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Women Hurt in Systems of Prostitution Engaged in Revolt (WHISPER)

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AN ANALYSIS OF INDIVIDUAL, INSTITUTIONAL, AND CULTURAL PIMPING†

Evelina Giobbe*

I. REITMAN AS A BASELINE ANALYSIS

A pimp is a man . . . who takes all or a part of the earnings of women who sell their bodies for gain. He may have inveigled her into becoming a prostitute or acquired her after she started the business. Invariably he encourages her to continue in prostitution, and he may be either her lover or her husband, but always he is her supposed protector.1

These words, written by Dr. Ben Reitman in 1931, begin his book *The Second Oldest Profession,*2 describing the life of the American pimp. Over forty years passed before another full volume was devoted to examining the personal characteristics, motivation, and behavior of these men, who are central to the recruitment of women and girls into prostitution. Yet Reitman’s analysis left its mark on the subsequent volumes that were written about the prostitute by psychologists, psychiatrists, and social scientists, who mentioned the pimp only in passing, almost as a footnote.3 By the time pimping took a central role on the

† I would like to express my thanks to Margaret Baldwin, Professor of Law, Florida State University, College of Law, for sharing her insights and her considerable editorial skills and helping me to maneuver the subtleties of writing for a law journal.

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3. See Sachi Sri Kantha, *Prostitutes in Medical Literature: An Annotated Bibliography* 89–90 (1991) (out of the 1,240 titles listed, only seven titles are
academic stage, both the academic and popular literature about prostitution were rife with racist stereotypes. The study of pimps was relegated to examining the sexual exploitation of primarily white women by Black men. This emphasis has diverted attention from the organized trafficking in women, which is primarily owned and controlled by white men, as well as from cases of intra-racial pimping in which husbands pimp their wives and fathers pimp their daughters. As a baseline analysis, Reitman’s work fueled this racist, selective perception. Half a century later, academics were still channeling Reitman’s ghost in

listed under the heading “Pimps”).

4. See, e.g., Bernard Cohen, Deviant Street Networks: Prostitution in New York City 59 (1980) (reporting a study of “manager”-prostitute relationships in which 73% of prostitutes were white and 40.5% of these white women had Black pimps); Christina Milner & Richard Milner, Black Players: The Secret World of Black Pimps (1972) (reporting the experience of a white woman in the subculture of Black pimps and their prostitutes); Lois Jean Lee, The Social World of the Female Prostitute in Los Angeles (1981) (unpublished Ph.D. dissertation, United States International University) (reporting 60% of the street prostitutes studied were white and 99% of the pimps studied were Black). See also Vernon W. Boggs, A Swedish Dilemma: Scandinavian Prostitutes & Black Pimps (1979) (unpublished Ph.D. dissertation, City University of New York) (study of Black pimps in Sweden).

5. Charges for trafficking in women in the Minneapolis area have repeatedly been brought against white men. See Bar Owner Sentenced to Workhouse, Minneapolis Star & Tribune, Nov. 29, 1988, at 1B (reporting David Fan’s conviction on two felony charges—hiring a minor for a sexual performance and permitting the use of a minor in a sexual performance—resulting in a 30-day sentence and five years’ probation); Dorothy Lewis, Walter Montpetit Given Probation, St. Paul Pioneer Press Dispatch, May 18, 1988, at 1B (reporting Walter Montpetit’s conviction for promoting prostitution resulting in a fine of $1500 and three years’ probation); Wayne Wangstad, Carlone Convicted of 2 Charges, St. Paul Pioneer Press Dispatch, Jan. 22, 1988, at 1C (reporting Patrick Carlone’s conviction on two counts of promoting the prostitution of his employees). White men are involved nationally in the business of trafficking in women. See, e.g., Doug McMillan, Modern Management for Oldest Profession, Reno Gazette J., Nov. 11, 1986, at 1A (stating that real estate developers, building contractors, investment consultants, management consultants, lawyers, and accountants are buying Nevada’s brothels).


support of their theories. Since Reitman's analysis appears to have had such a profound impact on our understanding of the pimp-prostitute relationship, it deserves to be examined on its own before moving on to more current theories.

Reitman defines five functions that the pimp serves in the life of the prostitute. He employs the analytical approach favored by "functionalist" sociology, which examines a social relationship in terms of the role that the relationship plays in facilitating social institutions. Reitman claims that the pimp protects "his woman" from arrest and imprisonment through bribes or bail. He serves as her employment agent by placing her in brothels or in districts where street prostitution is tolerated. He protects her from both violent customers and other underground figures. He is her "impresario": teaching her the trade; monitoring her drug and alcohol use; coping with suicide attempts; and—when such attempts fail—loving, cajoling or beating her into behaving herself and turning tricks. Finally, the pimp is her intimate partner.

Reitman states that "[t]he majority of pimps abuse and beat and sometimes horribly mutilate their women." Apparently uncomfortable with justifying these behaviors as "functional," Reitman shifts suddenly to more psychological, motivational explanations for this behavior. Some, he explains, "beat their women only when they have a reasonable excuse." Others, who are too cowardly to fight with men, "vent all the hate they have upon their women." Thus, they relieve all of their "pent-up disgust and bitterness." A few pimps, according to Reitman, are born with the talent. They "take to enslaving and exploiting women as naturally as a duck to water. They have a genius for it . . . ." The majority, however, fall into the game accidentally while

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8. See discussion infra part II.
9. Left unexamined by Reitman and other functionalist works are the basic questions central to feminist analyses: Why does the institution (here, prostitution) exist? Whose interests does it serve? When do men "function" in ways which diminish women?
10. REITMAN, supra note 1, at 28-32.
11. REITMAN, supra note 1, at 44.
12. REITMAN, supra note 1, at 45.
13. REITMAN, supra note 1, at 45.
14. REITMAN, supra note 1, at 45.
15. REITMAN, supra note 1, at 33.
16. REITMAN, supra note 1, at 33.
living, working, or socializing in red-light districts where brothels, pool halls, and gambling joints are common.\textsuperscript{17} Despite the levels of violence and manipulation women are subjected to by pimps, Reitman holds throughout that women recruit men to be their pimps just as often as pimps recruit women into prostitution.\textsuperscript{18} From his examples, one is left with the impression that most of these men become pimps at the suggestion, even insistence, of their wives or girlfriends who may or may not be prostitutes at the time.\textsuperscript{19} Rather than being agents of violence, pimps become the victims of prostitutes.

Reitman’s entire analysis of the pimp-prostitute relationship is built on the prostituted woman’s moral bankruptcy, biological predisposition, and/or mental deficiency.\textsuperscript{20} He calls our attention to the “fact” that a prostitute:

\textit{is a definite type. Unless she is built that way by the decree of heredity or fate, plus a something that is glandular, mental and environmental, she never can become an individual who will degrade herself and support a pimp. . . . [M]ost women are inherently and fundamentally so constituted that they will live honest, decent lives, and could not become prostitutes no matter what happened, or with whom they fell in love.}\textsuperscript{21}

Pimp violence is explained away as irrelevant to a woman’s prostitution. If she were a “good girl,” the violence would not affect her. Being a “bad girl,” she would prostitute anyway. Reitman attributes the fear and obedience that pimps foster as a hypnotic or psychic power over an already willing woman.\textsuperscript{22} He claims that the prostitute has a “king-slave complex,” which causes her to serve her pimp blindly.\textsuperscript{23} Some women, he posits, suffer from an over-developed maternal instinct and dote on their pimps in the same way a mother may show unconditional love to her wayward child.\textsuperscript{24}

Others, he claims, especially white women who keep Black pimps,

\begin{itemize}
  \item[17.] Reitman, supra note 1, at 33–34.
  \item[18.] Reitman, supra note 1, at 38–41, 139.
  \item[19.] See Reitman, supra note 1, at 38–41.
  \item[20.] See Reitman, supra note 1, at 33.
  \item[21.] Reitman, supra note 1, at 33.
  \item[22.] Reitman, supra note 1, at 48.
  \item[23.] Reitman, supra note 1, at 48.
  \item[24.] Reitman, supra note 1, at 48.
\end{itemize}
need to be with a man that they can look down on. He recounts the following conversation he had with a white prostitute:

I said to Agnes, “Will you please tell me why you have that big black pimp of yours?” She said, “Sure, I’ll tell you. I like to wake up in the morning and see this black bastard at my side and realize there is someone in the world lower than myself.”

Although two-thirds of Reitman’s sample of three hundred pimps were white men, he places an inordinate emphasis on the motivations of women, particularly white women, who are pimped by Black men. He implies throughout that white women exploited by Black males have a masochistic wish to be debased and devotes an entire chapter to “White Girls Tell[ing] Why They Have Negro Pimps.” Reitman’s special focus on the Black pimp not only played into racist stereotypes of Black men in general during that period in history, it laid the foundation for a paradigm of pimps that has become so narrow that pimp and Black male are synonymous. This nefarious creature has continued to appear in both academic literature, popular literature, movies, and other media.

25. See Reitman, supra note 1, at 49.
26. Reitman, supra note 1, at 49.
27. Reitman, supra note 1, at 167.
28. See Reitman, supra note 1, at 150–64.
29. Reitman, supra note 1, at 150–64.
30. See, e.g., Harry Benjamin & R.E.L. Masters, Prostitution and Morality 228 (1964) (arguing Black men constitute a high percentage of pimps in part because they are less sexually restrained than white men); Christina A. Milner, Black Pimps and Their Prostitutes: Social Organization and Value System of a Ghetto Occupational Subculture 210 (1965) (unpublished Ph.D. dissertation, University of California (Los Angeles)) (“Because his aim is to get Whitey; the pimp is a culture hero in the ghetto. His fleshy ‘front’ and supposed wealth, . . . his fabled control of and prowess with women, give him an air of manhood which is a coveted attribute in Black society as a whole.”).
32. See Hollywood Shuffle (Samuel Goldwyn 1987) (director Robert Townsend...
he is cunning, sweet-talking, dope-smoking, hard-drinking, hyper-sexual, violent, and he is out to get your lily-white daughter.

II. PSYCHOANALYTICAL, SOCIOLOGICAL AND PSEUDO-FEMINIST ANALYSES OF PIMPS

In the decades following the publication of Reitman's book, social scientists, psychoanalysts, and other students of human behavior borrowed liberally from his hypotheses, mixing and matching his ideas cafeteria-style to create their own not-so-original theories about pimps, prostitutes, and prostitution. Functionalists have attempted to justify the pimp's existence by describing his relationship to the prostitute as manager to employee and by developing an occupational ideology to support this view.34

Similarly, the pro-prostitution lobby in the United States has promoted prostitution as a viable economic alternative for women.35 They have attempted to support that approach by borrowing liberally from the functionalists, adding a pseudo-feminist twist.36 Summarized briefly, their position holds: prostitution is a job; therefore prostitutes are independent businesswomen; therefore pimps are their business managers.37 Additionally or alternatively, they insist: prostitution is a

33. See, e.g., Too Short, SHORTY THE PIMP (Jive Records 1992); AMG, BITCH, BETTER HAVE MY MONEY (Select Records 1993).

34. See Travis Hirschi, The Professional Prostitute, 7 Berkeley J. Soc. 33, 44-45 (1962) (arguing prostitution is a necessary social service). See also WALTER BLOCK, DEPENDING THE UNDEFENDABLE 23-25 (1976) (arguing that the pimp's function as "broker" benefits all the parties involved—pimp, prostitute, and john—by cutting down on "transaction costs"); James H. Bryan, Occupational Ideologies of Call Girls, 13 Soc. Probs. 441, 443 (1966) (contending prostitution contributes to stability of marriage and family and is therapeutic for sexually undesirable males).

35. See VINDICATION OF THE RIGHTS OF WHORES (Gail Pheterson ed., 1989) for a presentation of the positions of the national pro-prostitution lobbies, Call Off Your Old Tired Ethics (COYOTE) and the National Task Force on Prostitution (NTFP), as well as for the positions of the international lobbies: the International Committee for Prostitutes' Rights (ICPR) and the Canadian Organization for the Rights of Prostitutes (CORP).


job; therefore prostitutes are independent businesswomen; therefore prostitutes are feminists; therefore they can do whatever they want with their bodies and with their money. If a woman chooses to give it all to her “man,” she can. After all, that’s what feminism is all about! To expound on this absurd view of women’s “sexuality,” “work,” and “feminism” any further is to give this perspective more credence then it deserves.

Psychoanalysts attempt to excuse the pimp’s exploitation of women by describing him as a victim of his own neurotic drives. Pimps are described in the literature as being completely or partially impotent, with strong preferences for mouth-genital sex contacts. Psychoanalysts attribute these characteristics to immaturity, weaning difficulties, and

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38. See, e.g., Statement on Prostitution and Feminism, in Vindication of the Rights of Whores, supra note 35, at 192–97. See also Margaret Dragu & A.S.A. Harrison, Revelations: Essays on Striptease & Sexuality 47 (1989) (“[B]y invalidating strippers we invalidate women’s right to a sexual identity. . . . [I]t deprives women of their enjoyment of their own sexuality . . . .”); From the Floor, in Good Girls/Bad Girls: Sex Trade Workers and Feminists Face to Face 114, 119 (Laurie Bell, ed., 1987) [hereinafter Good Girls/Bad Girls] (“I would also, on that same line of thought, defend the pimp . . . . [A]s adult women we have the right to choose our man . . . .”); Margo St. James, The Reclamation of Whores, in Good Girls/Bad Girls 1, 84 (Ms. St. James is the founder of COYOTE) (“I've always thought that whores were the only emancipated women. We are the only ones with the absolute right to fuck as many men as men fuck women.”); Valarie Scott, C-49: A New Wave of Oppression, in Good Girls/Bad Girls 100, 102 (Ms. Scott is with CORP) (“We want procuring laws removed. We demand the right to have lovers.”).


40. For an in-depth critique of these positions see generally Giobbe, supra note 7, at 67; Margaret A. Baldwin, Split at the Root: Prostitution and Feminist Discourses of Law Reform, 5 Yale J.L. & Feminism 47 (1992); Toby Summer, Women, Lesbians and Prostitution: A Workingclass Dyke Speaks Out Against Buying Women for Sex, 2 Lesbian Ethics 33 (1987).

unconscious mother fixations. This perspective also views the pimp as a latent homosexual who receives indirect homosexual gratification by "sharing" his woman with so many other men or denies his homosexuality by sexually competing with hundreds of johns.

Psychoanalytical profiles of the pimp describe his relationship to the prostitute as one of mutual dependency and complementary neuroses. Such relationships have been called "almost chaste unions between an impotent man and a frigid woman." It is their mutual inability to form close, intimate relationships that draws them together and cements their bond. In fact, it is his very indifference and impotency that are alleged to be appealing to her. The dynamics of their interactions are described as sadomasochistic in nature and mutually debasing. She is said to crave and invite physical abuse and he is happy to oblige her. While he degrades himself to revenge his mother, she is believed to be inherently masochistic. They are both racked with guilt, shame, and anxiety: she because she is the lowest kind of woman, he because she constantly reminds him of his degraded status.

These are not archaic psychoanalytic classifications. Women once labeled masochistic are now labeled as "care-takers" or "people pleasers."

Co-dependency is a pseudo-scientific diagnosis originally

42. See Greenwald, supra note 41, at 220 (describing a pimp as expressing instinctive suckling needs); Choisy, supra note 41, at 49, 51 (arguing a pimp/patient was immature and lingering in the oral stage of psychological development and that he had a strong fixation on his mother).

43. See Choisy, supra note 41, at 48-49 (reporting that a pimp/patient only got physically excited when competing with a john—the classic picture of latent homosexuality); Winick & Kinsie, supra note 41, at 119 (arguing pimps are covering up homosexual drive); Greenwald, supra note 41, at 218.

44. See Choisy, supra note 41, at 62-63. See also Winick & Kinsie, supra note 41, at 47, 84-89.

45. Choisy, supra note 41, at 50.

46. See Choisy, supra note 41, at 62-63.

47. Choisy, supra note 41, at 62-63.


49. See Choisy, supra note 41, at 62; Greenwald, supra note 41, at 218-19.


51. See Benjamin & Masters, supra note 30, at 222; Choisy, supra note 41, at 6, 42, 62; Greenwald, supra note 41, at 148, 218.

52. See, e.g., Melody Beattie, Co-Dependent No More: How To Stop Controlling Others and Start Caring for Yourself (1987); Earne Larsen, Stage II
ascribed to women whose partners are alcoholic. This view holds that such women suffer from a "disease" which causes them to enable their partners' continued alcoholism. It is currently used to diagnose women in abusive relationships, with the same victim-blaming results. Battered women are often described as engaging in a pattern of self-destructive relationships. When a specific diagnosis cannot be found, the criteria for assessing "co-dependency" are so vague, so broad and all-encompassing, that most women can be (and often are) classified in this category, including the prostitute.

Diagnoses of masochism, which still play heavily in analyses of pimp-prostitute relationships, become particularly notable in the literature when white women "give" their money to Black pimps. By the mid-1960s, the pimp as a predatory Black male dominated the literature on prostitution, making the sexual exploitation of prostitutes by white males increasingly invisible. The ascription of sexual insatiability and immorality to African-Americans which perpetuated the myth of the "Black rapist" created the myth of the "Black pimp." According to Harold Benjamin and R.E.L. Masters:

[T]he Negro male has come to accept the idea of being supported by the earnings of a woman, and the transition to pimping is a less drastic step for him than the average white man.

... Sexually, in short, the Negro is less restrained by laws and formal (white) social taboos and prohibitions; and, since pimping has not meant any great loss of status for him, he

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53. See Beattie, supra note 52, at 27–31 (defining co-dependency); Schaef, supra note 52, at 63–65 (discussing co-dependency as a disease).


55. See Benjamin & Masters, supra note 30, at 229 (claiming many white prostitutes exploit Black pimps as a means of masochistically degrading themselves); Greenwald, supra note 41, at 193 (contending a high number of call girls have Black pimps because they want to be debased and degraded).

56. See, e.g., sources cited supra note 30. See also Palmquist & Stone, supra note 31; Slim, supra note 31.

57. See Philippa Levine, Prostitution in Florida, A Report to the Gender Bias Study Commission of the Supreme Court of Florida 81 (Sept. 1988) ("Most men involved in these activities [pimping] are black . . . and control only white women.") (unpublished manuscript, on file with author).
has more often succumbed to the financial and other possible rewards and become a pimp.\textsuperscript{58}

In 1972, Richard Milner and Christina Milner codified the selective perception of Black males as pimps in their now much-cited study, \textit{Black Players: the Secret World of the Black Pimp}.\textsuperscript{59} Milner and Milner dismiss out of hand any white pimps that they encounter as not "true pimps."\textsuperscript{60} Apparently, a personal agenda was also directly at stake in this sleight of hand. It is of particular note that prior to and during the research phase of the book, Christina Milner "worked" as a stripper in order to support her husband (a white man) through graduate school.\textsuperscript{61} In other words, Richard Milner pimped his wife.

Ten years later, Lois Lee continued to perpetuate the misconception that all "real" pimps are Black men by focusing almost exclusively on Black men in her analysis. Lee's definition of a pimp is race- and gender-neutral.\textsuperscript{62} However, her dissertation is rife with observations like "The pimp attempts to draw parallels between his social status as a black male and her social status as a female . . ." and "The black pimp fears that the black customer will attempt to influence the prostitute to work for him."\textsuperscript{63} These remarks invite the reader to conclude that all pimps are Black.

Although Lee concedes the existence of white pimps in a brief paragraph, she nevertheless persists in differentiating them from Black pimps. In her view, white pimps generally maintain another source of income or use pimping as a way to promote other business interests.\textsuperscript{64} She offers the example of "corporate pimping," in which business owners provide prostitutes to customers as a way to increase sales.\textsuperscript{65} It appears that Lee is making a class distinction here, rather than a behavioral one.

This distinction is no longer valid today because of the increasing use of crack cocaine as a unit of economic exchange in many inner

\textsuperscript{58.} Benjamin \& Masters, \textit{supra} note 30, at 228.
\textsuperscript{59.} Milner \& Milner, \textit{supra} note 4.
\textsuperscript{60.} Milner \& Milner, \textit{supra} note 4, at 33.
\textsuperscript{61.} Milner \& Milner, \textit{supra} note 4, at 24.
\textsuperscript{62.} Lee, \textit{supra} note 4, at 12.
\textsuperscript{63.} Lee, \textit{supra} note 4, at 220.
\textsuperscript{64.} Lee, \textit{supra} note 4, at 136.
\textsuperscript{65.} Lee, \textit{supra} note 4, at 136.
AN ANALYSIS OF PIMPING

66 Crack-addicted males will often offer the sexual services of “their women” to drug dealers in exchange for a “rock.”67 Additionally, many young pimps convince women to turn tricks in order to raise enough money for them to buy enough cocaine to start, and later maintain, a business selling drugs.68

Crack houses also function as brothels where both addicted and non-addicted males buy sex from crack-addicted females.69 These establishments may also produce and sell pornographic videos.70 A Miami crack dealer described the set-up and the participants in this type of operation as follows:

[A] lot of boys goin’ in and out [of the crack house] are not into crack. Some of them are not even into heavy drugs . . . . [W]ord is that for a donation to the house first they can get whatever they want . . . And I’m told too that there’s some filming going on in there of some of the stuff that’s happening. It’s being done with one of those video recorders, and being sold to people who just like to watch.71

Prostituted women and girls in crack house brothels are little more than indentured servants, if not outright slaves.72 James Inciardi describes the following scene he witnessed in a crack house while

67. This is the experience of crack-addicted prostituted women participating in WHISPER’s weekly educational/support group. A “rock” is a unit of crack cocaine.
68. Levine, supra note 57, at 161–62 (“Not only does street level drug selling represent an attractive means of raising cash for those excluded from mainstream employment, but many men combine this area of economic activity with organizing [sic] prostitution.”). See also Before You Turn Another Trick 2 (1989) (educational material developed by prostituted women in WHISPER program, on file with author).
69. See James A. Inciardi, KINGRATS, CHICKEN HEADS, SLOW NECKS, FREAKS, AND BLOOD SUCKERS: A GLIMPSE AT THE MIAMI SEX-FOR-CRACK MARKET, in CRACK PIPE AS PIMP, supra note 66, at 37, 44.
70. Inciardi, supra note 69, at 44.
71. Inciardi, supra note 69, at 44.
72. See Inciardi, supra note 69, at 42–43. Inciardi explains:

[T]he owner [of the crack house] is a dealer/pimp and the sex-for-drugs exchange system is somewhat unique. The prostitute is a house girl and is not involved in the payment process. For the sexual services she provides, she receives payment from the house man in the form of crack, room, and board.

Inciardi, supra note 69, at 42–43.
conducted research regarding the “sex-for-crack” phenomenon:

I observed what appeared to be the gang-rape of an unconscious child. Emaciated, seemingly comatose, and likely no older than 14 years of age, she was lying spread-eagled on a filthy mattress while four men in succession had vaginal intercourse with her.

. . . Upon leaving the crack house a few minutes later, the dealer/informant explained [to me] that she was a house girl, a person in the employ of the crack house owner. He gave her food, a place to sleep, and all the crack she wanted in return for her providing sex—any type and amount of sex—to his crack house customers.\textsuperscript{73}

One would wonder where these primarily African-American “businessmen”\textsuperscript{74}—for whom prostitution “serves as a means of promoting [their] other business[es]”\textsuperscript{75}—fit into Lee’s analysis of pimping. The confusion about who’s a pimp, and who’s not, rests on the lack of recognition of Black male drug dealers (who also pimp women) as businessmen within the underground economy, coupled with the lack of recognition of white males who run legitimate businesses (and also pimp women) as pimps.\textsuperscript{76} This, in part, is related to the status of the women who are being prostituted in crack houses: Black women (who don’t count as women, period) and white women who “sell sex” to Black males (and who—by virtue of who buys them—don’t count either). Furthermore, because all of these women are being bought by Black men (who don’t count as johns) and are paid with crack (which doesn’t count as money) the prostitution doesn’t count either. Nobody did anything. Nothing happened.

\textsuperscript{73} Inciardi, \textit{supra} note 69, at 39 (emphasis added).
\textsuperscript{74} Mitchell S. Ratner, \textit{Sex, Drugs, and Public Policy: Studying and Understanding the Sex-for-Crack Phenomenon, in Crack Pipe As Pimp, supra} note 66, at 1, 8 (“[S]ex-for-crack exchanges occur mainly in inner-city African-American neighborhoods.”).
\textsuperscript{75} Lee, \textit{supra} note 4, at 136.
\textsuperscript{76} The author here, by referring to Black drug dealers as “businessmen,” does not intend to normalize or valorize drug dealing as an occupational choice in African-American communities, but merely notes that it is part of the underground economy within the culture of poverty fueled by racism in America. Nor does the author intend to erase or ignore the role of white men in the illicit or licit drug market in America.
III. A COMPARISON OF INDIVIDUAL PIMPS AND BATTERERS

The dynamics of the pimp-prostitute relationship have been severely misrepresented by both academics and popular writers whose work is informed by racist and sexual stereotypes of African-American men and all women. In reality, a woman is being pimped by a man when their relationship is contingent on her engaging in prostitution and relinquishing all or part of her earnings to him. The relationship is defined and controlled by the pimp for his economic gain. Since he typically appropriates all of the woman's money and she receives only non-negotiable goods in return, the woman becomes financially dependent on him and unable to save for an independent future. This is particularly true of women and girls who are paid with crack cocaine in lieu of cash, which prevents them from purchasing basic necessities such as food and clothing. Even when a woman receives costly gifts from her pimp (providing the illusion of prosperity) a pimp will typically retain or destroy a woman's property when she leaves him, impeding her from accumulating any wealth. In a study conducted on recruitment tactics, one pimp explained, "They gotta go broke. That's the only rule for them leaving is that they gotta leave broke. They can't take nothin' with them. . . . If they leave me they gotta pay goin' out the door."

An examination of the power dynamics between pimp and prostitute clearly illustrates how the tactics of power and control he uses to

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77. This definition may be extended to include corporate pimps or brothel owners in that a woman's "working" relationship to her pimp "employer" is contingent on her engaging in prostitution and relinquishing all or part of her earnings to him.

78. See ENABLERS INC., FINDINGS BY THE TASK FORCE 3 (1978) (describing in a study of prostitutes, 19 and under, that the pimp appropriates all or most of the prostitute's money).

79. Harvey W. Feldman et al., Street Status and the Sex-for-Crack Scene in San Francisco, in CRACK PIPE AS PIMP, supra note 66, at 133, 151 ("By receiving money rather than drugs, they [addicted prostitutes] were able to avoid the kind of dependency relationship with males that they perceived as subordinate and degraded.").

80. See Kim Romesnesko & Eleanor M. Miller, The Second Step in Double Jeopardy: Appropriating the Labor of Female Street Hustlers, 35 CRIME & DELINQ. 109, 133 (1989); Lee, supra note 4, at 168.

81. Interview with Bob, pimp, in Minneapolis, Minn. (1991) (audiotape and transcript of interview on file with author) (material was used to prepare NATIONAL CENTER FOR MISSING AND EXPLOITED CHILDREN, FEMALE JUVENILE PROSTITUTION: PROBLEM AND RESPONSE (1992)).
recruit and keep a woman trapped in prostitution closely parallel those used by batterers to ensure the compliance of their wives or intimate partners.\(^8\) Whereas the batterer’s goal is to possess and control his partner within the context of an intimate relationship, \(^8\) the pimp uses tactics of power and control in order to exploit the prostitute economically.\(^8\) These tactics include isolation of the woman; minimization and denial of the abuse; exertion of male privilege; threats and intimidation; and emotional, sexual, and physical abuse.

The pimp isolates “his woman” by controlling where she goes, who she sees, and what she does.\(^8\) He may take her from city to city, often kidnapping her or holding her against her will.\(^8\) Forty-two percent of the women interviewed for the WHISPER Oral History Project, an ongoing research project designed to document common experiences of women used in prostitution, reported being kidnapped by a pimp (25%), by a customer (25%), or both (50%).\(^8\) In addition, pimps often move women from different parts of the sex industry—on and off the

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83. Okun, supra note 6, at xix.
84. See Mimi H. Silbert, Sexual Assault of Prostitutes: Phase One 54–55 (1980) (reporting 85% of 200 subjects identified a pimp as "someone who takes money"); Enablers, supra note 78, at 3 (reporting that in 56% of pimp relationships described by women, 19 and under, the pimp expected her to bring in a certain amount of money each day). See also Before You Turn Another Trick, supra note 68, at 3 (“He made a quota and I needed to make that quota before I could come back in and . . . it kept getting higher and higher and I never seen the money.”). Compare Evelina Giobbe, Juvenile Prostitution: Profile of Recruitment, in Child Trauma I: Issues & Research 117, 128 (Ann W. Burgess ed., 1992) (reporting in an interview with Karen: “I knew if I didn’t be a prostitute, that he wouldn’t want me. . . .”) with Kathleen Barry, The Underground Economic System of Pimping, 35 J. Int’l’l Aff. 117, 121–22 (1981) (refuting excuse that “she did it for love” by breaking down assumption that women and girls enter these relationships voluntarily).
85. See National Center for Missing and Exploited Children, Female Juvenile Prostitution: Problem and Response 23 (1992) [hereinafter Female Juvenile Prostitution] (describing a pimp who prohibited his prostitutes from forming friendships with other women to keep them tied to him); Silbert, supra note 84, at 55 (reporting that 64% of the subjects mentioned “loss of independence” as disadvantage to having a pimp).
86. See Barry, supra note 84, at 125–26. See also Lee, supra note 4, at 161 (demonstrating how a pimp isolates a prostitute by taking her from her hometown).
87. WHISPER Oral History Project (1988) (unpublished study, on file with author) (findings are based on 19 interviews with women ranging from ages 19–37).
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strip circuit, from an escort service to a sauna or out on the street. All of these tactics isolate them from their friends and families, and stop them from making connections with other people who do not share their pimp's positive views about prostitution.

The pimp uses minimization and denial to mask the impact prostitution has or will have on the prostitute's life. He tells her that she's smarter than women who "give it away for free," or that all women are prostitutes. He insists that prostitution is a job like any other job; that she is not selling herself, that she is just selling a service.

A pimp uses male privilege to control a woman. This can be as simple as his making pronouncements about his manhood, like "I'm a man. Don't question me. . . . You'll do what I say because I am the man around here." He treats "his woman" as his property. He may purchase a woman from another pimp by posting her bond or he may buy her outright. Once ownership is established, he will put his commodity on the market. As one pimp so crudely put it, "I'm the boss, the daddy. She brings the money home." A prostitute without a pimp is considered an "outlaw" and is vulnerable to exploitation by all

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88. See WHISPER Oral History Project, supra note 87 (reporting that 63% of women were prostituted on the street, 42% in massage parlors, and 26% with escort services interchangeably).

89. See KATHLEEN BARRY, FEMALE SEXUAL SLAVERY 94–95 (1979); Nancy Erbe, Prostitutes: Victims of Men's Exploitation and Abuse, 2 J. L. & INEQUALITY 609, 612 (1984); Francis Newman & Paula J. Caplan, Juvenile Female Prostitution as a Gender Consistent Response to Early Deprivation, 5 INT'L J. WOMEN'S STUDIES 128, 135 (1982); Before You Turn Another Trick, supra note 68, at 5.

90. See Before You Turn Another Trick, supra note 68, at 2. Positive and neutralizing definitions of prostitution curiously echo the ideological foundation of the pro-prostitution lobby's apology for prostitution. This leads one to wonder if pimps inform the ideology of that view or if that view informs the rhetoric of pimps. See supra notes 35–40 and accompanying text.

91. See Before You Turn Another Trick, supra note 68, at 2. A prostitute without a pimp is considered an "outlaw" and is vulnerable to exploitation by all

92. Lee, supra note 4, at 175.

93. See ROMENESKO & MILLER, supra note 80, at 132; Sally Engle Merry, Manipulating Anonymity: Streetwalkers' Strategies for Safety in the City, 45 ETHNOS 157, 169 (1980).

94. See Lee, supra note 4, at 175.
pimps. Typically, a woman who escapes her pimp must quickly "choose" another. This is essentially a protection racket where she pays a fee, known as "choosing money," to her new "man" to ensure her safety, as her former pimp may use a "tracker," or bounty hunter, to return her.

When more subtle tactics of power and control fail, a pimp uses threats and intimidation. He attempts to put fear into a woman by smashing things, shouting, glaring at her, or behaving in a menacing manner. One pimp boasted, "I would say, 'Bitch, you're holding out on me!' I would say like, 'Take your clothes off! Open your pussy!' And I would put my fingers up there, and you know it's just psych-out shit, it was nothing . . . but it's that thing you gotta use in that game."

A pimp may beat up a disobedient prostitute or threaten disclosure of her prostitution to others to keep her in line. He may also threaten to leave her or to harm her, her children, or her other family members.

In addition to the emotional abuse inherent in these other tactics, a pimp will subject a woman to emotional abuse by calling her derogatory names, like "bitch" and "ho." He dehumanizes her by making her into a commodity. He tells her she's "only good for one thing." One pimp, for example, sent a letter to "his woman" from prison referring to her as "his little slot-machine."

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Pimps deprive prostituted women who are

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95. Romenesko & Miller, supra note 80, at 117.
96. See Romenesko & Miller, supra note 80, at 132–33.
97. Interview with Henry, supra note 94. By referring to intimidation tactics as "psych-out shit," Henry minimizes and denies the impact these tactics have on "his women" as well as his responsibility for employing them.
98. See, e.g., Giobbe, supra note 84, at 124.
99. See, e.g., Erbe, supra note 89, at 612 (holding children hostage); Lee, supra note 4, at 163 (threatening to leave).
100. See Lee, supra note 4, at 166.
101. See Female Juvenile Prostitution, supra note 85, at v (describing how prostitutes may be branded or tattooed by their pimps as a sign of ownership). See also Dragu & Harrison, supra note 38, at 33 ("Wendy [a stripper] had a tattoo on her arm that said, 'Jude's Property.'").
102. Letter from a pimp to a prostitute (on file with author).
103. See Lovelace & McGrady, supra note 6, at 51; see also Evelina Giobbe, The VOX Fights, VOX MAG., Winter 1991, at 28, 35 ("To be a prostitute is to be an object in the marketplace: a three-dimensional blank screen upon which men project and
under their control of nurturing, affection, and ordinary developmental support. The restrictions put on a woman by a pimp impede her normal development of self-expression and her recognition of an autonomous identity.

Pimps typically subject women to sexual abuse as an expression of their ownership or as a form of punishment. One woman explained, “I was his property. Do what he wanted. A lot of times it was just pleasing him. . . . [He’d] tell me I had to continue sucking . . . that if I fell asleep, or if I bit him—if my teeth touched him—he’d blow my head off.”

Some pimps also sexually abuse women through the use or production of pornography. Thirty percent of the women interviewed for the WHISPER Oral History Project\(^\text{105}\) reported that their pimps compelled them to emulate scenes from pornography to teach them how to be prostitutes.\(^\text{106}\) Some pimps force women into pornography as a form of blackmail or punishment.\(^\text{107}\) A woman relayed the following account:

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\ldots \text{I always knew there was a punishment coming for taking off.} \\
\ldots \text{but he told me he wasn’t going to hurt me so I believed him. [Then] he took this belt and he starts whipping me. . . . and he grabbed the dog and the dog knew just what to do. . . . He took pictures of it, and he told me that if I ever left him again, that these would be mailed to my family.}\(^\text{108}\)
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Finally, pimps use physical abuse for a number of reasons: to demonstrate their dominance privately or in public; as a prelude to, or

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\(^{104}\) Giobbe, supra note 84, at 122 (interview with Karen).

\(^{105}\) See supra note 78.

\(^{106}\) Giobbe, supra note 7, at 78. See also Dolf Zillmann & Jennings Bryant, Effects of Massive Exposure to Pornography, in Pornography and Sexual Aggression 115, 132–33 (Neil M. Malamuth & Edward Donnerstein eds., 1984) (arguing that exposure to porn normalizes uncommon sexual practices in perception of the viewer).


\(^{108}\) Giobbe, supra note 84, at 123–24 (interview with Karen).
as a part of, sex; or gratuitously, as a means of expressing contempt and hostility. From Reitman on into the present, the academic and popular literature describes the prostitute as a battered woman, victim-blaming explanations notwithstanding. The WHISPER Oral History Project revealed that all of the women interviewed had been harassed, assaulted, raped, kidnapped, and/or forced to turn tricks by a pimp or a gang of pimps. The batterer and the pimp not only use similar tactics of power and control over “their women,” but share similar motives. According to Ellen Pence, of the Domestic Abuse Intervention Project in Duluth, Minnesota:

The batterer employs tactics not only to gain his partner’s submission to a specific demand, but also to establish a relationship that he can rely upon in the future. These tactics appear to be random and inexplicable, but in the context of attempting to establish power in a relationship, random acts of violence are fully explainable.

Pence’s theoretical construction of “why men batter” comes alive in one pimp’s intuitive perception of successful pimping. Henry explains, “I figure if you have [it] together, you can bluff any woman; you can feel that power. When you feel that power you know that usually works. You have them under your control.”

The name of the game here—for “love” or money—is patriarchal power over women.

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109. Silbert, supra note 84, at 60.
110. See Lee, supra note 4, at 166–67. See also Silbert, supra note 84, at 60 (reporting that 60% of the women were beaten for being “disrespectful,” 43% for breaking the pimps’ rules; 25% for leaving; and 22% for “no reason”).
111. WHISPER Oral History Project, supra note 87 (finding that 76% of prostitutes had been beaten and 36% had been raped by pimps). See also Silbert, supra note 84, at 55 (finding that 68% report physical abuse by pimp and over half were beaten regularly or consistently); Baldwin, supra note 107, at 126–27 (describing reports of kidnapping and other physical coercion to force women and girls into prostitution).
112. Pence, supra note 82, at 31.
113. Female Juvenile Prostitution, supra note 85, at 25.
114. Female Juvenile Prostitution, supra note 85, at 25.
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IV. CULTURAL SUPPORT OF THE PIMP

Like the batterer, the pimp receives cultural and institutional support for his abusive behavior. The function of the institution of prostitution is to allow males unconditional sexual access to females, limited solely by their ability to pay for this privilege. Culturally supported tactics of power and control facilitate the recruitment or coercion of women and children into prostitution and effectively impede their escape. The tactics are economic marginalization, child sexual abuse, rape, battery, and racism, classism, and heterosexism.

By maintaining a society in which women are kept economically marginalized through educational deprivation, job discrimination, and poverty, the system of male supremacy ensures that a pool of women will be vulnerable to recruitment into and entrapment in prostitution.

The average age of entry into prostitution in the United States is fourteen. Studies reveal that the typical prostituted woman's initial sexual experience was at a very early age and most often was a rape. The vast majority of adult prostitutes were sexually abused as children, usually by a father or step-father. They commonly suffered physical abuse and neglect in their families of origin. For most, the only way to stop the violence was to run away from home.

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115. See Okun, supra note 6, at 102 (arguing that institutional support for male authority over women promotes the entrapment of women in battering relationships).
116. For an excellent analysis of the economic status of women, see generally Susan Faludi, Backlash: The Undeclared War Against American Women (1991); for a discussion of job discrimination, see Faludi, supra at xiii-xiv, 363-99; for a discussion of educational discrimination, see Faludi, supra at xiv, 235-36, 259-62.
117. Enablers, supra note 78, at 2. Compare Silbert, supra note 84, at 39 (mean age 13 and as young as 8).
119. Weisberg, supra note 118, at 165-66.
120. See Weisberg, supra note 118, at 91-93 for a review of literature and research on childhood sexual abuse as an antecedent to prostitution.
121. Enablers, supra note 78, at 4. See also Silbert, supra note 84, at 85 (finding that two-thirds of abuse perpetrated by father figure; he may also be a foster parent, male relative, or mother's boyfriend).
122. See Weisberg, supra note 118, at 93-94 for a review of literature and research on familial physical abuse and neglect as antecedents to prostitution.
123. See Weisberg, supra note 118, at 121-24, 170-71 for a review of literature and research on runaway behavior as an antecedent to prostitution.
Young, frightened, and unable to find employment, they were easy prey for pimps who promised them friendship, romance, and riches.\(^{124}\)

Battering also serves as a push factor in the recruitment of adult women into prostitution. More than half of all homeless women are battered women.\(^{125}\) Battering is the leading cause of injury to women,\(^{126}\) yet two-thirds of women fleeing abusive relationships are turned away from battered women’s shelters due to lack of space.\(^{127}\) Without other resources, these women find that prostitution serves as the only option available so that they may feed themselves and their children.

Although child sexual abuse, rape, and battery are crimes committed by individual men, an argument can be made that they are culturally supported forms of social control because of their prevalence,\(^{128}\) the fact that they differentially target females, and the failure of male-controlled social institutions to prevent or redress the victims’ injuries.\(^{129}\) The inordinate rates of these kinds of abuses in lives of women and girls as antecedents to prostitution unmask cultural support for this commercial sexual exploitation.

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124. See generally Female Juvenile Prostitution, supra note 85.
125. Katha Pollitt, Georgie Porgie Is a Bully, Time, Fall 1990, at 24 (Special Issue). Compare Faludi, supra note 116, at xiv (“In the ‘80s, almost half of all homeless women . . . were refugees of domestic violence.”). See generally National Woman Abuse Prevention Project, Understanding Domestic Violence Fact Sheets for statistics on battering (on file with author).
126. Faludi, supra note 116, at xiv.
127. The Women and Housing Task Force of the National Low-Income Housing Coalition, Unlocking the Door: An Action for Meeting the Housing Needs of Women 8 (1990) [hereinafter Unlocking the Door].
128. Statistics support this inference. See Phyllis Chesler, Mothers on Trial 57 (1986) (reporting that 19% of all American women were sexually victimized as children and that two to five million American women were paternally raped as children); Faludi, supra note 116, at xiv (battery is the leading cause of violence against women); Faludi, supra note 116, at xvii (indicating reported rapes have more than doubled since the 1970s; sex-related murders rose 160% between 1976 and 1984; one-third of the women murdered were killed by their spouse or male partner).
129. See, e.g., Coalition on Women & The Budget, Inequality of Sacrifice: The Impact of the Reagan Budget on Women 23 (1986) (arguing federal budget cuts undermine battered women’s ability to escape violence); Unlocking the Door, supra note 127, at 8 (sharing federal and state funding for battered women’s shelters have not kept pace with the increasing demand for shelter space). See also Chesler, supra note 128, at 246–48 (arguing that fathers are rarely jailed for incest and that sexually abusive fathers are rarely denied custody or visitation); Faludi, supra note 116, at xiv, 463 (indicating that the National Center on Women and Family Law found that 30 states have some form of marital rape exemption).
Racism and classism maximize oppressive social and economic conditions that make poor women and women of color particularly vulnerable to prostitution. African-American women appear to be disproportionately represented among non-white women featured in pornography. They are portrayed as animalistic, incapable of self-control, sexually depraved, impulsive, unclean, and undeserving of human affection. Black women in pornography are portrayed as experiencing rape, particularly rape by white men, as sexually liberating and enjoyable. Racist stereotypes of women of color in pornography perpetuate racist-sexist stereotypes and race-motivated sexual violence, thus creating an overall environment which targets African-American women, in particular, for recruitment into prostitution by pimps and harassment or solicitation by johns.

Finally, heterosexism supports the male sexual imperative, the belief that men have uncontrollable sexual urges which, if not fulfilled, will drive them to rape “innocent” females. Herein lies the ultimate justification for prostitution.

All of these factors are compounded by unequal application of laws prohibiting prostitution. Pimps are rarely arrested or convicted. Laws that target pimps for prosecution usually rely on coercion or overt force, with the highest penalties reserved for men who prey on juveniles. Furthermore, the application of such laws is racist in practice. The most successfully prosecuted pimping cases usually involve one or more Black males who lure white, middle-class teenage girls from good

135. See Giobbe, supra note 7, at 69–70.
136. See Harold H. U. Cross, The Lust Market 92, 95–96 (1965) (claiming that men cannot suppress their sexual urges and that without prostitutes as an outlet, men would inflict their desires on “decent people”). See also Lars O. Ericsson, Charges Against Prostitution: An Attempt at a Philosophical Assessment, 90 Ethics 335, 341 (1980) (contending that sexual satisfaction is a basic need).
138. See Levine, supra note 57, at 82.
139. Weisberg, supra note 118, at 203–05.
suburban families with promises of riches. They ply the girls with drugs, rape them, and take them across state lines, where they force them into prostitution.\textsuperscript{140} What is being punished here—when it is punished—is not pimping per se, but rape, battery, and child sexual abuse. These situations notwithstanding, the legal system tacitly supports sexual exploitation (and profits from the collection of fines) by allowing men to traffic in women with impunity while simultaneously prosecuting prostitutes.

V. THE INSTITUTIONALIZATION OF PIMPING IN AMERICA

Pimping has been institutionalized in our society by the legalization of pornography, strip clubs, and peep shows. Prostitution is the foundation upon which pornography is built. Pornography cannot exist without prostitution. It is impossible to separate the two. The acts are identical, as are the demographics of the population that is acted upon,\textsuperscript{141} except that in pornography there is a permanent record of the sexual abuse which is then marketed as “adult entertainment.”\textsuperscript{142} Unlike legitimate models or actresses, women in pornography are paid like prostitutes for the number and types of sex acts in which they engage.\textsuperscript{143} Further, there is a clear relationship between pornography and the sexual abuse of prostituted women and children.\textsuperscript{144} Lastly, in the same way that prostituted women are preyed upon by individual pimps and owners of massage parlors or escort services, women used in the production of pornography are typically economically exploited and abused by intimate partners and sexually exploited—sometimes to the point of overt prostitution—by agents and pornographers.\textsuperscript{145}

Although strip clubs are also considered legal forms of

\textsuperscript{140} See, e.g., United States v. Kelly, 989 F.2d 980 (8th Cir. 1993), cert. denied, 114 S. Ct. 206 (1993).


\textsuperscript{142} See Baldwin, supra note 107, at 111, 137–40.

\textsuperscript{143} U.S. Dep’t of Justice, supra note 141, at 235.

\textsuperscript{144} See Mimi H. Silbert & Ayala M. Pines, Pornography and the Sexual Abuse of Women, in Making Violence Sexy, supra note 31, at 113, 115.

“entertainment,” most people—with the exception of patrons—are unaware of the emotional, physical, and sexual abuse inherent in this growing industry. Although the physical layout of strip clubs may vary somewhat, partially or totally nude women typically circulate around the room selling “table,” “lap,” or “couch” dances to male customers. Upon successfully soliciting a buyer, the woman stands on a portable platform (which she carries about the room) positioning her genitals a few inches from the customer’s face, or in the case of “lap” or “couch” dancing, literally straddling his penis, which—all too often—is erect and exposed.

Strippers are commonly called vile and degrading names like “bitch,” “slut,” and “whore” by customers. Male patrons shout at the women to squat, spread their legs, and masturbate. Women have reported being grabbed, fondled, bitten, vaginally or anally penetrated with fingers and objects, or masturbated on by customers in strip clubs. More and more strip clubs openly screen pornographic films146 or, for an additional fee, provide private viewing rooms for patrons and the women of their choice. Many clubs allow customers to take pictures of or with the strippers. Women have reported being filmed by club owners contrary to their explicit wishes.147

Women on the strip circuit are often abused and pressured or forced into overt prostitution by intimate partners, patrons, or club owners.148 They are also economically exploited by individual men who prey upon strippers in the same way that pimps prey on prostitutes.149 Most women are not paid a salary by club owners, which compels the women to engage in demeaning sexual displays in order to earn tips from the clientele. Customers throw money on the floor and stuff bills between women’s breasts, legs, or buttocks. It is becoming a common practice for club owners to treat women as “independent contractors,” charging them fees for space, requiring that they share tips with other

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146. DRAGU & HARRISON, supra note 38, at 24.
147. See, e.g., WHISPER Oral History Project, supra note 87 (interview with L.L., not included in preliminary analysis, transcript of interview on file with author).
148. DRAGU & HARRISON, supra note 38, at 35. See also ELEANOR M. MILLER, STREET WOMAN 95 (1986) (stripping used as recruiting tactic for prostitution); Colin A. Ross et al., Dissociation and Abuse Among Multiple-Personality Patients, Prostitutes and Exotic Dancers, 41 Hosp. & COMMUNITY PSYCHIATRY 328, 330 (1990) (stating that the authors have assumed that prostitute and stripper populations overlap extensively).
149. See, e.g., DRAGU & HARRISON, supra note 38, at 35.
service employees, and fining them for petty infractions of club rules.

“Peep show” booths are about the size of two telephone booths joined by a glass window. A woman is enclosed on one side. The customer enters the adjoining space. For the price of a few coins, the patron directs the woman to engage in a myriad of sexual displays while he openly masturbates. Most often peep shows are nothing less than overt prostitution. Women turn tricks with the patrons through hidden openings in the walls or in back rooms reserved for that explicit purpose.

In addition to the aforementioned legal forms of prostitution, the toleration of massage parlors, saunas, and outcall services—overt prostitution businesses—normalizes prostitution and provides no criminal or economic disincentive to pimps. Advertisements for escort services or massage parlors,150 thinly disguised as modeling agencies, “rap” parlors, or “fantasy” or “role playing” services, are openly published in mainstream publications, alternative or progressive newspapers, pornographic magazines, the yellow pages, and are aired on cable television networks. These establishments are public recruitment vehicles for pimps.151 This mass procurement outlet, in conjunction with the glorification of the sex industry in magazines,152 in films,153 and on television,154 has in effect done the lion’s share of the pimp’s job for him.

CONCLUSION

The development of effective public policy is contingent on an accurate assessment of a social problem that needs to be addressed and redressed through the judicial system. The legal perspective on prostitution does not even begin to describe accurately the institution or its impact on its victims. In theory, prostitution laws are gender-neutral and hold all

150. Prostitution can be paid for by credit card at these establishments.
151. A client contacted WHISPER to help bring her 18-year-old sister back to the Twin Cities. The sister was being held captive in Chicago by a gang of pimps, who recruited her through an advertisement for an escort service in a Minneapolis newspaper (WHISPER case notes, on file with author).
152. See, e.g., Judy Bachrach, Working Girls: Everything You Ever Wanted to Know About Upscale Call Girls (But Were Afraid to Ask), ALLURE, Dec. 1993, at 126, 127.
153. See, e.g., RISKY BUSINESS (Warner Bros. Inc. 1983), PRETTY WOMAN (Touchtone Pictures 1990), and INDECENT PROPOSAL (Paramount Pictures 1993).
154. See, e.g., Starsky & Hutch, a television series with a character, Huggy Bear, a stereotypical Black pimp; Saturday Night Live, a television comedy series in which Eddie Murphy parodied the stereotypical Black pimp with his character, Velvet Jones.
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“participants” equally responsible for the “crime.” Existing law, however, fails to acknowledge the harm of prostitution—the buying and selling of women and children for sexual use and abuse—as the “crime” that is being committed. It is therefore unable to distinguish between the perpetrators of the “crime” of prostitution, pimps and johns, and their victims, prostitutes.

Current law does not recognize that pornography, stripping, and peep shows are hybrid forms of prostitution. Patrons of these industries are paying for sexual gratification. By addressing pornography and strip clubs as forms of speech or expression, the courts render invisible that what is being sold is sex. Further, there is no legal recognition that in order to sell “the sex” that the consumer demands, a woman must be prostituted. Finally, because the law does not recognize that women in pornography, on the strip circuit, and in peep shows are being prostituted, it fails to impose sanctions against the men who pimp them: intimate partners, pornographers, and the owners of strip clubs or adult book stores. Perhaps one reason for this legal blindness is that these business owners tend to be white men and as such are immune to the pejorative ascription “pimp,” which has been reserved for Black males in America.

The academic literature has provided the legal system with a racist profile of the typical American pimp. Until academia identifies commercial sexual exploitation practiced by white males as pimping, on both an individual and a corporate scale, and until the legal system utilizes that knowledge to prosecute all perpetrators aggressively, laws designed to combat pimping and pandering will continue to be ineffective.

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155. See e.g., Minn. Stat. § 609.323 (1982). (Those related by blood, marriage or adoption to the prostitute are exempt from being prosecuted for “receiving profits derived from prostitution.”).