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STRATEGIES OF CONNECTION: PROSTITUTION AND FEMINIST POLITICS†‡

*Margaret A. Baldwin**

I am daunted by the shortness of our time, and by the scope of the tasks we face. There is the task each of you has shouldered in attending this symposium: to absorb and respond to what you are hearing. Many of us, especially those of us who have never been prostituted, have likely heard much about prostitution that seems new, or much that is old but presented in a new way. However, more than novelty is at stake in this confrontation. In my experience, serious engagement with the reality of prostitution is disorienting, scary, and enraging. I know no one, including myself, for whom this has not been the case. There is also the task of developing a politics adequate to it all. For the challenges that continue to confront us in crafting feminist strategies against prostitution and for prostituted women are profound. Those challenges require putting into action the greatest and most demanding strengths of feminism: forging connections among women, confronting the political meaning of our silences, and refusing to abandon any woman by the side of the road. A feminist political approach to prostitution must begin from these strengths and be tested against the standards set by them. I want to address how taking each of these strengths seriously can create sustained resistance against prostitution.

† This paper is essentially the speech that Ms. Baldwin presented at the *Michigan Journal of Gender & Law Symposium* entitled *Prostitution: From Academia to Activism*, held on October 31, 1992, at the University of Michigan Law School. Most of its speechlike characteristics have been preserved so as to maintain its authenticity.

‡ This talk came to life after discussion with Evelina Giobbe and Vednita Nelson. I thank them, as well as Susan Hunter and Dorchen Leidholdt, for the insight and support.

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Most importantly, I want to show how we can translate these strengths into concrete action.

I. ON CONNECTION

The urgency of creating “connection” between feminist work against prostitution and other feminist advocacy is apparent in the dichotomized approach so common to discussions of prostitution. In this world, the divide between “prostitute” and “non-prostitute” is thought to describe something meaningful and real. Even the theme of this conference reiterates an assumed antithesis, or at least a *difference*, between women and girls in prostitution and “other women.” As we all know by now, the history of women’s oppression is likewise a tale of fine distinctions made among us: who deserves it, who asks for it, who is made for it, and so on. Consequently, an issue repeatedly raised in this conference has been whether, and how, the division between “prostitutes” and “other women” has a place in feminist politics. Is prostitution something *distinct* in the experience of women, or but another example of a practice of sexual subordination, of a piece with rape, sexual harassment, pornography, or incest? To many of us this may seem a very abstract discussion, lying somewhere between “so what?” and “who cares?,” belonging more to the logic of noon than to the emergencies of midnight. That men hurt, despise, and exploit women and girls in and by prostitution should be connection enough for feminism. As best I know, each woman speaking at this conference began her work from that sure knowledge. Certainly I did.

My question is whether more is demanded of us in forging a connection between prostitution and other sexual abuse beyond an initial understanding that prostitution is abusive. The term connection itself does not yield much by way of insight. For if the injuries women sustain in prostitution are brutally concrete, the meaning of the term connection tends to be rather slippery and abstract. Connection seems to be a word we use when we are groping for an analysis or a strategy, but do not yet have a grasp on either.¹ After all, as a *practice of relationship*, a connection can be like a phone call, a zipper, or a drug deal. Connection can nurture, also murder.

What we mean by connection here, I think, is overcoming the treatment of a group of women as “other”: that whoever we are, the

1. Likewise, so are the terms “process,” “empowerment,” “intersection,” and “context.”

prostitute is not, and vice versa. It is ordinary in feminism to describe the relationship of men to women as "disconnected" in those terms, as one of "human" to "other." Yet between men and women, we do not ordinarily urge connection as our strategy of radical action. That is because the relationship of human to other is one we understand to be a political relationship, an arrangement of power, only dimly, if at all, evoked by the term "disconnection." I would like to suggest that we explore whether prostituted women are other in this political sense and if so, what the entailed implications are for the strategies of connection that we need to pursue in our struggle for the liberation of all women.

Not all women are prostituted, and that is a good thing. Not all women, that is, turn tricks for money, five times a day, thirty-five times a week, with two thousand men a year,² along with suffering at least the usual incidence of incest, rapes, beatings, and sexual harassment that are the conditions of living a woman's life.³ The prostitution is on top of that. Many women get away with only pieces of prostitution. Many women endure unwanted sex from men who objectify us, but not typically from two thousand a year. Many women suffer serial battery from husbands or lovers, but not typically also at the hands of

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2. Compare ROBERTA PERKINS & GARRY BENNETT, *BEING A PROSTITUTE: PROSTITUTE WOMEN AND PROSTITUTE MEN* 16 (1985) (Sydney, Australia sample of prostituted women averaged 40 to 50 johns per week); Matthew Freund et al., *Sexual Behavior of Resident Street Prostitutes with Their Clients in Camden, New Jersey*, 26 J. SEX RES. 460, 465 (1989) (average of 4.13 johns per day).
 3. Susan Hunter's analysis of the histories of women involved in the Council for Prostitution Alternatives (CPA) program demonstrates the prevalence of abuse against prostituted women. See generally Susan Kay Hunter, *Prostitution Is Cruelty and Abuse to Women and Children*, 1 MICH. J. GENDER & L. 91 (1993). Other available data suggests that 60-70% of women in prostitution were sexually abused as children. See Mimi H. Silbert & Ayala M. Pines, *Entrance Into Prostitution*, 13 YOUTH & SOC'Y 471, 479 (1982) (analyzing data from interviews with 200 "street prostitutes"); MIMI H. SILBERT, *SEXUAL ASSAULT OF PROSTITUTES: PHASE ONE* 85 (1980), cited in D. KELLY WEISBERG, *CHILDREN OF THE NIGHT: A STUDY OF ADOLESCENT PROSTITUTION* 136 n.89 (1985). See also Jennifer James & Jane Meyerding, *Early Sexual Experience and Prostitution*, 134 AMER. J. PSYCHOL. 13, 38 (1977) (reporting 65% of survey sample had been raped, 85% before the victim was 15). WEISBERG, *supra* at 91-92 (Silbert indicates that 66% of prostituted girls and women had been sexually abused by fathers or stepfathers). For a summary of the data reporting incidence of rape and battery, see WEISBERG, *supra* at 108-10. See also Mimi H. Silbert & Ayala M. Pines, *Occupational Hazards of Street Prostitutes*, 8 CRIM. JUST. & BEHAV. 395, 397 (1981) (reporting 70% raped by johns; 65% beaten by them); Nancy Erbe, *Prostitutes: Victims of Men's Exploitation and Abuse*, 2 LAW & INEQ. J. 609 (1984) (summarizing data on sexual and physical abuse of prostituted girls and women).

hundreds of relative strangers. Many women receive money from a harassing boss in the form of a paycheck, but not typically combined with demands that we perform some additional form of "work." Each of these transactions shares something in common with prostitution, but none of them *is* prostitution. We might observe, too, that none of these transactions is exactly like the others. Rape is one thing, domestic battery another thing, sexual harassment another, prostitution another. All of them, nevertheless, involve some expression or manifestation of sexual ownership.⁴ Each of these practices, understood this way, is like a particular tactical weapon in the arsenal of male dominance—all can be deadly if distinctively deployed. None of this, descriptively, seems terribly controversial.

By this understanding, the political "otherness" of prostitution can be dispelled simply by adding prostitution to our existing feminist reform agenda. Much of the work advanced by Evelina Giobbe, Vednita Nelson, Susan Hunter,⁵ and myself can be understood as an effort to do this. WHISPER and CPA offer direct "M.A.S.H. unit" services to women and girls in prostitution. They provide prostituted women with safe space, material support, health resources, collective encouragement, and avenues for political confrontation. Both groups have organized brilliantly to extend battered women's services to women in prostitution, challenging practices excluding prostituted women and girls from shelters and from the vision of the anti-sexual violence movement.⁶ The National Coalition Against Sexual Assault and individual and statewide rape crisis organizations have also worked to recognize prostitution as a practice of sexual violence and exploitation of women.⁷

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4. John Stoltenberg's speech at this symposium cogently addresses this point. See generally John Stoltenberg, *Male Sexuality: Why Ownership Is Sexy*, 1 MICH. J. GENDER & L. 59 (1993).
 5. Evelina Giobbe is the executive director of Women Hurt in Systems of Prostitution Engaged in Revolt (WHISPER); Vednita Nelson is WHISPER's advocacy director; Susan Hunter is the executive director of the Council for Prostitution Alternatives (CPA).
 6. Due to Evelina Giobbe's organizing, the National Coalition Against Domestic Violence has resolved that its member agencies provide meaningful services to women and girls in prostitution. Susan Hunter and the CPA staff work closely with the Oregon Coalition Against Domestic Violence in political advocacy.
 7. The efforts of Marybeth Carter, past president of the National Coalition Against Sexual Assault (NCASA); Susan Mooney, past NCASA legislative director; Susan Hunter; and K.C. Reed, anti-prostitution advocate, were essential to NCASA's endorsement of these positions by national resolution. I also worked on this effort. The action provisions of the resolution state:

Kathleen Barry and Dorchen Leidholdt, together with the Coalition Against Trafficking in Women, have organized and advocated similar interventions at the international level.⁸ This work has not been easy to accomplish, and needs the support and contribution of all of you to sustain.

In Florida, the state where I live, there is an enormous prostitution industry. On the "demand" side, the industry is fueled by the usual indigenous suspects, as well as the usual transient suspects on vacation at Disney World. Also present and accounted for are the residents of several naval bases.⁹ We do not have even one feminist M.A.S.H. unit specifically for prostituted women and girls in Florida. But in the spirit

Be it therefore resolved that NCASA rescind its 1981 resolution in support of the decriminalization of prostitution; endorse abolition of all laws penalizing women and children in prostitution used as sexual commodities, endorse enhanced penalties for trafficking, procuring, pimping, patronizing, promoting and profiting from prostitution, consistent with criminal sanctions for other forms of sexual assault, including child sexual abuse.

Be it further resolved that NCASA adopt the position that prostitution is violence against women, that women and children are not empowered emotionally or financially through prostitution.

Be it further resolved that, consistent with NCASA's 1980 resolution for Full Recognition of and Services to All Populations, member agencies must recognize that survivors of prostitution be afforded those services appropriate to their needs, including services for rape, battery, and incest.

Be it further resolved that NCASA supports the legislative enactment of civil legal causes of action for women and children used as sexual commodities in and by systems of prostitution for appropriate relief.

Sandi Belote, *Seven Resolutions Passed at NCASA '90*, NCASA NEWS (NCASA, Washington, D.C., Fall/Winter 1990, at 12-13.

8. Kathleen Barry's and Dorchen Leidholdt's presentations at this conference describe this work. Kathleen Barry, *The Prostitution of Sexuality: A Violation of Human Rights*, Keynote Address at the *Michigan Journal of Gender & Law Symposium, Prostitution: From Academia to Activism* (Oct. 30, 1992) (on file with the *Michigan Journal of Gender & Law*); Dorchen Leidholdt, International Solutions, Panel Presentation at the *Michigan Journal of Gender & Law Symposium, Prostitution: From Academia to Activism* (Oct. 31, 1992) (on file with the *Michigan Journal of Gender & Law*). For other human rights perspectives on prostitution and sexual exploitation, see generally Charlotte Bunch, *Women's Rights as Human Rights: Toward a Re-Vision of Human Rights*, 12 HUM. RTS. Q. 486 (1990); Laura Reanda, *Prostitution as a Human Rights Question: Problems and Prospects of United Nations Action*, 13 HUM. RTS. Q. 202 (1991).
9. For a recent study of the prostitution industry in Florida, see Phillipa Levine, *Prostitution in Florida, A Report to the Gender Bias Study Commission of the Supreme Court of Florida* (Sept. 1988) (unpublished manuscript, on file with author).

of adding prostitution to the feminist agenda, a handful of us were able to persuade our state gender bias commission to address prostitution as an issue to be included in its charge to identify practices of discrimination against women in Florida.¹⁰ The effort has proven sadly fruitful. The commission concluded that “[t]he justice system’s present response to prostitution exhibits some of the most egregious gender bias to be found anywhere.”¹¹ The commission rejected the commonly held view of prostitution as a “victimless crime.”¹² Rather, it found that prostitution exploits the isolation and vulnerability of sexually and physically abused girls, and is maintained through coercion, while “enforcement practices hold women culpable for the offense.”¹³ The commission’s core recommendations track the strategic paths commonly pursued on behalf of other victims of sexual violence: advocacy support for victims and criminal intervention against perpetrators. Victim advocacy suggestions include establishment of support programs for women and girls in prostitution, increased funding for both battered women’s shelters and victim services outreach organizations for prostituted women and girls, and staff training for meeting victims’ needs.¹⁴ Enhanced penalties for pimping and procuring are encouraged, and enforcement of existing prostitution sanctions against johns are urged.¹⁵

The commission’s findings also implicitly challenge the basic presumption commonly employed to divide prostitutes from other women: the presumption that prostitutes “consent” to prostitution. Another recommendation, urging the legislature to enact a statutory civil remedy for women and girls pimped in prostitution,¹⁶ opened the door for that challenge to be articulated even more directly. I was asked by State Representative Helen Davis to draft the substantive provisions of a bill creating effective civil remedies more broadly for any “nonconsensual” prostitution. The proposed bill became law in Florida in 1992,

10. So far, Florida’s commission is the only state’s commission that has done so. See Ricki Lewis Tannen, *Report of the Florida Supreme Court Gender Bias Study Commission*, 42 FLA. L. REV. 803 (1990) (reprinting entire report).

11. Tannen, *supra* note 10, at 892.

12. Tannen, *supra* note 10, at 905. The commission consequently refused to endorse the legalization of prostitution. Legalizing abuse, in the commission’s view, is clearly not an appropriate response to discrimination against abuse victims. See Tannen, *supra* note 10, at 905.

13. Tannen, *supra* note 10, at 906.

14.. Tannen, *supra* note 10, at 907.

15. Tannen, *supra* note 10, at 907–08.

16. Tannen, *supra* note 10, at 908.

and affords compensatory and punitive damages for girls and women coerced in prostitution.¹⁷ The statutory definition of "coercion" became the field for discussion of a feminist concept of consent in the context of prostitution.

In drafting the definition of coercion, I was again aided by feminist reform work on behalf of other victims of sexual violence. For if the presumption of prostitutes' consent is especially entrenched, every other feminist reform initiative against sexual violence has confronted similar strategies of victim-blaming. The litany is familiar: rape victims ask for it, battery victims provoke it, sexual harassment victims manipulatively sleep their way to the top. Where name-calling falters, interrogation of the victim's prudence or judgment or credibility is thought to suffice. Again, the litany is familiar: What was she doing there? Why didn't she leave? What did she get out of it? Feminists have responded to the name-calling strategy by redirecting attention to the physical force, tactics of terror, and routine intimidation dished out by abusers to control all those supposedly beckoning women. In response to the "bad judgment" ploys, feminists have endeavored sincerely to *answer* all these questions, however rhetorically intended, in concrete woman-centered terms, raising a few questions of our own along the way. In the domestic battery context, for example, feminists have responded to the "why did she stay?" questions by detailing both the consequences of serial battery to a woman's ability to take action, as well as the escalation in male violence that usually accompanies a woman's attempts to leave. More assertively, we have questioned why a woman *has* to leave her own home, abandoning the core place of her life, as the price of proving she did not consent to being routinely beaten there.

I approached the task of defining coercion in the prostitution statute from a similar perspective. Like other forms of sexual abuse, prostitution is often compelled by physical force or its threat, by physical and mental torture, by kidnapping. The statute thus defines as actionable prostitution induced by those means.¹⁸ Tactics of control exploiting the legal and related social vulnerabilities of girls and women in prostitution are also actionable, including prostitution induced by threats of legal complaint, promise of legal benefit, threat of report of delinquency, extortion, blackmail, and threat of legal interference with

17. FLA. STAT. ANN. ch. 769.09 (Harrison 1992).

18. Ch. 796.09(3)(a-c).

the woman's relationship with her children.¹⁹ In addition, the statute defines as coercive those sexual "bargains" which exploit women's isolation, deprivation, and despair. Thus, the statute prohibits inducement to prostitution by:

- (k) Restraint of speech or communication with others.
- (l) Exploitation of a condition of developmental disability, cognitive limitation, affective disorder, or substance dependency.
- (m) Exploitation of victimization by sexual abuse.
- (n) Exploitation of pornographic performance.
- (o) Exploitation of human needs for food, shelter, safety, or affection.²⁰

These are the conditions under which many girls and women stay in prostitution. These provisions affirm simply that women and girls are not available for prostitution, and do not consent to it, by the fact of being human, with real needs, real vulnerabilities, and real wounds. They also pose the question, and answer it in the negative, whether prostitution should be the price that women are expected to pay for being homeless, unloved, jobless, and afraid. Taken together, these provisions also describe the conditions under which most, if not all, prostitution occurs.²¹

19. Ch. 796.09(3)(d-h). Many of these practices also describe forms of coercion sufficient to prove involuntary servitude under federal laws against private slavery. *See United States v. Kozminski*, 487 U.S. 931 (1988) (explaining legal standard for involuntary servitude in such cases).

20. Ch. 796.09(3)(k-o). Also prohibited are inducements by "promise of greater financial rewards." Ch. 796.09(3)(i). This would include acting or modeling contracts conditioned on acts of prostitution. Prostitution induced by "promise of marriage" is also prohibited. Ch. 796.09(3)(i-j). The statute also precludes as sufficient defenses to proof of coercion that "(a) the plaintiff was paid or otherwise compensated for acts of prostitution; (b) the plaintiff engaged in acts of prostitution prior to any involvement with the defendant; or (c) the plaintiff made no attempt to escape, flee, or otherwise terminate contact with the defendant." Ch. 796.09(5).

21. The statute also affords plaintiffs important remedial and procedural advantages. An immunity provision forbids subsequent legal punishment of women who testify to acts of prostitution or other illegal conduct while pursuing a cause of action under the statute. Ch. 796.09(4). Furthermore, monetary damages and attorney fees are recoverable by prevailing plaintiffs. Ch. 796.09(7) (attorney fees recoverable); Ch. 796.09(1) (compensatory, punitive damages recoverable). The damages remedy promises women resources that they can actually use to rebuild their own lives. The attorney fees provision affords an incentive for lawyers to provide representation for women in these cases. These procedural and remedial provisions nevertheless do not

You can *do* this work, and you can do it right away. In your communities, these strategies are among the first you can advance in responding to what you have heard at this symposium. Contact the staffs and boards of your local shelters, rape crisis services, and statewide coalitions. Find out whether women in prostitution are being provided services, whether staffs are trained to assist girls and women in prostitution, and insist that they contact WHISPER or CPA for knowledge about how to do it.²² Explore the possibilities of funding and staffing a support service for girls and women in prostitution in your hometown. Lobby your state legislatures to enact new statutory remedies for women and girls in prostitution, and to order enforcement of sanctions against johns. Educate yourself and other women about how sexual harassment claims might be crafted on behalf of women in prostitution, in strip clubs, and other "live sex" operations.²³ In any forum in which violence against women, women's poverty, or the sexual exploitation of children is on the table, take initiative in addressing the victimization of women and girls in prostitution as a necessary focus of political action against those practices.

These add-on strategies, though, are not complete ones, because more is at stake in the otherness of prostitution than simple ignorance or neglect, as in "oops, we forgot prostitution." I earlier mentioned the difficulties so commonly encountered by anti-prostitution activists in getting our work done, and making it visible to the larger movement. All feminist work is extraordinarily difficult. What anti-prostitution work requires of us, though, is compounded by the otherness of prostitution reflected in our own legal reform strategies on behalf of victims of forms of sexual violence other than prostitution. For underlying each of our principal strategies in rape law reform, in domestic battery and self-defense work, and in sexual harassment resistance, is an assertion

in my opinion afford sufficient support for victims of prostitution to initiate claims. Essential to the ultimate effectiveness of these remedies will be the establishment of recovery and support services for victims.

22. Contact WHISPER at P.O. Box 65796, St. Paul, Minnesota 55165-0796; the Council for Prostitution Alternatives at 65 S.W. Yamhill, 2nd Floor, Portland, Oregon 97204.
23. A helpful precedent for this approach is *Thoreson v. Penthouse International, Ltd.*, 606 N.E.2d 1369 (N.Y. 1992) (affirming compensatory award of \$60,000 for coerced prostitution under the New York Human Rights Law). See generally Dorchen A. Leidholdt, *Pimping and Pornography as Sexual Harassment: Amicus Brief in Support of Plaintiff-Respondent in Thoreson v. Penthouse Int'l Ltd.*, 1 MICH. J. GENDER & L. 107 (1993).

crying out to be believed—we are *not prostitutes*. Our rape shield rules are crafted to distinguish in juries' minds between the woman testifying that a man raped her and the prostitute. Our domestic battery reforms have hinged on descriptions of the love and intimacy connecting a woman to an intimate other, explaining in sanitized "good girl" terms both why women do not abandon abusive men and why sometimes we kill them. The leading premise of anti-sexual harassment advocacy—that sex as work injures women—falters in the case of prostitution, which is seen by non-prostitutes as unmovably "welcome."²⁴ These are all strategies of *disconnection*—put bluntly, of trying to get the best deal we can from a legal system that only has time and sympathy for women who are not identified as prostitutes, by distancing "us" from "them." There is simply no way for women in prostitution to be "added on" to these strategies coherently.

I have thought a lot about this business, and have come to think of the expulsion of prostitutes from the mainstream feminist legal agenda as the prostitution *of* the feminist movement by law. I say this with love, with as much love as I have for myself as a feminist and for prostituted women. Like women in prostitution, feminism too has been channeled, deprived, punished, and cajoled to maintain certain limits, to please in certain ways, conditions which may have come to seem normal for us, and which some of us will enthusiastically at times say we chose. An essential term of this sexual political bargain is a tacit agreement to certain discrete silences: silences about men, about women in prostitution, and about the experience of women who are not prostituted. I would like to suggest that by politicizing these silences, by understanding how certain relationships of power are maintained by them, we may begin to develop a more liberating connection between prostitutes and other women.

II. ON SILENCES

The biggest silence maintained by the anti-prostitute design of our sexual violence work is silence about johns: in reality, mostly white, married men with at least a little disposable income. Real people, that is. In feminist advocacy, the most serious attempt to disclose "normal"

24. For a more complete analysis of these difficulties, see Margaret A. Baldwin, *Split at the Root: Prostitution and Feminist Discourses of Law Reform*, 5 YALE J.L. & FEMINISM 47 (1992).

men's behavior as johns, and to connect that behavior with the rape, sexual harassment, and battery of "normal" women, has emerged from Andrea Dworkin and Catharine A. MacKinnon's analyses of pornography.²⁵ Otherwise, johns are fleeting, ghostly figures. Empirical study of johns is almost non-existent.²⁶ Law enforcement mirrors the same protective discretion in the nearly universal refusal to arrest johns, shielding them from public disclosure as well as from criminal sanction. A similar reticence is often displayed by johns *in* prostitution transactions, in the course of which men frequently adopt a variety of sexual roles—as boyfriend, as lover, as father, sometimes as punitive avenger of the public good—avoiding the self-identification as a simple trick.²⁷

The fate of car forfeiture penalties against johns arrested for prostitution also vividly illustrates the solicitude paid to the privacy of johns. Forfeiture sanctions have been among the most effective means both of deterring men from buying women and of identifying johns to the communities they value, including their families and employers. Municipal-level ordinances enacted in Portland, Oregon; St. Paul, Minnesota; Minneapolis, Minnesota; and Wayne County, Michigan have been enforced to dramatic effect.²⁸ Elizabeth Sipe reports that the "first year the [St. Paul] ordinance was in effect more than 130 vehicles had been seized,"²⁹ while the County attorney in Wayne County has a staff of three committed to prostitution car seizures.³⁰ Not surprisingly, perhaps, the St. Paul forfeiture ordinance was recently declared unconstitutional by the Minnesota Court of Appeal, which held it was preempted by state law regulating criminal forfeitures.³¹ Likewise, the Florida Gender Bias Commission rejected a recommendation that the

25. See generally ANDREA DWORKIN & CATHARINE A. MACKINNON, *PORNOGRAPHY & CIVIL RIGHTS, A NEW DAY FOR WOMEN'S EQUALITY* (1988).

26. For a survey of research on johns, see Harold R. Holzman & Sharon Pines, *Buying Sex: The Phenomenology of Being a John*, 4 *DEVIANT BEHAV.* 89, 89-95 (1982).

27. For a sociological analysis of strategies of self-definition by johns in prostitution transactions, see Holzman & Pines, *supra* note 26, at 102-10. An analysis of the "public avenger" role is contained in Deborah Cameron and Elizabeth Frazer's study of sexual murder. See DEBORAH CAMERON & ELIZABETH FRAZER, *THE LUST TO KILL: A FEMINIST INVESTIGATION OF SEXUAL MURDER* 132-34 (1987). See Kathleen Barry, *supra* note 8.

28. See Elizabeth Sipe, *Car Confiscation Ordinance Overturned*, *WHISPER* (WHISPER, Minneapolis, Minn.), Summer/Fall 1992, at 1, 6.

29. Sipe, *supra* note 28, at 1.

30. Sipe, *supra* note 28, at 6.

31. *State v. Gonzales*, 483 N.W.2d 736 (Minn. Ct. App. 1992). See Sipe, *supra* note 28, at 6 (analyzing opinion).

state legislature adopt similar legislation on the ground that the penalty would be too harsh.³² A proposed forfeiture bill, introduced in the Florida Legislature in the 1992 session, was never passed out of committee.³³

Prostituted women and girls themselves, who have the most insight and information on johns, have been largely silenced. The prostitution itself takes its toll: in despair, depression, denial, drug abuse, isolation, torture, murder. The law, too, plays a role in silencing her. Criminal records keep a prostituted woman's credibility to an absolute minimum, assuming she ever gets to talk at all about the white men who purport to buy her. The occasions where she might talk are few enough, anyway, under a legal regime always ready to justify the abuse of "real" prostitutes. The obvious beneficiaries of the suppression of prostituted women's voices, again, are the johns who use them.

We need to begin to understand the stake "real" men have in this silence, in not being named as johns, whether by themselves, by other men, or by women.³⁴ Perhaps non-prostitutes, especially white, middle-class, married women, have some stake in this separation, too. It is uncomfortable to think of your nice rose-tending husband or retired dad as a guy who buys women and girls for sex. Maybe this is a reason, however unconscious, for non-prostituted women, especially white, middle-class, married women, to keep separating themselves from prostitutes and their own abuse from prostitution. In any case, there is an obvious historical continuity available for understanding these arrangements, permitting white men to buy "bad" women for sex, while their wives and daughters avert their eyes in complicity and shame. I am referring to the institutionalized prostitution of African-American women in slavery.³⁵ In real life, women of color, particularly African-

32. Personal conversation with Rickie Lewis Tannen, reporter for the Commission. I found this vote very chilling given the Commission's understanding of the harm of prostitution to women and girls. Seizing a man's car; now, *that* is real injury.

33. Fla. SB 1250 (1993). The proposed bill provided that "[a] vehicle of any kind that is used or attempted to be used as an instrumentality in a violation of this section is subject to forfeiture under . . . the Florida Contraband Forfeiture Act, notwithstanding that such violation is a misdemeanor."

34. I believe that one reason why the Florida coercion legislation passed so readily is that some of the male legislators may have been concerned that a "no" vote *would* identify them as johns, and they did not want to take that risk, whatever exactly it was.

35. See DEBORAH GRAY WHITE, *AR'N'T I A WOMAN* 37-42 (1985) (discussing the prostitution of enslaved women and the response of white women); PAULA

American women, and poor women of all races are disproportionately targeted for prostitution³⁶ and most likely to be seen as consenting to it. Thus, to say that prostitution is “just like” other forms of sexual abuse is to ignore the racism and classism that supports the mass prostitution of women and girls, especially of young Black women, in this country. The otherness of prostitution, then, is part and parcel of the otherness of race and class and needs to be confronted as such.

Moreover, we know that some of the realities of prostitution are quite ill-confined to prostitution itself, even if more or less inchoate outside of the industry. Men seem to forget the prostitute/non-prostitute distinction rather quickly in many of their dealings with all of us—“you slut” bursting forth from male lips at the most unaccountable times. For me, a daily lecture from my high school chemistry teacher that I was “nothing but a slut” was my first sustained introduction to this phenomenon. Work in support of the Dworkin/MacKinnon anti-pornography ordinance was my first politicized resistance to it, as it was for many of us. More recently, I have been thinking and talking with women about how we live so-called non-prostitution sexual exploitation as “incomplete” prostitution—exploring incest as a practice of pimping, rape as an act of attempted prostitution, sexual harassment as recruitment to prostitution, and domestic violence as one long, bad, ugly trick. Each of these forms of sexual exploitation often entails some measure of sexual bargaining: for survival, for some remnant of control, even (God forbid) for something we might be able to *use*. At the bottom of many women’s deeply-felt belief that they asked for or deserved abusive treatment, I believe, is the shame of the deal. We need to take the first step to acknowledge this, and then take the further step

GIDDINGS, WHEN AND WHERE I ENTER 43–44, 61–62 (1984) (discussing the justifications of consent used to support the prostitution of enslaved women).

36. For analysis of the data on the racial demographics of prostitution, see WEISBERG, *supra* note 3, at 87–88. On the economic dimension, see Kim Romenesko & Eleanor M. Miller, *The Second Step in Double Jeopardy: Appropriating the Labor of Female Street Hustlers*, 35 CRIME & DELINQ. 109, 109–35 (1989). Kathleen Barry’s and Vednita Nelson’s presentations at the *Michigan Journal of Gender & Law* Symposium entitled *Prostitution: From Academia to Activism*, explain how a presumption of consent attaches most firmly to women and girls most deprived in life. Kathleen Barry, *The Prostitution of Sexuality: A Violation of Human Rights*, Keynote Address at the *Michigan Journal of Gender & Law* Symposium, *Prostitution: From Academia to Activism* (Oct. 30, 1992) (on file with the *Michigan Journal of Gender & Law*); Vednita Nelson, *Experiences of African-American Women*, Address at the *Michigan Journal of Gender & Law* Symposium, *Prostitution: From Academia to Activism* (Oct. 31, 1992), in 1 MICH. J. GENDER & L. 81 (1993).

to acknowledge prostitution as both the model and measure of its *harm*. Until we do, we will not adequately grasp or resist the complete dimensions of the harm or the silence of women's unarticulated confusion in the face of it. Moreover, this approach demands real political accountability *to* prostituted women, rather than simply acknowledging a passing acquaintance among us. This connection not only concedes that prostituted women are hurt; it also affirms that the voice and participation of prostituted women are necessary to understand the conditions of all women's lives.

In addition, the model of prostitution also admits the matter of the *number* of men from whom women sustain these injuries, in every arena of our lives simultaneously. The legal segmentation of domestic battery from rape, and both from sexual harassment suggests that women are abused by only one man, and only in one locale, at a time. In prostituted women's lives, these boundaries are not so fixed. Whether on the street, turning tricks, or at whatever place is called "home," sexual exploitation and abuse is a given. I think this is true in most women's lives, and exacts an exponential toll unacknowledged in the spacial differentiations the law insists upon. There is also a temporal dimension that prostitution brings to the fore. The "prior sexual history" of prostitutes *matters* in comprehending the harm done to these women. One man is not the same as two thousand. Nor is one man the same as the 20, 30, 50 men any woman could probably name as directly contributing to her history of sexual abuse by the time she is thirty years old. The model of prostitution helps us all to grasp the significance of this day by day, man after man, home-work-street abuse that "one man/one place" legal descriptions suppress. Moreover, forging these connections challenges the *real* separations to which male supremacy indulges its deepest commitments: separating "johns" from "normal men," and separating both (who are in reality the *same person*) from aberrant dads, alcoholic husbands, not-getting-it bosses, and violent, gun-wielding rapists.

III. THE ROAD

There is a woman on death row in Florida named Aileen Wuornos. She has been convicted of killing seven johns over the course of two years. She said she killed these men in self-defense, seven of the probably four thousand men who bought her over that time. With maybe one exception, each of these johns was a nice white married guy, one a child

abuse investigator, another a former missionary. She stood alone at the side of the road—literally, for twenty years.³⁷ It is time for us to join her. ✠

37. For an analysis of the Wuornos case, see Phyllis Chesler, *A Woman's Right to Self-Defense: The Case of Aileen Carol Wuornos*, 66 ST. JOHN'S L. REV. 933 (1993).

