. pp, 234-235.

[20] Max Waltman, "Sweden's prohibition of purchase of sex: The law's reasons, impact, and potential,"*Women's Studies International Forum* 34 (2011) 449–474. A study of 201 sex workers (including exotic dancers as well as prostitutes) in Victoria, B.C. found 50% reported past or current depression as compared to 6% of females and 3% of males in the general population. Cecilia Benoit and Alison Millar, *Dispelling Myths and Understanding Realities: Working Conditions, Health Status, and Exiting Experiences of Sex Workers,* Report funded by BC Health Research Foundation, Capital Health District, BC Centre of Excellence on Women's Health (October 2001), p. 68.

[21] Stephanie Church, Marion Henderson, Marina Barnard, Graham Hart, "Violence by clients towards female prostitutes in different work settings: questionnaire survey," *The BMJ* Volume v. 322 no. 3 March 2001, pp. 524-525. A survey of over 700 prostitutes in New Zealand five years following the decriminalization of prostitution found that in the last 12 months, 13% of street workers and 7-10% of indoor workers had been physically assaulted; 39% of street workers and 9-16% of indoor workers had been threatened with physical violence. New Zealand Ministry of Justice, *Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003,* Wellington, New Zealand, May 2008, p. 56.

[22] AVERT, *Sex Workers and HIV/AIDS,* https://www.avert.org/sex-workers-and-hivaids.htm

[23]In a few countries where prostitution is semi-legalized or decriminalized, failure to use a condom is a punishable offence. Abel and Fitzgerald, found that prostitutes did use the law to negotiate safe sex with clients., pp. 219-221 , esp. pp. 219-221.

[24] "More Bang for Your Buck; Prostitution and the Internet," *The Economist* August 9, 2014. In New Zealand, where it is illegal to have sex without a condom, 12% of street workers and 4-5% of indoor workers had unprotected vaginal sex in the last 12 months while 20% of street workers and 16% of indoor prostitutes working independently said that they had done unprotected blow jobs. On economic incentives for unprotected sex, see also Kotiswaran, p. 202

[25] Kotiswaran, p. 216. *Report of the Prostitution Law Review Committee on the Operation of the Prostitution Reform Act 2003* Ministry of Justice, Wellington, New Zealand, May 2008, pp. 66-69.

[26] For example, Christine B.N. Chin, *Cosmopolitan Sex Workers: Women and Migration in a Global City* (New York and Oxford: Oxford University Press, 2013), p. 98

[27] Steven Bittle, "Still Punishing to 'Protect': Youth Prostitution Law and Policy Reform," Emilv van der Meulen et. al., pp. 279-296.

[28] Pat Mayhew and Elaine Mossman, *Exiting Prostitution: Models of Best Practice.* Crime and Justice Research Centre, Victoria University of Wellington, October 2007

[29] As Kotiswaran makes clear, sex markets differ not only between countries but within them. While general principles might be articulated, the strategies for putting these principles into legal regulations will vary depending on local conditions. See, Chapter Six.

[30]"…there can be validity problems when interviewing persons in prostitution, as opposed to interviewing survivors who left the industry. The latter are not under influence of third parties or otherwise dependent on continuing in prostitution, and are thus less likely to provide responses biased in favor of the sex industry. ", Max Waltman, "Assessing Evidence, Arguments, and Inequality in Bedford v. Canada,"

Harvard Journal of Law & Gender, Vol. 37, (2014), pp. 459-544 (2014).

[31] For one discussion of sampling problems, see, Elaine Mossman, "Brothel Operators' and support agencies' experiences of decriminalization," Abel et. al., pp. 121-122.

[32] Elaine Mossman, *International Approaches to Decriminalising or Legalising Prostitution*, New Zealand Ministry of Justice October 2007

[33] Barbara Sullivan, "When (Some) Prostitution is Illegal," *Journal of Law and Society*, v. 37, no. 1 (March 2010), pp 85-104. See also Barbara G. Brents and

Kathryn Hausbeck, "Violence and Legalized Brothel Prostitution in Nevada: Examining Safety, Risk, and Prostitution Policy," *Journal of Interpersonal Violence*, Vol. 20 No. 3, March 2005, pp. 270-295

[34] *Report by the Federal Government on the Impact of the Act Regulating the Legal Situation of Prostitutes (Prostitution Act)* Federal Ministry for Family Affairs, Senior Citizens, Women and Youth, Berlin (2007), p. 17. Such arrangements are also typical in Nevada (Brents & Hausbeck, op. cit.), the Netherlands (Vanwesenbeeck op. cit.), and India (Kotiswaran op. cit.) . The report also pointed out that new restrictions placed on social welfare and unemployment programs had reduced the opportunity for prostitutes to leave the business. Pp. 37-38.

[35] Compare Max Waltman, op. cit., 2011 to Ann Jordan, *The Swedish Law to Criminalize Clients:A Failed Experiment in Social Engineering,* Program on Human Trafficking and Forced Labor. Center for Human Rights & Humanitarian Law, Issue Paper # 4 (2012).

[36] *Selected extracts of the Swedish government report SOU 2010:49: The Ban against the Purchase of Sexual Services. An evaluation 1999-2008*, (usually referred to as The Skarhed Report) p. 28. The Swedish Board of Health and Welfare Report (op. cit) is much more circumspect than the Skarhed report in drawing conclusions about the law's effect, given the very different and sometimes conflicting assessments they received from different informants such as the police, social workers, academics, and sex workers. A study to measure the effects

of Norway's law reform (following the Swedish model) in 2009 had similar difficulties since in Norway, also, there were not credible measures of the numbers in prostitution prior to the law or afterwards. The researchers' "best guess" based on their informants' observations was that street prostitution had declined substantially and that the indoor market was 10-20% lower. Acknowledging that the recession had decreased demand, the report nonetheless argued that the law had also contributed some unknown share toward driving down the prices charged. They commented that indoor workers had to work harder to make the same level of income as previously. *Evaluation of Norwegian legislation criminalising the buying of sexual services (summary).* For a critique of this research, Anette Brunovskis and May-Len Skilbrei,"The Evaluation of the Sex Purchase Act Brings Us no Closer to a Conclusion"(August, 2014), Fafo Institute. https://fafo.no/prostitution/

[37] Skarhed Report, p. 23.

[38] Niklas Jakobsson and Andreas Kotsadam, *What explains attitudes toward prostitution?* Working Papers in Economics No. 349, Goteborg University, April 2009.

[39] Bernstein, pp. 151-153

[40] Board of Health and Welfare Report, pp. 47-48. The Skarhed report simply denies this claim without acknowledging evidence supporting it.

[41] A Krüsi, K Pacey, L Bird, C Taylor, J Chettiar, S Allan, D Bennett,J S Montaner, T Kerr, K Shannon, "Criminalisation of clients: reproducing vulnerabilities for violence and poor health among street-based sex workers in Canada—a qualitative study," *BMJ Open*, 2014, no. 4.

[42] Some informants consulted for the National Board of Health and Welfare Report, made this claim. Pp. 47-48

[43] Some informants thought that the law had actually made it even less likely for prostitutes to report theft or violence. Susanne Dodillet and Petra Östergren, "The Swedish Sex Purchase Act: Claimed Success and Documented Effects" Conference paper presented at the International Workshop: Decriminalizing Prostitution and Beyond: Practical Experiences and Challenges. The Hague, March 3 and 4, 2011 pp. 21-22.

[44] This is also true in the United Kingdom where both selling and buying are legal but soliciting, advertising, renting a room to a prostitute for the purposes is illegal.

[45] For one example, Bernstein, p. 90, also Kara Gillies, "A Wolf in Sheep's Clothing: Canadian Anti-Pimping Law and How It Harms Sex Workers," van der Meulen et. al., pp. 269-278.

[46] "Being and Being Bought: An interview with Kajsa Ekis Ekman," Meghan Murphey, *Feminist Current* (January 2014). https://feministcurrent.com/8514/being-and-being-bought-an-interview-with-kajsa-ekis-ekman/

[47] This provision has the opposite problem of the Nordic model. There, innocent people may be penalized; here, exploiters may escape punishment.

[48] New Zealand Prostitutes' Collective website https://www.nzpc.org.nz/index.php?page=Law The NZPC is "uncomfortable" with the provision of the PRA that excludes immigrants from doing sex work, creating an illegal sector that is deeply hidden and undoubtedly very exploitative. Abel et. al, p. 262-3.

[49] *Report of the Prostitution Law Review Committee,* p. 35.

[50] Seo-Young Cho, Axel Dreher and Eric Neumayer, *"Does legalized prostitution increase human trafficking?"World Development,* 41, 2012, pp. 67-82.

[51] Ronald Weitzer, "New Directions in Research on Human Trafficking The Annals of the American Academy of Political and Social Science v. 653 no. 6 (May, 2014), pp. 6-24.

[52] *Report of the Prostitution Law Review Committee* , p. 167. Fears about increased sex-trafficking did shape the law reform, leading to the provision that criminalizes non-residents who sell sexual services.

[53] Gillian M. Abel, Lisa J. Fitzgerald, Cheryl Brunton, "The Impact of Decriminalization on the Number of Sex Workers in New Zealand," *Journal of Social Policy," v. 38 iss. 3 (July 209), pp. 515-531, p. 523.*

[54] Several studies of the legalized managed sector find that security is enhanced by formal and informal controls such as the proximity of other workers, alarms, and security cameras. See, e.g., Sullivan, Brents & Hausbeck, Abel et. al.)

[55] Abel and Fitzgerald, pp. 227-229.

[56] Kotiswaran, p. 248

[57] Kotiswaran, p. 203

Colonizing the Body

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If only for the purpose of revealing a tacit but unstated privilege acquired by men at the instant of what Friedrich Engels called “the historic defeat of womankind,” the current debate on sex work vs prostitution is important. For the other side of this coin of defeat was a triumph, if one were to view historical events dialectically, not only in terms of patriarchal dominance over society, production and the family, for in womankind’s loss of control of her own sexuality and reproduction lay a conferring of the privilege, a presumed right, of the patriarch to sexual access to those under his wing. This tacit and yet so commonly assumed privilege underlies much of what forms everyday sexism to this time, from wage inequality to street harassment to the rape culture to the demand by certain German men with disabilities that the state to provide them prostitutes as part of their health benefits.[1] While that privilege may have been expanded, in the current world, to elements other than the patriarch, the principle holds: those with power, those with a larger share of the surplus, those with greater strength or with whatever little bit of social exceptionalism – these have the tacit right to access sexually those who do not. One enduring deception that has kept this privilege unchallenged is that the accessed agree to being accessed, that they do so willingly – a myth which now Capital uses, in its incursion into the few non-capitalist spaces extant in a globalized economy.

Sex workers, according to a recent Canadian Institutes of Health-funded survey, made $39,000 per annum and were generally satisfied with what they did (81%); the researchers claimed they tried to keep the sample “representative,” though reaching the conclusion that most of those connected to the sex trade were “Canadian-born, Caucasian, between the ages of 30-40” – said conclusion being surveying 218 sex workers, 1252 clients, 30 spouses/intimate partners and 61 managers.[1] On which group this profile was based was not given. Other surveys place First Nations women as comprising as high as 42% of prostituted women. Indeed, the Aboriginal Women’s Action Network (AWAN) wrote, in a declaration opposing the legalization of prostitution: “We have a long, multi-generational history of colonization, marginalization and displacement from our Homelands, and rampant abuses that has forced many of our sisters into prostitution.”[2] Not thrilled by this survey’s findings as well was the Asian Women’s Coalition to End Prostitution (AWEP), which is Canada based, and which had declared, “we hold a position that prostitution entrenches racism and multiplies the effect of sexism on all.”[3]

This very recent incident in Canada underscores what has been absent in the discourse of those who promote prostitution as an economic alternative: that it afflicts a certain class, category and nationality/ race of women; and that, by and large, the viewpoint of such women, despite comprising the majority of those commoditized in the sex trade, is either absent or not

given due weight, not unlike the voices of children in the sex trade. The contending viewpoints should also make one aware that a policy on prostitution cannot and is hardly contained within national boundaries; that it will spill over and impact women and children and men across borders. The AWAN statement also underscores the historical fact that for many countries and societies, the sex trade arrived via an aggressive militarist colonialism that continues to impact definitions of power and authority, as well as perceptions of sex, conquest and the conquered.

Who are being sold and bought in the sex trade? A website that claims neutrality while providing statistics on the underworld places the number of prostitutes worldwide at 13,265,900 with an annual revenue of $186 billion. The number of prostitutes in the US is placed at 1 million; by way of contrast, the number for the Philippines, a US-client state with a population 1/3 of the US, is pegged at 800,000.[4] The Paris-based Fondation Scelles gives an even higher number in its second report on global prostitution: 40-42 million, 75% between the ages of 13-25, 80% female. Below is a map that may well be a graphic illustration of who or what funds/maintains prostitution in many parts of the world and who are bought and sold.

The Name Game

The popularization of the term “sex work” was the most successful in a series of attempts to find a euphemism for prostitution. In the 1960s, when Southeast Asian countries were designated as “rest-and-recreation” centers for US military troops engaged in a war in Vietnam, other labels for the sex trade were invented, so its earnings could be incorporated in the national spreadsheet and as to lure the general public into accepting what was basically an underworld activity. “Hired-wife services,“ “bar girls,” “bar fines” and “hospitality girls” tried to hide but failed the nature of the business. Under tourism, the names morphed even more, even to the ludicrous “guest relations officer” or GRO. It would take someone from San Francisco, in the late 1970s, to come up with the term “sex work,” and its corollary would follow thereafter, “sex workers.” The new terms embedded prostitution in a spectrum of sex selling – from porn films, phone sex and later, cybersex to stripping. The use of “work” was masterful, as it situated those in the sex trade among the ranks of workers. Hence the argument that allowing the use of one’s genitals for cash was no different from allowing the use of one’s fingers for typing in a corporate office, there being no difference allegedly, between, as old journalists say, massaging a keyboard and massaging someone else’s genitals.

With a seductive name in place, the stage was set for the creation of a groundswell toward legalization, largely fueled by Dutch and German money, which, not by coincidence, would be among the first to legalize prostitution. A Dutch funding agency proudly proclaimed that it covered the travel costs of “black prostitutes from the US and allies from Thailand and the Philippines” to a 1986 international conference of whores. One Dutchman responded, when I asked why funders associated with progressive causes would provide money for something that would, in the long run, decimate Third World women, he shrugged and replied, “well, we

invented the slave trade, didn't we?" Various reports now peg the number of foreign-born women in the Dutch sex trade as high as 80%. Other-ing is explicit in responses, when the question about the impact of legalization on the business (vs legalization of the commodity) on minorities. A "sex worker" in New York replied, when this was brought up: "well, I'm sorry about your people but I have to take care of myself."

Throughout the 1990s, the onslaught continued. Prostitution was split into the categories of forced and voluntary; indentured and forced labor was split from slavery and trafficking as a crime was born out of the combination of forced prostitution and forced labor. Labor trafficking was then pitted against sex trafficking, with the claim that it was a larger problem than the latter. Meanwhile, the push for legalization of the business became both pernicious and constant. In 1994, the Global Alliance Against the Trafficking of Women (GAATW) was formed, ostensibly based in Thailand but with links to US-based and Dutch-funded organizations. GAATW pushed for trafficking to be defined largely as coercion and for "voluntary" prostitution to be legalized. By 1994, the International Labor Organization which helps define "work" for capital issued a pamphlet on "The Sex Sector." Subsequent conferences were held in Southeast Asia and commensurate pressure-organizations created to push for legalization. The juggernaut seemed unstoppable, partly because no one could come up with a programmatic solution to the underlying issue of the tacit right to sexual access by virtue of having more cash than another person.

On January 1, 1999, Sweden criminalized the purchase of sex even as it maintained the decriminalized status of those who sold sex. In what may be seen as a global tit for tat, the Netherlands legalized the business the following year and Germany followed suit. More than a decade has passed – enough time to see the impact of these two approaches to prostitution, whether goals and objectives have been met and what else can be done to further either one or both models.

Thus far, Sweden has seen the number of those engaged in prostitution cut by half. By 2008, Norway and Denmark had three times the number of street prostitution compared to Sweden, this stark contrast being undoubtedly a result of the criminalization of the buying of sex. This conclusion was bolstered by reports from Norway that, as soon as it decided to pass a similar ban, there was an "immediate and dramatic reduction of street prostitution." One icing to the cake, Sweden discovered, was a "marked shift in attitude" as 70% of support for the ban on the purchase of sex was "greatest among young people." [5] It would be interesting to compare the attitudes toward women of a generation raised in a society with a sex-purchase ban and that of a generation raised in a society with a legalized business of prostitution.

Sweden's Sex Purchase Act has been criticized for not distinguishing between forced and voluntary prostitution. The reply was succinct: "from a gender equality and human rights perspective and a shift in focus from what is being offered – those exploited in prostitution – to demand, that is, traffickers, procurers and sex buyers, the distinction between voluntary and non-voluntary prostitution is not relevant." [6] The ban, in other words, was intended to dismantle the power (Capital) holders in the business.

On the other side of the debate is Germany, now an economic powerhouse in Europe. A working paper for the German Parliament characterizes Germany as "a paradise for sex traffickers" and gives the following bullet points, though with the caveat that such figures might not be totally accurate in the floating world of the business of prostitution:

- 400,000 sex workers
- 1.2 million men visit sex workers daily
- 90% of prostitutes are under constraint
- US$17.7 billion from the sex trade annually.[7]

No wonder Germany has been untouched by the financial crisis. The human body as a generator of profit is extremely profitable and self-sustaining. Moreover, there seems to be an inexhaustible supply of such bodies to colonize. Mendes Bota, rapporteur of the Committee on Equality and Non-Discrimination of the Council of Europe, said in a report to the Council on 4 March 2014: "Sex workers have become simple commodities, subject to the basic law of supply and demand; brothel owners and managers try to make as much profit as possible."[8]

The only way to increase profit in this business is to intensify the rate of exploitation. Hence some brothel owners placed the women on per day wages and crammed as many customers as possible into her work hours. They then offered "flat rates" to customers to have as many women as they wanted within a given amount of time. The Der Spiegel account of this is as follows:

When the Pussy Club opened near Stuttgart in 2009, the management advertised the club as follows: "Sex with all women as long as you want, as often as you want and the way you want. Sex. Anal sex. Oral sex without a condom. Three-ways. Group sex. Gang bangs." The price: €70 during the day and €100 in the evening.

According to the police, about 1,700 customers took advantage of the offer on the opening weekend. Buses arrived from far away and local newspapers reported that up to 700 men stood in line outside the brothel. Afterwards, customers wrote in Internet chat rooms about the supposedly unsatisfactory service, complaining that the women were no longer as fit for use after a few hours.[9]

Agency and the Nature of the Beast

A study issued by the Minnesota Indian Women's Sexual Assault Coalition and Prostitution Research and Education provided the following statistics: Of the 105 Native American women interviewed (median age 35), 37% had been used by more than 500 men; 11% had 500-900 men; 16% by 900-1000 men.[9] The report quotes one of the respondents who had been taken to Las Vegas by her pimp: "The men just kept coming and coming and I never slept or ate, I just had sex all the time." [10]

Rather than the genteel boudoir of a charming sex worker in control of her sexuality and destiny, the relentless assault described by the Native American woman is the topography of

prostitution for the majority of those in the sex trade, particularly for the colonized bodies of Third World women. Legalization of the business has neither stopped trafficking nor limited it to adults. In Brazil, where the business is legal, the price for sex with a 13-year-old is $5.50. In Cambodia, a daughter's virginity is sold by the family, to pay for incurred debts.

In the creeping scandal of Germany's burgeoning sex trade, 15 mental health professionals issued their support for a "Stop Sex-buying" initiative. Michaela Huber, psychologist and head of the German Society of Trauma and Dissociation, said, "Prostitution is in no way a job like any other. It is degrading, torturous, exploitative. On the side of the prostituted, there is a lot of horror and disgust at play, which they have to repress in order to get through it all." Dr. Wolfgang U. Eckart, director of the Institute for History and Ethics in Medicine at Heidelberg flatly stated: "Prostitution is violence, not a profession. Little is free in prostitution on the whole, and nothing in mediated prostitution. Because the striking asymmetry of power and the potential for violence in the relationship between the mediator and practitioner generates in this oldest form of the enslavement of women constitutionally dependent relationships, which almost automatically deliver all the facades and backgrounds for the practice of traumatizing acts of violence of every sort."[11]

A concern for women has always been at the core of those who opt for the decriminalization of prostitutes and the criminalization of the business owners, managers and customers. The nature of the business turns the human body into both an instrument of production and commodity for the generation of profits, trapped as person is in the cash nexus and subject to assault by Capital. It is this "striking asymmetry of power" that renders the question of agency moot and pointless, empowerment but an illusion for the most powerless gear in the profit-generating machine. Pro-sex work advocates use the concept of agency to reduce a multi-layer structure of dominance and exploitation to a micro question: whether a woman enters the sex trade voluntarily or involuntarily. The abstraction of agency ignores the force of circumstance; it ignores the conditioning exerted by material conditions, much as Capital makes no distinction between real and created demand. Furthermore, agency ignores the subtle difference between decision and choice – the decision to enter prostitution may not be, is more than likely not, a choice.

In no other system of exploitation has the agency of those lured into and trapped in it been used to justify its existence, institutionalization and legitimization. No fast food worker has been taken to task for his or her agency in working under exploitative conditions; indeed, he and she are charged with the task of changing and preferably, dismantling such a system of exploitation. All workers, as a matter of fact, are exhorted to end exploitative structures, entire socio-economic systems, if need be. If prostitution is work, much like all other work, then embedded as it is in a system of class exploitation, rather than argue for the legalization of those who hold power in it – the brothel owners and managers, the pimps and recruiters, the Johns – one must demand their eradication. As Marx and Engels had written: "… *the real point aimed at is to do away with the status of women as mere instruments of production.*"[12] The business of prostitution is a vivid manifestation of how the oppression of and violence against women underlay the creation of private property and wealth accumulation. Much like the

terrain that unchecked classism, sexism and racism have created, it is a blasted one.

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Sex, Work and Capitalism

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INTRODUCTION

The current debate regarding sex work is frustrating, which is one of the reasons I am writing this article. Counter-posed positions are a good way to generate debate, but when they are false counter-positions, it is not likely to be a fruitful debate. The title of this symposium Sex Work: Emancipation or Oppression is an example of this, but unfortunately it reflects the discussion. Actually this is not a new debate but harks back to debates among feminists in the 1980s and resembles debates that went on in the nineteenth century. [2] Recent legal changes regarding sex work in some countries and under consideration elsewhere have given the debates a practical focus and a feeling of urgency. Unfortunately the "sides" in this debate seem so solidified, it is difficult to trust a lot of what is written, as writers pick cases and evidence that fit their perspective.

Most feminists now agree that sex work should not be criminalized; this just drives it underground and causes further hardship to those doing the work.However, this position does not take us very far, as there are countless public and private actions which might be morally/politically problematic, but where legal prohibitions would be impractical, intrusive or counterproductive. Socialist feminists[3] need to say more about the nature and context of sex work, the effects of different legal policies on women and to analyze these within our anti-capitalist and anti-patriarchal values. In this paper I will primarily be focusing on the political philosophical issues central to the debate, but in conclusion I will indicate the practical directions to which I think my analysis points. Others will be addressing different programs and policies in detail.

WHAT IS SEX WORK?

"Sex work" can be conceived broadly or narrowly. Women's bodies are objectified and commodified throughout our capitalist and patriarchal society. Whether the commodity is toothpaste, cars, clothes, music or food, women's bodies or body parts are used to attract buyers and excite or calm customers. (I once had to wear an abbreviated leopard print outfit for a waitress job.) So even many "normal" jobs done by women could be seen as being to some extent sex work. Then there are the jobs more usually understood as sex work, which are quite varied, from stripping, pole dancing or lap dancing, "dirty-talking" conversation, erotic massage, fetish work, pornographic modeling or acting, and selling sexual services. So the category of sex work should be seen as a continuum.

There is no question these are all work and should be recognized as such. However, although it is useful politically to unite all sex workers, for this paper I will concentrate on the sale of sexual services, usually called prostitution, as the paradigm case of sex work. It is the most stigmatized and also the most controversial and problematic from a feminist moral/political point of view. It is imperative in the discussion that we recognize and keep in mind the huge variations within the business of prostitution, depending on whether it is part time, occasional or full-time, whether it is in hotel suites or on the streets, whether it is high paid and relatively safe or highly dangerous and poorly paid, whether the prostitute is an adult or very young, addicted or not, subject to direct coercion or not, and so on. When we are urged, therefore, to consider the experience of prostitutes themselves, it is important to know who it is that is speaking. But leaving aside these differences for the moment, all forms of prostitution – by definition – involve "payment for unilateral use of a woman's body without desire or erotic attraction on her part."[4] I am limiting my discussion to the sale of sex by women to men, as women make up 80% of "the commercial sex workforce"[5] and men are the vast majority of buyers of sex from men as well. Transgender people appear to be over-represented in prostitution, perhaps because their access to other employment is limited by transphobia. (Despite these clear gender patterns, an odd feature of some of the debate is that it is carried on in gender-neutral language!) What I have to say about prostitution should apply to the other occupations on the sex work continuum to a greater or lesser extent depending on their proximity to prostitution.

POLITICAL/ECONOMIC CONTEXT:

We live in days of hyper-charged global capitalism with greater inequality globally and domestically than at any point in history. Neo-liberalism has meant cutbacks in already-meager or non-existent social supports. Some have profited enormously in this environment, some a little, and others not at all. Women are disproportionately among the latter group. Everywhere peoples' aspirations are higher. This political/economic context has created both a greater supply and a greater demand for sex workers. Women now make up half of the world's migrants, legal and illegal. Some women migrate in order to become sex workers, some are recruited and helped to get into the business, often under false pretenses, and others are trafficked by criminal gangs – and these should not be conflated.[6] Undocumented immigrants, often racialized, are particularly vulnerable to abuse. The newly rich in some countries buy a night at a brothel for colleagues and friends the way one buys a round of drinks; most men working in a globalized industry can now afford a prostitute. Sex is a multi-billion dollar growth industry globally, and it is a central piece of many developing countries' economies. Our pensions may be invested in huge "entertainment" and "hospitality" corporations where sex is available for purchase. At the lowest end of the industry, the women are literally enslaved.[7]

EMPOWERMENT VS POWER, AGENCY and FREEDOM

To say that all kinds of sex work are work, as they certainly are, says nothing about their voluntariness (after all, slaves work), or about what moral value we should place on this work.

These are the questions to be addressed next.

The word empowerment is often used in this discussion, and it is important to distinguish it from actual power. Empowerment refers to a psychological quality of an individual. Power, on the other hand, can be used to apply to individuals or very large groups, but it refers to objective, not subjective phenomena. Note that something could be "empowering" for certain women, but dis-empowering for women in general. Also note that if something is empowering for an individual, it does not follow that they have more power. In the literature about sex services there is a lot of ethnographic evidence that prostitutes have different kinds and levels of negotiating power. Some have little or none and others have more, for example, whether or not they can refuse to work with a particular customer or refuse to do certain acts. One study of prostitutes in New Zealand found that many said that the new law, which makes it illegal to purchase sex without a condom, had increased their ability to force clients to wear them.

Along with empowerment, the concepts of agency, emancipation and free or voluntary choice are employed in this debate, but often in unclear ways. Acts and choices are not simply free or unfree. Rather, freedom is always relative, on a continuum, in a context. So to counter-pose oppression and empowerment, as so many writers do, is misleading. An act/choice could be more free than the alternatives, it could be an expression of agency and personal empowerment to that extent, but still be profoundly unfree because of the paucity of choices that the agent would prefer.

A poignant and extreme, non-sexual, example of this point is found in the prize-winning book *Behind the Beautiful Forevers* about life in a Mumbai slum: Meena, a young woman who is forbidden to go to school, often beaten, facing an arranged marriage in a village, has a friend Manju whom she only talks with at the public toilets. "The minutes in the night stench with Manju were the closest she had ever come to freedom." Shortly thereafter she eats rat poison…

"She wasn't acting out of anger… She'd thought it through – had consumed two tubes of rat poison on two other days, but had started to vomit, which led her this time to mix the poison with milk. She hoped the milk would keep the poison in her stomach long enough to kill her.

This was one decision about her life she got to make. It wasn't easily shared with a best friend." In hospital she says "I decided for myself."….

"She was fed up with what the world had to offer," the Tamil women concluded. Meena's family, upon consideration, decided that Manju's modern influence was to blame."[8]

If Meena had chosen to run away and become a prostitute the same point would apply; an agent can judge an option to be the best of the available options and choose it carefully and deliberately; hence the act could be said to be free, or empowering, or an expression of agency – but only in the most minimal sense – because at the same time, a choice is profoundly unfree if it is merely the least evil of the options available.

Consider an example further towards the free end of the continuum, of poor single mothers

who choose sex work “not simply as a survival strategy; [but] as an *advancement* strategy.”[9] They believe that sex work will be more lucrative than factory or domestic work, especially in a sex tourist destination like Sosua, Dominican Republic. Seeking to escape not only poverty, but the machismo of their countrymen, their goal is to find a tourist who will take them out of the country. In most cases, that hope turns out to be illusory and they return home as poor as when they left; this is true even for the ones who do manage to get a visa. Faced as they are both with capitalism and patriarchy, their carefully thought-out strategies, which the researcher takes pains to stress, can take them only so far. Again, this example shows there is no inconsistency between saying people are exercising resourcefulness and agency, attempting to maximize their possibilities, but within very oppressive constraints.

Thus, the conditions under which people choose determine to what extent their choices are free; these conditions can pose obstacles to doing something or they can enable them. More precisely, to say one is free is to say one is free *from* an obstacle preventing one from doing something; one is unfree *to do* something because an obstacle prevents one from doing it. Thus one can be free to do something with respect to one obstacle and unfree to do it with respect to another obstacle. The obstacles may be physical or may involve persons in some significant way. Thus legal restrictions have been obstacles to women living their lives as they want, as has direct force or threat of force, both of which count as coercion. But people can limit others’ freedom in less overt ways. Certain kinds of proposals or offers can also prevent someone from acting freely. For example, if an employer offers a dangerous and low paid job to someone whose only alternative is starvation for her and her family, this should count as a “forcing offer.”[10]

Not only individuals, but social institutions may limit someone’s freedom. This can be missed if we focus only on individuals. The absence of childcare can prevent a woman from taking a job and the need for medical care can force someone to take a dangerous job they hate. More generally, lack of money functions as an obstacle to people acting freely, despite the opinion of many learned philosophers to the contrary.[11] Certainly, it is experienced as such. Finally, internal obstacles (often caused by the external constraints) can limit one’s freedom: mental illness or addiction, or lack of self-confidence, fears, patriarchal ideas of gender roles, guilt or shame.[12] All these kinds of obstacles would have to be eliminated for women to choose more freely whether or not to be prostitutes.

A“WORK ETHIC INSTEAD OF A SEX ETHIC?”

Calling prostitution work is an attempt to remove it from sexual moralizing and from the picture of all prostitutes as victims, thereby opening up possibilities for prostitutes to organize for rights as workers. But some critics, in particular, Kathi Weeks and Peter Frase, have argued that calling prostitution sex work buys into a different morality, the work ethic, claiming legitimacy by association with traditional work values. And this ethic must be resisted by radicals.[13] From their perspective, the problem with sex work is “not the sex, but the work.” Frase quotes a sex worker who says yes, it’s degraded; but so is all work in capitalist society. While this anti-(or post-)work politics has some political validity, we think it is over-

simplified and unhelpful in this debate. After discussing work in general we turn to the question of sex work in particular.

If selling sexual services is work, how should we understand that work? To address this question it is worth a detour into Karl Marx's rich discussions of work/labor, which I believe are unrivaled in their subtlety, but which have often been misinterpreted. As readers know, Marxists contend that all wage labor involves exploitation and alienation and that this is a chief reason why capitalism should be replaced by "a higher form of society," as Marx often put it. In capitalist societies, workers are free of legal bonds but also free of any means of subsistence. Hence they have no choice but (i.e. they are forced) to work for the owners of the means of production who control the labor process and the laborer and who get to keep the product of their labor. This – in great brevity – is exploitation and also alienation.[14]

Defenders of capitalism describe the situation differently, of course. In capitalism they say, everyone owns something, even if it is only "themselves," and hence their own labor power, and therefore that the wage relation is a voluntary exchange between two individual commodity owners, simply a buyer and a seller. The two principal classes that constitute capitalism, with their vastly unequal power vis-a-vis this "transaction", disappear. But to call either labor or labor power a commodity is essentially a legal fiction (like declaring corporations persons). Certainly labor power is unlike other commodities; unlike other things I "own," it can't be stolen or left on the bus! This is because it consists of mental and physical energies, capacities, potentials, and hence cannot be separated from the laborer to whom they belong, but exist only in "his living self," Marx says. Labor is the expression of these.[15] Wherever my labor power/labor goes, I have to go with it; whatever is done to it, is done to me. So the worker who "sells their labor power" is selling their selves to the owner, albeit with temporal and other limitations.[16] The domination of capitalists over workers due to their monopoly of the means of production is continually reproduced and increased through the process of production.

Behind Marx's condemnation of wage labor as exploited and alienated is a very different view of what human labor can and should be. In a very early work, T*he Economic and Philosophical Manuscripts* on alienation, Marx says "The whole character of a species – its species character – is contained in the character of its life-activity; and free, conscious activity is man's species character."[17] Thus one aspect of alienation is alienation from the human species character. This view of the special character of human labor is elaborated upon in a much later work *The Grundrisse*, where he criticizes Adam Smith's account of work as sacrifice, saying that while this is true of exploited work ("external, forced labor", this is not true of work as such. Yes, work always involves some external goal, he says, but overcoming obstacles can be liberating when they are goals set by the individual; then work is "*self-realization, objectification of the subject, hence real freedom, whose action is, precisely, labor*." In the same passage he criticizes the utopian socialist Fourier, whose views sound like the anti-work writers. In contrast to Fourier's vision of labor in a socialist society as essentially play, Marx says "*Really free working, e.g. composing is at the same time precisely the most damned seriousness, the most intense exertion*. '[author's emphasis][18]

In *Capital III* Marx distinguishes different kinds of necessity and different kinds of freedom. He distinguishes a realm of necessity and a realm of freedom. In any society, he says there will always be some labor required by physical necessity – but this, he says, is consistent with a different kind of freedom:

"Freedom in this field can only consist in socialized man, the associated producers, rationally regulating their interchange with Nature, bringing it under their common control, instead of being ruled by it as by the blind forces of Nature; and achieving this with the least expenditure of energy and under conditions most favorable to, and worthy of, their human nature. But it nevertheless remains a realm of necessity. Beyond it begins that development of human energy which is an end in itself, the true realm of freedom, which, however, can blossom forth only with the realm of necessity as its basis. The shortening of the working day is its basic prerequisite."[19]

This account of freedom within necessity as consisting of rational collective control underscores the connection between Marx's view of human nature and his commitment to a radical democratic vision of socialism.

So in Marx's view labor (work) is not inherently oppressive. In fact, when it is determined by an individual's wants, needs, passions, it is free in the fullest possible sense. When on the other hand, the work is required by the facts of nature, (i.e. what satisfies our physical needs requires work to get it), it can still be free in a more limited sense, if it is *we who* decide how to do it. Finally, within wage work, though always exploited from a Marxist point of view, there are many variations which make the work better or worse for the worker: the amount of control exercised by the worker, how direct is the capitalist's control over the worker/work, the remuneration and respect accorded to it, how intrinsically attractive or repulsive the work is to the worker, how difficult and how dangerous it is, physically or emotionally, and so on.

Marx's accounts in *Capital* of the degradation of work as capitalism developed, of the loss of all "charm" and "interest," making the work a kind of "torture," of the de-skilling of the worker, of transforming the worker into "an appendage of the machine," are eloquent testimony to his appreciation of this fact (as is the participation of Marxists in struggles for better working conditions.) Some workers in capitalism enjoy their work, believing it to be worthy work, some few are even fortunate enough to do for pay what they would want to do anyway. Thus Marx's general account and condemnation of wage labor as exploited and alienated in no way denies these qualitative and quantitative differences – which we will draw on when we discuss sex work in particular. But his concluding line in the quote above about the necessity of a shorter work day reaffirms that we all need more time to pursue the activities we most care about, "really free working," whether these be composing music, teaching children or working on machines. We also need more time for "eating, sleeping, procreating," but these activities do not have the same *distinctively human* importance for Marx.

Notice that this critique of wage labor is distinct from a critique of the work itself. A great deal of the work done in capitalism would not be done in a socialist society (e.g. wasteful production

of junk or products designed for obsolescence, figuring out how to get people to buy things they don't need or manufacturing instruments of torture). On the other hand, much other work that is done today would be necessary in any society, including an ideal non-capitalist one, although it would be done in humane and environmentally sustainable ways. The latter point entails that there would have to be *substantially less* production of things altogether. This eco-socialist argument dovetails with the goal of the anti-work writers. Meanwhile, however, an anti-(or post-)work politics should not be used to deny the important qualitative and political differences between types of work or the importance of the struggle for better jobs. Therefore we can ignore this perspective in our analysis of sex work.

IS SEX SPECIAL?

Most prostitution, and sex work in general, is exploited in a Marxist sense in that pimps, brothel owners, and perhaps multi-national corporations are making a profit from the sale of the prostitute's labor. But if this exploitation were removed because the prostitute worked for herself, as some do today, or for a sex workers' cooperative, would it still be problematic? In other words, does the moral/political objection to prostitution go beyond the exploitative character of most of the work? If it were de-criminalized, should it be seen as similar to any other service work? *The Economist* recently editorialized for just this position with a cover depicting a sexy young woman cutting her ball and chain, and some feminists agree. The key to her freedom according to *The Economist* is the Internet, allowing her to transact freely with prospective clients, negotiate the services and price and pointed to web sites where clients can evaluate their experience, like on Trip Advisor, and sites where prostitutes can expose bad clients, e.g. Blacklist. The web service would be something like Task Rabbit, but instead of selling babysitting, shopping, housework, painting, paper work, etc., the services would be sexual intercourse (anal intercourse at a higher price), fellatio (without a condom a high price), spanking or heavier S&M (also more expensive), masturbation, etc.[20]

Though the precarity of the working conditions are similar and perhaps the average pay might be the same (because so many can enter the business so easily), or better, I do not think that the latter commodified sexual services are the same as the service work done by the Task Rabbits. This opinion is not based on sexual prudery (on the contrary), on outdated romantic notions, or on the belief that all prostitutes are victims (though many are). In part, my judgment regarding most instances of prostitution is based on the political economic context discussed earlier; economic pressures put the choice to do this work decidedly on the unfree side of the free/unfree continuum for the great majority. However, even for those in a situation allowing a greater variety of choices that are not totally awful, I believe that prostitution is not "simply a kind of service work" and is not work that feminists should regard as unproblematic.

What is the prostitute selling? Certain sexual services. But just as rape is not primarily about sex, prostitution is about more than that. For most individuals, sexual satisfaction is, after all, as Carole Pateman has pointed out, always "at hand." And sexual services cannot be separated from the sale (or rent) of the body that supplies those services.[21] The client is buying the right to use a woman's body as he wishes, without any desire on her part. Once she has

contracted to provide a particular service – assuming she has this power to set limits – she has to allow him to *enter into* her body, her vagina, her mouth, her anus, to put his hands all over her body, and she must do whatever she has contracted to do to his body with her hands and mouth. This is domination at a most intimate level, whether or not he plays the dominating role in the interaction; it may be he who wants to be penetrated or spanked. It is the client's power to determine that and how he gets sexual satisfaction from a prostitute that makes male domination central to prostitution, not a male desire to dominate.

And, except at the lowest end of the business where there is no pretense, she must pretend to be enjoying it; the interaction, therefore, is always a charade, a performance on the prostitute's part. Thus what the client is buying (renting) is not only her body, but the (appearance of) her emotions.[22] If she just lies there and looks at her watch, he will not be satisfied; an important part of what he is buying is the appearance of her pleasure. His motivation may be to dominate a woman, to affirm his masculinity to himself or others, to have (particular kinds of) sexual experiences because he cannot get them without paying for them, or he may be looking for bodily/emotional connection (kissing costs more too), or to have a "girlfriend experience" without responsibilities. Whichever it is, the prostitute is selling him the right to use her body in this way. This indicates an important difference from the employment contract, as Pateman has pointed out. What the capitalist is paying workers for is to use their bodies to make products, and workers' bodies can be replaced by machines. Not so in prostitution

Of course, "emotional labor" is not unique to prostitutes. Arlie Hochschild's work[23] has shown how much work today, especially by women, involves emotional labor, where workers pretend to feel what they do not feel because delivering the service in a certain way is part of the service. She shows that there is a serious cost: the alienation of workers from their feelings. The flight attendant becomes estranged from her smile, she says; it is not hers anymore. Hochschild's powerful work is illuminating of the emotional dimension of most prostitutes' work, but it does not convey the half of it since other emotional labor jobs do not involve letting a client use her body as he wishes. While Pateman's distinction between the employment contract and the prostitute/client relationship is less true of service work, many services – from bank tellers to sales people to financial planners – are now self service through machines and the Internet. Even flight attendants, because of speed up and feminism, are no longer required to give such personal feminized service.

It is because human sexual experiences are highly intimate and both physical and emotional that they can range from ecstatic to horrific and everything in between. Only with great effort of dissociation is sex ever *purely* physical, which can be a useful defense, but this often takes a psychic toll. Consider the fact that prostitutes, especially street prostitutes, as well as soldiers and war victims, often suffer from PTSD, whereas other low status, dangerous, physically demanding jobs don't have that particular effect, which is due to its emotionally damaging experiences, as much as violence and fear of violence.[24] The body is where we experience pleasure and pain. Indeed, it is the original site of emotions, of our very selves. Research has shown that babies who are not picked up and held are damaged emotionally and may "fail to thrive" physically, even when their basic physical needs are met. So the right kind of physical

contact is crucial to emotional and physical well being. On the other hand, the wrong kind of physical contact can be traumatic. Even when conscious memory is gone the body retains experiences, e.g. of abuse, which is why abusers were usually abused as children. That's why we tell children that they should decide if they want to be touched and how. Thus selling sexual services is not like selling other services. Selling intimate bodily experiences is a kind of ultimate alienation (which has degrees, as discussed above).

In a non-patriarchal, non-capitalist society, would this still be true? Yes and no. Since human beings are simultaneously physical and emotional/social beings, the body and its experiences, early and throughout life, including how an individual decides to use it, would still be crucial to that person's physical and emotional well-being. In the absence of patriarchal and capitalist pressures to use their bodies in dangerous and degrading ways, some women might nevertheless choose to provide sex to strangers without desire on their part. (Let us take at face value their answer to the question of why they choose this). Some might even choose to do it as a regular thing, as a service to those who were unable to satisfy their sexual and emotional needs through personal relationships. But if so, that would be more like being a sex therapist than what is understood today as a prostitute (consider the film The Sessions) The crucial point is that the power relationships of the society at large and between the two people would be totally different – and hence both its nature and its effects, both individually and socially, would be different.

My description of sex in prostitution as ultimate alienation is similar to sex in patriarchal marriages in that husbands control when and how they have sex with their wives. (Consider how recently the very concept of marital rape was considered incoherent.) Sometimes women do not get to choose their husbands in the first place or they do so for financial reasons. Thus socialist feminists have always been fierce critics of traditional marriages. Emma Goldman referred to "prostitution – public and private," saying "… it is merely a question of degree whether she sells herself to one man, in or out of marriage, or to many men….." From the 19th and early 20th century figures like Emma Goldman and Alexandra Kollontai to socialist feminists today, the central goal has been sexual liberation: the freedom to choose if and when and how and with whom to have sexual relations. Women should be free to choose whatever partner, male or female, they want and to have sex for love, for lust, for friendship, for fun, for procreation, for comfort or whatever else the lovers want. Fortunately, in developed countries especially, women and men are more and more able to form personal relationships based on love and friendship rather than direct coercion from families and the law.[25] Same sex couples are a dramatic example of the enormous expansion of human freedom and personal happiness that this has brought.

The fiction at the heart of capitalist ideology that one can sell parts of one's self without selling oneself, and that doing so is an exercise of freedom rather than domination has led to the commodification of everything that people do not resist in defense of other values,[26] intruding into the most intimate areas of our lives. Libertarians see nothing wrong with selling one's organs. But while that may be all a person has to sell, this should never be construed as a free act. The same is true of sex; it may in fact be the only "commodity" a woman has to offer

on the market, but this should be understood as an expression of the poverty of her choices in our capitalist patriarchal system.

WHAT IS TO BE DONE?

Given our global political/economic system, both the demand for prostitutes and their supply are not likely to be eliminated anytime soon. The challenge for socialist feminists therefore is how to support women working as prostitutes without giving up our critique of the work and the institution of prostitution. But support for the women in the business must always be conjoined with struggles to change the political economic conditions that push so many into it. We should fight for jobs with living wages, affordable housing and childcare, substance abuse programs, help with immigration problems and whatever else sex workers say they need.

A first step is recognizing that prostitution is work and that those in the business deserve the same protections as citizens and as workers as everyone else. Egregious conditions sometimes exist in the industry, including debt bondage and other slavery or slavery like conditions. However, these are neither inherent nor unique to the sex industry. Women and men are trafficked or caught in debt bondage to work in agriculture, manufacture, carpet weaving and as domestics. But of these super-exploited people, prostitutes are the only ones who are also criminalized, depriving them of what international and local legal protections exist. Though not enforced as they should be, these conventions provide some basis for pressure by those affected and by their supporters. Therefore all laws against the selling of sex should be removed. Then prostitutes will be free to organize and work with other sex workers and activist organizations to improve their conditions and those in other industries. Given their limited options some women will choose prostitution as the best available option; indeed some go to great lengths to get into the industry. They should not be deprived of their right to make this choice.[27]

In recent years other legal changes have been put into effect that seek to protect prostitutes and promote feminist goals. In 1999 Sweden adopted a law de-criminalizing the selling of sex, but criminalizing the client, the pimp and the brothel owner. It has since been enacted elsewhere and has become known as the Nordic model. I am sympathetic to their goals of protecting the women in the trade, but reducing the number of women choosing it, which, they argue, is in the best interests both of prostitutes and women throughout society (and ultimately of men as well).[28] However, I have some doubts about the model. If in fact prostitution is the best option for a woman given her particular circumstances, then criminalizing her clients will make it difficult for her to do the job. Sweden’s social support system gives women better choices than in most countries. However even there it is not clear how the law has worked. (I leave others to examine this question in detail.) In poorer countries, and less generous countries like the United States, such a law would be counterproductive to prostitutes’ interests. They are doing the work because they feel they have to.

A variant of the Nordic model that would not have this disadvantage is more attractive to me: de-criminalizing both the selling and the buying of sex, but criminalizing pimps and brothel

owners. The reasons are simple. First, no one should be allowed to profit from the labor of prostitutes except prostitutes themselves. Second, the profitability of the sex business creates an enormous incentive to recruit women into the business. Such a law would help to eliminate that incentive. One line of objection to this proposal would be that prostitutes need the protection they get from pimps and brothels. My response is that prostitutes could organize to provide for themselves whatever benefits they may sometimes get from pimps and brothels. They can hire someone as a driver or bodyguard, they can rent an apartment from which they can work and organize the work themselves in a cooperative way. Another objection would be that such a law could expose friends, relatives, employees and landlords of the prostitute to arrest because they are mistaken as pimps and brothel owners. This is possible, just as innocent parents are occasionally arrested for child abuse. This shows the importance of careful crafting of the law to minimize the arrest or harassment of those who are not pimps or brothel owners. It also would require education and training of the police and active involvement by prostitutes' organizations to monitor the effects of the law.[29]

I offer the above proposal in a very tentative way. I am far from an expert and the crucial question is how it would work in practice. At this stage I think we need to experiment with different legal and social models and see what works and what does not, working towards best practices to advance the interests of those in the sex business and support those who wish to leave. Whatever legal changes and social policies are considered vis-a-vis the sex industry, the organizations of sex workers themselves should be given a central role in formulating and implementing them. But finally, legislation should never be the central part of the discussion.

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Notes

[2] *The Economist* August 9, 2014; Melissa Gira Grant, *Playing the Whore*, (Verso 2014).Some reactions include Katha Politt "Why do so many leftists want sex work to be the new normal?" *The Nation,* April 21, 2014, Sarah Ditum "Toying with Politics," http//sarahditum.com. For the

earlier debates, see Ann Ferguson, Ilene Philipson, Irene Diamond and Lee Quinby, and Carole S. Vance and Ann Barr Snitow, "Forum: The Feminist Sexuality Debates," *Signs* 1984, vol. 10, no 1; Judith R. Walkowitz, "Male Vice and Female Virtue: Feminism and the Politics of Prostitution in Nineteenth Century Britain," *Powers of Desire: The Politics of Sexuality,* eds. Ann Snitow, Christine Stansell and Sharon Thompson (New York 1983).

[3] I am using "socialist feminist" to include "anyone trying to understand women's subordination in a coherent and systematic way that integrates class and sex, as well as other aspects of identity such as race/ethnicity or sexual orientation, with the aim of using this analysis to help liberate women." Cf Holmstrom *The Socialist Feminist Project: A Reader in Theory and Politics* (New York: 2002).

[4] Carole Pateman, (and Charles W. Mills), *Contract and Domination,* (Cambridge 2007), p. 227.

[5] *The Economist* August 9, 2014.

[6] For example, the English anti-trafficking law does not require that a person is trafficked for sex against their will or with the use of coercion or force. Simply arranging or facilitating the arrival in the United Kingdom of another person for the purpose of prostitution is considered human trafficking. This is not helpful to those who have been coerced or deceived into becoming sex workers.

[7] See Kevin Bales, *Disposable People: New Slavery in the Global Economy* (Berkeley, CA. 1999) for a horrific discussion of he lowest end of the industry. Bales, one of the world's experts on slavery, estimates that there are a half million to a million prostitutes in Thailand of whom one in twenty is enslaved. (Slavery is not limited to the sex industry. His conservative estimate is 27 million people.)

[8] Katherine Boo, *Behind the Beautiful Forevers: Life, Death and Hope in a Mumbai Undercity* (New York: 2014), p. 185-188.

[9] Denise Brennan, "Selling Sex for Visas: Sex Tourism as a Stepping Stone to International Migration," in *Global Woman: Nannies, Maids, and Sex Workers in the New Economy*, eds. Barbara Ehrenreich and Arlie Russell Hochschild (New York: 2002).

[10] This is Gertrude Ezorsky's apt phrase. *Freedom in the Workplace?* (Ithaca NY 2007).

[11] John Rawls is among those who deny that lack of money is a limitation on freedom, though he says it may affect the "worth" of someone's liberty. *A Theory of Justice* (Cambridge MA. 1971); Philip Pettit, *A Theory of Freedom: From the Psychology to the Politics of Agency* (New York: 2001) groups poverty with "natural limits" on freedom like illness.

[12] For fuller discussion and references, see Nancy Holmstrom (and Ann Cudd) *Capitalism For and Against: A Feminist Debate* (Cambridge 2011), 145-185.

[13] Kathi Weeks, *The Problem with Work: Feminism, Marxism, Antiwork Politics, and Postwork Imaginaries* (Durham 2011), Peter Frase, "The Problem with (Sex) Work, www.peterfrase.com 2012.

[14] Nancy Holmstrom, "Exploitation," *Canadian Journal of Philosophy,* (1977) vol. 7 no, 2, pp. 353-69; "Alienation, Freedom and Human Nature," in *Alienation Redux: Marxist Perspectives*, edited by Marcello Musto and Vesa Oittinen, forthcoming.

[15]In his early work Marx talked of workers selling their labor; later he changed this to labor power. Though the distinction is crucial for the theory of surplus value, it is not important to us here.

[16] The illusion that labor power is an entity separable from the person may have come to seem more plausible after Descartes' separation of the mind from the body and his identification of the self, the "I" with the mind. This entails both an ontological and conceptual separation of the body from the person, along with the devaluation of the body, leading to intractable skeptical problems.

[17] *Economic and Philosophical Manuscripts MECW vol. 3,* p. 276-7.

[18] *The Grundrisse, MECW vol. 28,* p. 530. This example shows that Marx's conception of humans' distinctive kind of productive activity is not limited to material production and is in no way "productivist." It is strikingly similar to what some contemporary psychologists call "flow."

[19] *Capital III MECW vol. 37,* p. 867.

[20] This is based on the extensive survey of sex work advertisements reported in *The Economist* August 9, 2014.

[21] Gira Grant insists that the prostitute is not selling her body but selling sexual services. P. 94.

[23] Arlie Hochschild *The Managed Heart* (Berkeley CA. 2012)

[24] Empirical research on these matters is difficult to do and more difficult to assess, particularly since so much of the work is clandestine, especially at the low end of the industry, including the not-insignificant number of prostitutes working in slavery-like conditions. Hence their experience at the low end of the business will be under-represented in the data. Nevertheless the data show that prostitution is dangerous, but that the conditions under which it is done can either heighten or minimize the dangers. Street workers are at greater risk of violence from clients, but 17% of indoor workers had experienced attempted rape. Hardly a normal service job. Stephanie Church, Marion Henderson, Marina Barnard, Graham Hart, "Violence by clients towards female prostitutes in different work settings: questionnaire survey," *The BMJ* Volume 322 3 March 2001, pp. 524-525. Other researchers show high rates of PTSD even among indoor sex workers. Melissa Farley *et.al*. "Prostitution and Trafficking in

Nine Countries: An Update on Violence and Posttraumatic Stress Disorder," *Journal of trauma practice* 2 (3/4), 2003 pp. 33-74. How much thiswould change with legalization is debated. Prostitutes' protection against AIDS is likely enhanced by legalization as it increases their ability to insist on the use of condoms. (https://www.avert.org/sex-workers-and-hivaids.htm) However, since *The Economist's* survey showed men will pay more for sex without condoms, this could act like the "forcing offer" described earlier.

[25] Whether these are legalized as "marriages" or not is not so important as the fact that increasingly numbers of people today are in long term intimate relationships based on mutual desire and respect. Thus "marriage" has been able to be fundamentally reformed in a way that prostitution cannot be, though the conditions may be somewhat improved. Cf. Pateman 2007 p. 227.

[26] Elizabeth Anderson, "The Ethical Limitations of the Market," *Economics and Philosophy* 6 (1990): 179-205.

[27] This is the strong position of Anti-Slavery International which argues that it is prostitutes' exclusion from society that encourages slavery and slavery-like conditions. See Jo Bindman "An International Perspective on Slavery in the Sex Industry," in Holmstrom 2002.

[28] See the interview with Kajsa Ekis Ekman, author of *Being and Being Bought* in *Feminist Currents* January 20, 2014 for a sympathetic account of the law and its effects.

[29] The Red Umbrella Project (www.redumbrellaproject.org) is the kind of organization I have in mind. It works to "amplify… the voices of people in the sex trades through media, advocacy and storytelling programs." They helped change the law allowing police to use a woman having condoms as evidence of her engaging in prostitution and they have observed and done a report on New York's special Anti-Trafficking Courts to see how they have worked in practice.

Buying Sex on Company Time: Engaging Organizations in Reducing Demand

By | 2014: vol. 13, no. 3-4

Introduction

Efforts to engage both politically and academically with questions of "sex work" have most often looked at the male "client" or "buyer" and the female "worker" or "seller." But what happens when the client is also a worker? Many of the men who buy sex do so outside of the country in which they live; a recent survey in Sweden found that fully 80% of all purchases of sex by Swedish men occur abroad (Svedin, et al., 2012). Some were specifically "sex tourists," traveling to destinations for the explicit purpose of buying sex. Others were simply on vacation, or traveling for work, or being relocated abroad.

But for one-third of those cases, the purchase of sex is seen as an entertaining way to spend an evening while at a business conference or meeting, or a larger scale convention (see also Kousmanen, 2008). Men often experience these conferences, meetings and conventions as divided into two distinct spatial and temporal arenas: during the day, in the meetings, when they believe they represent their companies or organizations, and therefore behave appropriately, and, by contrast, at night, in clubs and bars and hotel rooms, and other specific sites for the purchase of sex. These are "time-outs" or "time out of time" – a brief vacation from both their domestic lives at home and their corporate responsibilities at their conferences, when they believe normal rules of decorum do not apply. In Sweden, a recent survey found that,

> *If so many men buy sex when they are not in their home countries, and when they are on "company time," then efforts to reduce the buying of sex must also address these organizational dynamics. Efforts to engage men as individual consumers must be accompanied by efforts to engage men in the organizations to which they belong and which they claim to represent.*

We address several lines of interactions: (1) the triangular relationship between sex worker, client, and the institutional apparatus in which these transactions are conducted; (2) the triangular relationships among male workers and female workers in the same organization and

the sex workers; and (3) the relationships among corporate executives and managers, employees and the organizations in which sex work takes place – company business meetings and the hotel industry.

In this paper we examine those organizational dynamics of buying sex, and then turn our attention to the Swedish case, where efforts to problematize the buying of sex, as opposed to most countries' efforts to police the selling of sex, have had an important impact both on the actual consumption of sex, but also on the political conversations that swirl around it at the policy level.

Prostitution and Male Domination

In this paper, we are less concerned with entering debates about the motivations of women – whether the women who sell sex are trafficked into it against their will, or whether they see it as a reasonable occupation in a gender-skewed labor market. We are concerned here with the motivations of men. These motivations have often been downplayed or ignored; As Joe Canon argues:

> *The demand side that is the motivations of actors related to men's purchasing of sex has long been invisible or ignored. Nonetheless, we know that stereotypes about masculinity and men's sexuality have often reinforced or perpetuated norms that lend to the broader social rationalization of men's purchase of sex, and in some cases, support or encourage compliance for these behaviors. (cited in Ricardo and Barker, 2008).*

Motivations for buying sex among vary considerably – from the historical cases of young men being initiated into sex in the first place by their fathers, friends, or fellow servicemen, to those men who feel too ashamed to ask for various sex acts from their regular partners, to men who seek out exotic fetishistic activities as sex tourists.

What unites all these buyers is a sense of entitlement to women's bodies. Quite simply, men purchase sex not only because they have the money, but also because they feel they have the right to do so. In that prostitution expresses gender inequality. More than that, however, the global commercial sex entertainment industry expresses and reproduces several hierarchies at once: men over women, rich over poor, North over South, ethnic majority over ethnic minorities – such as white men buying sex from minority Roma women from Hungary in Switzerland or from Turkish minority women from Bulgaria in Belgium.

Corporations are often complicit in these reproductions of inequality, both between their male and female employees, and between the buyers and sellers of sex. To give but a few examples, in 2007, a German insurance firm rewarded its 100 best salesmen with a prostitute-filled "sex party" in Budapest's most famous thermal baths. At least 20 women were hired and were color-coded to indicate which men were allowed to have sex with them. Those wearing white ribbons

were reserved for “the very best salespeople and executives” (Pidd, 2011). In 2008, a group of Scandinavian European parliamentarians has called for the EU Parliament in Strasbourg to stop using hotels where prostitutes are allowed.

Clearly, any effort to engage a serious policy debate about the buying and selling of sex requires an organizational, sociological approach in addition to a more psychological understanding of individual men’s and women’s motivations.

An Organizational Focus on Sexual Entertainment: The Homosociality in Heterosexual Sex Purchases

Scholars in gender and organization studies have long studied how organizational culture produce and reproduce inequalities in organizations (Mills, 1988; Hearn, 1992; Gherardi, 1995; McDowell, 1997; Wajcman, 1998; Rutherford, 1999). Sexuality is an important constituent (Hearn & Parkin, 1987; Adkins, 1995; Rutherford 2001) but while scholars have directed their attention to practices such as sexual harassment, few have studied practices involving the consumption of commercial sex in work-related settings. Such practices include visits to strip clubs or buying escort services on business travels or when entertaining clients, and have been labelled “sexual entertainment” by Rutherford (1999, 2011).

Some scholars have nevertheless problematized the practice of sexual entertainment and identified a range of consequences, both for ordinary work organizations, that is organizations that do not have sexuality as their main business (Hearn & Parkin, 1987) and for organizations in the sex industry, that is organizations where exploiting sexuality is their main purpose (Hearn & Parkin, 1987).

For men, sexual entertainment as a homosocial practice can be seen as a ritual of confirmation, as a loyalty tests and as remedial work. Holgersson (1998) suggests that that sexual entertainment can be understood as a homosocial practice since it is not something done in solitude but a collective activity. Homosociality is here understood as practices in which men orient themselves towards other men within a patriarchal gender order. This preference for men is the result of a preference for power and as power is gendered, homosociality has gendered consequences. Since gender is intertwined with other social power relations such as class, ethnicity, race and sexuality, homosociality contributes not only to the reproduction of gender relations but also to other social power relations (Holgersson, 2013).

Homosociality is often identified as an important process in understanding gender segregation. Homosociality is however not necessarily a result of a specific intention to exclude women but can instead be seen as a ritual where men acknowledge and continuous hierarchical positions to each other (Lindgren, 1996, 1999; Barrett, 1996; Bird, 1996; Meuser, 2007). It is through homosocial interaction that men collectively recreate masculinity as superior and it is thus central for the ritual of confirmation that the superiority over women and other men is highlighted and confirmed. It is also central that the men involved in the homosocial interaction conform to the dominant culture and practice what Connell (1995) calls “complicit

masculinity". As long as men do not openly challenge the homosocial interaction by, for example, reacting against a sexist jargon, men who practice complicit masculinities contribute to recreating gender order. In view of this, homosociality can also be understood as a loyalty test where men show their loyalty to the group and/or to the group leader. By following with the majority showing the individual's loyalty to the group, which is important for example in when pursuing a management career (Kanter, 1977; Collinson & Hearn, 1996).

Linked to the idea of homosociality as ritual of confirmation is the idea of homosociality as identity work. Men reinforce and confirm their identity as men in homosocial settings (Lindgren 1996, Meuser 2004). Several researchers have noted homosociality as part of male managers' identity work. Homosociality among managers interpreted by Kanter (1977) as a result of the uncertainty inherent in managerial work. The need for conformity and homogeneity is not solely depend on the intrinsic insecurity of management positions. Collinson and Hearn (1996) suggests that homosociality can also be seen as a result of the capitalist organization's competitive nature and needs of middle-class men to pursue a career. Several researchers have pointed out how male identities that on the surface seem strong, authoritative, confident, are in fact fragile (Kerfoot & Knights, 1993; Kimmel, 1995; Roper, 1996). According to Collinson and Hearn (1996), the attempts to establish a stable and well-defined masculine identity often involve identifying with some men (such as a group or individuals) while differentiating oneself from others (e.g. women and other men). This identity work, however, need not necessarily lead to a more stable identity. As both Kerfoot and Knights (1993, 1996) and Collinson (2003) show, the quest for a stable masculine identity and a core identity can instead create more anxiety and uncertainty. Kerfoot and Knights (1996) argue that the dominant modern management discourse is largely about controlling labor and the organization of production in order to achieve strategic goals such as profit and expansion. The constant pursuit of these objectives is also about a desire to secure a male identity, something rarely achieved in reality since this quest involves competition, which in turn generates uncertainty. Thus, it is the pursuit of security that generates uncertainty. Homosocial contexts may therefore be seen as arenas where men both receive confirmation and face competition. This tension between the support and confirmation and competition and oppression appear to be a defining feature of the dynamics of men's networks, according to Tallberg (2003).

Sexual entertainment may also be an arena for intimacy between men. The strip club provides a context where men's heterosexuality goes undisputed which makes it possible for men to engage in homosocial interaction without the risk of being regarded as gay (Holgersson, 1998). This may be particularly important given the dominance of heteronormative business cultures. Moreover, in view of the advances of women on the labor market and in management careers and increasing demands for equality, sexual entertainment could be seen as remedial work (Gherardi, 1995), that is practices that women and men engage in in order to restore or reinstate a patriarchal gender order. Studies of male dominated workplaces have shown that the homosocial contexts have been weakened as a result of organizational and societal changes that have increased the number of women on different tasks and positions (e.g. Lindgren, 1999; Andersson, 2003). Such changes may result in men increasingly seeking out homosocial

groups as an expression of resistance towards increased gender equality.Perhaps, asLindgren (1999) suggests, the increased number of women as colleagues and managers creates a need for informal arenas for confirmation. Holgersson (2006) suggests that strip clubs (of a hetero sexual nature) can be seen as homosocial “free zone” for remedial work. For example, in a study of male sex buyers in Finland, Marttila(2003) refers to sex clubs as arenas where there isa traditional gender order that provide some space for men’s”male liberation”. In these contexts,different expectations and views on the sexes markedly from the outside world.Meuser(2004)notes that given that most institutions are not all male, especially in the workplace, they losetheirhomosocialnature.Thusis also hampered the search for homosocial settings. The sex industry can therefore be understood as a place free from women’s demands, where men can fully unite homosocially.

While sexual entertainment may provide arenas for identity work, confirmation and remedial work for men, the consequences for women are not as positive. Homosociality and gender discrimination can be regarded as two sides of the same coin (Holgersson, 2013). In interviews with women who have experienced that male colleagues have engaged in sexual entertainment say they felt offended because they found the practices immoral (Holgersson & Svanström, 2004; Morgan & Martin, 2006). Other women express anger because they feel their male colleagues wish to exclude them, but also because this disadvantages them in their careers. This was particularly salient in interviews with saleswomen in the US (Morgan & Martin, 2006). Women who are involved in sexual entertainment also display a variety of approaches. For example, a woman manager in Australia interviewed by Sheppard (1989) described how she had adopted a strategy where nothing was too rough or abusive for her in order to be accepted in full by her male colleagues. This strategy led her to participate in visits to strip clubs. These activities had made her feel uncomfortable because she found that it forced her to adopt her male colleagues gaze and gave rise to an inner conflict between her desire to belong and be accepted by the group, and her complicity in the objectification of women, and thus herself. However, women are not always entirely negative towards sexual entertainment. For example, Nemoto (2010) shows that some Japanese women workers viewed sexual workplace behaviour such as sexual entertainment as highly sexist and disturbing while others felt flattered to be invited to join their male colleagues since women are often denied access to venues such as hostess clubs. It is also important to note that also men can find sexual entertainment offensive, as for example reported in Holgersson (2011).

For organizations in the sex industry, the practice of sexual entertainment contributes to the mainstreaming of the sex industry and fuels the demand for sexual services and ultimately to the expansion of the sex industry (O’Connell Davidson, 1998; Brents & Sanders, 2010; Jeffreys, 2010; Jykinen, 2005).

Strategies of Intervention

As we have seen, buying sex reproduces gender inequality, in addition to other forms of inequality. And we have argued that organizational and institutional responses are required if buying sex on company time is to be curtailed. Such institutional responses can come from

several different arenas: local and regional governments, the hotel and tourism industry, and corporate codes of conduct that make clear to employees that while they are traveling on company business they are on company time, 24/7.

This is different than the normal relationship between company time and personal time. During a normal workweek, without corporate travel, one's time away from the office or workplace is entirely one's own. Companies may have guidelines for behavior, but if an employee wishes to buy sex on a weekend, or drink enormous quantities of alcohol on the weekend, the company has no say over that behavior, except as how it might impact on his work on Monday morning. However, when at a business meeting or a conference, one is on company time the entire time, 24r hours a day, representing the company. Therefore the company has every right to impose codes of conduct,, since, during those times, one represents not oneself, but one's employer. Jeffreys (2010) suggests corporate codes of ethics as a measure to counteract sexual entertainment practices in organizations. In fact, there are examples of US companies such as Morgan Stanley that have no-strip club policies following lawsuits where the companies were sued for not providing equal opportunities to their female employees (O'Donnell, 2006).

To date, there are no empirical studies on the impact of codes of conduct regarding commercial sex. However, research on codes of conduct in general has explored the impact of codes of conduct on employee behavior but has yet to reach conclusive findings. According to a survey of studies on the link between codes of conduct and behavior, Petersen and Krings (2009) draw two conclusions regarding the impact of codes of conduct on behavior. First, codes of conduct must be detailed and straightforward. Second, management should clearly signal that they are committed to the existing codes and that compliance is important, for example by establishing sanctions against breaches of the code.

The Swedish Case

Sweden is often seen as an exemplary country when it comes to gender equality: the country is always among the top two or three countries in the World Economic Forum's rankings of nations for gender equality. Enviable policies regarding state support for work-family balance, adequate available child care, parental leave (Sweden was the first country to offer fathers paid parental leave, and to implement "use or lose" paternity leave, called "Daddy Days"). While the social safety net is always in danger of fraying, depending on the political leanings of the government in power, Sweden's system provides a model of harnessing the resources of the state to support family values.

But unlike some of its neighboring countries, with equally enviable gender equality policies, Sweden took a dramatic turn in 1999 in implementing a new policy regarding prostitution. While The Netherlands focused on "supply" – legalized prostitution, and providing police protection, state-supported medical care, and enabling prostitutes to organize as workers into a union – Sweden focused on "demand," enacting a law that criminalized not the sale of sex but its purchase (Svanström 2004). (Since 1982 there is a general law against the arrangement of pornographic shows (Swedish law 1982:344, 10 §). These laws have, however, not entirely

extinguished the occurrence of prostitution or strip clubs but have circumscribed these activities in Sweden and have had a normative effect.

The 1999 law, however, only applied to sex purchased in Sweden, exposing a tension in the legal efforts to address the problem of sex trafficking. Trafficking is global, requiring elaborate chains of supply and demand, but laws regulating or prohibiting it can only be national. When so much sex is purchased by Swedes outside of Sweden, activists reasoned, other institutions must be brought into the equation. Creative ways to address this have included placing flyers in airport business lounges to warn Swedish men about buying sex outside Sweden.

One promising avenue for policy development is to engage companies in augmenting or changing their corporate Codes of Conduct to better conform to Sweden's national policies, as well as to extend those policies to employees when traveling abroad. We regard this as a promising new arena for organizing against prostitution.

According to a study of corporate codes of conduct and sexual entertainment in Sweden (Holgersson 2011, 2014), company representatives claim that it is not accepted for any employees purchase any form of commercial sex when they are on duty, for example on business trips. Surprisingly, however, none of the eleven companies interviewed had explicitly mentioned commercial sex in their codes of conduct. The arguments on why buying commercial sex was not compatible with their codes of conduct varied. A couple interviewees argued that buying sex or sexual services would expose the company to the risk of being accused for bribery or being exposed to blackmail, some argued that such activities would damage the image of the company and that it was not decent behavior.

A Case Study

One company that has begun to develop these policies is Skanska, one of the world's leading project development and construction groups, with global headquarters in Stockholm. This is a notable case because the construction industry is highly male-dominated – 88% of its 55,000 employees are male, and 99% of its blue collar workers are male – and often depicted as conservative and resistant to change. Determined to become a leader in green initiatives, safety and ethics, the company has now embarked on an internal discussion to revise its corporate Code of Conduct to explicitly prohibit employees from using the sex industry in connection with their work.

Currently, the Code of Conduct does not have explicit statements prohibiting employees from contact with the sex industry in connection with working for Skanska, for example on business trips – although the Code requires "a high degree of integrity and ethics," and requires that employees comply with all laws in countries where they do business. Such notions are laudable, but vague.

The revision of the Code of Conduct is being developed in stages. Since all employees are required to go through an ethical training every other year, the first step was to incorporate policies about buying sex into the training. Ethical dilemmas were presented to senior

managers in group discussions, to generate feedback and hone a new policy. While more time consuming than simply legislating by corporate fiat, these discussions enable the management team to anticipate the sorts of questions and concerns that employees might have.

One of the scenarios to be discussed examines sexual harassment. The group watches a short video in which a female employee is exposed to harassment in the form of graffiti on the workplace. Another scenario involves an employee reporting to a manager that “some colleagues visited a strip club and suspected that there where prostitutes involved.” Group discussion enabled managers to strategize how to respond, and what sorts of issues might arise in similar situations.

The discussions of these scenarios ripple throughout the company, and generate new norms and standards. Skanska believes that it is inappropriate and a violation of company policies to participate in the buying of sex – from prostitutes and escorts to frequenting a strip club – during business trips. It violates, according to the company, the inclusive work environment, and exposes the company and its employees to unacceptable risk.

Obstacles remain, of course. Even during trainings, employees may not voice their concerns because they might be embarrassed about their own behavior on business trips and believe themselves subject to exposure as sex buyers if they raise objections or concerns. Obvious surveillance problems make it virtually impossible to prevent all cases of buying sex, but it both sets people on notice that they risk termination if they are found to have purchased sex. More than that, though, the company believes that by generating these norms from below, that employees will buy in to the company’s position, having generated its new rules from below.

This process is especially hopeful, especially in such a gender-skewed company as Skanska. It suggests that just as policies that target men who purchase sex make clear that the “problem” in prostitution lies less with the women who sell and more with the men who buy sex. Skanska’s policies underline that, given the opportunity to engage in honest conversation about the individual, social, and cultural dynamics of the commercial sex industry, men can also be part of the solution.

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[1]This paper is the result of a collaboration begun at a panel on “Corporate Sexual Responsibility: Ethical Guidelines to Combat Prostitution” organized by the Swedish Women’s Lobby at the Nordic Women’s Forum, Malmo, Sweden, June 6, 2014. The collaboration was fully equal, and the order of the authors is alphabetical. We are grateful to the panel’s moderator, Carin Goransson, for her provocative questions and to the Forum for providing the opportunity for this collaboration.

Sex Work

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Introduction

The first aspect of this article is a definition of sex work as a kind of labor. Next, I define class and discuss class relationships.The last part of this article considers class analytics as a way to escape some of the ideological conditions of sex work in America including misogynistic, religious, moral condemnation of women's sexuality, particularly sexuality outside of marriage to a man.

Definitions

I define sex work as a kind of labor, sexual labor. It is the use of a person's mind, body, and emotion to meet the sexual needs of another human being. Sex work produces a sexual service. Like all other work, it is, to use a Marxian definition, an expenditure of mind and body over time[i]. I add emotion to that definition because, like most labor in producing personal services, sex work often requires emotional labor as well as physical labor.

Labor caring for others can involve emotion, even if the emotion involved is the active repression of the service worker's revulsion at the task, and its disguise with a performance of enthusiasm, engagement, desire, pleasure, etc.[ii]

Sex work can be commodified labor, when it is service work sold for money. Sex work can also be non commodified. Sex work can be performed as part of class and exploitative relationships as well as a non class and non exploitative relationships. I separate class and non-class relationships sharply only for the purpose of analysis. Human relationships of any kind are shaped by mutually determining class and non class aspects of life which comingle.

The concept of work is an ideological concept. Sex work itself is shaped by our ideas about that work. Concepts of sex work drastically effect our ideas and behavior towards sex workers. In the US, sex work is the most dangerous labor. US "prostitutes suffer a workplace homicide rate 51 times greater than the next most dangerous occupation, working in a liquor store." On average, American prostitutes die at 34 years old. [iii] They are victims of men's shame, rage, and contempt for both men's own need for other people in general and men's need for women in particular. My analysis removes sexuality, particularly women's sexuality, from the ideological/cultural realm of morality in which women's sexuality itself becomes a moral issue and a sin.[iv] The moral judgment that emerges from my analysis is a moral opposition to class exploitation.

Class

What do I mean by class?

I use the precise new Marxist definition of class.[v] Class is a process, a relationship to the work being performed. The key questions one asks to understand that relationship are:

1. Who labors to produce a surplus, i.e., more than s/he consumes?

2. Who appropriates the fruits of that surplus labor and reaps the benefits of the labor performed?

3.Who gets to distribute the fruits of that labor?

These very precise, versatile questions allow us to look at class relationships whether those relationships occur in a factory or a household, a brothel, or anywhere else. In a classic Marxian example, in answer to the question of who labors, a factory worker in a capitalist factory produces chairs. Her/his labor adds $100 to each chair. The worker gets paid $10. of the value s/he adds per chair.

Who gets the surplus over the $10. paid to the chair worker, who benefits? In this case, the boss or Board of Directors reaps the benefit of the $90. that the chair producer added to the chair.

To the question, who gets to distribute the fruits of the chair producer's labor? The answer is, whoever or whatever the boss or the board of directors decide. They may decide to allocate one share of the $90. the worker produced, to the stockholders, another share to their own salaries, perhaps a third share to modernize or mechanize the chair factory. They may even allocate some of the wealth the worker produced to higher salaries for chair producers. The chair worker's labor I describe is performed within a capitalist class process. The amount of $90. that is produced by the worker for the capitalist boss or Board is the result of exploitation. Exploitation refers to a basic capitalist tenet, one never gives the worker the value of what s/he produced or it would not pay to hire her or him. Exploitation is the process of appropriating the extra that others produced.

In an example, outside of the marketplace a woman who is part of a cohabiting or married couple may produce cleanliness, order, cooked meals and emotional care as her sole responsibility. Her domestic labor is not commodified. No money is exchanged. One portion of the services she performs may be for herself and her children, another portion may be appropriated by her man who benefits from order, cleanliness cooked meals and emotional labor without performing anything like an equal share of that labor. He appropriates a share of her labor that he then may distribute by inviting his aging parents, or children from a previous marriage to come to the house or live there. He may invite some buddies over and watch football, eat snacks and drink beers that she cleans up. Those are just a few ways he may appropriate the fruits of her domestic labor. Here, she labors in what Marx called a feudal class

process. In the feudal class process work is assigned by birth and justified ideologically. In this case, birth as a woman may be considered birth into the necessity of performing domestic and emotional labor. Just as the Catholic Church in feudal Europe provided the ideological justification for serfs' laboring destiny, gender ideology or fundamentalist protestant, Jewish, Mormon, or Muslim religious ideology may justify women's gender destiny to provide domestic, sexual, and emotional labor in the household[vi]. The assignment of domestic labor by gender may continue whether or not a woman works for money outside the home.[vii]

The factory worker may labor in a cooperative chair factory within a communal class process. S/he may produce the chairs, benefit from the sale of the chairs, and jointly decide how to distribute the income earned from selling the chairs. In this case there would be no exploitation, because workers are together producing, appropriating and distributing the benefits of their collective labor.

The chair producer could also be an independent craftswoman who makes chairs and sells them herself. She performs the labor of chair making, reaps the benefits of it, and distributes the benefit income as she sees fit within an independent class process. In both the feudal and the capitalist class process the worker is exploited. In the communal and independent class process s/he is not exploited.

Our precise definition of class allows us to track the different class and non-class processes in people's complex lives. For example, a person performing labor in the household also may have different class arrangements in which s/he works. S/he might labor in a communal household in which all capable household members share the work of cleaning, cooking, child- care emotional care, etc. All may equally benefit and together decide how to distribute the surplus they produce. S/he may also work in a capitalist factory. When s/he returns home, s/he may knit home-made sweaters and sell them on the net within an independent class process. S/he may also come home and enjoy knitting sweaters for fun and giving them to friends. In that case, her knitting labor is outside of any class process. There is no surplus or extra value that is produced in her production for fun.

The kind of class process involved, may radically alter the personal meaning of a persons' labor. The meaning of household labor to a 1950s woman laboring in a home owned by her husband on whom she is financially dependent, may be vastly different from the experience and the meaning of household labor to an adult in a cooperative or communal household. The class processes involved and the relationships involved mean different things at different times and to different people. However, by looking at the class relationships and their meanings separately, we can better define what is happening.In this article, I apply the 3 class questions to sex work. Like all other labor we discussed, sex work changes radically depending on the class processes within which it is performed. A sex slave creating value within a slave class process has a different set of labor relationships from those of an independent sex worker or a member of a sex work coop. This is crucial because we reject slavery, feudalism, and capitalism as exploitative, dehumanizing, and disempowering class processes. At the same time, we celebrate empowering independent choices and communal labor relationships. That is the

context of our discussion of sex work.

Sex work is performed within a range of class relationships. A person can be tricked or sold as a slave within the slave class process in which his/her body is literally owned. S/he is a dehumanized, exploited, commodity that performs sexual services for a person or an organization employing the class process of slavery. Her sexual labor is commodified if her sexual services are sold for money Sexual slavery is alive and increasing in both the US and the UK, even though slavery was abolished by the UK in 1833, and the US in 1863.[viii] Sexual slavery can be non-commodified when sex slaves are used sexually outside of the market place as they are in various places including the United States where girls have been enslaved and used for the sexual pleasure of their owners alone .[ix]

Sex work can be performed in a way that is similar to feudal labor in which the sex worker voluntarily devotes him/herself to a pimp as an act of love. Like the 1950s housewife, and the feudal serf, the sex-worker in the feudal arrangement cannot easily change employers. Like the housewife of old, her pimp, like her husband, is supposed to protect her, however, he has the power to protect or to victimize. The sex worker within the feudal class process works within a dehumanizing, exploitative, feudal class process in which she is a feudal serf tied to her pimp who exploits her sexual labor. The comparison with what I call a "feudal housewife" is not outrageous. In the US, all 50 states only criminalized spousal rape in 2005. Before that a wife's sexual labor was legally the sexual property of her husband [x].

A sex worker can also work in a capitalist enterprise like those in Las Vegas in which s/he is hired to perform sexual services for a capitalist brothel. S/he is paid a salary which is a portion of the money the brothel receives from its customers. The capitalist owners or their board of directors appropriate most of the customers' fees. The board or owners allocate the money and distribute it as they alone decide. It does not pay a capitalist to hire a worker unless the capitalist gains more from the work than s/he pays to the worker. The process of giving someone less than their work is worth and appropriating the profit is inherent to capitalism, just as taking a use value benefit is inherent to feudalism or slavery.

In ancient feudalism or household feudalism the serf provides use values like farm produce or cleanliness and cooked food. The serf/wife is exploited when s/he provides more than s/he consumes and delivers the use value goods to the lord of the manor. If there is exploitation, economic democracy is denied, the worker's labor enriches another who is empowered by the goods and services delivered. All three exploitative class processes slavery, feudalism and capitalism are forms of theft and disempowerment.

There is sex work without exploitation where sex workers decide what services to produce, as well as how to produce them. Sex workers, themselves allocate and distribute the fruits of their labor. A sex worker can work for him or herself in an independent class process where s/he produces, appropriates and distributes the fruits of her/his her own labor, or, as we mentioned before, a sex worker can be part of a cooperative producing appropriating and distributing the fruits of their labor communally. These class processes, the independent and the communal

class process are not exploitative or immoral.

Class processes are enabled by cultural and ideological processes which are not class processes but interact to create the ideological and cultural conditions that enable class processes. Non-class processes like the ideology of religion have powerful effects on the perception of women's sex as innately sinful. Genesis begins the Bible with the condemnation of Eve for her curiousity. Eve's condemnation is a sexual punishment relegating her and all other women to subjugation by their husbands. In Genesis, Chapter 3 of the Bible, God addresses Eve, "In sorrow shalt thou bring forth children; and thy desire shall be to thy husband, and he shall rule over thee." The Bible, abounds with references to women as property in general and sexual property in particular. In just 3 examples David buys Michal, daughter of King Saul, with the foreskins of 22 philistines (Samuel18:27). "So I bought her for me for 15 pieces of silver and for a homer of barley"(Hosea 3.2). After a battle God instructs the victors to steal property in this order" 675,000 sheep, 72,000 beeves, 61,000 asses, 32,000 virgins, (Numbers 31:17-35). The good book states that prostitutes should be tortured. "If a priests daughter profane herself by playing the whore, she must be burned" (Leviticus 21:9.). Religious influence in the United Sates has a powerful ideological role in men's hatred of female sexuality, particularly women's sexuality outside of marriage to a man.

American gender ideology which envisions masculinity as invulnerability and trains males to reject their personal needs from early childhood also plays a powerful role. The one need allowed is a need for sex divorced from a emotional and interactive relational context.[xi] That is a huge topic I cannot cover here. However, shame at need and denigration of sexuality are cultural, ideological, non-class processes that interact with class processes to shape our ideas of female sexuality. Within such ideology, sex work is seen by many as automatically dehumanizing and degrading.

Others have far more sophisticated views. Condemnations of sex in general and female sexuality in particular have a lot to do with what were and are misogynist religions celebrating women's subordinate status in marriage. That subordination is enforced through a politics that works to remove women's financial, political, and legal possibilities outside of marriage to a man. Those attitudes are changing as young Americans are rejecting fundamentalist religion and rigid gender divisions. [xii]

New Marxian class precision allows us to use class to differentiate dehumanizing and exploitative sex work from independent and cooperatively operated sex work which can be a respected and respectful form of labor. It is not female sexuality but rather, class exploitation which is immoral. Exploitation robs people of the fruits of their sexual labor and their voices in deciding what to produce, how to produce it, allocate it and distribute it. That is where morality rests for this author.

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[i] This definition was adopted from the basic text, Knowledge and Class by Stephen Resnick and Richard Wolff. Knowledge and Class gave birth to what is called, “new” or “overdeterminist “ Marxism.

[ii] This was first described by Arlie Hochschild in her description of flight attendents, The Managed Heart, 1983. U. of California Press, 137-163. The concept was developed by Harriet Fraadin “Toiling in the Field of Emotion,” in Class Struggle on the Home Front, 2009, Ed. Graham Cassano, New York: Palgrave.

[iii] These figures are from the most extensive study of prostitutes in the literature, Potterat, J., Brewer, D., Muth, S., Rothenberg, R., Woodhouse, D., Muth, J., Stites, H., and Brody,S. 2004. V.159, N 8, 778-785. This thorough study provided the basis for many studies and articles that followed including, Bennetts, L. Sept. 11, 2009. “The Growing Demand for Prostitution.” Newsweek.

[iv] . A woman’s “virtue” was commonly used as a synonym for her sexual practice or abstinence.

[v] This definition of class was first developed by Stephen Resnick and Richard Wolff in Knowledge and Class, 1987, University of Chicago Press, Chicago. It has since been developed in countless publications and the Journal, Rethinking Marxism. The same new Marxian definition of class was applied to both domestic and personal lifeby Harriet Fraad, Stephen Resnick, and Richard Wolff in several essays in Class Struggle On The Home Front Ed. Graham Cassano, 2009, New York, Palgrave.

[vi] This analysis is developed by H., Fraad, R., Resnick and R., Wolff in “For Every Knight in Shining Armour, There’s a Castle Waiting to be Cleaned” in Class Struggle on the Home Front, 2009.

[vii] The Southern Baptist Convention on Men & Women, as well as Mormon, Orthodox Jewish, , and Muslim religions proscribe female household labor as well as subordination to the leadership of the male household head regardless of women’s labor outside of the home.

[viii] https://pamelageller.com/2014/08/uk-thousands-non-muslim-children-subjected-appalling-sexual-exploitation-muslim-gangs.html/

[ix]https://www.nytimes.com/2003/06/11/nyregion/man-admits-keeping-5-women-in-bunker-as-sex-slaves.html, https://nypost.com/2013/07/09/been-through-hell-and-back-cleveland-women-held-captive-as-se

x-slaves-speak-out-thank-world-for-support/,

[x] Jennifer McMahon-Howard. Nov.20, 2009. “Criminalizing Spousal Rape.” in Sociological Perspectives, 52, 4., 2009

[xi]Harriet Fraad, Tess Fraad-Wolff. 1.2014. “Capitalist Profit and Intimate Life “ in The Journal of Psychohistory . 41 (4) 258-67. Jackson Katz and Jeremy Earp.. “Tough Guise”. www.umass.edu/wost/syllabi/spring03/ToughGuise.pdf.

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How to Think About the Great War

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The historical rupture marked by the Great War of 1914-1918 and its traces throughout the twentieth century have been more controversial in Germany than elsewhere. At the beginning of the century the German nation, recently unified under Bismarck, had rapidly adapted to modernity in every arena. Material progress underpinned by scientific creativity was quickly translated into technology; the new industries in turn favored the emergence of a new middle class while the state took responsibility for the well-being of those in need and those who worked in the giant new factories. National self-affirmation was evident also in the growing power of the army and especially its professional officer corps (its "General Staff"), as well as in the growth of sea power and accompanying colonial ambitions. Reflecting on what had been, the distinguished American historian Fritz Stern recently recalled the observation of Raymond Aron, who foresaw the birth of "a German Century."[2] Alas, the four grinding years of the Great War transformed the dream into a nightmare, and the history of the war lent itself to a politicization that became the incubator of ideologies. Today, in a reunified Germany that has become once again a power in the middle of a Europe, caught up between East and West, and still seeking its self-definition, it is rewarding to rethink to the origins of the accidents and errors of a twentieth century searching in vain for a stable and democratic political order. Germany, the regime in the middle of the continent, was and remains an axial point.

German Ideologies in the Twentieth Century

Just as the French revolution gave rise to continual conflicts of interpretation and to the birth of aggressive ideologies during the nineteenth century whose effect, as François Furet demonstrated in *Imagining the French Revolution* (1981[3]), was to occlude the political foundations of the revolution, so too was the Great War at the center of ideological controversies in Germany. However, since 1978, no German historian has published a synthetic history that desperate conflict. In the meanwhile, the Wall has fallen. Herfried Münkler's "global history," published twenty-five years after German reunification, represents an attempt to synthesize not only Germany's geo-political past but also its potential future. At the same time, it is at once a synthetic history and a broader reflection on the nature of politics in what is perhaps a not-so-new-World-Order.

Herfried Münkler is a historian who works at the borders of political science and philosophy. His first book was a provocative and wide-ranging study of Machiavelli in the context of his own Florence and his legacy.[4] In the following years, Münkler worked with the distinguished Frankfurt professor of Politics, Iring Fetscher, as co-editor of a five volume history of political thought.[5] With this, he had done, so to speak, his homework and his spadework; his imagination was freed while his repertoire was nourished. As the post-Cold War appeared ever less irenic. Münkler began to examine how transformations of the state resulted from different

types of warfare, beginning with the Peasant Wars unleashed in the context of the Reformation in Germany. That historical study, including a serious reflection on the work of Clausewitz, suggested that the post-Cold War opened to a framework marked by what he called "new wars," of which September 11th was perhaps the ultimate avatar but not the unique model. Not content with the simple idea that our era is confronted with what many call an "asymmetrical war," he returned once again to a comparative historical argument. The contrasting strategy to the new asymmetrical wars was the imperial political project. Münkler reached wide and deep in his next volume, which traced the different political structures of imperial power, and the source of their dangerous temptation (itself a sort of asymmetry) to extend their power beyond their structural capacities.[6] However fascinated by the logic and illogic of military-political strategy, Münkler doubted the premises of the generals and the geo-strategists; he seemed to feel the need to test his historical hypothesis by embedding it in the mythic-political context that constitutes the German imaginary. That was the project of his fascinating, brilliantly written and historically innovative study of the cultural foundations of the German self-representation. In this brilliantly written volume, each of whose chapters can be read with pleasure for itself, Münkler presents an archeology of the early national myths of Germania (Barbarossa, the Nibelungen…) which find an echo in the image of a pure savage race struggling against imperial Rome (Tacitus, Canossa…); a new thickness is added to this cultural vision with the rise of Prussia, which however was contemporaneous with the mythology of isolated fortresses on the Rhine or the image of small cities of great cultural creativity (the Wartburg, Weimar…).

It is not without significance in the present context that the inventory of this contradictory and self nourishing mythology culminates with the study of "political myths" that were born after the second World War (the antifascist resistance on the GDR in the East, and the economic miracle of the FRG in the East…).[7] This "cultural" detour away from the apparent realities of the front bears fruits in the analysis of the Great War, which was on its surface not defined by ideological divisions. That does not mean that ideology played no role; it means that ideology *emerged from* the war rather than defining the reasons for its outbreak. Indeed, it is not false to say that (whatever the intellectual historians may say) ideology was born from the Great War!

The Shared Assumptions of the post-war German Right and Left

Politicians of course had to fit the events of the Great War into their political interpretation of German history. Although each worked within the framework of their own presuppositions, their conclusions converged surprisingly, in Bonn as in Berlin. The *doxa* of the right presented the Germany of 1914 as a victim of hostile forces just at the moment that it had finally found its national unity. Germany was, from this point of view, the victim of its virtues. This increasing national prosperity fostered both fear and jealousy in the neighboring nations which sought to limit the success of a potential rival. Then, once the war broke out, as the nation in the middle, Germany was surrounded by the greater military strength of the Entente (France, England, Russia); its army fought valiantly, its people supported serious sacrifices, but even these real or imagined national virtues could not have insure victory. Ideologues after the war had to ask

how to explain the defeat. Their first temptation was to find internal scapegoats, to purge and defeat them, in order to recreate the unity of the Nation. This accusation was posed already just before the end of the war by the ostentatious retirement of the military leaders, Hindenburg and Ludendorff, after the failed offensive at the second battle of the Somme. It meant that the Parliament, under the leadership of the Socialist Party, that had to sign the surrender of the German armies.[8] As a result, the first ideological *doxa* of the right became the legend of a "knife in the back" (Dolchstosslegende) wielded by the traitors who lost the war. And of course the "traitors" could include many diverse categories depending on who defined the "Fatherland."

The knife-in-the-back legend applied to the democrats of Weimar, or to the Socialists in its Parliament, was only the beginning of right-wing demonizing. The accusation deepened. Germany was seen as a victim subjected first to the jealousy and then to the "revanche" of its enemies who imposed the famous "Clause 321" of the Versailles treaty that stipulated that Germany was responsible for starting the war. Added to this moral stigma were the heavy reparations that in turn gave rise to a growing inflation whose political importance was that it destroyed what remained of the propertied upper classes. The experience of the Weimar republic was thus, for an emerging right-wing, characterized as the reign of rootless financial interests, as well as the domination of a republican political system that proved incapable of restoring the health of the nation. In these conditions, almost as a sort of fatality, Hitler and the Nazis took power, with the support of the heroic general and guarantor of unity, Hindenburg.

The right-wing narrative doesn't end here. The right that emerged from the defeat after 1945 of course disapproved of the excesses of the Hitler regime (and, at least after the fact, of its anti-Semitism). But it is striking that it once again saw Germany as the victim of the war both insofar as it suffered terribly from the allied bombardments during the war, and was forcibly divided in its aftermath. Of course it couldn't quite say this publicly, and seemed to assume with a sometimes masochistic pleasure its guilt. This, and its role once it rearmed and joined NATO are questions for another discussion.

Meanwhile, in the West, the post-war Federal Republic saw a further mutation of right-wing ideology that now took the form of an irenic world view where the (real or imagined) affirmation of national power lost all legitimacy. The Bismarckian self-affirmation under the "Iron Chancellor" was now subordinated to a pacified and democratic Europe. This new German self-understanding was most strikingly manifested in the ways, against ideology, in which Helmut Kohl, of the CDU, and François Mitterrand, of the Parti Socialist, negotiated the grand event of the Fall of the Wall!

How was this to unnatural alliance to be understood? The now pacified right-wing ideology (within the CDU under the leadership of Kohl) fit quite well with the *doxa* of the reformed left that had emerged from the Social Democrats 1959 Congress of Bad Godesberg which bid a final farewell to Marxist ideology. In spite of the attraction by the irenic preachers of an "internationalism" which was in fact a guise for Soviet policy aims, the West German left found

its roots in the Great War of 1914-1918. It based its identity on an inherited "anti-imperialist politics" freed from Marxist schemas. This self-identification found an apparent justification with the publication in 1961 of Fritz Fischer's best-selling archival research, the *Griff nach Weltmacht*.[9] The West-German historian wanted to demonstrate that the aggressive political choices of imperial Germany had explicitly led to a war from which its military leaders expected to benefit. As one can imagine, the book was met by polemical replies, often those of wear veterans who still bore its wounds— but it supported the claims of the communists in Eastern Germany's GDR who claimed to incarnate the "good" Germany, finally healed from the scares of an imperialist past.

Both sides seemed to say that Germany had recognized the folly of the imperial will to dominate, that it had accepted the guilt of its past, and that its vision of the future was based on an apolitical modesty. But curiously—as Münkler notes— this assumption of guilt was also an act of *hubris"* insofar as it assumed that Germany was possessed of (or was possessed by) a quasi-demonic power.[10] It is good to reflect on this implicit self-valuation even by those who challenged the refusal to accept the status of a normal member of the international community.

The Mechanics of The War

This brief sketch makes clear that the *doxa* of the left could easily become compatible with that of the irenic, pacifist right of the post-war. This apolitical consensus is challenged by Herfried Münkler's *Der Grosse Krieg.* This historical study doesn't claim to offer lessons for today.[11] It is first of all a lively and astute historical narrative that takes account of the multiple histories that exploded in 1914 and were transformed in its mighty wake. Münkler builds into his narrative the conflict of the imaginary expectations and the real situations of the combatants. He describes the experience of civilians and soldiers, officers and common troupes, politicians and intellectuals as they overlapped, interfered and often contradicted one another. If the central actor is of course Germany, Münkler nonetheless insists in his subtitle that he is describing "The World 1914-1918". Beyond the five Powers that opened the war (joined in 1915 by Italy), he describes the changing fortunes of the battles in the territories of the dying Ottoman empire, first in the Balkans— after Serbia, Romania and Bulgaria— which then were extended to the Arab Middle East and beyond to the African and Asian colonies that were part of the "world" at war. Beyond this familiar geography, he adds fascinating pages analyzing the war at sea and the evolution of naval military war.[12]

Der Grosse Krieg is of course also a military history that not only explains the evolution of tactical choices but especially the impact of these tactical moves on the longer term strategies that were imposed by the rapid introduction of new weapons such as the use of gas, which was first a tactical choice that had, for technical reasons, a boomerang effect that forced those who first used it to task their scientists to change the chemical composition of the gases, and their generals to find a way to invent a more strategic use. Similarly, the rudimentary airplanes that were first used for reconnaissance in the place of the cavalry would become the fighter warplanes skirmishing with heroic pilots before being supplemented by the first bombers which were militarily more destructive against massed armies. Another irony emerges here. If

these armaments became increasingly heavy in the mass warfare, they could become too heavy, as in the case of the giant tanks used first by the English in the Flanders fields that sunk into the sodden soil whereas the light-weight tanks invented by Renault came to play a crucial role in the last months of the war. [13]

In a word, technology moved more rapidly than tactics, and the results led first to improvised (and costly) responses that were finally translated into strategic reforms. But the results could be devastating. On the seas, the unlimited submarine war against commercial ships had the inevitable result of drawing the US into the war in 1917 (as Max Weber and a minority of intellectuals feared). In addition, the fact that a submarine could not confront directly the enemy and could not save the drowning sailors led to transformations in the laws of maritime warfare. Similarly on land, the unimaginable (unexpected and unprepared) trench warfare, with its periods of boredom, slime and filth alternating between freezing cold and suffocating heat that were interrupted periodically by intense bombardments that were followed by deathly mass infantry attacks across barbed wire no-mans-lands against dug-in enemies wielding newly updated machine guns.[14]

But as the years went on, there was no new strategy. Advances of a few hundred meters continued to be paid for by thousands upon thousands of deaths. At Verdun, the French lost 315,000 men, the Germans 280,000. What was this victory? Beyond the cold statistics, Herfried Münkler's reflections look to images, for example that barbed wire stretched between enemy trenches where the wounded and the dead lay unattended, blasted corpses, bones whitening in the pale sun… The images are well-known; their deeper significance, notes the cultural historian, is that this was the first war in history in which the dead were not buried at the conclusion of the battles.[15] It was truly the end of an era, of a civilization.

How to think about the End and the Ends of the Great War

Münkler's reflection on the cruel vanity of the war that ended an era points to some broader considerations about the nature of the political. We have seen how his historical reconstruction challenges the ideological visions that both the right and the left drew from the experience of the Great War. That does not, however, lead him to accept the paradoxical liberal view that sees the outbreak of the war as accidental but yet in the long-term inevitable and in the end fatal. It is of course true that accident and the unexpected played a role. A minor example illustrates the point. A German spy in the Russian embassy in London had informed Berlin of secret Russian-British negotiations that could have lead to a new alliance: this reinforced the German belief that a preventive attack was needed. The month of July 1914 was rich with this kind of misunderstandings, based on chance, on missed opportunities and on conflicts within the national governments. This accumulation of accidents leads to the question whether there was some determinant cause. How indeed could the assassination of the Archduke in the provincial town of Sarajevo lead to the end of a world? If the historian has to interpret the attitudes of the people and to explain the choices of the politicians, he has also to *think* the globalized panorama which shapes the significance of the facts that he describes .

Herfried Münkler's thesis is that the outbreak of the war demonstrates the failure of *the political*. After all, the great powers had previously faced up to similar threats, many of them more serious, in the territories that had formerly belonged to the Ottoman empire. The Morocco Crisis of 1906 and its recurrence at Agadir in 1911 had been resolved in spite of their gravity; and the great powers had been able to limit the costs and impact of the Balkan Wars of 1912-1913. But suddenly, in the summer of 1914, the political framework broke down. Historians, most recently Christopher Clark, have described the stages of the breakdown step by step and day by day.[16] The thesis of *Der Grosse Krieg* is broader and in a sense more simple; its concern is the framework of *the political* rather than the everyday calculations of *politics*. Everyone in every country involved knew, says Münkler, that war was coming; and the effect of this assumed knowledge was that a *preventive war* was legitimate and even necessary. As a result, the prospect of an immanent war whose date remained undetermined ultimately made its outbreak necessary— made it a self-realizing prophecy! Each nation hoped to prevent an attack by the other by mobilizing its forces in order to have the advantage of striking the first blow. But this only forced the others to mobilize their own military might, setting into play a diabolical machinery.

Why did Germany strike first? Several factors played a role. The weight of the military in domestic politics led it to think that it could abandon the logic of the political settlement that had prevented earlier outbreaks of war. By striking first, the powerful German army would open a window of opportunity. Its professional leadership had been preparing for this moment since the 1880s, when its General Staff had elaborated the Schlieffen Plan. With supposed scientific certainty, the Plan sought to avoid the disadvantages of the geopolitical situation of Germany which, situated between its two enemies, had to avoid a simultaneous two-front war. The idea was to wage a lightning war in the West, ignoring the existence of the Belgian border to create a fait accompli as the Germans raced forward to the doors of Paris, which would be forced to sue for peace. The speed of this conquest would permit the transfer of large parts of the German army to the East before the backward Russians had time to complete the mobilization of their massive but slow-moving and badly led conscript army. On paper, the Plan was brilliant; and in a sense, it was put into practice as it was intended, as German forces arrived at the doors of Paris at the beginning of September. There, however, military science proved insufficient; the weight of the political made itself felt as the offensive was brought to a halt by a counteroffensive whose popular political spirit was conveyed by the mobilization of the Parisian taxis which ferried new forces to the battle of the Marne. The front was stabilized, and trench warfare took hold.

The best of all imaginable scientific war plans obviously could not have expected this "miracle of the Marne." The German failure was not due alone to such luck; Münkler underlines another *political* weakness of the Schlieffen Plan. The generals had forgotten one of the principle lessons of their master, Carl von Clausewitz, who insisted that in war there will always exist "friction" that interferes with the apparently clear logic of the best of all possible plans. In the present case, that friction was not only the French popular mobilization; it was also the Belgian national spirit which, against all expectations, took the form of a strong resistance to the invaders. Although the Germans overcame this opposition, the fury of their

counter-attacks against the resistance came at the cost of civilian lives and civil damages which then served as propaganda that helped to convince the British to mobilize their own forces in support of “little Belgium.”[17] Worse still, the Schlieffen Plan had been developed with such precision, and the German officers were so rigidly faithful in its execution, that they neglected a second lesson of Clausewitz: the need for flexibility in order to cope with the unexpected. Thus, once the advance toward Paris had been stopped, a war that was supposed to be short became a war of position that would last for years where the advantage was always with the defense. The German forces that were supposed to be transferred to the East had to remain on French soil; and the Russian mobilization, which was more rapid and better organized than expected, prevented the transfer of reinforcements from the East to break the bloody stalemate on the Western front.

When the early enthusiasm based on the expectation that a short war would clear the horizon of an always awaited, feared and hoped for war, had disappeared, a new sense of the political had to be invented in order to present a legitimating meaning for what became an endless butchery (if there could be a sense for such a slaughter[18]). The political entered the discussion at several levels. First of all came the types of self-justification based on the devaluation of the other. This was the first reflex on both sides at the outset of the war, which each claimed to wage in the name of civilization. Intellectuals opened a “war of the pen” to defend the “values” of their nation. On the French side, at the very outbreak of hostilities, on August 8, 1914, Henri Bergson delivered a speech at the Académie Française opposing “French civilization” to the militarist barbarism of Germany. The German reply came quickly, in an “Erklärung der Kulturwelt” published on October 4 by 93 intellectuals and professors which accused those nationalist French of refusing to admit that their critique of the supposed German militarism was in fact a hypocritical pretense for an attack on German culture itself.

But it wasn’t enough to criticize the other; each side had to present itself as a value. Anti-capitalism could play a role in such a positive self-definition in Germany, where the progress of industry and the development of urban life went together with the growth of Social Democracy. The sociologist Geog Simmel— who had finally been named to a professorship at the University of Strasburg at age 57—delivered a speech in November 1914 on the “Internal Transformation of Germany” which sought to encourage the “birth of a New Man.” In the same vein, the economist Werner Sombart developed an idea borrowed from the philosopher Max Scheler in a pamphlet bearing the significant title “Merchants and Heros (*Händler und Helden).* As opposed to the capitalist merchant who asks crudely what Life can offer to him the Hero, is ready to sacrifice his very Life to save the world. Alas, such spiritual visions had no influence on the calculations of the leaders of the warring Entente who insisted that their battle was confirmed by the “barbarism” manifested by the violation of Belgian neutrality and the repression of the Belgian resistance.[19]

On the German side, as the war continued and the stalemate persisted, the “heroic” values were superimposed on the cruel daily reality. The myth defined the meaning of the cruel struggle. These sacrifices in battle affected relations on the home front; enthusiasm of the first days diminished. The meaning of the war itself disappeared; in its place remained only the

stupid evidence that the honor of the nation depended on continuing the battle, upholding the sacrifice of those who had suffered so that their trials were not in vain. This changed the definition of the "heroes," who were now simply those who held on, who continued the battle in spite of all, showing themselves worthy of those who died for the cause. This paradoxical form of stubborn heroism as an end in itself was reflected in civilian society as well as in the army. The "cause" became an end in itself, with no content, without ends and without an end. As a result, no political solution was possible.

Nonetheless a change emerged : the "hero" was democratized as the war and its human losses affected all of society. One result of this leveling democratization was an implicit redefinition of the goals and the significance of the war. Unlike the earlier phases of the war, this redefinition was not the work of intellectuals; it was society in all its dimensions that sought the meaning of its suffering. The "hero" was present in everyday life; the heroes were those who persisted, who were ready to continue to suffer until the victory. These "heroes" were not any longer the canon fodder of trench warfare; however quiet and inarticulate, their questions could not be ignored. They wanted peace and the end of suffering, but they were not ready to win it at any price. As a result, attempts at negotiation (which did occur) were doomed to failure because the democratic "hero" had become a determined nationalist: he wanted peace, but could accept nothing less than a victorious peace achieved by the strength of his arms: a *Siegfrieden*. Herfried Münkler, the author of those wonderful tales of *Die Deutschen und ihren Mythen*, of course sees in this attitude an echo of a national mythology that served to justify claims to annex lands conquered by the Reich. But, as noted at the outset of these remarks, the peace that was finally accepted by the German Parliament after the resignation of the leaders of its army led to the antipolitical legend of the "knife in the back" and the fears of democratic debate that would ultimately condemn the Weimar republic. One can ask whether this was necessary? Or was it contingent on the relation of forces in 1919? Or was it an unintended perverse result of the idealism of Woodrow Wilson forced to compromise with the supposed realists at Versailles?

Another Political Analogy

Münkler's wide-ranging study of a foundational moment in German history suggests comparisons with French interpretations of the revolution of 1789. The impetuous path inaugurated that year opened a series of events, challenges and questions that seemed impossible to master as the revolution became an end in itself.[20] Behind them was one simple question: How could the revolution come to an end? This was the question that tormented French historians in the nineteenth century, wherever they stood on the political spectrum. In the analogous case of Germany, the trench warfare continued beyond what anyone could have imagined, and a similar question arose: How could the war come to an end? When faced with events that are indefinable because there was no way to understand the goal they sought, diplomats as well as the newly empowered populations are powerless. There could be no end because the battles and the heroism sought no end; they were without limits; they became an end in themselves. It is not surprising that in France as in Imperial Germany at war there emerged a new nationalism based on the glorification of the people.

This Franco-German analogy is mine. Herfried Münkler's history of the war suggests a different point of comparison that also has political echoes. He recalls the debate of 1916, when a minority of German intellectuals opposed the expansion of unlimited submarine war. They knew that this would make the conflict a "world" war that would draw the United States out of its neutrality. A professor of classics, Eduard Schwartz, turned to Greek history in order to suggest a political justification for a war which seemed to have become an end in itself. He recalled Thucydides' account of the outbreak of the Peloponnesian War, comparing Germany's condition in 1914 to that of Athens. This analogy came easily to a bourgeois professor who identified himself with the classical image of Weimar, the city of *Dicthter und Denker* that was the spiritual heir of Athens.[21] Schwartz's argument was that, like Athens, Germany was surrounded by jealous neighbors, envious of its domination and the wealth that it had won. They also feared its culture, the refinement that it brought to their social relations and the proud self-assurance of the people whom Pericles had so elegantly praised in his "Funeral Discourse." This mixture of jealousy and fear explained why Athens feared an attack by a coalition of its enemies. Rather than let them choose the hour and the place of the attack, the Athenians *had* to seek an *occasion* for a *preventive attack*. This is where the *political* point of the analogy becomes clear: the accidental occasion for the war should not be confused with the *cause* of the war. The cause of the war was its neighbors' fear of the growing hegemony of Athens. Athens, therefore, was not guilty. And by analogy, in 1916, Germany could not be declared responsible for the terrible war.

Analogies can be misleading. In the present case, Herfried Münkler points out that "the analogy becomes an apology" that blames the jealousy and the aggressive intentions of the others for the war. Münkler himself is no apologist; his argument goes a step further. After all, the analogy comparing Germany to Athens was proposed during the debate in 1916 concerning the *extension* of the war; and it was Germany that would be responsible for that choice. Unlimited naval warfare would entail the abolition of the *political limits* on the goals of the war. Eduard Schwartz himself recalled in this context the advice of Pericles once the war had broken out. Because of the superiority of their civilization, the Athenians should adopt a defensive posture which would give its enemies the time to exhaust themselves and recognize the vanity of their claims. Unfortunately, after Pericles death the Athenians did not follow his wise advice. They became caught up in a long war marked by the emergence of what I (not Schwartz) have called the "democratic hero." Athens gave in to the temptation of an expansionist war whose conclusion was the disastrous (but notably quite popular) invasion of Sicily. The catastrophic defeat that concluded this adventure left the city defenseless during the chaotic years in which a dictatorship emerged at home, followed by the return of a democracy that was so little certain of its legitimacy that it voted the death penalty for Socrates before it finally disappeared under the might of the Macedonians. Was this the message of Eduard Schwartz? Was its goal to recall that the political has to know how to admit its limits if it is not to perish as the victim of its own madness? Was the fate of the Weimar Republic in some ways similar to the sad story of the restored democracy of Athens? There are limits to analogies, but they also pose questions that can be worth reflection by future generations.

Herfried Münkler returns to the argument of Eduard Schwartz in his conclusion; but this time he draws another lesson from the little-known professor of classics. The professor reread Thucydides before publishing his arguments in 1919 under the very academic title of *Das Geschichtswerk des Thukydides*. According to the professor, Thucydides returned to the distinction between the *causes* of the war and the *occasions* that brought its outbreak. His rereading insisted that the war was necessary, even predestined, although its hour and its date were tot predetermined nor the result of a determinant cause. The same consideration, it seems, would hold for the Great War. This lack of determination seems to imply that the politicians were responsible for the choices that led to a war that was fated to come although no one could say when and how it would break out. But, Münkler argues, that would mean that these political choices were in fact not political, and that the politicians were not responsible for the results of their actions. If war was inevitable, political intervention or political abstention would change only the date and the hour of its execution. That was the so-called liberal interpretation that Münkler refused.

What then is the implication of Eduard Schwartz's analogy that Herfried Münkler has excavated from the many debates of the times? In the conclusion to his book, Münkler asserts that right-wing Germans who believed (and still believe) in the idea of an inevitable conflict rooted in history are appealing to a vision of history that, in the last analysis, is logically no different from that of the left-wing historian Fritz Fischer whose critique of German imperial policy presupposed another kind of inevitability, namely that left-free of self-seeking imperial politicians, Germany was called by destiny to be a (peaceful, cultured and flourishing) model for others. Neither political vision leaves room for the autonomy of the political since for both politics is simply the realization of the inevitable. Both would do well to recognize the lesson of Hegel's "Preface" to *Philosophy of Right* which insists that philosophy can only paint the political world "in grey on grey" ; it cannot pretend to renew that world, which is why "the owl of Minerva" spreads its wings only at dusk. At the end of his "global investigation" of the Great War, Münkler is telling his reader that there is no political "lesson" to be drawn *from* that first modern war and applied *to* our own modernity. The Great War remains— particularly for German thought—both the origin *of* and the challenge *to* the political theories that have been inherited from the twentieth-century. It testifies to the need for politics in order to avoid the raw outbreak of conflict but it warns also against the dissolution of the limits of politics that are imposed precisely by the presence of conflict.

It stands in this centenary year, when politicians of every color want to use the somber anniversary for their own goals, as a mute reminder that the political will remain contested territory even while politics continues its vain attempts to drain what it might call the swamp of political thought. Better the eternal question than the endless heroism that stained the trenches and infected the home front and its history. We did it; how can we avoid it?

Notes

[1] I base these remarks particularly on Herfried Münkler's magnificent study, *Der Grosse*

Krieg. Die Welt 1914-1918 (Berlin: Rowohlt, 2013). Münkler, who teaches at the Humboldt University is one of the most creative public intellectuals in Germany. It is surprising, and regrettable, that the only one of his books translated into English is *The New Wars* (Cambridge, England: Polity Press, 2005; German edition 2002).

[2] C.f., Fritz Stern, *Einstein's German World* (1999) for the citation. C.f. also Fritz Stern's autobiography, *Five Germanys I have known* (New York: Farrar, Strauss and Giroux, 2006).

[3] The French edition was published in 1978 under the title *Penser la revolution française* (Paris: Gallimard). The idea of "thinking" the revolution is a French historian's *clin d'oeil* to the dominance of the philosophers, as I have argued in several essays, starting in 1983 when I published "The Origins of Revolution" in the *Journal of the British Society for Phenomenology* (Vol. 14, Nr. 1, January 1983), which is republished in *The Politics of Critique* (University of Minnesota Press, 1988).

[4] C.f. *Machiavelli. Die Begründung des politischen Denkens der Neuzeit aus der Krise der Repulik Florence* (Frankfurt: Fischer Verlag, 1984). Apposite citations from the Florentine, well-known to the combatants, appear frequently in *Der Grosse Krieg*; Machiavelli is not just a classic.

[5] *Pipers Handbuch der politischen Ideen* (München: Piper Verlag, 1985ff).

[6] C.f., *Imperien. Die Logik der Weltherrschaft— vom Alten Rom bis zu den Vereinigten Staaten* (Berlin: Rowohlt, 2005).

[7] C.f., *Die Deutschen und ihre Mythen* (Berlin: Rowohlt, 2009).

[8] The immense reputation of these two generals was won at the outset of the war on the Eastern front at the battle of Tannenberg at the end of August 1914— shortly before the German advance was stopped at the Marne, the doorway to Paris. This historical victory on the Eastern front compensated for the failure at the doors of Paris. The author of *Die Deutschen und ihre Mythen* notes that Hindenberg's *War Memoires* show that he knew quite well that this "mythical" battlefield would serve to create his heroic image because it wiped away the traces of the defeat of the Teutonic Knights by the Polish and Lithuanian armies *in 1410!* Hindenberg became the incarnation of a German unity to be recreated and, in 1933, his prestige sufficed to insure the nomination of Hitler as Prime Minister.

[9] The sub-title of this massive volume (896 pages, documented by data from the German Imperial Archives) made clear the author's intentions: *Die Kriegszielpolitik des kaiserlichen Deutschland* (translated into English as "Germany's Aims in the First World War, 1968). As Herfried Münkler notes, it can hardly be claimed that the goals of a single nation determined the international constellation that resulted, however powerful that nation might be.

[10] Critics of Fritz Fischer wondered whether the fact that he had been a member of the Nazi party between 1938 and 1943 had influenced his reading of the documents? Was his book an

attempt to compensate for his past? For a recent reading of the controversy, c.f., Stephen Pezoldt, “the Social Making of a Historian: Fritz Fischer’s Distancing From Bourgeois-Conservative Historiography, 1930-1960) in *Journal of Contemporary History,* Vol 489., Nr. 2, April 2013.

[11] Münkler did make such political suggestions, again on the basis of an historical and doxagraphic analysis, in *Mitte und Mass. Der Kampf un die richtige Ordnung* (2010). The ambiguity of the geopolitical position of the “middle” returns at the beginning of his analysis of the Great War (why did it occur?) and at its conclusion (what now, in the united Germany after the Wall?). Whereas Bismarck was able to avoid being encircled by maintaining the ability of the Reich to intervene in peripheral quarrels, his successors proved to be unable to avoid the outbreak of war in the wake of Sarajevo. What can be expected of his successors today? The interventions of Russia on the periphery of the former Soviet empire pose anew the challenge of avoiding an explosion in those regions.

[12] I very much appreciated his use of photographs of ships in battle formation accompanied by diagrammatic demonstrations of the maneuvers during the crucial Jutland battle in the summer of 1916 (p. 499). I should note here that the book includes 12 maps and 80 photographs which are accompanied by brief and always perspicacious commentaries.

[13] C.f. the photos on pages 648 and 717, for example. Münkler might have drawn here a comparison to the improvised “taxis de la Marne” that saved Paris in the first months of the war.

[14] Münkler spends nine rich pages describing life in the trenches, reminding us of the questions of hygiene that had to be confronted under the heading “Latrines and Bordellos” (pp. 377ff). In this context, his account usefully brings to bear examples from French and English experience as well. Photos make clear that there were officer-class and common-soldier bordellos; one can imagine that the same held for the latrines!

[15] C.f. the photo on page 454, and the other on p. 365, where Münkler notes this unprecedented fact. From another point of view, the uniqueness of this Great War is analyzed and illustrated by the art historian (and critic for *Le Monde)*, Philip Dagen, *Le silence des peintres. Les artistes face à la Grande Guerre* (Paris, Hazan, 2012). Dagen asks the very real question that echoes today as war becomes ever-more impersonal: why did this new form of warfare prove to be immune to the classical practice of painterly representation. More pertinent still: why did it prove opaque to the painters of the classical modernity of the early twentieth century whose inventions (such as cubism and its offshoots) were clearly aware of the weight of the new technological world?

[16] C.f. Christopher Clark’s best-selling *The Sleepwalkers. How Europe went to War in 1914* (New York: HarperCollins, 2013).

[17] Although the British belonged to the Entente, their military doctrine was based on their sea power; the idea of a continental land war was something to be avoided if at all possible

(which is why the German spy's report had such weight). But once again military logic had to make way for political motives in a democratic nation.

[18] I added this parenthesis after reading the remarkable pages in which Albert Camus describes the blind and unquestioning acceptance by his mother of the military mobilization of his French-Algerian father, whose silent death in the first days of the war became the dull but burning question that motivated Camus's last, incomplete, and quasi-autobiographical posthumous manuscript, *Le premier homme (*Paris: Folio, 19994; c.f., especially the dumbly moving pages 78-84). Another variant of this problem is reflected by the reaction of avant-garde artists to the war as described in Dagen, *Le silence des peintres, op. cit.*

[19] C.f. the photograph of the remarkable Medieval library at Louvain that was destroyed in order to fight against "imaginary or real franc-tireurs" during the Belgian resistance, p. 254. Münkler notes that liberal Germans justified the war as a battle against czarist barbarism whereas other Germans adopted the position of Sombart for whom capitalist England was the principal enemy.

[20] C.f., the brilliant biography, *Bonaparte*, by Patrice Gueniffey (Gallimard, 2013). The thesis of this study of the Bonaparte who would become the emperor Napoleon (a promised second volume) is that the Corsican whose first appearance within the revolution came only after Thermidor was the actor capable of carrying to an end the rupture inaugurated by the revolution. Fascinating in this regard is the long concluding chapter that explains why and how Bonaparte insisted on concluding a Concordat with the Vatican.

[21] C.f., Herfried Münkler's description of this mentality, and its reality, as presented in *Die Deutschen und ihren Mythen*, *op. cit.*

Ukraine, the Media, and the Truth

By | 2014: vol. 13, no. 3-4

For intellectuals of the left, no writer holds more allure than George Orwell, the man who got it right on imperialism, but then after his experiences during the Spanish Civil War also saw the truth about Stalinism as well, and told the world about it in simple, clear prose. It is an awesome legacy and what writer on the left would not wish to be seen as the new Orwell, prescient enough to see the true dangers of the age that others on the left are blinded to by the ideological fashion. But it is also a perilous path that can lead to grave error, as illustrated by the sad case of Christopher Hitchens's battles against "Islamofascism." For even as Orwell remains a hero, no writer on the left wishes to find that they have become the next Christopher Hitchens whose desire to be the next Orwell led him to support a spectacularly bad military intervention based on flimsy evidence his idol would have questioned. Thus, it is with some trepidation that I suggest that the cause of Ukraine represents just the kind of issue of brutal truth-telling we associate with Orwell, and which Hitchens so desperately wanted to be a part. Yet month after month there accumulates further evidence that the crisis in Ukraine and westerners' response demands people deal with some very uncomfortable truths.

There is a certain irony that Ukraine is once again the focus of an intellectual debate. Just over 80 years ago was the Great Famine, which was largely ignored in the west at the time and even denied in the mainstream western media. The Famine was a landmark event demonstrating the brutality of the Stalinist regime, which Orwell became committed to broadcasting, even if his awareness about the famine came after the fact.

This time round the issue is not the willful murder of millions. So far taking into account conditions that have made accurate assessments difficult over the past year only a few thousand people have died. What matters is the true nature of the Ukrainian Maidan Revolution and those who have taken up arms to challenge it. It is that which brings Orwell to mind because one of the central fault-lines in this matter runs through the left just as some 70 years ago did the nature of Stalinism. On one side are the *Nation* and others outlets who decry the Maidan protests and eventual ouster of then President Yanukovych as a fascist overthrow of a legitimate government that the west, especially the U.S., has supported as part of a longstanding effort to encircle Vladimir Putin's Russia. On the other are other left of center journals like *the New Republic* and the *New York Review of Books* that have come out strongly in support of the Maidan and the post-Yanukovych government. Nor is this a dispute with relevance limited to the left. The mainstream media, despite showing some general tendency to be sympathetic to Ukraine has clearly not made up its mind. The position advocated by *the Nation* continues to be accorded air-time indicating that the mainstream media continues to feel it represents a legitimate point of view, despite Putin's admission that Russian troops seized Crimea, strong evidence that it was a Russian missile that blew flight MH-17 out of the sky, and further evidence that Russian troops are on the ground in Eastern Ukraine despite

multiple denials.

For those who are well informed about Ukraine, the result has been frustration, as illustrated by a recent campaign by Canadian politician of Ukrainian heritage Chrystia Freeland. In September, she put out a plea for friends of Ukraine to start including the hashtag #RussiaInvadedUkraine on all posts about current events in Ukraine. Like other communities of what during cold war were called captive nations, the Ukrainian diaspora's commitment to the cause of independence above all else is well known, so perhaps we should expect no less. Freeland, however, hardly fits the stereotype of a diaspora nationalist. She was for many years a reporter and editor at the *Financial Times* before being elected to the Canadian Parliament as a member of the left of center Liberal Party. That ought to have given her some clout, but her appeal has evoked little interest outside dedicated supporters of Ukraine. Journalists at major news organizations continue to refer to the armed opponents to the authority of the Ukrainian central government as "separatists" despite the plethora of evidence that they are run by Moscow.

To the uninitiated these may seem a small matter, but by not being clear journalists end up doing Putin's work for him. In particular, Western journalists with their emphasis on presenting the different sides of an issue are an easy mark for the notion that language and nationality are driving the cleavages in Ukraine. While easily refuted, it provides a dynamic that a reporter rushed in to cover a story they themselves have only been following through news media can use, however wrong it is, to build a story quickly. This unintended embrace of a narrative favorable to the narrative favored by Putin, who after all has made protecting the Russian speakers of the Donbas his mission, perpetuates confusion that is then used by Western commentators sympathetic to the Kremlin to split the left. If successful this tactic would create a sizable alliance of foreign policy "realists" and anti-interventionists on the right, for whom what Putin does in his backyard is less important than any help he can offer in keeping order in the Middle East and Putin sympathizers on the left, for whom concern Putin stands as the main defense against IMF and WTO led globalization.

Achieving that result would be a massive achievement, but remains a difficult sell. While the RT network, formerly known as Russia Today, has won over some with its friendly coverage of the Occupy Movement and staunch opposition to fracking, their numbers are well short of those needed for a left-right coalition of Putin supporters to hold sway. Consequently, it is no surprise that Putin apologists play up certain keywords like "fascist," "junta," and "CIA involvement" and regularly suggest that western intervention is simply a continuation of the Cold War. Ironically, they have been given a hand from unconstructed cold warriors like John McCain, who have loudly supported the new Ukrainian government and belittled Russia at every opportunity, for McCain and his reckless adventurism is hardly something that sits well with the peaceful sensibilities of the left.

Alongside *the Nation,* alternative media outlets like Alternet, offer their readers a sense that they are on the right side, nor is it difficult to do given Ukraine's history. During WWII Ukrainian partisans cooperated to varying degrees with the Nazis, and some of the groups who

participated in the Euromaidan, especially in the fighting on Hrushevsky Street, see themselves as descendants of those earlier groups. Moreover, the greeting “Glory to Ukraine” “Glory to Heroes” used by those partisans during WWII has become the rallying for supporters of the Euromaidan revolution. That narrative conveniently obscures what has been the real story of contemporary Ukrainian politics as demonstrated by the recent presidential and parliamentary elections – whatever the past, today the vast majority of Ukrainians have demonstrated that they are not inclined to fascism.

Meanwhile, calling the new Ukrainian leaders a Junta and pointing to Victoria Nuland’s leaked phone conversation as evidence of nefarious involvement by the CIA easily brings to mind past covert efforts that have outraged people on the left for years. Yet in so doing those words take us away from Ukraine and what is going on there to make the story about us. This is a tactic that progressives have long complained about in respect to the treatment of indigenous people all over the world, and it is not even a correct analysis, for while Arseniy Yatseniou is now prime minister as Nuland recommended, Klytschko is not the new president.

How successful such misdirection has been is hard to say, but if you are reading this article you probably know people who have bought these arguments. Yet beyond the fallacy of such claims, they continue to restrain the discussion about Ukraine because the media feels obligated to include them in the debate. Each column inch or broadcast minute dedicated to the views of the political scientist Stephen Cohen, Ray McGovern, or some other figures who seek to make the story about us, is space and time that real experts on Ukraine have to explain what is actually going on.

Measured that way, such arguments have been quite successful not the least because their narrative works well for the western news media, because it places the United States and west Europeans at the center of the Ukraine conflict, and that is something people can easily process. What is more it means there is no real need for tv producers and op-ed page editors to update their list of authorities or reevaluate their coverage. So, with few exceptions (interestingly the Washington Post, especially through its Monkey Cage blog, has been more open) we have seen many of the same names as we saw twenty years ago, old hands in Russia-hands, who back in the day were experts in the Soviet Union, who often as not know remarkably little about Ukraine.

There is another narrative available to the news media, but it has largely been ignored because editors and producers fear their audiences will not see it as sufficiently juicy and may be harder to follow because it involve considerable nuance. Yet it would provide lay people with the information and insight they would value if they new it existed. The problem is it would require the news media to develop a completely different mindset from the one governing news media today. First, instead of closing news bureaus newspapers and broadcast media could have opened permanent bureaus in all or most of the Soviet successor states and invested in creating journalists who became well steeped in those cultures. Had they done that the mainstream news media would have been able to explain to Americans how a society functions in which bilingualism is common and accepted. In so doing the split between Ukrainophone

and Russophone would cease to be the default explanation for the tensions in Ukraine. Second, such coverage would have been equipped to explain the pervasiveness of corruption of Ukraine and how Yanukovych's Donetsk clan were able to seize control of the country despite his defeat during the Orange Revolution. This in turn would have allowed western audiences to see that the Euromaidan protests triggered by Yanukovych's decision not to sign the Association Agreement last November were not driven primarily by Ukrainians' burning desire to be part of the EU, but the recognition that Yanukovych was attempting to establish permanent mafia-rule in Ukraine. At the same time, Putin's willingness to help Yanukovych could be seen for what it was, a means to give Yanukovych the rope needed to continue his corrupt ways and weaken the Ukrainian state to the point where it would become beholden to Russia.

Likewise, we would have been clearer understanding of the discontent among the people in the Donbas. For theirs is a sad story that few have bothered to tell. Held up as heroes of labor in Soviet times, no one bothered to explain to the miners and steel workers that one of the reasons for the Soviet Union's economic difficulties was that after 100 years of exploitation, their pits were becoming unprofitable. Indeed, miners and steelworkers voted for independence in large numbers in the 1991 referendum because they thought this would lead to reinvestment, only to see their businesses bought up by the well connected at bargain prices who preferred asset-stripping to reinvestment. and the politicians were no better. They happily demagogued about how the Donbas was feeding the rest of Ukraine and warned against the ungrateful fascists of Western Ukraine, while doing nothing substantive to resolve the massive unemployment. So no constituency was more disenchanted with Yanukovych than the people who had supported him as their native son, and yet because Yanukovych and his cronies restricted the broadcast of information about the events at the Maidan in Kyiv, the people of Donbas were ripe to be deceived.

To be sure, having a better informed American public might not have changed the way events have unfolded in Ukraine. Had the complexity of the Ukrainian crisis been better communicated, however, we would have been saved some of the confusion about ethnic tension between Russians and Ukrainians that reporters flown in for the moment kept repeating. Further, it would not have taken the recent statement from the president of Belarus, Aleksander Lukashenko, for people to grasp that, for all the discontent among the people in Donbas, the armed resistance to Kyiv has only survived as long as it has because Putin's team in the Kremlin want it to.

Of course, such journalistic neglect over the years cannot be made up for overnight, especially when the executives in charge are basically satisfied with their product as the truth gradually comes out. They should not be. It is no wonder that the most compelling English language journalism on the Ukraine crisis has been from the internet disruptors that have transformed the environment in which newspapers like the *New York Times* operate. Vice News, especially its lead reporter in Ukraine Simon Ostrovsky, has reminded people how good on the ground reporting can be when journalists speak the native language and have a deeper knowledge of a country than that gathered by reading one book and some background briefings. Vice News reports, however, are grounded in the militarized conflict in the east, and for all their vitality

they do not offer a deeper analysis that would explain the context more comprehensively even if they provide hints that things are more complex. (For example, in the most recent "Russian Roulette from 19 September 2014 while traveling in a private jet owned by Oleh Taruta, Kyiv's governor responsible for the Donbas region where the fighting is, Ostrovsky mentioned that his crew was told to minimize filming of the plane to downplay Taruta's status as an oligarch.)

So far Vice News has not been ready to supplement its on-the-ground report with analysis. If they did it could be a major step, especially if they sought out the experts on Ukraine and Russia, who have until now been largely snubbed by the mainstream broadcast media, like Yale based historian Timothy Snyder or political scientist Oxana Shevel based at Tufts, to name just two of a number of insightful scholars. Meanwhile, the conventional media seems to be catching on slowly, which no doubt defenders of their coverage of Ukraine will point to as a vindication. On 28 September 2014 the *New York Times* began a series investigating "Putin's crony capitalism" rich in detail. Still, strikingly missing from the initial expose focused on Bank Rossyia, was any reference to the scholar Karen Dawisha, *Putin's Kleptocracy: Who Owns Russia?* (Simon & Schuster), especially given the controversy the book caused when Cambridge University Press refused to publish it in England for fear of a libel case.

The truth told by Dawisha and now being presented in the *New York Times* suggests that the most influential of media leaders are finally coming to grips with the sad devolution of democratic dreams in the former Soviet Union over the past twenty years. As that happens, perhaps finally we will escape the shadow of the Cold War Soviet specialists, who preferred to present the world with their own vision of the collapsing Soviet Union rather than the one that was visible on the ground, just as unapologetic Stalinists shrank in numbers thanks in part to Orwell. That said, it would have taken amazing skepticism and knowledge to go against the grain that imagined that the following the collapse of the Soviet Union, Russia and Ukraine, if not other former Soviet republics, were moving towards greater democracy and a more transparent economy. There is, after all a reason most historians shy away from the very recent past, even if like other specialists, they must be open to how current events reshape our understanding of the past. For while it is popular to see Putin as a devious chess-player who has planned out his entire game after just looking at his opponent, the fact is like any other chess player he must react to his opponent move by move.

So far our failure to see things as they are has played into his hand, but he is far from checkmate. The elections on 25 October in Ukraine have confirmed the new western-oriented leaderships position, even if many of Yanukovych's old supporters won seats, mostly in single mandate elections. That is a beginning. There is much work to be done to undo the rampant corruption that has crippled economic development in Ukraine for more than two decades. If the new parliament bites the bullet then Putin will have to react to that and so must we. Above all, we need to get beyond the easy narrative of an interfering and rapacious West that Putin is relying on to help him build his new Russian Empire, that is accepted all too readily in the west. Yet, we must also connect the dots and how we in the west are implicated in the rise of Putin. It was an act of hubris to think that our democratic and free market institutions would be naturally resilient to influence of corrupt crony capitalism. In retrospect, it is not hard to see

that there is a connection between the embrace of Russian oligarchs, most of whom are among Putin's favorites, and the similar contempt western business elites have increasingly shown ordinary people, which underlay the global financial meltdown of 2008. For that reason, our greatest hope, whether it is the development of democracy in Ukraine and eventually Russia or the revitalization of our own democracy, is that journalists and readers stop accepting easy ideological explanations Putin or Wall Street masters of the universe urge on them, and instead accept the brutal truth just as Orwell did eighty years ago.

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Still The Enemy Within

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The UK National Union of Mineworkers' (NUM) strike of 1984-85 was an industrial action that could have changed the movement of history. Victory meant not only an opportunity to secure the production of coal and the staying of pit closures, but a fundamental threat to the success of Margaret Thatcher's economic reforms. Failure, as we have seen in the last decades, empowered a "sorcerer no longer able to control the powers of the nether world whom he has called up by his spells."[1] The neoliberal revolution was more than a reorganizing of economic institutions, it was an expression of class power whose implications have run deep into the fabric of social relations. *Still the Enemy Within,* Owen Gower's first feature film as director, sets the stage for the miners to tell their own story. Weaving the personal accounts of the miners, their families, friends, and allies, with rich footage from the historical archive, Gower lays out a compelling testament to the power of solidarity, reminding us how much was lost.

The film's title is drawn from Thatcher's own characterization of the striking miners. While the enemy without is dangerous – speaking of Argentina's military dictator Leopoldo Galtieri – one must always be vigilant against the enemy within: enemies of democracy.[2] To ensure the miners the ability to speak for themselves without intimidation or censorship, Gower's production company, Bad Bonobo Films[3], crowdfunded the production. Their www.sponsume.com[4] account generated an impressive £36,790 from private donors and trade union support. According to their online treatment, "the story of the Miners' Strike is [often] told simply as the story of Prime Minister Margaret Thatcher vs Miners' leader Arthur Scargill. Here we'll meet the real leaders on the ground who spent every day for a year, fighting not just for their jobs but for the soul of the country."[5]

Still the Enemy Within opens with a discussion on the symbolic importance of the mining industry. Especially after the Industrial Revolution, Britain's thirst for coal was unquenchable. Coming from a mining family in Nottinghamshire, Dr. Lisa McKenzie, a Fellow in Sociology at the London School of Economics, grew up during the struggle. I spoke with her at length about her experiences during the strike.

> *Mining towns and mining communities were stable. We fought hard for wages and benefits. There was a period of history when women, children, whole families would work down there. I have photos of women, who were naked and pregnant, being used in the small spaces to pull the trolleys of coal, like animals.It was a long fight, wages and conditions were terrible and mining accidents were common. One of the most dangerous jobs in the world: roofs would fall in, accidents, and deaths. That's how we got a strong trade union. Because it was so dangerous and awful, we had a closed shop, you couldn't go down the mine unless you were a National Union of*

Mineworkers member. And because of the closed shop, wages and conditions improved.

Modern mining, due to the victories of trade unions and strong communities, became the backbone upon which working class neighborhoods could grow.

There was a real stability to the neighborhoods. We were the "learning to labor" people. We were educated to work in manufacturing, work down in the mines. You've got problems, of course, but wages were quiet good. A man could go to work and earn enough money to keep a family. There was lots of housing, the National Coal Board owned a lot of housing, which the miners lived in. Pit houses they were called. Lots of welfare as well, working man's clubs. So connected to the pit you had a whole community. You'd have darts teams, bowlers, football teams, different pits would play each other, cricket teams.

Thatcher's Conservative government readied themselves for a full fledged war against organized labor, choosing as their target the strongest union in the country. The three years that preceded the strike saw unprecedented levels of coal production, which ensured a surplus of the commodity for what was to come. When pit closures were announced by Ian MacGregor, the controversial appointee to head the National Coal Board, miners began walking off the job. The closures would amount to the shutting of twenty pits short-term and seventy in the future, and the destruction of communities across England, Scotland, and Wales who depended on mining as their main economic activity. While the film is brilliant in its use of suspense, especially in the tense buildup to industrial action, the real magic shines through in documenting the germination of structures of solidarity which the miners used to continue their strike for nearly twelve months.

Mining communities buckled down for the long haul, setting up soup kitchens and local collectives to service the needs of the strikers and their families. Lisa spent months of her childhood working in one of these soup kitchens.

To start, no one thought the miners would be out as long as they were. It began with general support from the trade unions; the Postal Workers were brilliant. As the struggle went on, the support became much more serious. People's savings started to run out. People didn't have coal to put on their fire. People didn't have warm clothes when winter came. We went out [on strike] in March, and by July, August, September, that's when mining families were in trouble. And that's really when we started to get a lot of outside support, because people realized we had nothing. Strike pay was £11 a week. The wonderful Thatcher government changed the law so that striking miners' children couldn't be eligible for free school meals. We had nothing. Initially what we did was set up soup kitchens, and I worked in one of

these. The men would come in usually for breakfast after they'd go picketing in the morning. Then we'd have women and kids come in for the afternoon and they'd have lunch there. And then we'd usually close it up about 4 or 5 o'clock, and make some sandwiches for people to take home.

Gower does a marvelous job in demonstrating the wide tapestry of society who participated in supporting the miners. Feminist, LGBT, and Black Power organizations all had a hand in gathering money and supplies. However, sympathetic Brits were not the only source of funds for the miners. As the strike entered winter,

…we used to get big shipments coming in from Poland, Russia, Ukraine. We used to get these really odd jars, I have no idea what was in them, we used to make stews out of them. Could you imagine, we were miners that had never tried this, most of us had never really left our county. We used to get sugar from Cuba, clothes from the continent, I remember having a really nice jumper from some Polish family. Bits of money from all over the country, £10 or £20 a month from Camden community centre, Penguin books, Fire brigades, people having a whip round for us. 160,000 people out on the picket without work and without pay, a government against them cutting benefit, and common people inside and outside the UK rose up and sent letters of support, especially American and Canadian miners. French and Dutch socialists took our kids on holiday. You'd get activists all over the country and the world who would adopt or twin with us, and look after us. They did that for the year. The support was unwavering.

While relishing the support, government attacks increased and tensions ran high. Archival footage from incidents such as the Battle of Orgreave illustrates a continuing tactic of neoliberal politics: militarization and police brutality. 5,000 miners met with 5,000 police in an event that left approximately 50 miners injured and 100 arrested. The language of terrorism that was employed by Thatcher serves as an erie foreshadowing to the types of rhetoric the world would come to hear from figures such as former President George W. Bush and former Prime Minister Tony Blair.

In my town, we had 5 pits, so there was a lot of us, a lot of miners. Straight away, within a day, we had 4,000 Metropolitan Police in our town. This is a mining town, probably, 25,000 people living there. The vans just kept coming with hundreds of police in them. It was incredible really, vans used to line up along the walkways to the pit entrances. They were all from London.

As is the case with reality outside of the Hollywood spectacle, endings are not always happy. Strategic loses, increasing government brutality, a failure by the Trade Union Council to fully

back the strike, and conditions akin to starvation slowly broke down the miners' morale. The defeat of the strike can be felt in working class communities across Britain to this day.

> *Looking onwards from today, we're still in a mess. When we went back to work, to be honest no one wanted to go back, there was no appetite. We were crushed communities, they'd done us. We weren't going back as a group, we went back as individuals. It's interesting because when I go back to mining communities, and we sing songs about victory and whatever, but if I'm being really honest, we did not win. The consequences of that has been a change in how working class people have seen themselves ever since. We were proud people. We were miners, we kept the lights on! We'd already got rid of one Tory government, during a strike in the 1970s. We looked after each other. And then afterwards, that was stripped from us. And it wasn't just when the mines closed, it was the rhetoric behind what it was to be working class. It was no longer about being in a community or being in a family or being proud of who you were, it became something to be ashamed of. We were old-fashioned people, we weren't moving on with neo-liberalism. As a young person I really felt that.*

The film teaches a lesson that has been almost forgotten since times when mass industrial action was common. Strikes and pickets have a way of breaking the chain of monotony that strangles everyday life and workplace routine. Within these pockets of time, consciousness raising and solidarity building are common. Individuals and groups who have neither a way nor a purpose to communicate with each other do. Gower demonstrates this most clearly when interviewing a member of Lesbians and Gays Support the Miners, who claimed to have finally found a sense of acceptance when he was welcomed into a workingman's club filled with striking miners and their families in north Wales. After all, his family was also miner's blood.

Still the Enemy Within is not only a compelling account of social struggle, and the methods the miners employed to carry on, but it also serves as an inspiration towards another way of thinking about and conceiving politics. Individualistic and divisive methods of combating power, while popular today in the contemporary rise of identity politics, deny a much wider history of solidarity. *Still the Enemy Within* is that special history's keeper.

Notes

[1] Marx, Karl, and Friedrich Engels. *Manifesto of the Communist Party,*. New York: International Press, 1948. Print.

[2] https://www.margaretthatcher.org/document/105563

[3] https://www.bad-bonobo.com/

[4] https://www.sponsume.com/project/still-enemy-within

[5] ibid

Boyhood

By | 2014: vol. 13, no. 3-4

Richard Linklater, the writer/director of the strikingly witty, verbal, and poignant *Before* Trilogy, shot his most recent film—the understated epic *Boyhood* —in 39 days, and in regular brief intervals over the course of 12 years. Boyhood's prime focus is on the development of an ordinary-—bike riding, video game playing—dreamy six-year-old Texas boy, Mason Jr. (Ellar Coltrane) into an 18-year-old college freshman in the span of 166 minutes.

The 6-year-old Mason Jr. lives with an older sister Samantha (the director's daughter Lorelei Linklater), who he quarrels with and who tends to dominate him, and with his divorced, harried mother Olivia (Patricia Arquette), who struggles financially. Olivia is a strong-willed, responsible, persistent woman, who battles successfully to keep the family afloat, while going to school to become a psychologist. She's smart and generally levelheaded except that she has a masochistic, self-destructive taste in men. Since divorcing the bohemian, feckless Mason Sr. (played with consummate charm and spontaneity by Ethan Hawke, who has performed in a number of Linklater films), she has a couple of marriages with controlling, brutal, alcoholic men (well-acted, but undeveloped characters). One of her husbands, a college professor, is constantly correcting and shouting at the children and physically abuses Olivia. In Mason Jr.'s words, they are "a parade of drunken assholes, " that seem to offer barely any emotional support or love for Olivia, and none for the children, toward whom they only display resentment. One may ask why Linklater gives her two husbands whose behavior patterns don't differ radically from each other, but in the context of the film it seems convincing.

Linklater also avoids being explicit about why Olivia chooses self-destructive relationships, but implicitly one feels what motivates her is a single mother's need for the stability and relative comfort that a husband would provide. Still, Olivia never seems to understand why she makes such self-destructive choices. But this is an episodic film punctuated repeatedly by ellipses —important characters disappear, personality changes occur without any exposition. It's just the way real life evolves, with loose ends rarely tied up, and with life meandering rather than adhering to a tight, neat narrative. In fact, *Boyhood* doesn't have much of a plot line, but it has a richly delineated family at its center.

The film's core is observed behavior, without any attempt at offering psychological explanations or back-stories But this leaves the viewer full of questions as to why things develop the way they do, without any real answers offered. For example, the film never explains why Olivia and Mason Sr.'s marriage ends so bitterly. What we do know is that they married early, and that Mason is unemployed and adrift when we first meet him. But compared to the husbands that follow him, even if he is irresponsible, he shines in his moments as a father. He's sweet and empathetic with the children—genuinely and good–humouredly listening, talking and having fun with them–and we begin to feel that, whatever was wrong in

the marriage, they should have stuck it out. Of course, his visits with the kids are only for odd weekends, so he doesn't have the day-to-day responsibility for taking care of them. It gives him the luxury to behave in a much looser and less controlling manner than Olivia, since he remains removed from the mundane concerns of parenting. It is characteristic of the film that Linklater provides no back story for the marriage breakup, so we are left to speculate and to fill in the gaps about what had happened between Mason and Olivia.

With the passage of time, the children change in ways that seem natural and free of contrivance. Samantha loses her bratty narcissism, and turns into a sophisticated young college student, who is supportive of her less grounded brother. However, she appears less often in the film as the years pass, and we miss her spirited presence. It's Mason Jr. whose point of view and personality are central. He's unsure of himself, and tentative in the early years, and he's also bullied in school, and does not fight back. He tends to be more of a low-keyed observer of experience than an active participant—watching the world around him with some care. And if he is a touch sullen, and indulges a bit in pot and alcohol, he remains a solid, sensible kid. When he reaches adolescence, he begins to define himself more clearly as an aspiring photographer who doesn't like to adhere to the rules. But Linklater himself knows exactly what art demands and has a committed, tough-minded photography teacher emphasize to Mason Jr. that discipline for an artist is as important as natural gifts. It's a crucial lesson for an aspiring artist.

Adolescence sees him also caught up in the emotional and intellectual confusion that sensitive, questing teen-agers suffer from. He talks endlessly to his first real girl friend —a serious, pretty girl, whom Mason Jr. mistakenly sees as his is soul mate. He speaks to her about looking for a transformative experience, and getting his life together. His talk feels genuine, if gloomy and slightly tedious, possibly given too much space by Linklater. However, it's an accurate evocation of the existential muddle many of us have gone through in those years— attempting to make sense of our live as we grow up. What's noteworthy about Mason Jr. and Samantha is that despite the family's life being often in flux—during the years the children endure different fathers, homes, and towns—they both miraculously come out of it emotionally intact.

What makes the film distinctive is not just Linklater's feat of shooting his central figures each year over those 12 years as the actors naturally age along with the characters. Its strength also rests in its gift for both capturing everyday interaction with honesty and insight, and in sharply observing how the passage of time transforms the family. In addition the film's actors who have collaborated (but rarely improvised) with Linklater in creating their characters, are able to fully embody them with barely a false note. He also uses a perfectly fitting soundtrack consisting of many songs that would stir emotions and in Linklater's words " be attached to something real in the film." Some of the songs on the soundtrack include:Soak Up The Sun" (Sheryl Crow), "Band On The Run" (Paul McCartney & Wings), and one song apiece from Bob Dylan, Freddie Fender, and Ethan Hawke himself.

Linklater is a director who avoids using virtuoso camera angles or constructing stunning compositions. He's not a great lyrical director like Truffaut, whose semi-autobiographical

tetralogy (e.g., *400 Blows, A Stolen Kisses*) was filled with indelible images and a number of transcendent moments evoking its protagonist Antoine moving from delinquent boyhood to an irrepressible romantic's adulthood as a writer. Instead, working with two cinematographers Linklater accumulates the everyday, mostly small, mundane moments of unfolding lives, usually eschewing heightened drama angry confrontations, or striking personal epiphanies. His film is grounded and earth bound, but the moments accrue into a stirring portrait of growing up as time passes. And those moments can sometimes go deeper than an accurate depiction of the daily. It strikes me yet again how much common experience can be mined for an evocative and incisive film that adheres to a realist aesthetic.

Some of the film's more emotionally penetrating moments occur towards the film's conclusion, when both parents say goodbye, in totally different ways, to Mason Jr. before he goes to college. Olivia breaks down and tearfully laments his departure—conveying that her child leaving home marks time passing and seems like something close to death: "I just thought there would be more." Linklater makes us conscious of the degree of despair and emotional messiness Olivia carries around, without her ever articulating it until this scene.

As his wont, Mason Sr.'s response is cooler, meeting his son in a jazz hall, and offering the kind of fatherly advice his son wants to hear. Over the years Mason Sr. has changed, he is still hip and a political liberal and a non-believer, but more defined and domesticated. He has a child and a new wife, who is quiet and recessive (she is no Olivia), and whose rural parents are Texas Bible readers and gun owners. (What's striking here is that neither Linklater nor his character Mason Sr, ever treats them with a hint of condescension.)

His advice affirms his son's individuality—"don't stick with the pack," and "answer only to yourself." And to his son's obsessive questioning about what the point of life is, he aptly responds that there is no point, "we are all just winging it."

In the final scene, which seems a touch pat, Mason Jr.'s first day at university turns out to be too perfect. His roommate is unconventional and artistic, and he introduces him to a lovely, sensitive girl who is a dancer. She and Mason jr. go up the mountains eat a pot brownie, watch the sun go down, and achieve a moment of stoned harmony. "It's always right now," says Mason. Those are fitting words with which to conclude the film— a feeling of well-being and wonder— though we know that this moment will be followed with ones filled with confusion and even anguish. Linklater is sufficiently optimistic to believe that serenity is possible, but he also views life as a river of shifting feelings, and changes of character.

Boyhood takes a few false steps; there is a trace of sentimentality inherent in a scene where a young Mexican restaurant manager tells Olivia how important her advice about getting an education was to him. But this is a film that usually avoids the predictable and sentimental.

Linklater may be no Michael Apted, whose great British documentary series beginning with *Seven Up* charted the lives of a group of people from age seven to fifty-six, revisiting them every seven years. Apted's series, at least in the early installments was based on the premise

that there was a powerful relationship between the children's class backgrounds and the way their lives would turn out. The premise shifted, as class became less of a determinant, but still the social environment continued to play a powerful role.

Linklater's characters are Texans, but he is not really interested in the way region or class shape a life. He's neither a political nor social filmmaker. His aim is to both particularize psychologically and universalize the mostly generic experiences of Mason Jr. In *Boyhood* he has succeeded in doing just that, skillfully capturing the flow of one ordinary and unique life from boyhood through late adolescence.

Social Democracy, Here and Now

By | 2014: vol. 13, no. 3-4

Books Reviewed in this Essay:

Lane Kenworthy. *Social Democratic America.* Oxford University Press, 2014.
James Cronin, George Ross, and James Shoch, eds. *What's Left of the Left: Democrats and Social Democrats in Challenging Times*. Duke University Press, 2011.

What use might the European tradition of social democracy be to the American left? Lane Kenworthy's answer is not a bad place to start: the public policy model developed by the labor and social democratic parties of Sweden and its neighbors, he proposes, can and should be adopted in the U.S.

In Kenworthy's *Social Democratic America*, "social democracy" means a certain policy architecture, a group of programs and laws that fit together and reinforce one another. Kenworthy presents such an architecture, defending its feasibility and explaining how it would enhance Americans' "economic security." As an accessible policy brief from the pragmatic left, his book has few recent peers, and it poses a needed challenge to American liberals' tendency to avoid programmatic thinking.

An invocation of Swedish social policy can mean at least two different things, so it's worth noting which Sweden Kenworthy has in mind. A previous generation of observers—Gøsta Esping-Andersen, most prominently—saw the universality of the Swedish welfare state as its distinctive feature. Because Sweden offered inclusive social insurance rather than means-tested or job-based benefits, so the argument went, the Swedish welfare state "decommodified" daily life as much as possible, so that (in Esping-Andersen's words) the individual person's prospect of a decent life was not "contingent upon the sale of labour power."

That's not Kenworthy's social democracy. Instead of seeking decommodification, he endorses the policy model toward which the Nordic countries and the Netherlands have turned since the 1980s. He praises the Swedes and their neighbors for their "services aimed at boosting employment and enhancing productivity, from early education and active labor market programs to public infrastructure and support for research and development" and their acceptance of "market dynamism" (9). In the new Nordic model, countries open themselves to international trade, and their domestic employment policies make it easy for employers to hire or fire workers, but they compensate for the market's disruption of society by spending public money on education, job training, unemployment benefits, and child and elder care. A worker in an unproductive or obsolete job is neither secured in that old job nor abandoned to poverty nor protected from labor market participation altogether, but is instead eased into a different job. Nordic governments spend a bit less on social welfare than they once did, and aim now for "investment" in "human capital." Rather than carving out a zone of life free from market

pressures, active labor market policies use the power of the democratic state to set decent terms for individuals' entry to the labor market; they color the market economy rather than drawing a boundary around it.

Kenworthy's policy agenda includes some items that would be in nearly any left-of-center program: universal health care, paid vacations, paid family leave. On the whole, however, Kenworthy's agenda has a distinct "active labor market" tone. Kenworthy wants supports for workers in the low-wage sector ("modestly" higher minimum wages, an expanded Earned Income Tax Credit) rather than trade or re-industrialization policies that would encourage more high-wage jobs; cushions against the pain of job loss (wage insurance, expanded eligibility for unemployment insurance) rather than provisions for job security; measures to move more people into the labor market (job search support, effective welfare-to-work programs, public sector jobs building or maintaining infrastructure or public spaces) rather than policies that reduce the demand for employment (like a low retirement age or a basic income grant). As Kenworthy demonstrates, this is a coherent set of policies—one already tested in the Nordic countries—and it deserves to influence American policy thinking.

II

One scholar's idiosyncratic vision would be of little interest. However, Kenworthy has company: he is one of a number of scholars and writers, on both sides of the Atlantic, who are trying to figure out the center-left politics that comes "after the Third Way" (the title of a recent edited volume to which Kenworthy contributed). Advocates of a "Third Way" between neoliberalism and "old" social democracy dominated the center-left for much of the past decade and a half. Although there were serious Third Way thinkers—like British sociologist Anthony Giddens, who argued that the left's historic principles of equality and solidarity should be displaced by the principles of inclusion and opportunity—most of the time the Third Way was simply a style: a velvet-fisted rhetoric about "modernization," a studied coolness toward trade unions, a headlong rush to give the market what it wanted. That style has not disappeared—Manuel Valls and Matteo Renzi, the current prime ministers of France and Italy, still favor it—but it is no longer the only style available to center-left leaders, and writers like Kenworthy can now respond to the context the Third Way left behind while claiming a connection with the social democratic tradition that the Third Way's champions a few years ago would have passionately denied.

Tellingly, Kenworthy's policy preferences are on the whole similar to those supported by the authors of the most useful recent overview of North Atlantic center-left politics, *What's Left of the Left*. Gathering thirteen authors who write about social democracy's history and current travails, *What's Left* provides a historical scope, an international breadth, and an analytic depth that Kenworthy's short book does not attempt. Some chapters focus on the democratic left parties of specific countries (Sweden, the U.K., France) or regions (Central and Eastern Europe); others look at overarching problems (electoral decline, immigration policy, European

integration, the “new social risks” of shifting age and family demographics). There have been many books that devote a chapter to each of several European labor or social democratic parties. In addition to its historical scope, *What’s Left* sets itself apart from the rest of its genre by including three chapters on the U.S. (regarding the Democratic Party’s evolving coalition, the American welfare state, and U.S. trade policy), making the point that the experiences of the American and European lefts are similar enough that the “Democrats and social democrats” of the book’s subtitle have much to learn from one another.

A rough storylineemerges from *What’s Left*, something like the following.Beginning in the 1930s, political parties of the center-left—European democratic socialists and social democrats and American Democrats—constructed a new policy model. The welfare states, Keynesian fiscal policies, progressive taxes, and union-friendly labor laws they developed were admirable but impermanent. After the economic and political crises of the 1970s, and ever more so as what we now call “globalization” proceeded, it became harder to maintain the regulatory regimes and high taxes that this policy model requires, and the center-left began to reexamine its policies. For a time, the idea of a “Third Way” was a useful “rubric” for the debate about how to respond to these circumstances (136), but the debate needs to move on. Neoliberal market fundamentalism now reigns, and the work of the center-left today is to pose an “effective opposition” to neoliberalism (4). As the center-left has tried to respond to these “vast shifts,” the editors of *What’s Left* write, it has been “hard to know what to believe, what to hope for, and what to actually do” (8-9).

For the *What’s Left* writers, in other words, social democracy is a *political* endeavor: a partisan conflict, a collective activity that poses problems of belief and hope. In this regard, they think differently than Kenworthy, for whom social democracy is a scientific search for optimal economic policies. At the same time, when it comes to policy, the *What’s Left* writers and Kenworthy generally agree. Like him, they endorse what the editors call a “slimmed down and updated Swedish model” (21) of “social investment” and active labor market policies. *What’s Left* writers insist that left policy models other than the Nordic have fatal problems. The German and French models, in particular, have labor laws and social policy regimes that defend job security at the price of economic stagnation and a gulf between the well-employed and the unemployed. Moreover, increased capital and wealth mobility preclude the steeply progressive taxes—and, thus, the aggressively Keynesian fiscal policies—of a previous era. Fiscal constraint is unavoidable today, the *What’s Left* writers think—which is not the same as saying that austerity budgets are mandatory: like Kenworthy, they propose targeted but substantial public spending on education and infrastructure, along with social policies that buffer workers from the otherwise punishing consequences of the labor market. This is not a program of “politics *against* markets,” as Esping-Andersen described an earlier social democracy, but rather an effort to “tame the market and temper its effects,” as one *What’s Left* author puts it (30).

This should not be the last word. Keynesian stimulus can still be a useful tool; continental left policies—German co-determination and corporate governance rules, for example—have their thoughtful defenders; our conception of justice may require us to defend some public spaces or

common goods from even a tempered commodification. But Kenworthy and *What's Left* have located the new center of center-left policy debates.

III

In our time, the *What's Left* editors write, "center-left victories, when they come, are modest, while defeats, when kept within bounds and understood for what they are, need not be crippling" (358). That's enough; it has to be. But can the American left win even modest victories?

Frankly, Kenworthy is not helpful in thinking about this question. He argues that neither U.S. political culture nor U.S. political institutions make a social democratic America impossible—true, but trivial—and then insists that American social policy *will* increasingly resemble that of the Nordic countries. Kenworthy's confidence is not based on optimism about the political organizations of the democratic left: he casually dismisses the prospects for a revival of American unions (132), and he has more to say about the electoral prospects of moderate Republicans than of liberal Democrats (173-175). His claim is, simply put, that social democratic policies are reasonable, and reasonable policy makers are, over time, likely to adopt them. American public policy, he writes, is already on a century-long "trajectory" (176) toward social democracy, and there is no reason to expect that trajectory to change. This is, he admits, a "probabilistic" (149) rather than a predictive claim, but it nevertheless reveals a profoundly anti-political way of thinking, a soft determinism that occludes questions of who will take action, and with whom, and against whom, and how, and why.

What's Left reveals a richer sense of what Americans might have to learn from the political life of European social democracy: as the *What's Left* writers understand it, "social democracy" means not only a set of policies but also, more fundamentally, a family of "parties and movements" (1) with a distinctive strategy and ethos. Social democracy, the *What's Left* editors write, began as an effort to "empower the people to demand changes to humanize harsh market societies" (1). Sheri Berman, in her chapter on social democratic history, points out that social democracy's characteristic form of action is to seek "the support of a majority of society" (32) by organizing "cross-class coalitions" (35). Gerassimos Moschonas's analysis of social democracy's eroding electoral support (in the book's second chapter), set beside Jonas Pontusson's insistence that strong unions are a defining feature of social democracy (101, 112), underscores what Berman and the editors are getting at: that social democracy, at its best, has been a politics of mass organizations and broad coalitions—not elite technocrats or militant minorities. It has been the work of legislators and organizers, insiders and outsiders, working in tandem to establish what Berman calls the "primacy of politics" over economics (32). Social democracy, in other words, has its own political method, its way of engaging in public life. Kenworthy is right that the American liberal left could do with a more programmatic approach to public policy—but we should add that it could also do with a new appreciation for the kind of inside-outside movements that made possible not only European social democrats' past

victories, but also the American New Deal, civil rights laws, and Great Society programs.

Part of what the European left's history has to offer to the American left, then, is a feel for the value of self-conscious commitment to what Berman calls a shared "way of thinking" (47) on the part of a political movement. Berman argues that the European left has been most successful where it has "wholeheartedly" (35) pursued not just a social democratic policy program, but a broader and deeper set of social democratic commitments. Can we imagine a broad American left organized around some idea of solidarity, fellowship, or public life—an American analog to the Swedish social democrats' notion of the "folkhemm" or "people's home"—and conviced that democratic politics can establish its primacy over economics? The U.S. has sometimes had what Michael Harrington once called an "invisible mass movement" for social democracy. An American social democracy aware of itself, however, would be something new.

IV

The *What's Left* editors write that the democratic left's "crusading spirit has ebbed" (353), and they are candid in their uncertainty about how or whether this lost spirit can be recalled. This ebbing of spirit is a political event, a matter of tangible organizations: social democracy's "crusading spirit" has always been embodied in the "participatory culture" of a social democratic *movement*, and is not easy to imagine a social democracy that can survive a "participation deficit" (as one pair of *What's Left* writers put it, on 316). *What's Left* takes stock of social democracy's organizational troubles: parties with shrinking vote shares (50-83), unions with shrinking membership (10, 95), the eclipse of the old left's "broader working class culture" and the widening gulf between ordinary citizens and the professionals who manage unions, parties, the state (10). In the new political world these changes make—what Colin Crouch has called "post-democracy"—the left's loss of "big ideas" (Moschonas on 72, Cronin on 135) can come to seem like nothing more than a factor in the career difficulties of "la classe politique." Revealing as much about European politics as about American, a number of *What's Left* writers treat the national leadership of the Democratic Party as the U.S. counterpart to European social democrats. Social democratic politics, it would seem, has been reduced to the actions of social democratic politicians. Something is missing here—namely, the public lives of citizens. New thinking—or, better, careful thinking—about how to cope with this erosion of public life, and the loss of spirit that comes with it, is needed.

Perhaps this is a point at which the American left has something to teach the European. Ignazio Silone seemed surprised by his own fate when, in a 1961 interview, he declared himself a "socialist without a Party." The whole European left is now troubled by this fate. The American democratic left, in contrast, has long been familiar with it, and for European social democrats, unsettled by the recent inability of their political parties to act as Parties—as hegemonic inheritors and arbiters of an ideology—our history of locally-rooted organizing efforts and motley electoral coalitions may be worth learning from—for its examples of failure and disarray, of course, but also for its stories of creative experiments and lively engagement. A sequel to *What's Left* might need to look not only at the Democratic Party but also at the para-

party groups (for lack of a better term)—like the Working Families parties and organizations active in a few states, the more politically astute Central Labor Councils, and other local- or state-level labor-community coalitions—that make up the really-existing democratic left in America.

The *What's Left* editors suggest that social democracy has lost its old élan because "the basic programmatic and utopian projects that lefts developed over more than a century" have become "exhausted." They are right to say that "'transcending capitalism' is no longer politically plausible" (352), but this is less important than they think. A policy program—even a radical one, like "transcending capitalism"—cannot, by itself, drive a movement of organized citizens. Policy ideas are vital to the electoral prospects of party leaders, but if social democracy is to be once again a movement, it needs a different kind of inspiration: not goals of the sort that might or might not be reached, but the moral sustenance for what Irving Howe called the "steady work" of democratic politics.

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Seemingly despite themselves, the *What's Left* editors gesture toward a better way of understanding social democracy. More than once, they write that social democracy has sought to "humanize" market societies. The word tells. When social democratic policies have opened the way to an inclusive public life, and, no less, when social democratic organizations have drawn citizens into shared work for shared ends—not just casting the occasional vote, but attending meetings and marching in the streets and planning campaigns together—social democracy has put flesh on the idea of solidarity, and has thus confronted fundamental human questions. Unlike Kenworthy, content as he is with a narrowly economic vision, the editors of *What's Left* seem torn: they clearly want to keep their feet on the ground, but they also seem to sense that no word short of "humanize" can name the democratic left's goal. "Economic security" means merely staying alive. The worry about "belief" and "hope" that *What's Left* admits to suggests something more. Maybe it's this: haunted by an unrealized and unrealizable dream of solidarity, social democracy is concerned with figuring out what can make a modern society *humane*.

If this is right, then a social democratic America—may there be such a place!—means not only an America with less economic anxiety. Beyond this, it means an America where there are more, and more meaningful, occasions for us to ask: how shall we live together? That is not merely an economic, but a political—and more than a political—question.

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Review Essay: The Fading Counterinsurgency Fad

By | 2014: vol. 13, no. 3-4

Books Reviewed in this Essay:

Hannah Gurman, ed., *Hearts and Minds: A People's History of Counterinsurgency* (New York: The New Press, 2013)

Ivan Eland, *The Failure of Counterinsurgency: Why Hearts and Minds are Seldom Won* (Santa Barbara, CA: Praeger, 2013)

Gian P. Gentile, *Wrong Turn: America's Deadly Embrace of Counterinsurgency* (New York: The New Press, 2013)

Counterinsurgency never really goes out of style, no matter how much its ardent fans bemoan it doing so, although the *styles* of counterinsurgency (COIN, in insider jargon) shift swiftly so as to sooth civilized sensibilities. The customary underlying COIN aims are to (1) gull the domestic public about the actual cruelties of counterinsurgency, (2) bolster foreign allies no matter how indelibly corrupt they are, and (3) to rub out supposedly small fry enemies abroad and, eventually, at home too. "Bring the war home' is a truly silly slogan that the Weatherman faction promoted in the late sixties, silly because long dirty wars always come home anyway, as we witness in the steady erosion of US civil rights and breakneck militarization of police forces.[1] For policy elites in major powers there can be no such thing as a popular insurgency (unless those same elites sponsor it) so one must expect them to deploy carelessly calculated medleys of soft words and hard killers to stamp out designated nuisances.

Ever on tap is an ample supply of coldblooded functionaries eager to carry out the brutal and usually futile neoimperial task of shoving round pegs endlessly into square holes. No matter how often the dubious doctrines and cheery accounts of COIN are proved flat wrong, a new batch of steely-gazed, semi-sober, task-oriented enablers arises to revive it whenever an anxious superpower puts out the call. Even if most counterinsurgencies do flop, punitive examples must be made of insolent insurgents. Noam Chomsky is correct that Vietnam, though a delirious defeat, served as a stern warning of the mighty price that disobedient actors abroad will pay for tangling with a leviathan.

The so-called COINdistas take it as an article of faith that the endangered population in any target country stands immaculately apart from 'bad insurgents,' who, as it usually happens, are family and neighbors of the same people the counterinsurgents profess to protect. Lt. Col. John Nagl, of *Eating Soup with a Knife* fame, obligatorily views appointed foes as all "terrorists that leech off of disaffected indigenous populations for recruits and support for their extremist

ideologies.'[2] The sneaky inscrutable populace, however, may back the insurgency, and even if they are not supporters at the start then clumsy COIN activities can transform them into rebels via routine rough treatment escalating all the extremely tempting way up to pure mayhem.

Authorities, as all books under review testify, are well aware of the acute dilemma that arrogant and errant COIN actions only stoke local resistance, but they cannot restrain themselves from doing it anyway. As editor Hannah Gurman notes in her valuable collection *Hearts and Minds*, COIN is the thinly disguised descendent of earlier imperial ventures by cynical European powers and so prim American proponents cannot bring themselves to confess to anything like similar motives. In the Philippines (twice), Vietnam, Central America (many times), Iraq and Afghanistan, not to mention the frankly genocidal 19th century Indian Wars, the gruesome task – also dubbed pacification or irregular warfare or low intensity operations – was dutifully framed as liberating the proles from oppressive Soprano-like hoodlums, not imposing a new gang of thugs who serve American elites' interests, as poorly conceived as those interests may be.

Defense intellectuals, if that is quite the term for hired word-slingers, cling to the handy notion that moral qualms must not pollute the objective scientific enterprise of subjugating wayward populations. The phenomenon of the "accidental guerilla," of naive natives turning rebel after experiencing counterinsurgent abuses, which David Kilcullen lamented in his book of that title, is a sure by-product of bloody intervention, especially third-party intervention. Yet deciding not to meddle is virtually ruled out as a reasonable choice in official policy menus. So, in quagmire situations abroad, the COIN feedback loop gets stuck in reverse gear, which comes to be viewed by annoyed authorities as a form of progress. Why? Because generating more insurgents fuels the venerable self-serving argument that the remedy is higher doses of the same medicine. In *The Failure of Counterinsurgency* Ivan Eland of the Cato Institute denounces this slick syndrome as fiercely as do Gurman's group of left-liberal critics. So too does Colonel Gian Gentile, an Iraq combat veteran who (I am glad to learn) now teaches at West Point, in his short, sharp shock of a book *Wrong Turn*. These three dissenting volumes, which pretty much span the American ideological spectrum, converge on the need to bury COIN, not to 'improve' it.

Gurman's worthy collection is a 'response to the grand narrative of US counterinsurgency,' one nestled within cozy groupthink confines where the perpetrators agree to misunderstand or misstate facts to each other's satisfaction. Gurman's contributors offer a 'glimpse into the history of insurgency and counter-insurgency from "below," from the vantage points of ordinary people caught in the maelstrom of these conflicts.' So they attempt to "detail the different segments of the population, their often complex and always evolving relationship to the 'insurgency,' and the impact of counterinsurgency campaigns on their communities and their lives." Gurman also cannot help but observe that ongoing domestic espionage and surveillance efforts designed to separate American communities into desirable and undesirable elements is a local manifestation of COIN. The police today in Ferguson, Missouri, as some astounded veterans remarked, look better equipped than were many vulnerable soldiers patrolling Iraq and Afghanistan. One might lazily call this outcome "ironic", except that amping

up repressive apparatuses at home is an entirely predictable part of coping with the fallout from pursuing expensive military expeditions abroad.

Karl Hack, examining the 'Malayan emergency' of 1948-60, scrupulously defines "people's history" as allowing voice for victims of insurgency as well as of COIN. Well and good – if only COIN advocates scrupulously counted both categories of victims too. Malaya, Hack argues, is misread as a stirring counterinsurgency success, as also is the Philippines Huk rebellion in the 1950s (though few enthusiasts probe too deeply into the Philippines horrors circa 1900). Authorities, you see, don't just want to crush foes, they want to be applauded for doing so in an angelically legitimate manner. Give our canny leaders credit for caring enough to lie about what they do. What happened in Malaya was not a touchy-feely 'hearts and minds' campaign, but lawless brutality and mass deportation conducted largely to serve rapacious British plantation and mining interests. The roots lay in postwar repression of labor as well as nationalist aspirations. Hack does not really try to distinguish between provocation and reaction, a *faux* evenhandedness. So when labor resists employer-sponsored violence, they seem to be loony villains. Ultimately, an ethnic split between a Chinese minority who formed most of the insurgency (and earlier resistance to Japanese occupation) and the Malay majority worked decisively in authorities' favor. Still, Malaya was an extraordinarily costly venture that the British could only 'win' by reluctantly ceding independence.

For US Cold Warriors both Malaya and the Philippines (where advertising exec- turned-COIN guru Ed Lansdale became a legendary spook) resemble successes to be plumbed for profound lessons, but Gurman's contributors pry past the press clipping facades. Without women's support, for example, Vina Lanzano argues, there would have been no Huk rebellion, which stemmed from a radical shift in landlord-tenant relations.[3] She demolishes the assumption, necessary for COIN to seem plausible, that "it was not a community and solidarity and strong kinship relations but communist agitation that explained the success of the Huk movement.' She also zeroes in on a crucial 'masculinized conception in which both peasants and guerrilla appear as free agents, manipulated, and, in the end, acting only for themselves and their own personal interests." Hence, in a crude rational choice board game universe, insurgents get categorized as gangsters and gun molls. Here the lab-coated analysts impose a congenial explanation upon the mysterious environment. COIN tactics, Lanzano finds, "deploy conservative strategies toward gender and women that, in the end, exploit and marginalize women and reinforce masculine ideologies of conflict and power.' The intent was the breakup of the communities themselves in order to suppress resistance. Eland points out the inescapable paradox that, even if we accept authorities' highly skewed assumptions, COIN cannot work until the population feels safe enough to collaborate but they can only do so when the insurgency is broken.

Vietnam's lesson, in the cookbook recipe phrase, is first catch (or select) a government the populace believes is worth defending.[4] The Saigon regime, a round-robin of authoritarian cabals, was devoutly corrupt and just as devoutly depicted in US propaganda as a frail democracy under threat. One rather admirable Marine officer in 1966, determined to win distrustful hearts and minds, wound up having to order his platoon to level its weapons at

South Vietnamese officials who tried to pillage what the earnest Yanks helped to build.[5] (His Marines behaved as nearly like Boy Scouts as Marines are capable of, which one suspects is not very much.) The officer was aghast that he had to resort to force to protect villagers from their predatory government, but do you imagine the villagers were surprised? And what happened when the Marines departed? The COIN prognosis, to say the least, was not a promising one in so fundamentally inhospitable a climate. Gian Gentile, by the way, contrary to some giddy revisionists, detects no difference in the COIN aspect of the war in the changeover from Westmorland's leadership to Abrams.[6]

B-52s are wretched ambassadors, but so too are nosey foreign soldiers poking around strange neighborhoods figuring out whom to scribble onto kill lists (which is one of many problems later arising around the Human Terrain System).[7] Creating refugees also is no means for winning hearts and minds, though the US counted mass relocations as a net plus. The real goal was to pacify domestic sources of opposition, for the "people inside were being protected from the threat of their own potential disloyalty." Thank goodness for any scrap of candor. The 'accelerated pacification campaign' (including the notorious Phoenix program) from late 1968 onward was unsparing and indiscriminate under the guise of precision. Guerrillas reeled, or backed off, for a while but rapidly recovered. So, after the war, the Pentagon quietly downgraded, if not ditched, counterinsurgency. It became the preserve of Special Forces. General David Petraeus, chief instigator of the best-selling COIN Manual, later helped to summon this zombie doctrine forth from its dioxin-laced coffin to torment Iraqis and Afghans too.

Regarding El Salvador Joaquim Chavez finds that terrified ordinary people in the 1980s had little choice but to fight the elites exploiting them. Implacable anticommunism was invoked to justify US intervention. American corporate interests aligned with designs of rapacious Salvadoran elites. So the military-oligarch leaders treated intellectuals, unions, students, and opposition politicians as mortal threats, 'portraying social activism as the same as guerrilla action.' Salvadoran leaders inflicted a sadistic counterinsurgency ordeal that generated the very leftist threat they feared and loathed. Fear of popular voice and reforms united local *jefes* and their paranoiac US enablers. During the Reagan years concessions were dangled as matters of image management and so as to undercut or split the opposition. Yet the strategy failed to snuff out the FMLN and instead during George H. W. Bush's term the armed conflict came to an unwanted negotiated end.

Finally, in Gurman's volume, Rick Rowley's and David Enders' essays examine Iraq, where COIN was plucked from the vasty deep to bail out Dubya's hubris, while essays by Jeremy Kuzmarov and Jean Mackenzie ably sort through the "scorched earth in slow motion' that is Afghanistan. The US invaded Iraq, disbanded the army, privatized oil, and added to these bad first impressions by shooting protesters in numerous street incidents. Ultimately, the celebrated Sunni 'awakening' led to the rise of ISIL today. Hooray. Kuzmarov aptly cites Gabriel Kolko's observation that in warfare, and especially wars of conquest, 'the functions, actions, and values of officers ands men are the inevitable consequences of the kinds of societies they are seeking to create or defend" – neocolonial marionettes, in the case of Paul

Bremer's Iraq and Hamid Karzai's Afghanistan, which could not stand.

In Iraq in the mid-2000s Lt. Col. Gian Gentile turned up few 'fence-sitters' waiting to be charmed by kindly counterinsurgents, of whom there were probably even fewer. The myth nonetheless was cultivated that the 'surge' under COIN auspices suddenly mollified the deadly place. Yet it was bags of bribery cash and expert exploitation of sectarian tensions that redirected ferocious resistance away from American troops. The ballyhooed resurrection of COIN was a gambit to rescue a failed enterprise and ultimately just a garish cover for withdrawal.[8] Gentile attests that many young American officers used COIN techniques before Petraeus but they did so to little avail in a milieu that non-negotiably wanted Yankees to go home.

Gentile slams the "deep-seated American military assumption that by getting organization, systems, and procedures working correctly wars can be won." Gentile judges the US "failed at strategy', but it may be somewhat more accurate to infer that US schemes failed at inception in their lethal little neocon cradles. What imaginable strategy could have succeeded in Vietnam, El Salvador, Iraq or Afghanistan anyway? 'The blunt answer,' replies Gentile, 'is that heart-and-minds counterinsurgency carried out by an occupying power in a foreign land doesn't work unless it is a multigenerational effort.' Maybe Nazis can get away with it, though their record was a bit mixed, and they didn't quite last a thousand years.[9]

COIN remains a faintly respectable topic because a superpower can afford to keep every ugly option open and because no apparatchik brewing it up ever got hurt.[10] I recently heard a scholar I respect tumble into the trap of talking airily about US interventionist disasters as not really doing harm to "us," though by "us" he meant the Ivy League-ish policy elites (whose Iraq invasion mania he opposed) who hatched the hubristic plans. The USA suffered in many ways but not these Teflon pundits who still haunt our airwaves. The swamp of fetid COIN concepts needs to be sanitarily drained. The only unconventional attitude toward this entrancingly counterproductive form of warfare is to shelve it for good. Counterinsurgency, as Gentile and everyone else here grasps, 'is a recipe for perpetual war," and that objective suits schemers who shouldn't be let anywhere near the levers of power.

Notes

[1] See Radley Balko, *The Rise of the Warrior Cop* (Washington DC: PublicAffairs, 2013) and Kristian Williams, William Munger, and Lara Messersmith-Glavin, eds. *Life During Wartime: Resisting Counterinsurgency* (AK Press, 2013)

[2] John A. Nagl, Foreward to David H. Ucko, *The New Counterinsurgency Era* (Washington DC: Georgetown University Press, 2009), p. viii.

[3] Benedict J. Kerkvliet, *The Huk Rebellion: A Study of Peasant Revolt in the Philippines* (Lanham: Rowman & Littlefield 2002), pp. 22-25.

[4] According to Kaplan's account, David Kilcullen eventually confronted the following confounding syllogism: "We shouldn't engage in counterinsurgency unless the government we're helping is effective and legitimate: a government that needs foreign help to fight an insurgency generally isn't effective or legitimate; therefore we generally shouldn't engage in counterinsurgency." Fred Kaplan, *The Insurgents David Petraeus and the Plot to Change the American Way of War* (Simon & Schuster, 2009), p. 290.

[5] William Corson, *The Betrayal* (New York: W. W. Norton, 1968). Bing West's *The Village* (New York: Pocket Books, 1972) was a far more gung-ho and considerably less circumspect version of the combined action platoon experience in Vietnam and therefore much more acceptable for military reading lists.

[6] In this upbeat redemptive militarist vein see any book by Lewis Sorley or Mark Moyar.

[7] See John Kelly, Bea Jauregi, Sean Mitchell and Jeremy Walton, eds. *Anthropology and Global Counterinsurgency* (Chicago: University of Chicago Press, 2010).

[8] For an assiduously rosey-hued look at the surge, see Thomas Ricks, *The Gamble* (New York: Penguin, 2008).

[9] See Mark Mazower, *Hitler's Empire* (London: Penguin, 2009).

[10] See Kurt Jacobsen, "COIN Flips: Counterinsurgency and American International Relations" *Cambridge Review of International Affairs*, April 2014. https://www.tandfonline.com/doi/abs/10.1080/09557571.2013.811637#.VFZ_N-c5kfo

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Symbols of Failure? Radical Democracy between Past and Future

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Review of Warren Breckman, *Adventures of the Symbolic: Post-Marxism and Radical Democracy* by Warren Breckman. Columbia University Press, 2013. 376p.

Twenty-five years ago the revolutions of 1989 transformed the political landscape of the Cold War world. Crises were nothing new in the history of Marxism—the dates 1914, 1933, 1956, and 1968 all come to mind—each prompting serious debates and reappraisals of what the theory could mean in the context of the times. The fall of the Berlin Wall certainly marked the end of Soviet communism as politics. But according the story told in Warren Breckman's *Adventures of the Symbolic* these events were the political conclusion to a philosophy that had already been challenged and pushed aside decades earlier. For many Western radicals, the rise of the New Left and its fallout in post-1968 France brought about an agonizing re-examination of what emancipatory politics could mean when it rejected both the high capitalism of the United States and the repressive communism of the Soviet bloc. These two points—1968 and 1989—form the historical backdrop for this book, as it frames the development of radical democratic theory as a response to the problems associated with Marxism.

Breckman, a professor of modern European intellectual history at the University of Pennsylvania, begins from the current empty space where Marxism once stood as a political project that sought to link critical theory to revolutionary practice. Unlike so many trenchant and theoretically innovative critics of capitalism from the past century—Lenin, Lukacs, and Gramsci all come to mind—he reminds us that today we are no longer capable of taking at face value the certainty of an objective historical dialectic, the need for a revolutionary vanguard party, or even the primacy of class struggle for historical development. Neither should we pin our hopes to social democracy and the welfare state—a discussion of these twentieth century alternatives to communism is all but absent here, as they have become integral to the functioning of global capitalism, with years of neoliberal reforms culminating in the Great Recession now pushing them to the edge of crisis.

By now this story is familiar. For the Left, the result of this displacement of Marxism has been a pluralization of resistance movements along identity lines and specific issues, their organization tending to emphasize the local and the horizontal. Furthermore, the influence of French theory (especially post-structuralism and deconstruction) on the American academy in the 1980s and 90s undermined the historical metanarratives and universalism that made Marxism the heir of the Enlightenment. Today, with the neoliberalization of the university threatening humanities departments everywhere, theory itself is in crisis. Yet both left-liberals and Marxists alike remain skeptical of its usefulness for articulating a political program around

which social movements can be built and fought. To many, “theory” continues to represent a waywardness of critical thought, the point where the ruthless criticism of all that exists becomes a solipsistic and indulgent exercise in self-examination (Recently Francois Cusset, in his book *French Theory: How Foucault, Derrida, Deleuze, & Co. Transformed the Intellectual Life of the United States*, has called theory above all a discourse on itself and on the conditions of its production, i.e. the university).

On the basis of this current situation, Breckman turns to the idea of the symbolic as a lens through which to re-think the possibilities that radical democratic politics holds for us today and to highlight “the pressing relevance of radical democratic theory to the prospects of protest movements for contesting and transforming the coordinates of the world as it is” (285). Like Maurice Merleau-Ponty’s *Adventures of the Dialectic* (whose title it echoes), the story is organized around a key concept as a means of offering a narrative about radical thought from the nineteenth century to the present. But whereas Merleau-Ponty was writing in the 1950s, at a time when Marxism still constituted the horizon of radical thought, here the focus is on the post-Marxist tradition that developed in response to its limitations—in particular the limitations of the orthodox Marxism that was the state philosophy of the Soviet Union and of various communist parties in the West. Summarizing the book’s theme, Breckman asks “What are the possibilities of creating and sustaining a positive emancipatory project” (6) beyond the Marxist framework?

Why turn to the symbolic, and what is its value for thinking about the potential of radical democracy? Part of the answer lies in the contrast that Breckman draws between the complexity and ambiguity represented by the idea of the symbolic, and the ontological and epistemological realism implicit in the Enlightenment’s emancipatory project. That lineage, running from Rousseau to Kant to Hegel to Marx, affirmed the capacity of philosophy and critique to guide us in accurately knowing the world. At the center of the Enlightenment project was a desire to desymbolize the world by reducing the transcendent dimension of human existence to the immanent and ‘this-worldly.’ Whereas the task of religion was to mystify and obscure the foundations of social order, Enlightenment thinking sought to achieve its clarity and self-transparence. To desymbolize the world was to secularize it. In essence, it meant a radical rejection of the idea that the world eluded our capacity for understanding.

In this spirit, Hegel challenged the Romantics by putting forward an essentially secular philosophy that emphasized the self-conscious self-determination of humanity through a universal historical process. Meanwhile Marx, influenced by the political and philosophical attitudes of Young Hegelians like Feuerbach, saw human emancipation as the overcoming of the otherness and alienation of modern bourgeois society—problems that humanity set before itself, and as a result, was also capable of solving. Yet for Breckman this emancipatory vision of modernity was “a state of longing for an impossible unity” (34) that could never come.

He explains that the reason for this inability to achieve a fundamental unity between a radical social philosophy and the social order it referenced was the dissonance created by the symbolic phenomenon of language. The epistemological and ontological realism through which Marx and

Engels's writings were interpreted by their followers assumed at least a minimal degree of coherence between consciousness and world. In the body of Marxist literature that emerged alongside the Second International, forms of social consciousness could be explained by pointing to a given society's mode of production and stage in historical development. The realms of activity where symbolic forms dominated—namely language, religion, art, and culture—were treated as epiphenomenal products of the superstructure, which in turn was determined by (non-symbolic) social labor and value. According to this view, the task of historical materialism was to expose the symbolic dimension as an illusory realm—as ideology seen through the lens of the *camera obscura*—by tracing its origins to the material substratum of society.

The history of Western Marxism can understood as a series of attempts to explain the interaction between the material forces shaping the world and the social role of ideology and consciousness. Although he does not figure into the story here, the Hegelian Marxism of Lukacs, whose *History and Class Consciousness* (1923) became perhaps the most influential text for the rich tradition of humanist Marxism, was a response to the economistic tendencies of earlier theories. Following Marx's reflections on the mystifying role of the commodity-form and developing the ideas of reification and false consciousness, Lukacs held that capitalism's obscuring of human beings' real social relations could be exposed by philosophically grasping the working out of the historical dialectic. Yet as Martin Jay noted in *Marxism and Totality* (1984), Lukacs still argued for the ability to gain knowledge of a concrete totality, which he defined as the "conceptual reproduction of reality." In other words, history read through the dialectical unfolding of the relationship between the bourgeoisie and the proletariat affirmed the certainty of the proletarian point of view and its status as the subject-object of history.

As a result, the post-Marxist turn to the symbolic must be understood as a response both to the positivist and naturalist interpretations of Marx, and to Hegelian Marxism's search for the possibility of demystification through the critique of ideology. Breckman does not begin with Marx but devotes space to the pre-Marxian "adventure" of the symbolic as something akin to a subterranean current in modern thought, going back to the German Romantics, the Young Hegelians, and the little known socialist Pierre Leroux. Although he clarifies that there was no direct line of influence between the Romantics and post-Marxism, he suggests that there is an affinity between them. For the Romantics the symbol was inherently ambiguous, in that it both concentrated and dispersed meaning. On one hand, it created a link between an object and its representation. But because no representation can ever be identical to its object, the symbol also highlighted an unbridgeable gap between the two.

In the second half of the twentieth century, this emphasis on the ambiguity of representation amounted to a turn away from epistemological realism. Figures like Claude Levi-Strauss, Jacques Lacan and Louis Althusser came to the forefront as the heralds of a new structuralist critique of humanism. Among this movement's most important contributions was seeing the social world as pre-constituted by a linguistic symbolic order. Lacan's idea of the real—that ontological certainty imagined to exist beyond the representation but which we cannot penetrate because of the inherently ambiguous nature of language —articulated this constant

absence at the basis of social existence. In turn Althusser, who was influenced by Lacanian psychoanalysis, theorized ideology not as a distortion of real social relations, but as the imaginary relationship that individuals had to their real conditions of existence. This imaginary relationship was unconscious, manifested in everyday life through mundane activities, and therefore impervious to enlightenment. Even if particular ideologies came and went, Althusser concluded, Ideology itself, like the Freudian unconscious, was eternal.

Althusser's attempted break with humanism still affirmed Marxism by reorienting it on the level of a subjectless theoretical science containing its own internal conditions of truth. But it was figures like Cornelius Castoriadis, Claude Lefort, and Ernesto Laclau and Chantal Mouffe (each treated in individual chapters here) who went further beyond structuralism. In different ways and through different paths, each made the "symbolic turn." The new generation of critical thought concluded that if truth could no longer be treated as a correspondence between an object and its representation, the road taken by critique would instead be through a constructivist perspective that emphasized discourse, meaning, absence, and nonidentity. The task shifted from saving Marxism from its vulgar interpretations "to [rescuing] radical thought from Marxism itself" (266).

This new rethinking of the political emphasized that society could no longer dream of a time when it would be perfectly transparent to itself—a dream that for thinkers like Laclau and Mouffe contained a totalitarian streak lurking in all politics, and not just those of the Communist bloc. Lefort argued that social homogeneity had been the fantasy of modern democracy since the French Revolution, but modern democratic society also could not avoid creating a representation of itself as an empty place. Whereas the monarch once represented the unity of the social in his own body, the radically egalitarian impulse of modern democracy led it to disembody power, deliberately constructing its symbolic dimension as empty of any single entity that could represent the social as a whole. This loss of foundation brings about a constant search and debate about legitimacy, and moves democracy into the open, ungrounded space of political contestation.

The secularization and "disenchantment" of the world that we now commonly see as the defining features of modernity, and the replacement of personal authority with impersonal institutions, also gave rise to quasi-transcendent entities like the State, the Nation, and Class. These fictitious constructs make up the horizon of our political thinking, revealing a symbolic dimension of politics that cannot be reduced to a neat identity between being and thought, or being and language. They and other "twentieth-century fantasies" (163) such as the sovereign people, the party, race, and the leader, despite the different contexts in which they appeared, are all invoked here as manifestations of a desire to close the gap between the complexity of the real and the symbolic representation of power. In contrast, the emancipatory potential of radical democracy is found not in the fixationof clear and unambiguous meanings—a single definition of "the People," "the Nation," "the State," and so forth—but in the constant destabilization of these terms, in which they are subject to redefinition through the emergence of new contestatory struggles and practices.

Breckman thus treats the symbolic as a multifaceted and ambiguous construct, constantly moving back and forth between embodying a positive meaning and revealing a negativity or absence. It contains within itself both the "power to body forth an idea and the impossibility of a fully adequate representation of it" (266). Rejecting the idea that there could be a totalizing and fully intelligible logic upon which the social world rested, the post-Marxist tradition embraced this openness as the space where autonomy could be exercised. As he writes, radical democracy focuses on "the preservation of nonidentity between the symbolic and the real," and by taking as a starting point the idea that fixed meanings are impossible it "opens the symbolic domain to the possibility of a constant activation of the quest for autonomy" (56).

As Breckman argues in his chapters on Castoriadis, Lefort, Laclau and Mouffe, and Slavoj Zizek, this discourse of the symbolic was particularly influential for contemporary debates on the meaning of democracy. At the risk of papering over important differences between these figures, which Breckman painstakingly reconstructs, one may say that all approached the idea of democracy from the post-foundationalist perspective that emphasized contingency, indeterminacy, and absence and emptiness as ineradicable elements of the modern democratic experience. These chapters show the flowering of theoretical problems and approaches (psychoanalysis, phenomenology, and structuralism among others) that were influential in the attempt to go beyond Marx. For example, Castoriadis and Lefort—onetime collaborators in the *Socialisme ou Barbarie* group, known for its critique of the Soviet Union as a form of bureaucratic state socialism—are treated in depth as thinkers showing both democracy's potential for novelty and its limitation as a condition of openness that can never be completely fulfilled. Meanwhile, the clashes between Laclau and Zizek on how to move beyond radical pluralism and recapture the idea of universality are recapitulated here as those of "a poststructuralist Eduard Bernstein against a Hegelio-Lacanian Vladimir Lenin" (218).

Breckman especially disagrees with Zizek, whose recent writings have argued that moving beyond the horizon of liberal democracy necessitates a new form of universalist thinking—a "new and undreamt Order" (261) created out of a marriage of the Christian and Bolshevik revolutionary traditions. But his disagreement is not because of a liberal recoil at Zizek's pronouncements about revolutionary violence and praise of the Jacobin-Bolshevik tradition, which has been the preferred avenue of attack for many of Zizek's critics. Rather, it is because he sees Zizek as promoting a new form of closure for the Left. If the symbolic represents a space at the heart of the social body that can never be fully reconciled with itself, it is exactly this quality that Breckman argues can be used to defend, extend, and radicalize democratic openness. Channeling the symbolic in practice means remaining open to politics as a pluralizing and multifaceted site of contestation, and not one of certainty.

Surveying this landscape of radical democracy's possibilities leads Breckman to offer up a brief sketch in the Epilogue of how recognizing society's lack of foundation can contribute to modern day struggles for autonomy and push emancipatory politics forward. Translated into political practice, we may take this to mean that radical politics operates in the space between what is imagined as the horizon of possibility and the "realistic" and pragmatic focus on short-term, strategic gains. Breckman discusses Occupy Wall Street (also linking it to other worldwide

protests like the Arab Spring, the *Indignados*, and the anti-austerity protests in Greece) as an example of the new form of post-Marxist activism, more influenced by contemporary anarchist theorists like David Graeber than by 20th century theoreticians of revolution like Lenin, Trotsky, or Mao. He quotes Graeber's description of direct action as "the defiant insistence on acting as if one is already free" (283) as representative of this new ethos of freedom and possibility, where it may seem all is needed to bring democracy into existence is the desire to act in a democratic manner.

This willingness of Occupy activists to think and organize in ways very different from those of mainstream progressives, as well as its inclusive slogan of membership in the 99%, show the importance of the symbolic dimension. Its polyvalent character, its emphasis on a multiplicity of meaning, and its accentuation of contingency and indeterminacy all aligned with the horizontalism, diverse constituency, and procedural openness present at the Occupy protests. Yet looking back it also becomes more apparent that what made OWS such a successful model of protest simultaneously revealed its limitations. Although it was incredibly successful at putting the question of economic inequality and social justice back on the table and reframing the debate as one of the 1% against the rest of the people, these were (tentative) victories in the symbolic realm of discourse, not institutional or material ones. Forcefully evicted from the urban encampments, which served as a powerful visual manifestation of the 99% in the public space, OWS was unable to recapture the momentum of those autumn months.

Ironically, Occupy's focus on the inequality and democratic deficit in modern capitalist society evokes the specter of Marx. If democracy cannot be understood apart from the symbolic dimension and its turn to "the political," it does not also mean we should neglect how power operates in what we may think of as the socioeconomic realm. The proliferation of radical democratic theories over the last twenty years coincided with the most volatile boom and bust cycle in the U.S. since the 1930s. Government intervention to prevent the full collapse of the American—and global—economy, and the political struggle over the federal debt, have again raised questions about the relationship between state and capital. The stigmatization of the working poor as entitled people who do not pay income taxes, perpetual inner city poverty, and the spread of anti-union Right to Work laws in states across the South and Midwest continue to remind us that class matters. And the reliance on cheap overseas labor for the production of mass goods, as well as the push for the privatization of public services such as education here at home, illustrate the constant tendency of capital to expand and exploit new markets. One does not need to subscribe to Alain Badiou's Platonic notion of Communism, or even any belief in the ultimate victory of the proletariat, to think there is reason to put the triumphalism of 1989 to rest and again begin taking seriously the critique of capitalism.

This is also where understanding democratic practice in terms of contingency, contestation, and openness, as Breckman urges us to do, may actually clash with the goals of social justice and equality that ostensibly make up the democratic horizon. He concludes with the hope that "recognition of society's lack of foundation…may intensify the commitment to autonomy and emancipatory politics" (288). Taken alone, a politics of the symbolic *can* be, but is not necessarily, oriented toward autonomy, egalitarianism, and social justice, since establishing

these end points would amount to a form of closure that violates its own logic. While the 99% is one example of a *demos* emerging to challenge the current holders of power, what are we to make of the Tea Party's own symbolic repository—such as Confederate flags and anti-abortion placards—which represent the opposite of equality and social justice? In instances such as these the symbolic realm appears as neutral rather than oriented toward those values. But if this is true, it also raises the question of which individuals or groups will be able to effectively use the symbolic for their own ends, given that even the most democratic societies today do not have level playing fields. Inevitably, some will be more successful at leveraging the symbolic domain than others, and most likely they will be the same vested, hegemonic interests against which radical democracy seeks to mobilize. Therefore, in the end, the question of whether a post-Enlightenment and post-Marxist secular politics can "recapture a vital sense of complexity and ambiguity" (54) *while at the same time* remaining true to the emancipatory project of modernity—all this after having done away with much of its foundation—remains unresolved.

What lessons can we learn looking down the road? At one point in the Epilogue we come across a quote from Badiou, who remarks that the problems facing us in the twenty-first century echo those of the first half of the nineteenth. Just like then, Badiou states, we are faced with "an utterly cynical capitalism, which is certain that it is the only possible option for a rational organization of society" (264). Like in 1840, the marketization of social relations has created a disparity between a small wealthy elite and the rest of the people, and oppositional currents of thought are more fragmented among themselves than united in a popular, egalitarian movement.

To believe with certainty that a new 1848 is on the doorstep is utopian. But Badiou's assertion does carry a symbolic weight reminding us the struggle for the democratic horizon is an ongoing process. To read about the adventures of the symbolic is to recognize the complexity and uncertainty that are at the heart of democracy, as a theory and as a practice. For that, Breckman's masterful work is an important contribution.

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Ebony & Ivy: Race Slavery, and the Troubled History of America's Universities by Craig Steven Wilder

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Review of Craig Steven Wilder, *Ebony & Ivy: Race, Slavery, and the Troubled History of America's Universities* (New York: Bloomsbury, 2013)

It has become an article of faith that American exceptionalism starts with our lack of a feudal past. Settled by sturdy farmers and righteous artisans, the story goes, we were spared the long, bloody transition to capitalism that marked European history. A broad commitment to popular government and Enlightenment values helped solidify the foundations of a middle-class republic whose pragmatism and ability to compromise guaranteed political stability and broad prosperity. It's true that slavery delayed the completion of the Founders' hopes, but it was a "peculiar" institution confined to the backward South and doomed to disappear as a democratic consensus developed around the repudiation of human bondage and the political equality of all people.

This comforting account has served to introduce generations of Americans to the conviction that we are well on the way to overcoming the painful history of slavery. There has been a great deal of progress of course, but it's not because the United States is exceptional in the sense of our civic fairy tale. If we have come any closer to having an honest conversation about slavery and race, it's because we're beginning to grapple with what really happened, what it's meant for the country's history and what it signifies for our future. All that's required is a measure of intellectual honesty and truth-telling.

This is where critically-informed, path-breaking scholarship can truly serve human progress. There's been a fair amount of it in recent years, punctuated by Eric Foner's biography of Abraham Lincoln, Michelle Alexander's account of "the new Jim Crow" and Ruth Simmons's bravery in opening an examination of Brown University's long and lucrative connection to the slave trade. They are now joined by Craig Steven Wilder's *Ebony & Ivy*.

Wilder's account of the deep material and ideological connections between American universities and human bondage comes as no particular surprise but is a stunning revelation of the real, profane meaning of original sin. In recent years we've come to understand that slavery was a national phenomenon that stood at the origin of almost every important American institution. No good can come from denying this. The shame, denial, guilt and hypocrisy that have so distorted our understanding of our shared history can be dispelled by an

honest accounting of origins and a commitment to move past sunny ignorance. *Ebony & Ivy* is a giant step in that direction.

From education, medicine and law to finance, shipping, insurance, construction, real estate, credit and agriculture, the American past bears the indelible stigmata of slavery and the slave trade. It was based in the South to be sure and slowly disappeared from Northern states early in the 19th century, but it remained a national and international institution. Virtually every important American economic sector was dependent on the international trade in human beings and on the bondage of enslaved people. Wilder covers only a brief moment by focusing on a handful of the country's oldest and most venerable colleges and universities, and the book's meticulous scholarship and deep immersion in primary sources conveys only a snapshot of what it means to live in a civilization that was founded on slavery and justified by race science. *Ebony & Ivy* tells a story that we thought we knew but only begins to scratch the surface of what we need to know. As extraordinary and infuriating as it is to read about the role of the country's most venerated educational institutions in this process, the same story could be told about hundreds of other pillars of the American past – and present. This is why Professor Wilder's book is such a pathbreaking piece of historical scholarship and interpretation.

The story has a material root and an ideological explanation. American colleges were founded as instruments of European influence as the imperial powers sought to defend, regulate and extend their colonial holdings. An important part of a systematic effort to seize territory and hold off rivals, they were intimately connected to the slave trade. Slave traders and slave owners became the first presidents and trustees of the new institutions. Slaving and trading families funded, staffed and populated them. Their physical plants were often built and maintained by enslaved persons. Harvard targeted wealthy Southern families as a source of students and income very early in its history, and other colleges soon followed the money. Profits from slave labor endowed and built William and Mary, a tax on tobacco exports providing much of the money for construction, endowment and salaries. Commercial connections between New England and the Caribbean sent wheat, corn, horses, timber, fish and staves to organize the sugar industry, while slave plantations could focus on sending sugar back north to finance the construction of yet more ships to serve yet more sugar plantations. "For two centuries the Caribbean and southern markets buoyed the New England economy," reports Wilder, "and ships from Massachusetts, Connecticut, Rhode Island, and New Hampshire filled West Indian ports." As the colonial economy became restructured around shipping, insurance, finance and trade, merchant families became the chief sponsors of colonial colleges and their sons became students. Harvard, Yale, Princeton, Rutgers, Dartmouth, Columbia, Penn and Brown relied on the generosity of the colonial elite and were thoroughly enmeshed in the political economy of human bondage and servitude. Merchants, slavers and slave-traders were prominent backers and organizers of every colonial college as churches, hospitals, libraries and colleges reflected the material rewards of a deep investment in Atlantic slavery. As Wilder puts it by way of summary:

> *In the decades before the American Revolution, merchants and planters became not just the benefactors of colonial society but its new masters. Slaveholders became college presidents. The wealth of the traders determined the locations and decided the fates of colonial schools. Profits from the sale and purchase of human beings paid for campuses and swelled college trusts. And the politics of the campus conformed to the presence and demands of slave-holding students as colleges aggressively cultivated social environments attractive to the sons of wealthy families.*

Where money reigned, ideas followed. American colleges and universities were instrumental in creating the ideological justification for the slave trade and – a most important connection that Wilder makes throughout the book – the removal and extermination of the native populations. From the Christianizing project of the country's first colleges to the development of medicine and the elaboration of a "science" of racial superiority, American colleges were central to creating the twinned ideology of Indian removal and African enslavement. The dream of a white civilization undergirded both projects. The earliest colleges received land from conquered and slaughtered Indian communities and were central to the project of subduing the native peoples.

Slavery and Indian expulsion went hand in hand. African slaves displaced native populations as investment in land worked by slaves became a permanent source of income for young colleges and universities. Slaves were frequently brought to campus by presidents, trustees, faculty members and students as personal servants. On campus after campus, the labor of enslaved people was indispensable to the life of American colleges – all the way from emptying chamber pots to cooking, running errands for students and faculty, cultivating gardens and the like. All this was part of the project of dispossessing Indian people and "whitening the promised land." College presidents, board members and faculty often profited from the fraud, violence and coercion that accompanied the dispossession of the Indians. Colleges were indispensable in training missionaries, teachers, land speculators, surveyors, lawyers and others who were engaged in driving Indians away. The continent was to be given over to white Christian people; as the ideological tasks of American colleges shifted to providing a unifying ideology for white people, race science imparted a rational and enlightened justification for superiority and domination. America was to be a white republic, part of God's racial project of possessing the earth. Militarization, evangelization and education – organized by the state, church and academy – were enlisted in the struggle against the native populations. If original sin has any meaning, it describes America's lunge to modernity: "the century of the Enlightenment brought the high point of African slave trade and the rise of systematic racial extermination."

As faculty and students from North America crafted an ideology that justified expansion and bondage, scientific racism became the particular creation of American intellectuals. The systematic attempt to discover the presumed divisions of the human population required access to slaves and Indians. The Christian story of descent from a single pair was married to providing a scientific basis for white supremacy. Before long a worldwide science of

cataloguing, studying, comparing and analyzing different people arose, much of it founded on differences in skin color. Since nature condemned Africans to inferiority, slavery was their natural condition. Anatomy, physiology, dissection, surgery and chemistry were forged in the crucible of slavery; "the genesis of American medical science corresponded to the rise of anatomy and the ascent of race," Wilder reports. As American theologians and churchmen made their peace with slavery, so did her scientists and doctors. As the nineteenth century moved toward civil war and a reckoning with original sin, the American Colonization Society – born on the country's college campuses – expressed the conviction that removal would guarantee a white republic and solve the country's race problem. Indian removal made African colonization look like a reasonable way of avoiding a race war. The results were familiar:

> *In the decades before the Civil War, American scholars claimed a new public role as the racial guardians of the United States. They interpreted race science into national social policy to construct the biological basis of citizenship and to assert that the very presence of nonwhite and non-Christian peoples threatened the republic. They laid the intellectual foundations for a century of exclusion and removal campaigns. The intellectual roots of the cyclical political and social assaults upon Native Americans, African Americans, Jews, Irish, and Asians can be traced back to this scholarly obsession with race.*

Ebony & Ivy is a magnificent book, an outstanding example of the sustained power of first-rate scholarship married to the moral imperative to tell the truth. It's noteworthy as much for what it says as for what it doesn't, for its close attention to detail as much as for the vast areas of American origins that lie outside the book's scope. In his classic account of how the modern world got going, Marx reminds us that "the discovery of gold and silver in America, the extirpation, enslavement and entombment in mines of the aboriginal population, the beginning of the conquest and looting of the East Indies, the turning of Africa into a warren for the commercial hunting of black-skins, signalized the rosy dawn of the era of capitalist production. These idyllic proceedings are the chief momenta of primitive accumulation." The organization of these "momenta" fell to the state, the church and the college. We are all indebted to Professor Wilder for revealing how easily and quickly American intellectuals and colleges were made part of the apparatus of extermination, enslavement and racism.

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The Mayor of MacDougall Street, by Dave Van Ronk

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Lost & Found Books is an occasional Logos series reconsidering books that reviewers argue were lost in the shuffle, fell unjustly by the wayside or are otherwise worth a revival. Submissions are welcome but it is wise to propose pieces first.– KJ

Lost and Found Books: Dave Van Ronk, *The Mayor of MacDougall Street* (New York: Da Capo Press, 2005)

Few books ever got as totally, hopelessly, deliberately lost in a "based-upon" major film as Dave Van Ronk's memoir *Mayor of MacDougall Street* did in *Inside Llewyn Davis*, the latest Coen Brothers film, which purports to be an insightful look at early 1960s Greenwich Village; a world observed through the eyes of a failed folksinger. The film, for reasons we'll get into shortly, is widely acclaimed and got an Academy Award for cinematography. The domestic and foreign take has been in the mega-millions. The film's promo material hailed it as based on the memoirs of folkie legend, Dave Von Ronk who, though he never cracked the big time like Bob Dylan, whom he mentored, was said to have been deemed the unofficial "Mayor of Greenwich Village," which was the intentionally ironic title (humbly reduced to one storied Street) of his autobiographical musings – a very lively and feisty read.

The Coens' film, in shorting Van Ronk, does us all a disservice. I met Van Ronk in the early Sixties: a gravel-voiced trader in the anecdotes which piqued my interest in a Village scene that produced Susie Rotolo, Dylan, David Blue, Jack Smith and the myriad characters who went on, like Patti Smith, to change the music and culture Scene. Van Ronk in person was both accessible and voluble. He knew how to laugh and one of his party-dotes was detailing just how Dylan had stolen his version of "House of the Rising Sun," for which Dylan later apologized. The tune turns up on Dylan's first record. He could forgive as well as remember.No one at that time and place could lay claim to more street cred than he.

The Coens therefore dispensed with the rollicking, passionate, and hilarious Van Ronk book and wrote their own utterly unrelated script, but their feeble insistence on citing the Van Ronk book may be taken as evidence that they guiltily craved an association with something authentic as a means of legitimating a script one senses they may even have seen for what it was, absolute dreck.

The Coens have been endlessly productive. Their early stuff can be beheld as nothing so much as a film school primer where scenes are subliminally labeled: a Visconti moment here, a Rosselini homage there, a Fellini reference, followed by a Wellesian image, etc. The cloistered ingrown film school world is summed in Generation X'er drivel featuring the manic pixie

dreams of privileged adolescence, as summed in a director like Wes Anderson, who appears to have sprung, tireless, from the mind of a kind of meth-addled Peter Pan.

The *Llewyn Davis* film, according to the obigatorily clueless New York Times reviewer, supposedly opens up a world in which we are, gasp, revealed "as a species, ridiculous: vain, ugly, selfish and self-deluding." The sentence indeed describes nearly everyone populating the film. The NY Times reviewer is right and perhaps even hits a little too close to a characterization of his own jam-packed Facebook page, but this contemptuous classification stands in absolute contradiction to the real Village of the early 1960s, as anyone bothering to read Van Ronk's memoir would learn.

Contrary to the Coens' demeaning portrait, this era in the Village was a time of fantastic productivity and originality – whether it was Jonas Mekas, Ed Sander's Peace Eye Bookstore (see Sanders *Tales of Beatnik Glory*), Julian Beck and Judith Malina's Living Theatre, the theatrical genius of Charles Ludlam and Jack Smith, Schuman's Bread and Puppet, and of course the teeming fans attracted by The Folklore Center and issues of *Sing Out*, in addition to a superb bar, club, and café life now inexorably supplanted by stock brokers town houses, boutique shops and consumerist cleansing and gentrification.

The Sixties scene is still the source of an endless list of books and memoirs from Bob Dylan to Joan Baez to Van Ronk, and even Brecht's son Stephan – whose "Queer Theater" is well worth a look. The Coen film declines to provide even a brief glimpse of this heady world, instead it will tell you a great deal about where we are in 2014.

The Coens are savvy film mercantilists who have made some interesting moves over the past few decades. Their blockbuster *Oh Brother Where Art Thou* looked just outsider enough to do $70 million world wide and helped them propel a CD from the film (overseen by the now ubiquitous T-Bone Burnett) into the monetary stratosphere. It is axiomatic that a music sampling from any venture, when stacked with a successful film/video release, will generate figures double and triple and beyond what the old single feature release would rake in. Think T-shirts, spin offs, residuals, coffee mugs, crocheted logo'd soccer outfits, and psychedelic tea cozies.

So with *Llewyn Davis* we move into Coen fiscal sleight-of-hand land. They released a "documentary" of the film music as a companion. The "doc" features most of the performers from the film, with excellent additions like Joan Baez (who does not appear in the feature) playing music of the period. Most of the "doc" music does not appear in the Davies feature. What this canny move can do for the sales figures is significant: the "doc" can be marketed with a CD, just as the film can be marketed, and though the "doc" seems more a sales innovation than it does an addition to the feature, imagine the added revenue with all that product out there.

One should be post-modernist enough here not to have to allude to anything as retro as a plot line, but we unabashedly are taking an Old School approach to the question of an awful, cynical

and spurious reworking of the early Sixties legacy, a legacy which is still (barely) with us in the shape of people like Dylan, whose Chronicles does attempt a serious look at just how vibrant the early Village years were.

What we get instead from the Coens is a nonstop depressive saga about a defeated Folkie whose sad journey takes him from the Village, where he has knocked up the wife of a friend, to Chicago, where Albert Grossman and Chicago's legendary Gate of Horn are snottily parodied. That lugubrious trek is interspersed with Coen Brothers regular John Goodman who gives us a loathsome, heroin-addicted jazz musician, foulmouthed and confrontational. The Goodman character eventually will OD in a toilet stall.

There is also a do-gooding Village couple who help the hapless Davies and are roundly insulted for their trouble; a dulcimer-strumming folkie who Davies berates as she performs, and a G.I. folksinger who Davies manages to trash. The film opens and closes with Davies being beaten up by a man who, in the films final scene, is revealed as the irate husband of the singer Davies insulted. *Inside Llewyn Davies* is a tour de force of bad vibes, and it carries everything before it, including the *New York Times*' sycophant job application posing as a review, which took the prize for contempt and shoddy thinking at Cannes. OK, I made the prize up, but it did win one at Cannes.

The Coens, children of academics, grew up in the Sixties and Seventies and were cut loose into the cutthroat world that Ronald Reagan twisted into glorious Neo Con fodder. One of them did time at NYU film school, the other dabbled in philosophy at Princeton. They have a deep and intoxicated and inevitably addling sense of film history, and they came into the "Industry" as film was becoming more and more TV-based and self-referential. Their remake of *True Grit* in no way improved upon the original, but it did have the merit of highlighting Jeff Bridges, one of their favorite actors.

Their work is effervescently thin, but ardent, and they are drawn to film noir and the classic dark side of American postwar film. They are adept at tracing American post-adolescence. Their *Big Lebowski*, for reasons that elude folks born before television began to saps every vital moment, is now iconic. Their original characters don't just verge on cliché, they catapult into the category. *Miller's Crossing*, although well acted, verged on cartoon. In good postmodernist fashion the Coens introduced large lashings of cartoonish elements into most of their work. With the exception perhaps of *No Country for Old Men*, where they amazingly stuck to the novel, characters that are fleshed out to the point of genuine humanity will collapse under the weight of supposedly their own (but really Coen-imposed) sad shadows.

All of this slick snideness posing as wisdom has served them well in a world where the complexity of a Welles or a Lang is now incomprehensible. It is not their fault that there has been a massive dumbing down in film but they played merrily along and mined what loot and fame they could. They don't long to step outside their own time, they are their time. This is media: educated, savvy, endlessly weary, habituated, isolate, and successful.

The takeaway here is that the Sixties, in all their radical vitality, are now seen as a dead issue, made so by folks, like the Coens, who have no stake in that earlier jolt of progress and promise, and who now, in fact, react with considerable animus to those envied halcyon days. The Davis film is postmortem proof that the lamentable grad (and mostly business) school culture spread throughout the entertainment "industry" today diligently has reworked the cultural past into our grim present.

Film at the Coen scale requires immense amounts of moolah; the semblance of a genre (whether Cowboy, urban Punk, Sci Fi etc.); battalions of technically proficient people; a polished PR hook to hang the product on; performers who are willing to do the TV equivalent of the rubber Chicken circuit –"And what was your best moment working on this project, and how has it changed you as a person?"; star performers or soon-to-be-stars, and a directorial team with name recognition. The Tabloids must play their part in this. And still, and still God sends Good Luck, and God sends Bad.

But the question 'What are the Coen's after?' doesn't really apply. You might as well ask what did C.B. DeMille really want – after everyone had gone home, the floors had been swept, and he was left with only a cigar, his dreams, and a cowering lawyer aching to do his bidding. But no, times have changed and so has the technology. What seems a pointless pseudo-aesthetic exercise, a travesty to Van Ronk's source material, is actually a marketing campaign disguised as a feature film. The Coens are among the new wave of filmmakers to grasp the postmodernist cliché: the only thing worth doing is selling.

From the highly promoted and even more highly tenuous relation of their film to the Van Ronk memoir; the addition of a documentary that bears virtually no musical relation to the feature (though is marketed as part of the film); to relentless interviews and tabloid puff pieces; to the absurdist reduction of the Sixties to mere failed vision, to the contemporary conceit that those Sixties folkies were really often just failed marketers of their own sad myths, we get some pointed and thoroughly modern Business School instruction.

The Coens do have a point, after all, and it sums our own time when Wall Street has proven itself untouchable after screwing tens of millions of citizens, safe even from the highest office in the land, which will not pursue the justice so many deserve. Yes, *Llewyn Davis* has been right all along: its just a scam, the whole sad charade, and if you can make a buck selling that back to the customers. Good on ya, Mate, lets celebrate with a folk song. Oh, and do yourselves a favor and read Van Ronk.

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