1

National Library
of Canada

Bibliothèque nationale
du Canada

Canadian Theses Service

Services des thèses canadiennes

Ottawa, Canada
K1A 0N4

CANADIAN THESES

THÈSES CANADIENNES

NOTICE

The quality of this microfiche is heavily dependent upon the quality of the original thesis submitted for microfilming. Every effort has been made to ensure the highest quality of reproduction possible.

If pages are missing, contact the university which granted the degree.

Some pages may have indistinct print especially if the original pages were typed with a poor typewriter ribbon or if the university sent us an inferior photocopy.

Previously copyrighted materials (journal articles, published tests, etc.) are not filmed.

Reproduction in full or in part of this film is governed by the Canadian Copyright Act, R.S.C. 1970, c. C-30. Please read the authorization forms which accompany this thesis.

AVIS

La qualité de cette microfiche dépend grandement de la qualité de la thèse soumise au microfilmage. Nous avons tout fait pour assurer une qualité supérieure de reproduction.

S'il manque des pages, veuillez communiquer avec l'université qui a conféré le grade.

La qualité d'impression de certaines pages peut laisser à désirer, surtout si les pages originales ont été dactylographiées à l'aide d'un ruban usé ou si l'université nous a fait parvenir une photocopie de qualité inférieure.

Les documents qui font déjà l'objet d'un droit d'auteur (articles de revue, examens publiés, etc.) ne sont pas microfilmés.

La reproduction, même partielle, de ce microfilm est soumise à la Loi canadienne sur le droit d'auteur, SRC 1970, c. G-30. Veuillez prendre connaissance des formules d'autorisation qui accompagnent cette thèse.

**THIS DISSERTATION
HAS BEEN MICROFILMED
EXACTLY AS RECEIVED**

**LA THÈSE A ÉTÉ
MICROFILMÉE TELLE QUE
NOUS L'AVONS REÇUE**

National Library
of Canada

Bibliothèque nationale
du Canada

0-315-22114-3

Canadian Theses Division

Division des thèses canadiennes

Ottawa, Canada
K1A 0N4

PERMISSION TO MICROFILM — AUTORISATION DE MICROFILMER

• Please print or type — Écrire en lettres moulées ou dactylographier

Full Name of Author — Nom complet de l'auteur

Deborah Rose Cook

Date of Birth — Date de naissance

September 4, 1956

Country of Birth — Lieu de naissance

Canada

Permanent Address — Résidence fixe

185 St. John's Ave. East #804
Toronto, Ontario M4P 1N2

Title of Thesis — Titre de la thèse

Feminist Perspectives on Postmodernism:
Addressing the "Woman Problem"

University — Université

Carleton University, Ottawa

Degree for which thesis was presented — Grade pour lequel cette thèse fut présentée

MASTERS OF ARTS

Year this degree conferred — Année d'obtention de ce grade

1984

Name of Supervisor — Nom du directeur de thèse

John Taylor

Permission is hereby granted to the NATIONAL LIBRARY OF CANADA to microfilm this thesis and to lend or sell copies of the film

The author reserves other publication rights, and neither the thesis nor extensive extracts from it may be printed or otherwise reproduced without the author's written permission

L'autorisation est, par la présente, accordée à la BIBLIOTHÈQUE NATIONALE DU CANADA de microfilmer cette thèse et de prêter ou de vendre des exemplaires du film

L'auteur se réserve les autres droits de publication, ni la thèse ni de longs extraits de celle-ci ne doivent être imprimés ou autrement reproduits sans l'autorisation écrite de l'auteur.

Date

September 4, 1986

Signature

Deborah Rose Cook

**FEMINIST PERSPECTIVES ON PROSTITUTION:
ADDRESSING THE CANADIAN DILEMMA**

by

Deborah R. Brock

A thesis submitted to
the Faculty of Graduate Studies and Research
in partial fulfillment of
the requirements for the degree of
Master of Arts
Department of Sociology and Anthropology

Carleton University

Ottawa, Ontario

June, 1984

© copyright

1984 Deborah R. Brock

LICENCE TO CARLETON UNIVERSITY

In the interests of facilitating research by others at this institution and elsewhere, I hereby grant a licence to:

CARLETON UNIVERSITY

to make copies of my thesis:

or substantial parts thereof, the copyright which is invested in me, provided that the licence is subject to the following conditions:

Only singled copies shall be made or authorized to be made at any one time, and only in response to a written request from the library of any university or similar institution on its own behalf or on behalf of one of its users.

This licence shall continue for the full term of the copyright, or for so long as may be legally permitted.

The Universal Copyright Notice shall appear on the title page of all copies made under the authority of this licence.

This licence does not permit the sale of authorized copies at a profit, but does permit the collection by the institution or institutions concerned of charges covering actual costs.

All copies under the authority of this licence shall bear a statement to the effect that the copy in question "is being made available in this form by the authority of the copyright owner solely for the purpose of private study and research and may not be copied or reproduced except as permitted by the copyright laws without written authority from the copyright owner."

The foregoing shall in no way preclude the granting by the author of a licence to the National Library of Canada to reproduce the thesis and to lend or to sell copies of the same. For this purpose it shall also be permissible for Carleton University to submit the abovementioned thesis to the National Library of Canada.

Signature of Witness

Signature of Student

Date

Degree

Department of Student

The undersigned recommend to the Faculty of Graduate
Studies acceptance of the thesis:

Feminist Perspectives on Prostitution: Addressing the
Canadian Dilemma

Submitted by Deborah R. Brock, B.A. (Hons.), in partial
fulfillment of the requirements for the degree of
Master of Arts.

Ian R. Taylor
.....
Thesis Supervisor

John Harp
.....
Chairperson, Department
of Sociology

ABSTRACT

This research provides an evaluation of the literature on prostitution produced by radical, socialist and liberal feminists. It will, first, delineate the ways in which prostitution is problematic for feminism; and second, assess the contribution of each perspective to an understanding of prostitution in Canada today.

This entails a discussion of the theoretical tradition of each perspective. Moreover, it includes an assessment of the practice of feminist organizations respecting their proposals for amendments to the Criminal Code of Canada on prostitution related offences, developed from the theoretical literature. The research necessarily involves a conjunctural analysis of Canadian society, as well as a focus on the state as the means through which prostitution legislation is constructed.

ACKNOWLEDGEMENTS

I would like to thank, foremost, my supervisor Ian Taylor for his excellent critique, as well as Wally Clement and Eileen Saunders for their equally valuable contributions.

I extend my gratitude as well to Marilyn Wissell, who word processed these pages and somehow managed to meet my deadlines; and finally, to Vic Owen and Stella Westcott for their friendship and support during the completion of this work.

TABLE OF CONTENTS

	Page
Abstract	i
Acknowledgements	ii
Table of Contents	iii
 Chapter One: Introduction	 1
 Chapter Two: The Feminist Theoretical Traditions	
Liberal Feminism	6
Radical Feminism	15
Socialist Feminist	22
 Chapter Three: Feminist Perspectives on Prostitution	
Introduction	42
Liberal Feminism	46
Radical Feminism	64
Socialist Feminism	73
Conclusions	92
 Chapter Four: Addressing the Canadian Dilemma	
Introduction	108
Defining the Canadian Dilemma	109
Sexual Relations and Social Control	127
The Role of the Canadian State	136
The Challenge for Feminists	142
 Chapter Five: Conclusion	 165

Chapter One: Introduction

The prostitution of women is an issue which affects us all, as it embodies the most destructive of arrangements and practices between women and men. Through an examination of prostitution¹, we find reflected the economic relations, sexual practices, and political-legal affairs which comprise the ideological and material fabric of our social existence. We therefore cannot dismiss prostitution as a product of biological or mental aberration; it is an intensely political activity.

There is no single sociological theory of prostitution, just as there is not a single approach to the study of society. This research must therefore begin from the understanding that prostitution as an expression of gender inequality can be understood and addressed in many different ways. We interpret gender inequality according to our existing ideological position - "where we are now"² which may be informed, for example, by liberal, conservative and socialist values and beliefs. Gender inequality as a social fact is known

only in terms of a conceptual framework which acts like a filter, in that it emphasizes some features of our experience while ignoring other aspects or even rendering them invisible.³

Therefore, "a way of seeing is a way of not seeing".⁴

Feminists have taken up the challenge of making prostitution more intelligible from divergent conceptual frameworks, which serve to pre-determine the outcome of their research. This work will examine the liberal, radical and socialist feminist perspectives on prostitution. This is important if we are to attempt to construct an integrated

picture of prostitution, which entails a critical selection of the most salient features of the feminist analyses.

Prostitution is an important area for research in a very immediate sense. As the crisis of unemployment in Canada deepens, more women are being forced to turn to prostitution as a means of support for themselves and their children.⁵ Moreover, prostitution is perceived as a growing problem in Canadian cities, in particular, some organizations say, because legislation regulating the activity has become more difficult to interpret and enforce. From the introduction of the first Criminal Code of Canada in 1892 until 1972, prostitution was legally dealt with as a form of vagrancy. Section 175.1(c) of the Code specified that every woman who "being a common prostitute or nightwalker is found in a public place and does not, when required, give a good account of herself" would be charged with vagrancy.⁶ The statute was finally repealed as a result of pressure from feminist organizations and the Royal Commission on the Status of Women, who charged that the statute discriminated against women, and was replaced by Section 195.1 - soliciting for the purpose of prostitution, and Section 193 - keeping a common bawdy house. Therefore, prostitution itself is not illegal in Canada; visible prostitution related activities constitute the offence. In 1978 the Supreme Court of Canada decided in Regina v. Hutt that solicitation must be "pressing and persistent" to be considered a criminal activity, and further must occur in a public place. A single proposition was no longer sufficient grounds for arrest, and an automobile could no longer be considered a public place. The powers of

police were therefore considerably curtailed because it put an end to the common police practice of entrapping prostitutes in unmarked cars. Residential associations and police vocalized their dissatisfaction with the ruling, asserting that it resulted in a growth of street solicitation in their neighbourhoods. As a response to this pressure, municipal governments began to introduce city bylaws which prohibited street solicitation, like the Vancouver 'Street Offences' bylaw of 1982. However, these bylaws conflicted with the divisions of legislative power established by the British North America Act, 1867 (and now the Constitution Act, 1982), which granted the federal government sole authority respecting the administration of criminal law. The bylaws were therefore ruled unconstitutional in the Westendrop case, in December, 1982.

Police and citizens' groups responded to this decision by lobbying the federal government to review the Criminal Code so as to reverse the effects of the Hutt decision. The government responded in 1982 by establishing hearings before the House of Commons Standing Committee on Justice and Legal Affairs to investigate the problem of street solicitation, and in 1983 with the creation of the Fraser Committee on Pornography and Prostitution, which is to deliver its findings by December, 1984.

Many feminists are concerned that the outcome of the committee findings will be an increase in the regulation of prostitution, thereby further constraining women in an already disadvantaged condition in the declining labour market. As a result, feminist organizations are

preparing research papers for the Fraser Committee and representing prostitutes' rights at public hearings in an effort to have street prostitution decriminalized through the repeal of section 195.1 of the Criminal Code, and the right of prostitutes to work in their own places of business without harassment through the repeal of section 193 of the Criminal Code.⁷

This research will attempt to delineate the ways in which prostitution is problematic for feminism. The feminist organizations which are active in this cause are predominantly comprised of liberal feminists, who carry with them a particular set of assumptions and beliefs. We will contrast their approach with the theoretical perspectives of radical and socialist feminists, who analyze prostitution in distinct ways. This research will necessarily involve a focus on the state as the locus of power over the affairs of Canadian society, and the means through which legislation regulating prostitution is constructed. Findings respecting the above will be the subject of Chapter Four. We turn, first, however, to an examination of the theoretical traditions of liberal, radical, and socialist feminists in general. The feminist perspectives on prostitution in particular will be dealt with in Chapter Three.

Endnotes to Chapter One

1. Prostitution herein refers to female prostitution, unless otherwise specified.
2. See Dorothy Smith, "Some Implications of a Sociology of Women" N. Glazer and H. Waehrer, eds., Women in a Man Made World (Chicago: Rand McNally, 1977).
3. Jaggar, Alison and Paula Rothenberg Struhl, Feminist Frameworks (New York: McGraw-Hill, 1978), p. xi.
4. Oakley, Ann, The Sociology of Housework (New York: Pantheon, 1974).
5. National Action Committee on the Status of Women, Brief to the Special Committee on Pornography and Prostitution, prepared by Jillian Ridington, February, 1984.
6. The historical material on prostitution laws in Canada is compiled by Kate Andrew, "Prostitution: A History of Legal Developments" Kinesis (May 1983), p. 16.
7. This proposal pertains to the operation of small independent businesses by prostitutes themselves to, for example, allow prostitutes to work in their own homes or in small groups. To prevent the proliferation of 'houses' operated by third parties, and thus the profiteering off prostitution by others, feminists propose the strengthening of legislation against pimping through amendments to Section 195.2 of the Criminal Code. This will be discussed at greater length in Chapter Four.

Chapter Two: The Feminist Theoretical Traditions

Liberal Feminism

Liberal feminists assume that women can and will gain equality through the existing political structure. For liberal feminists, 'liberation' constitutes political, legal, and economic parity with men. Persuasive action, primarily through public education and female participation in the political process and the paid labour force, is considered to be the key to social, political, and economic reform, and thus the key to emancipation. For conventional liberal feminists, the position may be one of a simple legal rights argument, beyond the achievement of which it is a matter of individual initiative in setting realizable goals in the free marketplace.

Zillah Eisenstein defines the liberal feminist position as being that body of contemporary theory which shares the belief in the supremacy of the individual and the correlate concerns with individual freedom and choice.

The liberal tradition is not critical of social inequalities based on wealth, position and power, where they may be justified as achieved statuses. Such are the benefits of a meritocracy. Rather, they find fault with the unequal distribution of wealth, position and power where it has not been earned through individual initiative. Family inheritance, race and sex privilege are major sources of inequities gained through ascribed status. It follows, then, that liberal feminism

does not question the premise of hierarchical positions and rewards in society; what it questions is the distribution of these rewards on the basis of gender.²

Thus the question of social reform rather than major social, political and economic upheaval through revolutionary measures is considered the major issue to be confronted by the women's movement. Beyond persuasive political activity, liberal feminists recognize the imperative to transform cultural attitudes about women. These attitudes, perpetuated through the socialization of children and sex-role stereotyping within the media, define women as biologically and socially inferior to men, and as the caretakers of male sexual and domestic concerns. Thus women's confinement to the domestic sphere inhibits the realization of women's full social value through active participation in the public domain. Woman's 'duties' presuppose her exclusion from socially valued occupations, and her entrance into the labour market is confined to residual, economically indigent jobs. Women, moreover, comprise a disposable source of cheap labour which can be drawn into or removed from the labour market according to the vagaries of the economy and the supply of male workers.

Liberal feminists, then, share with radical feminists of the contemporary spectrum the assumption that ideological representations of femininity must be challenged. Saunders asserts that

The explanatory thrust of feminist arguments focuses on ideological factors in the culture of a society, factors which serve to justify the exclusion and subordination of women.³

Thus the ideology of patriarchy is central to feminist theory.

Patriarchy, for both liberal and radical feminists, is male domination of women, which is maintained and perpetuated through the sex-based hierarchical order of a society. This order is embedded in social relations both within and external to the family, and is considered to be both universal and transhistorical in nature. While the assumption is that patriarchy is biologically based in origin, stemming from the male advantage of strength and the female 'disadvantage' of childbearing, patriarchy has managed to outlast its original functions through cultural historical transmission in ideology. From this belief it would be reasonable to conclude that patriarchy can be eliminated through such reformist measures as

1. Educational 'awareness' programs to inform the public of the existence of the sex bias in our culture and the damage it inflicts upon social relations between women and men. The individual's capacity to 'reason' could then provide impetus for change.
2. Affecting the socialization process of children, primarily through restructuring gender relations within the family.
3. Eliminating sex-role stereotyping within the media and the educational system.
4. Eliminating impediments to women in the occupational and political spheres through alterations to the justice system and through policy creation.
5. Assuring formal legal equality and legal rights for women in family, criminal and constitutional law.

Socialist feminists are critical of the liberal and radical feminist definition of patriarchy, a definition which presupposes an overly simplistic set of solutions to the problem. Socialist feminists dispute the assertion that patriarchy has existed throughout history, and that it is a characteristic feature of all societies. More importantly, however, liberal feminism lacks a theory of the development of patriarchy as a process of male supremacy embedded in the structural relations of a society. It fails to recognize patriarchy as more than an ideological force, but as a material force working in conjunction with the historically-situated productive mode of a society.

Moreover, the socialist feminist perspective questions the basic tenets of liberalism, which are regarded as implicitly patriarchal. Eisenstein asserts that "liberal 'rights' are structured via the inequalities of man and woman." In effect, the distinction between the private and public spheres is at the same time a division between female and male, and the benefits of liberal society are structurally allocated to the public world of men. As a result of this unequal base, liberalism and feminism are actually incompatible positions. Rousseau, for example, stated forthrightly in Emile that the freedom of men in the public realm is predicated on the denial of freedom for women in the private. That is to say, in order for men to carry out the business of the polity and the economy they must be freed from the necessity of domestic concerns. It follows from this that women

ought to learn betimes to submit even to injustice, and to bear oppression from her husband without complaint.⁵

Woman is made "specifically to please man"; this is "the law of nature".⁶ As he states, "she need not be liberal" for the functioning of a democratic society.⁷ The misogynist roots of the liberal tradition are here readily apparent. As we shall see, while later liberal thinkers challenged the assumption of women's natural inferiority, they failed to adequately address the specifically male ontology of liberalism. A male ontology is evident in the works of all of the major theorists, particularly the works of Aristotle, Rousseau, Locke, Hobbes, and Hegel.

The theories assume the existence of the family, but the domain and application of the theory is outside the family, and hence does not consider it explicitly. Thus distinctively political institutions exclude the family, and distinctively social - as contrasted with personal-relations are assumed to be those outside the family and to be relations which hold, in theory at least, between males.⁸

Therefore, different sets of rules apply to the private realm - the place of women, and the public realm - the domain of men. Early advocates of women's rights in the liberal tradition, most importantly Mary Wollstonecraft and John Stuart Mill, made little effort to challenge woman's role within the family. Rather, they assumed that women could attain self-fulfillment as the equals of men within their traditional roles of wife, mother, and domestic. Hence their efforts to attain education and suffrage rights resulted in a lack of real change being affected in the quality of women's lives.

When Mary Wollstonecraft produced her ground-breaking work, A

Vindication of the Rights of Women, in 1792, it was received with the contempt of her male peers. Wollstonecroft's work was not remarkable in that the basic liberal tenets she propounded differed little from her contemporaries; its challenge was that she applied these tenets to women. Wollstonecroft argued that women are engendered with the same capacity to reason as men, but required access to formal education in order to develop her intellectual abilities; access which women were being denied.⁹ This stress on equality of opportunity, supported by the argument of existing or potential equal ability, particularly in its legal rights manifestations, is of course the same argument being used by contemporary liberal feminists; in the United States to seek passage of the Equal Rights Amendment, and more successfully, in Canada to have Section Twenty-Eight of the Charter of Rights and Freedoms specify its applicability to all 'persons'.

John Stuart Mill's later work The Subjection of Women, published in 1869, received a somewhat more favourable response than had Wollstonecroft's, given that the suffrage movement in England and the United States was already well under way. Stated Mill

All men, except the most brutish, desire to have, in the woman most readily connected with them, not a forced slave but a willing one, not a slave merely, but a favorite. They have therefore put everything in practice to enslave their minds. The masters of all slaves rely, for maintaining obedience, on fear; either fear of themselves, or religious fears. The masters of women wanted more than simple obedience, and they turned the whole force of education to effect their purpose.¹⁰

Despite this assertion, Mill, as did Wollstonecroft, failed to

comprehend how thoroughly patriarchy is embedded within the family both ideologically and materially. Pleas for 'reason' could not hold up against arguments of women's 'natural' role and function as mothers and domestics, arguments which despite their 'individualist' perception of human rights Wollstonecroft and Mill in fact supported.

Modern liberal feminists are somewhat more critical of the liberal tradition of neglecting the private sphere in the application of its principles, as well as the arguments supporting women's natural role within the family. The modern liberal feminist maintains that women's life activity must lie in civil and political affairs.¹¹ This tradition began with the 1963 publication of Betty Friedan's book The Feminine Mystique. Friedan articulated "the problem with no name" for the middle-class American woman.

The problem lay buried unspoken, for many years in the minds of American women. It was a strange stirring, a sense of dissatisfaction, a yearning that women suffered in the middle of the twentieth century in the United States. Each suburban wife struggled with it alone. As she made the bed, shopped for groceries, matched slipcover material, ate peanut butter sandwiches with her children, chauffeured Cub Scouts and Brownies, lay beside her husband at night - she was afraid to ask even of herself the silent question - "Is this all?"¹²

Friedan's interest was sparked because

There was a strange discrepancy between the reality of our lives as women and the image to which we were trying to conform, the image that it came to call the feminine mystique.¹³

Friedan's white heterosexual middle-class bias is evident in her

arguments, a bias which is in fact evident in much of liberal thought. She did succeed very well, however, in explicating the ways domestic life was unsatisfactory for women, particularly those afforded the liberal gains of an adequate education. While she rejected the 'housewife' role, she remained within the liberal tradition of asserting the viability of the nuclear family as essential to the social order.¹⁴ Further, while the distinction between private and public spheres was maintained, women's ability to move freely between the two spheres was advocated. Contemporary liberal feminists assert that a woman should not have to choose between marriage and children and having a career if she planned her children and made adequate childcare arrangements. The state must therefore play a role through the provision of childcare facilities, in order to ensure women's freedom as individuals. Here we find a contradiction in liberal feminist theory which appears to go unquestioned: In order to support individual 'rights' and 'freedoms' childcare must become a collective civil affair rather than the responsibility of the individual as progenitor. This suggests that modern liberal feminism has moved beyond the liberal theoretical tradition. Indeed

liberal feminists identify themselves as feminists with little or no consciousness about the particular liberal theory they adopt.¹⁵

Eisenstein suggests that this is because liberal feminists merely assume the political tradition of their countries, which are in the western world mainly liberal capitalist traditions, without realizing how firmly inequality is embedded within capitalism and the extent to which

patriarchy serves to maintain it. The discussion of the socialist feminist theoretical tradition will suggest this to be a critical error of the liberal feminist position, since they here argue that the material conditions of the social structure are in fact antithetical to the ideology of individual freedom and equality.

Radical Feminism

The radical feminist presupposition is essentially that an unequal sexual division of labour preceded divisions of labour based on class and race; patriarchal oppression is therefore history's longest and most fundamental injustice. Biologistic arguments are brought to bear to demonstrate that the sexual division of labour is from its historical origins an inherently unequal one, given the superior strength of the male and the task of childbearing which nature bestowed to women.

The radical feminist argument asserts that oppression based on sex in fact resulted in the conceptualization of other methods of social oppression and economic exploitation, primarily those based on class and race. They conclude from this assertion that by reconceptualizing and revolutionizing relations between women and men we may begin to eliminate all hierarchical divisions within society. Women, therefore, are the revolutionary group in society.

To reiterate the definition of patriarchy which radical feminists share with liberal feminists, we find that patriarchy is

a sexual system of power in which the male possesses superior power and economic privilege. Patriarchy is the male ordering of society.¹⁶

Men may move freely between private and public spheres by virtue of their patriarchal authority, while women are confined to and remain subordinate within the private domestic domain.

Radical feminism argues that while the biological basis of patriarchy is no longer relevant, we cannot underestimate people's psychological need for the continuation of sexism through patriarchal

structures. Thus they are critical of the marxist and socialist feminist perspectives as undermining the importance of patriarchy and its effect on the formation of human consciousness. Millet states that patriarchy

is perhaps the most pervasive ideology of our culture and provides its most fundamental concept of power.¹⁷

As with the liberal feminist perspective, we find an emphasis on sexual relations embedded in psychic structures, which are transmitted through ideological representations of social reality. The concept of sex-class: that women form a class, or caste, is therefore primary to the argument. It is the task of radical feminism to make sex-class visible.

Radical feminism emerged from the civil rights movement and the 'new left' during the turbulent decade of the 1960's.¹⁸ Women working in these movements alongside their 'brothers' painfully became aware of the dimensions of their own oppression. While they struggled in the interests of the working class and people of colour, their own oppression was ignored. Women adopted 'consciousness raising' groups as a method of developing this awareness amongst themselves; however, attempts to transmit their realizations to men were met with ridicule. The response was typified by Stokely Carmichael's remark that "the only position for women in the movement is prone" and Eldridge Cleaver's references to "pussy power".¹⁹ It was determined by the males in the movement that "men will make the revolution ... and make their

chicks."²⁰ As Robin Morgan wrote in 1968

How many 'Movement couples' stagger home from a demonstration, or from jail, court, etc., so that he, exhausted, can collapse, while she, exhausted, fixes something to eat for them, or cleans up the pad, or picks up the kids, or, or, or ...²¹

Confronted by the resistance and antagonism of their male peers, women refused to be further used as "typers of the letters and distributors of leaflets"²² or to wait until 'after the revolution' for their turn to be liberated by benevolent males. Feminist slogans like "the revolution begins at home" and "the personal is political" articulated this concern. Amidst a growing consciousness of and rebellion against male chauvinism, Kate Millett wrote her landmark work, Sexual Politics (1969), which defined the problem of patriarchy. The following year, Shulamith Firestone published her radical feminist blueprint for the future, The Dialectic of Sex.

Millett contended that patriarchy's "greatest psychological weapon is its universality and longevity."²³ Patriarchal authority is maintained through the institutional arrangements of society, and its resulting hostility towards women expressed through pornography. Women have no revolutionary movements to compare with the persistence of the male supremacist tradition, according to Millett, but she foretold the entrance of humanity into an age which would topple this tradition through the efforts of women, who comprise more than half of the human species. Millett further asserted that traditional marriage would not survive this period, as it is an institution which is predicated upon male control of female sexuality, productive, and reproductive labour.

The family, then, is patriarchy's most effective tool in assuring the subordination of women.

Continuing in this vein, Firestone attacked liberal feminist concerns like legal inequalities and employment discrimination as "superficial symptoms of sexism".²⁴ Firestone contended that because women were oppressed due to their biological function as childbearers, they would have to be freed from biological concerns in order to attain true liberation. Radical feminists must therefore do more than abolish gender as a social phenomenon, but abolish sex as a biological fact. An androgynous society would necessitate the use of artificial wombs and test tube babies; sexuality and procreation would be forever separated. Childrearing would become a collective social responsibility, undertaken by all members of society. Women and children could then experience self-determination, sexual freedom, and economic freedom, while being fully integrated into all aspects of community life.²⁵

Firestone's work, which continues to provoke debate, is nevertheless contested by the majority of feminists today. The necessity of eliminating biological motherhood is far from certain; rather, the social determination of sex roles through the transmission of psychic structures is addressed as the critical concern. Firestone is attacked as both a technological and biological determinist; her argument contends that it is woman's biological makeup which is the source of female oppression, and the development of patriarchy was merely a residual effect. She therefore underplays the role of men in the

maintenance and reproduction of the patriarchal system, and moreover, fails to address the significance of male control of the technological means of reproduction for this future society, given their roles as scientists and technologists.

A major fault of Firestone's work, as contended by Germaine Greer, was her lack of attention to the significance of human sexuality in the patriarchal order. In her 1970 work, The Female Eunuch, Greer emphasized the importance to patriarchy of the maintenance of female sexual passivity. Women, she asserts, have been effectively castrated by men, and the means of this castration is rooted in the patriarchal nuclear family.

The castration of women has been carried out in terms of a masculine-feminine polarity, in which men have commandeered all the energy and streamlined it into an aggressive conquistatorial power, reducing all heterosexual contact to a sado-masochistic pattern. This has meant the distortion of our concept of Love.²⁶

Our conception of 'love' and 'romance' provide the bait by which women are trapped into acceptance of the patriarchal family structure. Making sex unsatisfactory for women within a monogamous (for women) relationship, rather than allowing them the freedom to develop their full sensual potential with other persons, is a method by which patriarchy keeps her there. Greer maintains that women are not monogamous by nature, but that men, in enslaving women for exclusive sexual and procreative use, in the interest of establishing proof of paternity, have sapped women of their life energies. In order to free themselves, then, women must develop their vital sexual natures, rather than

conforming to the rigid stereotype of female sexual passivity imposed by the patriarchy. Women, in Gloria Steinem's terms, must cease to be "female impersonators".²⁷ This is only possible through "joy in the struggle".²⁸ As Greer has asserted, the radical feminist position therefore seeks to confirm the opinions of early opponents to female suffrage.

The opponents of female suffrage lamented that women's emancipation would mean the end of marriage, morality and the state; their extremism was more clear-sighted than the woolly benevolence of liberals and humanists, who thought that giving women a measure of freedom would not upset anything. When we reap the harvest which the unwitting suffragettes sowed we shall see that the anti-feminists were after all right.²⁹

While Greer advocated the full realization of female sexual potential, and supported homosexuality as a valid sexual choice, she continued to support the viability of heterosexual activity. There is, however, a tendency within the radical feminist spectrum which advocates female separatism as the only means by which women may free themselves from oppressive relationships. Men, they assert, know when they have a good thing going, and will not willingly relinquish their privileged status. Further, sexual gratification may be attained satisfactorily with women; male sexuality degrades women because it is so deeply embedded in sex-power relationships. Thus heterosexual activity represents complicity with 'the enemy'. As Ti-Grace Atkinson asserted, "Feminism is the theory; lesbianism is the practice";³⁰ for these radical feminists, lesbian is more than a sexual choice but a political one - the only possible choice for a true feminist.

To conclude our discussion of radical feminism, we find that the central focus and most important contribution of this perspective to feminist theory is the emphasis it places on the primacy of sexuality in cognitive development. Psychic relations between genders based on biological differences provide the sustenance of patriarchy, a concept which radical feminists brought into common use. It is important, however, to draw attention to some of the weaknesses which this theoretical basis entails. While radical feminism has helped to determine patriarchy as a central focus for feminist research, its definition of the term is insufficient given the radical feminist insistence on patriarchy having a biological origin and its portrayal as a universal phenomenon. It cannot tell us how patriarchy is expressed in different historical periods, for example, by delineating the ways in which structures of the family are related to a given productive mode: social phenomena must be examined in their historical specificity.³¹

Moreover, it does not recognize how men may benefit differentially from patriarchy on the basis of class position and/or race, or how women experience different degrees of oppression. As we find within the liberal feminist tradition, the primacy attributed to the ideological transmission of patriarchy through psychic structures is problematic. This premise does not recognize that patriarchal ideas may be a consequence of material conditions, for example, through the use of women as a source of cheap labour.³² It is therefore necessary to turn to a discussion of socialist feminism, which attempts to integrate these critical points into feminist theory.

Socialist Feminism

Socialist feminism is the product of an attempt to harmonize the marxist and the radical feminist theoretical traditions. To use a tired metaphor, this attempt thus far has met with limited success - it is an 'unhappy marriage'. While radical feminism, as we have seen, has determined gender relations as the motor force of history, the marxist tradition has asserted the antagonism existing between social classes as primary. Therefore, in order to develop an understanding of socialist feminism we must explicate its marxist heritage.

The Marxist Heritage

We merely show the world why it struggles; and the awareness of this is something which the world must acquire even if it does not want to.

Karl Marx (1843)

In the preface to A Contribution to the Critique of Political Economy (1859), Marx states that prior to undertaking this work, he had re-examined Hegel's philosophy of law, and found it inadequate. One could not look only at political reforms and legal relations in examining the social development of humanity; there was a need to examine the material conditions upon which human development is based - that which Hegel and others had labelled 'civil society'. Marx asserts that the anatomy of civil society can only be examined through developing a critique of political economy, which is the product of a society's

material conditions.

Marx realized a "general conclusion" from his studies; that through the social production of existence, people enter into "definite relations" - the relations of production. These occur "independent of will". The relations of production are particular to the stage of social development in which they occur; to the material forces of production, which form a society's economic structure. The economic structure, then, is the "real foundation" of society.³³ From this base, a superstructure is developed, which is comprised of a society's social relations, including its political and legal matters. The superstructure is a reflection of social consciousness.

The mode of production of material life conditions the general process of social, political, and intellectual life. It is not the consciousness of men that determines their existence, but their social existence which determines their consciousness.³⁴

Marx's materialist approach becomes clearer when examining his division of society into stages of historical development. Marx asserts that at a given stage of development, material forces of production begin to conflict with social relations, and a social revolution results, as occurred with the birth of capitalism through the industrial revolution. Social relations are transformed in accordance with the development of the next mode of production; when the economic foundation changes, so must the superstructure. Therefore ideology and consciousness do not cause material production to change, but rather the reverse is true. Consciousness is determined from the "contradictions of material life", from the conflict between the social forces and the social relations of production.³⁵ Here is the root of Marx's historical materialism.

A social order cannot be destroyed until all of its productive capabilities have been developed to the fullest.

Mankind thus inevitably sets itself only such tasks as it is able to solve, since closer examination will always show that the problem itself arises only when the material conditions for its solution are already present or at least in the course of formation.³⁶

The history of humanity has already witnessed the Asiatic, the ancient, the feudal, and the capitalist modes of production. The capitalist mode is the final antagonistic epoch of social history.³⁷

The productive forces which are now developing within the bourgeois mode, capitalism, are creating the material conditions necessary for the end of this antagonism. The political conditions can then be developed for the future formation of socialism as the final productive epoch. For Marx, the beginning of socialism constitutes the beginning of a genuinely human history. All of the stages which come before it, then, are the pre-history of human society.

Marx regards the family as the most basic unit of social organization. However, for Marx, the male-female relation is premised on a natural rather than a social division of labour. This natural relation is the unification of women and men for procreation. No ownership exists in a society before "the family or the relations of master and servant are evolved". These are "concrete relations".³⁸

In The German Ideology, written with Frederick Engels between 1845 and 1846, we find that

The production of life, both of one's own in labour and of fresh life in procreation, now appears as a twofold relation: on the one hand as a natural, on the other as a social relation - social in the sense that it denotes the cooperation of several individuals, no matter under what conditions, in what matter, and to what end.³⁹

And further

The division of labour in which contradictions are implicit, and which in its turn is based on the natural division of labour in the family and the separation of society into individual families opposed to one another, simultaneously implies the distribution, and indeed the unequal distribution ... of labour and its products, hence property, the nucleus, the first form of which lies in the family, where wife and children are the slaves of the husband. This latent slavery in the family, though still very crude, is the first form of property; but even at this stage it corresponds perfectly to the definition of the modern economists, who call it the power of disposing of the labour-power of others.⁴⁰

Thus there is an implicit recognition of a sexual division of labour, which is never developed, simply because it is attributed to 'nature', or biological necessity, and then dismissed as outside of their realm of inquiry.⁴¹ In a later work, however, Engels did attempt to trace the social process which made this division an unequal one.

In The Origin of the Family, Private Property, and the State (1884), Engels asserted that, with the beginnings of humanity there was a natural division of labour based on women's capacity to bear children and lactate. However, although labour was divided it remained equal in social value; it constituted simple production for use. After the first agricultural revolution men acquired tools and animals which could be sold or bartered, thus initiating the accumulation of private property.

At this time, there developed a definite division between private and public spheres, where women remained in the private realm engaging in production for use, while men entered the public sphere, engaging in the more socially valued production for exchange. The possession of private property established men's supremacy over women, resulting in women's domestic enslavement. Engels referred to this as "the world historic defeat of the female sex".⁴² The monogamous (for women) family assured men of their paternity, in order that they could pass property from father to son. With the advent of capitalism, however, proletarian men lost their rights to private property, and instead were forced to sell their labour power for a wage. Women, too, were forced to enter into a wage relation in order to meet family subsistence needs. Engels then assumed, erroneously, that proletarian women were no longer oppressed by their male counterparts, given that the men no longer possessed private property, and that the women now had access to public production; thus the male authority in the household was undermined.

There appears to be a contradiction in marxist thought here, however. Marx and Engels, while assuming the demise of authoritarian relations in the proletarian family with the demise of capitalism, also recognized the necessity of socializing the domestic labour process, in order that women be freed from the slavery of domestic concerns. This would necessitate the abolition of the family "where it remains true to its historical form" as an economic unit of society.⁴³ The problem lies in Marx and Engels' failure to pursue gender as a manifestation of the sexual division of labour as a distinct category of oppression in

both the private and public realms, by subsuming it within the development of class relations. This is because they dismiss the sexual division of labour as a natural one, and thus their use of patriarchy as an analytic concept is inadequate.

Patriarchy as a social relation involving the subordination of women to men has no meaning or existence in Marxist analysis apart from its base in the family institution and its linkage to property.⁴⁴

However, as Rosalind Coward has stated, the

sexual division in society confers power on men, regardless of whether individual men are themselves powerful.⁴⁵

Marx and Engels therefore were unable to resolve 'the woman question' as they could not separate it from the 'larger' problematic of class struggle.

Since we find in traditional marxism a failure to explicate sexual divisions, given the assumption that they are biologically based in origin, it comes as no surprise that there is no attempt within the tradition to develop a concept of sexual identity, and therefore an understanding of sexual relations. According to Rosalind Coward

Sexual identity is the public presentation of sensual aims and objectives as integrated into the personality. Sexual division describes the division of labour, roles and activities according to sexual classification. Sexual relations are those activities where sensual aims and objectives are integrated into relations (usually public) with other people.⁴⁶

Coward postulates that the marxist tradition could not accommodate an analysis of sexual divisions within its framework as its inadequacy in solving the woman question would be revealed. It therefore had to be subsumed within the political priority of class struggle; the raison

d'être of marxist theory. Moreover, we cannot dismiss sexual relations as an untouchable topic of the Victorian period; rather as Foucault reveals, at this time there was a veritable explosion of discourses on sexuality.⁴⁷ Socialist feminist analyses attempts to address these critical omissions, while maintaining an active intermediation with class issues.

Socialist Feminism

Socialist feminists attempt to uncover the dialectical relationship between hierarchical class and sex structures. In capitalism, economic exploitation and sex oppression are mutually dependent processes.

Socialist feminists refer to this relation as capitalist patriarchy.

Patriarchy can here be described as

A set of social relations which has a material base and in which there are hierarchical relations between men and solidarity among them which enable them in turn to dominate women. The material base of patriarchy is men's control over women's (reproductive and productive) labour power. That control is maintained by excluding women from access to necessarily economically productive resources and by restructuring women's sexuality.⁴⁸

The material base of patriarchy may be described more specifically still as the sexual division of labour, which finds its expression in both the private and public realms, family and wage labour. A major thrust of socialist feminist research is to expose the relation of the household to the productive mode of society.

Therefore, patriarchy and capitalism are partners in the continuation of the subordination of women. However, patriarchy also operates independently of capitalism, as is evident by its appearance in pre-capitalist economic formations.

Patriarchy precedes capitalism through the existence of the sexual ordering of society which derives from ideological and political interpretations of biological difference. In other words, men have chosen to interpret and politically use the fact that women are the reproducers of humanity.⁴⁹

Patriarchal relations are shaped throughout history by the social

relations of the existing productive mode. Socialist feminists must therefore establish how modes of production and structures of patriarchy interrelate at given historical moments.⁵⁰ They are not so concerned about the origin of sex roles as with how they are maintained and expressed in a given mode of production.

This is because dominance and subordination are historically specific concepts; they make sense only in the context of the prevailing social arrangements.⁵¹

While socialist feminists attempt to locate the material base of patriarchy and its forms in different historical periods, they recognize the importance of patriarchal ideology in sustaining sex-power relations. Cultural values and beliefs support patriarchy on an ideological level in determining how gender is socially constructed. Further

it involves the socializing process through which symbolic structures frame the acquisition and internalization of the attitudes and behavioral expectations embedded in sex roles.⁵²

This represents significant progress from the marxist heritage, including its contemporary dimension, which attempts to address the position of women in class society through a rigid application of marxist categories to feminist concerns. The resulting 'fit' in the latter instance is an awkward one, as what cannot be functionally related to the process of capital accumulation falls again into the interstices of traditional theory. The most heatedly argued of these is the 'domestic labour debate', surrounding the utility of economic analysis of women's role within the family.⁵³ This debate explicates the means by which capitalism uses women as a source of unpaid labour in the home, and as a malleable pool of cheap wage labour which can be drawn in and

out of the home according to the demands of the economy and the supply of male workers. Women, in this context, comprise a reserve army of labour.⁵⁴ As domestic labourers, women serve to reproduce fresh labour power for capitalism, both daily and generationally, engage in the production of use values, and consume the commodities which a capitalist society produces. While recognizing the utility of these arguments, socialist feminism also recognizes the necessity of constructing a picture of familialism - the ideology of family life - and its role in maintaining this process.

Domestic labour of course takes place within the context of the privatized family. The family is generally recognized as the main site for the operation of patriarchal relations. Eisenstein defines the family as follows:

The family is a series of relations which define women's activities both internal and external to it. Because the family is a structure of relationships which connect individuals to the economy, the family is a social, economic, political, and cultural unit of a society. It is historical in its formation, not a simple biological unit. Like women's roles, the family is not "natural"; it reflects particular relations of the society, particular needs to be filled.⁵⁵

Moreover, in capitalist patriarchy the family entails both kinship and co-residence. In other historical periods and cultures these elements are often quite separate.⁵⁶ The family, then, is a socially and historically specific relation. In capitalist patriarchy the family embodies both property relations and psychic relations between the

sexes.⁵⁷ The woman's primary responsibility as a wife is to serve the family. All women are defined in relation to the family, whether or not they actually take on the roles of wife and mother. Therefore, socialist feminism defines the family as the concrete expression of women's subordination; familialism, however, is the ideology which maintains family life.

The ideology of family life, not concrete families themselves, serves to reproduce the sex-gender system of which it is a part. A sex-gender system

is the set of arrangements by which a society transforms biological sexuality into products of human activity, and in which these transformed sexual needs are satisfied.⁵⁸

The sex-gender system is a society's means of structuring its sexual division of labour, and the construction of gender - the "sexed subject"⁵⁹ - itself. Socialist feminists posit that familialism serves to constrain women's sexuality and her fertility - her procreative labour power. Women have the appearance of having a special relation to reproduction which extends beyond the biological through the ideology of familialism and her concrete location within the family. This is used to justify her marginal participation in, or exclusion from, other forms of labour. The family, too, takes on the appearance of a 'natural' institution, independent of social or political organization. Women still unquestioningly legitimate the institutional arrangement by taking up the traditional roles of wife, mother, and homemaker. We find, then that familialism is about how women help to build their own prisons, or, as Armstrong and Armstrong have expressed it, are "freely compelled" to

enter into relations which will limit their horizons.⁶⁰

We may determine from the above discussion that socialist feminist research has three main foci:

1. The relation of domestic labour to familialism.
2. The relation between domestic labour and women's public labour.
3. The interrelation of structures of patriarchy and modes of production.

Socialist feminists place particular emphasis upon the role of the state in the reproduction of capitalist patriarchy. The terrain of the state is a site of struggle for socialist feminists as it effects women both materially and ideologically by marginalizing them in the roles of wife, mother, domestic labourer and secondary wage labourer through intervention in both the private and public spheres. Therefore, as Mary McIntosh asserts, both the size and the consequence of state expenditure are critical for feminist struggle.⁶¹ Through policy making, it intervenes materially in the reproduction of labour power by affecting fertility rates, welfare benefits, healthcare, childcare and education.⁶² It turns the force of its legal system to bear on women, for example, by defining codes of acceptable sexual conduct through criminal law, and producing legislation concerning the division of family property in family law. In the process, it provides ideological support for the reproduction of traditional gender roles.

It is of course significant that state power, as ruling class

power, is concentrated in the hands of males. The extent to which state power is exercised on the behalf of capital, and on the behalf of men as the more powerful gender, is a subject of considerable debate. Is the patriarchal state more concerned with establishing policies to ensure the reproduction of labour power in the interests of capital, or keeping women subordinated within the family in the interests of men? As Michelle Barrett makes clear, this type of debate is unfruitful as it merely reproduces the divisions between the radical feminist and the marxist positions, which place women as either the slaves of men or the puppets of capitalism. She asserts:

It is only if we recognize the elements of male domination that have been incorporated into the particular family-household system that the state has supported and structured that we can avoid either of these unsatisfactory options.⁶³

The complexity of the interrelations between patriarchy, capitalism and the state are only now being realized; therefore the conclusions thus far remain tentative.⁶⁴ The socialist feminist discussion of the regulation of sexual behavior in the chapter to follow will demonstrate some of the dimensions that the debate entails.

Our discussion of socialist feminism has revealed the challenge of this approach to traditional approaches to marxist theory; it has exposed the inadequacies of marxism in developing a theory of, and for, women. As Eisenstein has stated

Marxist analysis has taught me to begin with material reality as my starting point and this is defined by what actually exists. Feminism has taught me to understand the daily life struggles within the family and with the state as part of this reality. It has also pushed me to understand that people's consciousness is part of this reality and cannot be ignored or wished away.⁶⁵

However, as Juliet Mitchell asserts, while socialist feminists may question the use of marxist methodology, their relation to socialism itself is never a point of contestation.⁶⁶ Socialist feminist analysis refocuses and redefines the historical materialist approach. It transforms marxist methodology to account for historical relations of power based on gender and its dialectical relation to class structure. Both the traditional marxist and radical feminist critiques must inform a theory which is to provide a basis for revolutionary strategy.

Endnotes to Chapter Two

1. Zillah Eisenstein, "Reform and/or Revolution: Towards a Unified Women's Movement", in Lydia Sargent, ed., Women and Revolution (Montreal Black Rose Books, 1981) p.343.
 Liberal feminism is in itself not a unified body of knowledge, but rather is comprised of distinct political tendencies. Status-quo liberal feminists support formal legal equality and full citizen's rights for women; demands which they believe have already been met. Progressive liberal feminists also regard formal legal rights for women as central to feminist concerns, yet these rights remain to be won. Radical liberal feminists recognize a sexual class structure in society which cuts across race and economic lines. These positions are unified through the primacy which they afford to liberal ideology in their work, which shall be elaborated below.
2. Eileen Saunders, "Women in Canadian Society", in S. Richer and D. Forcese, eds., Social Issues (Scarborough Prentice-Hall, 1983) p.20.
3. Ibid., p.16.
4. Eisenstein, op cit, p.344.
5. Jean Jacques Rousseau, Emile (Woodbury, New York Barron's Educational Series, 1964) p.225.
6. Ibid., p.218.
7. Ibid., p.241.
8. L. Clark and L. Lange, eds., introduction to The Sexism of Social and Political Theory (Toronto University of Toronto Press, 1979) p.ix.
9. Mary Wollstonecraft, "A Vindication of the Rights of Women" in Alice Rossi, ed., The Feminist Papers (Toronto Bantam, 1973).
10. A Jaggar and P. Struhl, Feminist Frameworks (New York McGraw Hill, 1978) p.90.
11. John Charvet, Feminism (London: J. M. Dent and Sons, 1982).
12. Betty Friedan, The Feminine Mystique (New York: Dell, 1963) p.11.
13. Ibid., p.7.
14. Charvet, op cit.

15. Zillah Eisenstein, The Radical Future of Liberal Feminism (New York: Longman, 1981) p.4.
16. Zillah Eisenstein, "Developing a Theory of Capitalist Patriarchy and Socialist Feminism", in Z. Eisenstein ed., Capitalist Patriarchy and the Case for Socialist Feminism (New York Monthly Review, 1979), p.17.
17. Kate Millett, Sexual Politics (New York: Ballantine, 1969), p.33.
18. For more comprehensive accounts of the emergence of radical feminism, see Robin Morgan, Going Too Far (New York: Vintage, 1978); Leah Fritz, Dreamers and Dealers (Boston: Beacon, 1979) and Sarah Evans, Personal Politics (New York: Random House, 1979).
19. Goldfield, E. et. al. A Woman is a Sometime Thing (Toronto: New Hogtown Press, 1971).
20. Robin Morgan, op cit.
21. Ibid., p.83.
22. Judy Bernstein, Peggy Morton, Linda Seese, Myrna Wood, "Sisters, Brothers, Lovers ... Listen ..." (1967) in the Canadian Women's Educational Press Collective, eds., Women Unite! (Toronto: The Canadian Women's Educational Press, 1972), p.39.
23. Millett, op cit., p.81.
24. Shulamith Firestone, The Dialectic of Sex (New York: Morrow, 1970), p.367.
25. For a fictional interpretation of this future society, see Marge Piercy, Woman on the Edge of Time (New York: Fawcett Crest, 1976).
26. Germaine Greer, The Female Eunuch (Great Britain: MacGibbon and Kee, 1970), p.16.
27. Gloria Steinem, Outrageous Acts and Everyday Rebellions (New York: Holt, Rinehart and Winston, 1983).
28. Greer, op cit., p.330.
29. Ibid., p.22.
30. Steinem, op cit.
31. Eileen Saunders, Woman, the Economy and the Socialist State: The Case of China, Ph.D. Thesis, Carleton University, 1983.

32. Ibid.
33. Karl Marx, A Contribution to the Critique of Political Economy (Moscow: Progress, 1970), p.20.
34. Ibid.
35. Ibid., p.21.
36. Ibid.
37. Marx here refers to antagonism in terms of social conditions, not the relations of individuals.
38. Ibid., p.207.
Families and tribes may exist which have no property, but only possessions. These exist in a less advanced stage of historical development. By observing the historical roots of the family and society, which are "simple categories", we may be able to determine how relations are expressed in more complex developments. For example, we may determine how the social divisions of labour is the result of the development of historical conditions.
39. Karl Marx and Frederick Engels, The German Ideology (Moscow: Progress, 1964), pp.48-49.
40. Ibid., pp.51-52.
41. Marx and Engels therefore fall prey to a crude naturalism, as do the radical feminists, in rooting social relations in biological facts.
42. Frederick Engels, The Origin of the Family, Private Property, and the State (Moscow: Progress, 1977).
43. Ibid., p.22.
44. Saunders, 1983, op cit., p.28.
45. Rosalind Coward, Patriarchal Precedents (London: Routledge and Kegan Paul, 1983) p.272.
46. Ibid., p.279.
47. Foucault, Michel, The History of Sexuality (New York: Random House, 1980).
48. Heidi Hartmann, "The Unhappy Marriage of Marxism and Feminism" in Lydia Sargent, ed., Women and Revolution (Montreal: Black Rose, 1981), p.18.

49. Eisenstein, 1979, op cit., p.25.
50. Rosin McDonough and Rachel Harrison, "Patriarchy and Relations of Production" in Annette Kuhn and AnnMarie Wolpe, eds., Feminism and Materialism (London: Routledge and Kegan Paul, 1978).
51. Saunders, 1983, op cit., p.46.
52. Ibid., p.45.
53. For example, see Bonnie Fox, ed., Hidden in the Household (Toronto: The Women's Press, 1980); Charnie Guettel, Marxism and Feminism (Toronto: The Women's Press, 1974); Margaret Benston, "The Political Economy of Women's Liberation" Monthly Review, 21 (Sept. 1969), pp.13-27; Terry Fee, "Domestic Labour: An Analysis of Housework and its Relation to the Productive Forces" Review of Radical Political Economics, 8 (Spring 1976), pp.1-9; Jean Gardiner, "Women's Domestic Labour" New Left Review, 89 (Jan.-Feb. 1975), pp.47-59; Joan Landes, "Wages for Housework: Subsidizing Capitalism?" Quest, 2 (Fall 1975), pp.17-31; Maxine Molyneux, "Beyond the Domestic Labour Debate" New Left Review, 116 (July-Aug. 1979), pp.3-28; Peggy Morton, "A Woman's Work is Never Done" in The Women's Press Collective, eds., Women Unite! (Toronto: The Women's Press, 1972); Mary Rowntree and John Rowntree "More on the Political Economy of Women's Liberation" Monthly Review, 21 (Jan. 1970), pp.26-32; Wally Seccombe, "The Housewife and Her Labour Under Capitalism" New Left Review, 83 (Jan.-Feb. 1974), pp.3-24.
54. See Patricia Connelly, Last Hired, First Fired (Toronto: The Women's Press, 1978).
55. Zillah Eisenstein, "Some Notes on the Relations of Capitalist Patriarchy" in Z. Eisenstein, ed., Capitalist Patriarchy and the Case for Socialist Feminism (New York: Monthly Review, 1979), p.48.
56. Michelle Barrett, Women's Oppression Today (London: Verso, 1980).
57. Annette Kuhn, "Structures of Patriarchy and Capital in the Family" in Annette Kuhn and AnnMarie Wolpe, eds., Feminism and Materialism (London: Routledge and Kegan Paul, 1978).
58. Gayle Rubin, "The Traffic in Women: Notes on the 'Political Economy' of Sex" in Rayna Rapp, ed., Toward an Anthropology of Women (New York: Monthly Review, 1975), p.159.
59. Annette Kuhn, 1978, op cit.
My efforts here to provide a description of the most salient features of socialist feminist analyses necessarily involves a conflation of the debates and the theoretical approaches within the

tradition. For an example of the former, the specification of the dimensions of patriarchy is far from established. While it is generally agreed that the development of patriarchy pre-dates capitalism and it therefore has an independent existence, its autonomous, dependent, and determinant dimensions within the capitalist mode of production remain obscured. Moreover, the definition of patriarchy itself is a subject of considerable debate. Veronica Beechey has found that the patriarchy debate involves four main positions. First, Juliet Mitchell defines patriarchy as being the ideologically reproduced power of the father, which is generated into cultural laws and transmitted through the unconscious. Second, Heidi Hartmann has retained the radical feminist definition of patriarchy as the rule of men, and attempts to determine how this is expressed within the capitalist labour process. Third, the Women's Studies Group refers to it specifically as the relations of reproduction which take place within the family. Finally, Zillah Eisenstein provides the most accepted definition of patriarchy as being the sex hierarchical ordering of society, which places women in the roles of mother, domestic labourer, and consumer within the family while providing justification for her exclusion from or marginalization within the public labour process. For more on this debate see Veronica Beechey, "On Patriarchy" *Feminist Review*, 3, 1979; Heidi Hartmann, 1981, *op cit*; Zillah Eisenstein, 1979, *op cit*; Women's Studies Group, *Women Take Issue* (London: Hutchinson, 1978); Juliet Mitchell, *Psychoanalysis and Feminism* (New York: Vintage, 1974); Michelle Barrett, *Women's Oppression Today* (London: Verso, 1980).

The theoretical approaches to socialist feminist analysis are also disparate. Some, like Juliet Mitchell and Nancy Chodorow, attempt to combine marxism, feminism and psychoanalysis to provide a theory of gender roles both within and prior to capitalist development. This approach is problematic as it sacrifices the importance of the material basis of patriarchal culture for its own reproduction to its ideological transmission through structures of the unconscious (see Juliet Mitchell, 1974, *op cit* and Nancy Chodorow, *The Reproduction of Mothering* (Berkeley: University of California, 1978, for example). To the other extreme, some marxist feminist research provides a reductionist account of female labour in asserting that the laws of capitalism are fully determinate. The workings of patriarchy, therefore, are subsumed within those of capital, and marxist categories once again take priority over feminist concerns (see Charnie Guettel, 1974, *op cit*; Bonnie Fox, et al, 1980, *op cit*; Marlene Dixon, *Women in Class Struggle* (San Francisco: Synthesis, 1978) and Barbara Winslow, *Revolutionary Feminism* (Ohio: Hera, 1978), for example). Establishing the degree of compatibility of the marxist and feminist theoretical traditions therefore continues to be a central concern of socialist feminists.

60. Pat Armstrong and Hugh Armstrong "Beyond Sexless Class and Classless

Sex: Towards Feminist Marxism" Studies in Political Economy, 10 (Winter 1983), pp.7-44.

61. Mary McIntosh, "The State and the Oppression of Women" in Annette Kuhn and AnnMarie Wolpe, eds., Feminism and Materialism (London: Routledge and Kegan Paul, 1978).
62. Ibid., Saunders, 1983, op cit.
63. Michelle Barrett, 1980, op cit., p.243.
64. Examples of this research include: Tove Stang Dahl and Annika Snare, "The Coercion of Privacy" in Carol Smart and Barry Smart, Women, Sexuality and Social Control (London: Routledge and Kegan Paul, 1978); Michele Barrett and Mary McIntosh, The Anti-Social Family (London: Verso, 1982); Mary McIntosh, 1978, op cit.; Zillah Eisenstein, 1981 op cit.; Catharine A. Mackinnon, "Feminist, Marxism, Method, and the State: An Agenda for Theory" in N. O. Keohane, et al, Feminist Theory: A Critique of Ideology (Chicago: University of Chicago Press, 1981); Rachel Harrison and Frank Mort, "Patriarchal Aspects of Nineteenth Century State Formation" in P. Corrigan, Capitalism, State Formation and Marxist Theory (London: Quartet, 1980); Michele Barrett, 1980, op cit.
65. Eisenstein, 1981, op cit., p.341.
66. Juliet Mitchell, Woman's Estate (New York: Vintage, 1973).

Chapter Three: Feminist Perspectives on Prostitution

Introduction

In this chapter we will determine how the feminist theoretical perspectives define prostitution as a social institution. This will involve a critique of the manner in which perceptions of the economic relations, political-legal relations, and expressions of sexuality in social relations inform their analytic assessment of prostitution. I have chosen these criteria as they represent the most fundamental dimensions of prostitution in the Canadian context.

Economic Relations

On a practical level, the existence of female prostitution is generally recognized as a direct result of women's subordinate position within the economy. Women earned in 1983, on the average, 52% of the pay that men received as a result of employment segregation and ghettoization, an absence of equal pay for work of equal value, and lack of access to well-paying jobs through education streaming and discriminatory hiring practices.¹ The earning potential of a prostitute is substantially greater than for most jobs a woman may aspire to, with no previous skills training required.

On a more theoretical level, we realize that economic relations are fundamental in the operation of a capitalist society. In Marx's terms, economic relations form the base, or guiding force, of a

capitalist society, while the social relations of the superstructure are influenced by a society's economic makeup. Most people must sell their labour power to earn money to live. For the prostitute, this entails exchanging her sexual capacities as a service to men in return for cash payment or other forms of non-sexual gain.

Sexuality and Social Relations

One of the functions of a patriarchal society is to ensure that women meet male sexual needs, either within the family, as wives, or external to the family, as prostitutes. Ideas about sexuality within a patriarchal culture are therefore important to our understanding of prostitution. I choose here to use the definition of sexuality provided by Stimpson and Persons:

Sexuality is a biological process that both follows certain development patterns and that responds to the mediation of culture. Biology may set the outer boundaries of sexual possibility, but cultures work effectively within them.²

They further suggest that

Paradoxically, a common consequence of cultural toil has been to reduce the female to her sexuality, her active being to her flesh.³

This cultural endeavour finds its ultimate manifestation in prostitution. However, though prostitution may entail a sexual act it is foremost a sexual relation, in the most narrow meaning of the term, only for the male as client. The female prostitute rarely derives sexual gratification from the act; for her it involves foremost an

economic relation. Thus sexuality and economics are intrinsically bound in prostitution.

We will find here and particularly in Chapter Four, that feminist analyses of prostitution are complicated by the ways in which they deal, or fail to deal, with issues related to sexuality. While feminists recognize the economic imperatives of prostitution, and support a woman's economic and legal right to engage in this activity, they are disturbed by the sale of female sexuality as an expression of female oppression. Further, prostitution is still often interpreted by individual feminists as immoral or abnormal behavior. How much is this attitude related to a distaste for the sale of sexuality as a patriarchal practice, and how much to an uncomfortable attitude towards sexuality itself? How much does the latter instance affect a feminist's (or any person's) perception of prostitution? This paper cannot attempt to answer these questions; they are raised only as issues of concern.

Political-Legal Relations

By now we have established that we live in a society which is both capitalist and patriarchal, as revealed by the economic and social relations of our social structure. The dominant class, and the dominant sex, must have a system by which to justify, maintain, and perpetuate their continued existence. This is managed on a formal level through the political-legal process. In Canada, prostitution-related activities

are illegal, although prostitution itself is not. Hypotheses as to why this hypocritical approach to prostitution is maintained will be revealed in our examination of the feminist frameworks. The legal doctrine which contains these laws is the Criminal Code of Canada. Other regulations affecting prostitution may be enacted at the municipal level through a system of bylaws, thus complicating the administration of prostitution as a legal offence. Changes to these laws may only be enacted through the political process; to the Criminal Code through Acts of the federal parliament, and at the municipal level through municipal and city councils. These laws are enforced through local, provincial, and federal policy structures. We will find that feminists, regardless of theoretical perspective, advocate the decriminalization of prostitution through the removal of prostitution related statutes from the Criminal Code of Canada.

Liberal Feminism

The liberal feminist perspective on prostitution examines, in the main, the manner in which the legal system, as it embodies patriarchal principles, interferes with the civil rights of the individual in constraining a woman's freedom to prostitute herself. While recognizing the oppressive and exploitative nature of prostitution as a product of patriarchal culture, liberal feminists argue that a re-evaluation of the legal process in relation to women is a fundamental step in the restructuring of gender relations, while recognizing that this measure will not eliminate prostitution itself.

Liberal feminists assert that all women are submitted to the sexually oppressive ideology and economic exploitation which forces poor women into prostitution.⁴ However, it is difficult for women to regard prostitution objectively, given that it is an activity surrounded by much mystique, particularly as a result of presentations of prostitution in the male-controlled media. Here the prostitute is either the 'hooker with a heart of gold' or the abject sexual slave.⁵ An examination of the double standard imposed on women's sexual and economic life, they find, gets beyond these myths. For men, sex is in many ways equivalent to power, and for women, nurturing.⁶ Men are defined by their achievements, and women are defined by their relation to men, and by their ability to provide comfort and sex in exchange for economic security.⁷ Men measure their success in large part by their access to women, even where access demands a cash exchange. Thus the

existence of prostitution is an inevitable extension of female and male role expectations. Further, in providing a population of women to meet male sexual needs, as a male 'right', it provides women with a means of financially supporting themselves in an economic climate unfavourable to women. It is not surprising, then, that prostitution is regarded as inevitable by many members of society.⁸

Although prostitution may be regarded as inevitable, this is not to say that it is condoned as an occupational choice for women. To become a prostitute is to relinquish an important part of one's femininity, the withholding of sexual access to all but one's love-mate; prostitutes are therefore rewarded economically and condemned socially for their occupation. While there is little perceived need in society for formally punishing males who use prostitutes, since they are only claiming what is their due, women as prostitutes violate social conventions concerning women's behavior and they are therefore stigmatized and subject to legal penalty. Therefore, in a patriarchal culture, they find that "the prostitute is the deviant woman and her customer is the normal man."⁹ Despite this fact, the frequent perception of glamour associated with prostitution, in conjunction with the economic return, means that for some women the perceived benefits of prostitution outweigh those available to socially acceptable women who are confined to a life of economic dependence and domestic drudgery. Therefore

prostitution is one way for women to reject their victimization by our sex-biased economic system by choosing an independent and exciting, albeit 'deviant', occupational lifestyle.¹⁰

More than radical or socialist feminists, who concentrate on macro structures and processes, liberal feminist research frequently focuses on individual personality structure as it affects entrance into prostitution. Self-image plays a role in defining what is possible for women, exacerbated by external economic constraints. Boyer and James have attempted to delineate the varying circumstances through which young women enter into prostitution.¹¹ First, there are those girls who fall into the category of "deprived and disadvantaged". These girls are from families of low socio-economic status, with minimal education or job skills, who enter into prostitution as a way out of poverty. They may have a role model in the form of a female relative or friend, thereby facilitating entry into prostitution. Also falling into this category are those women who lose the support of a male breadwinner through death or separation, and discover that prostitution is the only alternative to poverty.

Second, there are those girls who are physically and sexually abused, often within the context of the family. Boyer and James estimate that 40-75% of adolescent, both female and male, have experienced sexual or other forms of physical abuse prior to becoming prostitutes. A study of 138 juvenile prostitutes in the United States, conducted by James, found that 37% had been molested, 51% had been raped, and 63% had experienced other forms of physical abuse. These events may interrupt and retard normal social and sexual development.

Sexually abused adolescents do not know where they end and someone else begins. Their worth to others has only been acknowledged through their granting

- 0 -

sexual access, and consequently, they continue to define their self worth through sexual activity.¹²

The double standard of morality also has its repercussions here, resulting in feelings of guilt among abused females.

Finally, and perhaps the least prevalent, are those who may be categorized as "affluent and overindulged". Factors precipitating entrance into prostitution are permissive environments, lack of parental attention and affection, and boredom, combined with a perception of prostitution as a glamorous and exciting pastime. Boyer and James posit that these girls, exacerbated by the above, are succumbing to social pressure emphasizing the importance of female sexuality and the need to earn a high income - a measuring of self worth by the amount of money earned. The "affluent and overindulged" may also be victims of sexual or other forms of physical abuse.

Violence against prostitutes may therefore be related to abuse in other contexts. It is not surprising then that many prostitutes end up in violent relationships, and appear willing to accept possible exposure to further violence as a hazard of the job. Priscilla Alexander, of the National Organization of Women, cites a study conducted by the Delancy Street Foundation, an agency operated by former prostitutes in the United States, which found that 70% of the street prostitutes interviewed had been raped on the job on an average of 8-10 times per year.¹³ Revealingly, however, Jennifer James' three-year study of prostitute-pimp relations demonstrated that these were no more violent than husband-wife relations. There have been just as many cases of

pimps beating prostitutes as husbands beating wives, proportionally. They therefore reflect the power relations between women and men generally.¹⁴

These power relations are in fact justified by relegating even straight women to "the moral character of the whore". A frequent defence to rape charges is that the victim is a whore, or behaved like one. Moreover

These assumptions are carried, as well, into the home, particularly in the case of domestic violence: many battering husbands call their wives "whore" before they hit them, the label being justification for the act.¹⁵

Liberal feminist research has found that while men may move freely in and out of deviant subcultures as clients, given their valued role in the 'straight' world and the absence of legal impediments to their activities, the prostitute is confined to the life and the label. It is a physically punishing occupation: the myth that prostitution is easy work ('she lies on her back all night') parallels the misconception that homemakers 'have it easy' performing domestic labour. Both are patriarchal fallacies created to denigrate female labour, and thus women's social value.¹⁶

In documenting the working conditions involved in prostitution, they report that it is an occupation where seniority is not rewarded; by age thirty women are considered old and are usually broke. Drug use may have harmed their physical and mental health, though Gail Sheehy suspects that report of drug use among street prostitutes may be exaggerated, given their need to stay on their toes and move fast in

order to avoid police, detect 'bad tricks', and meet the evening's income set by a pimp.¹⁷ Venereal disease may also pose a problem, though prostitutes are aware of the risks and usually take more precautions than many people. The venereal disease rate among U.S. prostitutes is estimated at between 20-25%, while for high school age teenagers it is estimated to be from 30-35%.¹⁸

The liberal feminist tradition's emphasis on the maintenance of individual freedom of choice results in their concern that the prostitute's freedom to find an alternative occupation (as well as her ability to establish a credit rating) may be affected by the existence of a police record. The criminalization of prostitution thereby serves to close avenues back into the straight world to the prostitute. In this instance, her economic resources will be of little benefit in improving her professional position. In addition, the income from prostitution varies tremendously between the high-priced call girl and the streetwalker, and according to whether it is undertaken as a full-time or part-time occupation. Sheehy estimates that in 1973 there were between 200,000 and 250,000 prostitutes working in the United States. The income from this work was estimated at between seven and nine billion dollars annually, tax free. However, most of this money goes not to prostitutes, but to the many "major and minor hustlers" surrounding prostitution, from pimps to hotel operators to cab drivers to the mafia.¹⁹ Most prostitutes work from massage parlours, brothels, escort services, and on an out-call basis, methods which constitute third-party intervention, with the frequent exception of

out-calls. Only 10-15% of prostitutes in the United States work through street solicitation. However, about 60% of the women are controlled by pimps.²⁰ If we extend the concept of 'pimp' to include anyone who lives off of the avails of prostitution, as in the legal definition of the activity, the figure is substantially higher, based upon the above methods of third-party intervention. A federal-provincial justice committee alleges that, in Canada, organized crime alone is known to take in 20.9 million dollars annually from prostitution, while the figure is estimated to be as much as 114.6 million dollars annually.²¹ Therefore, while it is usually the female prostitute who performs the job and takes the accompanying risks, it is the males who control her activities who reap the profits.

Liberal feminists have been concerned about the incidence of prostitution since the beginnings of the first wave of the women's movement, and long before their quest for suffrage rights was completed. Josephine Butler led the fight against the Contagious Diseases Acts in Britain from the passing of the third statute in 1869 until the Act was finally repealed by Queen Victoria on April 13, 1886. The Act sought to restrict the activities of prostitutes near military compounds, in order to check the spread of venereal disease among military personnel. It granted law enforcement officers the right to arrest any woman found loitering on the street, as well as those suspected of having an unchaste character, and the right of medical practitioners to subject these women to mandatory medical inspections. Butler considered this

Act a great social injustice for women, and charged that it was based upon the double standard regarding "sexual sins" for women and men. She charged that submitting women to involuntary medical examinations violated

the claims of decency and inalienable rights of women, chaste or unchaste, over her own person.²²

In 1870 the Ladies' National Association, under the leadership of Butler, issued the Women's Protest Statement, decrying the impediment to legal safeguards that the Act created. Such a measure constituted the removal of women's personal safety and put them at the mercy of the police, thereby neglecting the duty of the law to provide civil liberty for its subjects. Moreover, it compelled the accused to prove her virtuousness, and thus her innocence, and punished the victims of vice - the prostitutes - while allowing the cause of vice - the males who solicited prostitutes - to go free. Finally, they charged that while the purpose of the Act was to eliminate disease, no disease had ever been eradicated by legislation. The disease, in any case, was moral rather than physical; therefore the state should attempt to deal with the causes of moral evil. Butler advocated the social purification of both women and men, in adherence to religious doctrine. She urged fortunate women to come to the aid of those less privileged, and to fight for social purity but against laws which were an outrage to both free citizenship and the sacred rights of women, by creating a "slave class" of women for male benefit. Women must stand at the forefront of battle, she urged, or the fight would be lost. Women's social condition

must be transformed in order that they be free to live the virtuous lives which all women wanted. There was to be no question of party politics in their "sacred cause".

It is a question which vitally concerns our social life through all classes, from the head of government down to the poorest toiler for his daily bread. It is a moral question which affects the moral and spiritual life of the peoples of the earth, and through their spiritual individual life, the domestic, social, and public life of the community. But it must be fought out on the lines of government - on political lines.²³

Therefore, while it must be women who take the active part in transforming social conditions, the state must play the critical role in assuring that their demands are met.

The liberal feminist tradition ultimately regards the state as the safeguard of democratic rights and freedoms for all citizens, and its negligence in assuring equal treatment of women is a matter which may be overcome by educating its administrators and through feminist political pressure. The material basis of the state (articulating the interest of capital and of patriarchy) and its potential ability to function fairly on the behalf of women is never an issue of concern, as was discussed in chapter two. As part of their reform program, liberal feminists attempt to educate elected officials about the law's discriminatory treatment of prostitutes. They point to the fact that while prostitution is officially condemned and legislated against, total suppression is seldom attempted as an availability of prostitutes is considered necessary in order that men may attain the sexual release considered necessary for

them to function effectively as citizens.²⁴ While prostitution is tacitly accepted, the providers of the service, in stepping beyond the bounds of acceptable female conduct, are considered unworthy of the basic civil rights afforded to other citizens. Therefore, the legal process, they assert, serves to define acceptable and unacceptable standards of female sexual behavior.²⁵

The behaviour of women who come to the attention of official agencies is scrutinized not so much for evidence of guilt or innocence but rather for evidence of sexual misconduct. It must be recognized that this traditional sexualization of female crime serves symbolic functions in a male dominated society.²⁶

The double standard by which the law governs sexual behaviour therefore applies not only between women and men but between women and women. Either women fit the 'sweet and innocent' category, in which instance they need be protected by the law, or they are regarded as promiscuous and therefore considered responsible for their own actions, as are prostitutes regarded. In the latter instance, males are not considered culpable, resulting in the prostitute being a double victim, both of customers and pimps, and of the law and its policers.²⁷ Further, this reveals that women do not benefit from male tolerance, or 'chivalry', within the legal system, particularly within the courts themselves. Rather, sex role expectations are enforced judicially, sometimes in place of applying the law. The courts may often overlook the crimes of women who conform to sex role expectations, but those women who deviate from them, as do prostitutes, may be treated all the more harshly. It is not surprising, then, that prostitution is treated as a 'sex-crime' by the courts.

Contemporary liberal feminists, like their peers of the past century, recognize prostitution laws as discriminatory against women, by limiting their rights as free citizens in a democratic society to control their bodies and their lives. As Priscilla Alexander states in her research paper on prostitution prepared for the National Organization of Women, women have a right to work as prostitutes, "when it is of their own choice",²⁸ as they have a right to work in any other occupation for which they are qualified. They have a right to relationships with other persons, even where they provide the financial support, if this arrangement is acceptable to both parties,²⁹ just as they have a right to raise children without the interference of protection agencies, who determine them as unfit mothers simply as a result of their occupation. In summary, liberal feminists adopt the classical liberal stance favouring individual autonomy and equality of opportunity as the basic rights necessary for the attainment of "a full human existence". Prostitutes, as every other citizen, are worthy of these rights.³⁰ Women must make this clear by working to end the duality of whore and madonna within the legal system, and by ensuring that prostitution remains in the control of the prostitute, not pimps, police and judges.

then we will have given the prostitutes the power,
and the support, to change that institution. We will
all benefit.³¹

Liberal feminists question the manner in which morality intervenes in the construction of legal statutes, even beyond the institutionalization of the double standard of sexual behavior for women

and men. Where prostitution is considered immoral and thus unacceptable the activity is subject to punitive legal measures.

The function of these laws is less to eliminate prostitution than to define a moral community. By making prostitution illegal, the community can assert its commitment to moral values and derogate those who fall outside the pale.³²

Legal statutes affecting prostitution therefore serve a symbolic, rather than a utilitarian function. The enforcement of moral laws constitutes a problem for three groups; public health agencies, who are concerned with the spread of venereal disease, moral and social traditionalists, and of course law enforcement agencies.³³ Most citizens, they ascertain, are only morally affected by prostitution if they are directly confronted by it; hence prostitution will be tolerated by the law if it is invisible. It is generally only the overt prostitute - the streetwalker - who is subject to legal harassment. This further victimizes the street prostitutes, as they are already the women who face the most danger on the job, charge the lowest rates for their services, and are most preyed upon by hustlers. Liberal feminists recognize that street prostitutes are recruited mainly from the low socioeconomic strata of society, and a large proportion of these are minority group women. This proportion, however, is not large enough to justify the fact that 85% of prostitutes who are sentenced to jail in the United States are women of colour.³⁴ This, they charge, constitutes a race bias in the execution of the legal process. Race, like sex, is an ascribed status which should not be used to marginalize people and impede their freedom as individuals. Legal harassment

results in prostitutes being made even more dependent on pimps, for bailing them out of jail, arranging childcare and legal counsel, and so on. It frequently results in women having to leave an area for a location where they are not known as prostitutes, which entails a separation from the support network provided by family and friends. This dislocation results in further dependence on pimps for companionship and security, and therefore further entrapment within 'the life'.

Contemporary liberal feminists have considered two alternative approaches which the government may take in dealing with prostitution, which are distinct from the present method of criminalizing prostitution related activities. Prostitution may either be legalized, entailing further state control without criminal sanctions, or decriminalized through the removal of prostitution from the Criminal Code, thereby ending state intervention.

Legalization is the least-favoured approach of feminists, as it maintains a punitive system of control. Generally through this measure a form of prostitution is consented to, and subjected to taxation, licensing, and government regulation, while other forms of prostitution, particularly street solicitation, remain illegal. Feminists point to the legalization of brothels in Nevada as evidence of the unsuitability of this tactic. Women employed in these brothels, they charge, are virtually imprisoned; they may leave the brothels infrequently for weeks off, and may only shop in nearby towns on certain days and during specific hours. These prostitutes work fourteen-hour shifts, during

which time they service 10-15 customers, the selection of whom they are allowed no choice. They are not permitted to use condoms for protection against venereal disease, and instead are subject to mandatory medical inspections. In addition, they must pay room and board, on top of giving a percentage of their earnings to the brothel keeper, pay for the use of linen, and use hairdressing and laundry facilities provided on the premises, all of which takes a sizeable chunk from their weekly earnings.³⁵ It must be recognized that their work environment is at least more secure than where prostitution is conducted in a clandestine fashion; however, equally secure conditions could be arranged in other contexts, were prostitution not a criminal activity in these contexts. In other nations where prostitution is regulated through legalization, police corruption and pimping remain rampant, given the restrictions upon the activity imposed by this method. Legalization in fact legitimates

the exploitation of women and perpetuate(s) the power over them in the hands of male legislators, vice profiteers, and customers.³⁶

A state in fact may be considered "the biggest pimp of all" through legal regulation of prostitution.³⁷ Legalization legitimates the operation of brothels by individual pimps as valid entrepreneurial activity, in the spirit of free enterprise, and increases their power to more than ever before. Finally, it limits women's opportunity to find other forms of employment, given that she ~~has been~~ officially registered as a prostitute. Liberal feminists recognize that

Simply because the State is willing to recognize prostitution as a legitimate commercial transaction, does not mean it has to license it.³⁸

Prostitution may be conducted legitimately without licensing, as are numerous other forms of commercial activity.

Decriminalization is the approach most favoured by feminists as "the least abusive choice",³⁹ as it eliminates state interference into and control of the affairs of the prostitute. Some U.S. legal scholars question the legitimacy of prostitution laws, determining that they violate civil liberties like freedom of speech, equal protection, and privacy.⁴⁰ Laws against prostitution imply that the individual prostitute is responsible for prostitution, rather than or in addition to clients or society as a whole. This, they charge, is blatant discrimination, and "Women as victims of prostitution should not be criminally prosecuted for an act which they are forced to commit" as a result of social and economic constraints.⁴¹ Moreover, prostitution constitutes a victimless crime in the legal sense, in that it is a crime without a complainant; as an act undertaken by consenting adults, it should lie outside of the purview of the law.

Prohibition of prostitution does not help to lower the disease rate, nor is it likely to limit significantly recruitment into the profession.⁴² Liberal feminists also question whether prostitution laws are worth the cost of enforcement to the state;⁴³ funds which could be used to curb more serious forms of crime.⁴⁴ Decriminalization would in fact lessen the control of prostitutes by more powerful males: law enforcement officers would no longer demand payoffs, and the

necessity of developing protective dependence relations with pimps, massage parlour owners, and the like, reduced. The lopsided application of the law, in which women of colour are most penalized, would be eliminated through decriminalization, as would at least some of the stigmatization of prostitution as imposed through the criminalization of the activity.⁴⁵ Through decriminalization, the state would neither need to condone prostitution, nor act as pimp through profiting from the sale of sexual services. Further, it would no longer be the prostitute who is considered solely responsible for prostitution.⁴⁶

Through decriminalization, it would be possible for prostitutes to form unions for greater control and improvement of their working conditions, as well as to form professional associations with a code of ethics and behavior. By allowing prostitutes the right to establish an order of cohesion in their profession, they would be given the freedom to work to help themselves and one another; for example, to provide training for new prostitutes, thereby reducing the problems and dangers currently associated with prostitution.⁴⁷ Jennifer James suggests that some control options may still be exercised by the community, respecting visibility, disease prevention, enforcement of the age of consent, and business and zoning regulations. While these measures still limit the freedom of individual prostitutes, liberal feminists consider them acceptable provisional measures, until the causes of prostitution can be eliminated.⁴⁸

Liberal feminists find that we may only begin to regard

prostitutes as victims when we examine not only factors precipitating entrance into prostitution, but understand the implications of prostitution related laws. They assert that changing these laws is the most readily available means of lessening the victimization of female prostitutes through challenging the enforcement of sexism and racism. James maintains that we become aware that prostitutes are not so much victims of prostitution, but of these laws, the manner of their enforcement, and the men these laws are intended to protect.⁴⁹

Beyond this, she asserts,

It is within the power of our legislatures to lessen the victimization of prostitutes as prostitutes, but to eliminate the victimization of prostitutes as women will be a longer, far more difficult struggle.⁵⁰

- To summarize the liberal feminist perspective on prostitution,
- Liberal feminists assert that prostitutes, as every woman, have a right in a democratic society to control their own bodies and their own fates.
 - The legal system, however, discriminates against prostitutes both in the construction of legislation and in the execution of the legal process, thereby impeding the prostitute's right to self-determination.
 - Therefore, the decriminalization of prostitution is advocated as a solution to overcoming these impediments.
 - Decriminalization, as a short-term measure of social reform, is a necessary part of the attainment of the long-range goals of the

women's liberation movement; it is not in itself sufficient, however, in addressing the problem of prostitution.

- We must therefore work towards the transformation of gender roles to eliminate the subordination of women in contemporary society. Only then may we witness the disappearance of prostitution itself as a product of this subordination.

As we shall see, radical and socialist feminists maintain quite distinct emphases in their approaches to prostitution than do liberal feminists. We will ~~will~~ examine the radical feminist perspective on prostitution in the pages to follow.

Radical Feminism

Within the context of the discussion of radical feminism, we found that there emerged an emphasis on sexuality and sexual control, and its primary status in the relations between genders. Economic and political-legal relations between genders only become significant as a product of belief systems based on sexual differences. The radical feminist perspective on prostitution provides a forum for further elaboration of these assertions.

The poetic rage of radical feminist writers can be compelling to the woman already feeling injured by her relations with men, in a man's world. Given women's socialization into roles of dependence, notions of romantic love, and the cultural importance of marriage and motherhood as interrelated events through which women's potential fulfillment of self is subordinated, "sexual politics" is identified by a radical feminist as the most salient political focus. Indeed, it is not surprising that prostitution comes to be regarded by radical feminists as the ultimate manifestation of women's oppression: in a phallocratic society the definition of women as sexual objects which can be bought and sold provides the primary impetus for social and political action. Thus, within the discourse of sexual politics, prostitutes are regarded as political prisoners.

prostitutes are our political prisoners - in jail
for cunt. Jailed for it, for cunt, the offense we all
commit in just being female. That's sexual politics,
the stone core of it.⁵¹

The radical feminist position posits that, since sex oppression is history's longest and most fundamental injustice, and thus patriarchy is both universal and transhistorical in nature, prostitution too is shaped by this absence of parameters.

Female prostitution and harems have existed among all races, in nearly every recorded culture, on every continent, and in all centuries: it predates Catholicism and industrial capitalism. It always signifies the relatively powerless position of women and their widespread sexual repression. It usually also signifies their exclusion from or subordination within the economic, political, religious, and military systems.⁵²

Millett asserts that women are traded and regarded as currency even in societies that do not have a monetary system.⁵³ Radical feminists contend that prostitution "has always been a cultural universal" because it provides males with a means of acting out their contempt for women.⁵⁴ Prostitutes are in the business of not selling sex but degradation, and in doing so support ideological representations of female inferiority on both the individual and social levels, through the power of one human being over another.⁵⁵ Women's experiences simply in being female, through subjection to rape, incest, and other forms of physical and emotional abuse, prepare women for an acceptance of a life of prostitution, in which a woman's sexual being is not constructed for her own pleasure.⁵⁶ Since women's essence and offense in a patriarchal culture is the biological fact that she is "cunt", self-contempt becomes rooted in personality structure; women are socially conditioned to accept self-denigration. Millett maintains that society

urges women to kill something within themselves - ego, hope, self-respect. This female masochism is, however, "only the behavior of accommodation, forced upon any oppressed group that it may survive."⁵⁷

Despite their contempt, the male oppressors experience both love and hate for the women they are oppressing. Given the love element, some individuals may not wish to inflict physical or psychic violence upon the women most emotionally valued by them; however, the prostitute or sexually active woman provides an outlet for female malignment as an acceptable cultural practice. The duality of love and hate of women within the male psyche is revealed in the whore/madonna concept, which also serves to define the limits of women's acceptable sexual behavior.⁵⁸ Since the boundary between madonna and whore, male acceptance and male condemnation is so tenuous, is breachable by a single sexual act, women are pitted against one another in meeting acceptable standards of behavior, resulting in a victimological attitude towards those whose behavior breaches the code. The denigration of prostitutes, and the criminalization of prostitution as an extension of this denigration, according to the radical feminist argument, is therefore used to control both 'straight' women and prostitutes themselves.⁵⁹ This is possible because women are socialized to value the opinion of men more than those of other women. Barry refers to this process as "identification with the enemy" through which women depersonalize themselves and forego freedom.

The inability of women to put themselves in the place of a woman victimized is ultimately a denial of self living in the conditions of colonization. It results in women then effectively being able to police other women. Sex colonization requires male identification in its most subtle and self-denying forms.⁶⁰

As society accepts the abuse of women, so women internalize and accept their own abuse. Through devaluation of the self, the potential for real intimacy between genders, constructed in an atmosphere of mutual and self-respect, is destroyed.

Radical, liberal, and socialist feminists share the belief that marriage and prostitution, the material bases of the concepts of madonna and whore, are two sides of the same patriarchal coin. Through both institutions a woman is defined by her consent to sexual access; however, through marriage she enters a legal contractual arrangement with one man, presumably for life, in exchange for economic support and social legitimation. Vocal prostitutes are in agreement with the feminist linking of marriage and prostitution. As Ellen Strong has asserted, "All the prostitute has done is eliminate the bullshit."⁶¹ Roberta Victor elaborates upon this point.

The overt hustling society is the microcosm of the rest of society. The power relationships are the same and the games are the same. Only this one I was in control of. The greater one I wasn't. In the outside society, if I tried to be me, I wasn't in control of anything. As a bright, assertive woman, I had no power. As a cold manipulative hustler, I had a lot. I knew I was playing a role. Most women are taught to become what they act. All I did was act out the reality of American womanhood.⁶²

Radical feminists assert that, whether through prostitution or as wives, women's lot is accepted through the idea that they are part of a group of women pre-destined for their particular fate. Both are marginal roles, allowing for the non-interference of women in the economic and political affairs of men. Barry refers to both marriage and prostitution as the structural conditions of female sexual slavery.

They are in fact, the primary institutions through which sex is conveyed and in which female sexual slavery is practiced. Sex is purchased through prostitution and legally acquired through marriage; in both as well as outside each, it may be seized by force ... Female sexual slavery is present in ALL situations where women or girls cannot change the immediate conditions of their existence; where regardless of how they got into those conditions they cannot get out; and where they are subject to sexual violence and exploitation.⁶³

Therefore, if a female does not have the power to reject sexual advances, then she is being raped. Radical feminists regard rape as a means of showing a woman her place in the social order. It is used as a means of depriving a woman of her self-respect and her sexual identity, and it is often employed by pimps as a means of conditioning women for a life of prostitution or as pornographic models.⁶⁴ Rape is further intertwined with prostitution and marriage, according to Susan Brownmiller, because if a man may purchase sex through prostitution, or gain exclusive rights to it through the marriage contract, then why should he not access it for free? The female body is therefore of little value beyond the satisfaction of male sexual needs, and when males are young, they begin to learn that access to the female body is indeed a male right.

Radical feminists maintain that it is one of the paradoxes of patriarchy that while women are defined as sexual objects, they are not permitted to enjoy their own sexual pleasure without revealing themselves to have the soul of a whore.⁶⁶ They believe that the basic, transcending truth of patriarchy is the perception that all women, by nature, are whores, and so the professional prostitute differs from other women only by degree. It is up to women to repress and thereby disguise their sexual nature in order to find acceptance within patriarchal culture as wives and mothers.⁶⁷ This means that the violation of women through rape or prostitution is not possible as "one does not violate something for using it for what it is."⁶⁸ From this basic premise, radical feminists assert that it is not surprising that patriarchal culture has developed a victimological attitude towards rape and prostitution.

Throughout history, Millett states, women have been confined to "the cultural level of animal life"⁶⁹ in meeting male sexual needs and engaging in reproductive activities. Allowing women to seek sexual pleasure for their own satisfaction would undermine a system geared towards the advancement of male interests. Through an association of women with carnality, accompanied by the denial of sexuality as an expression of female selfhood, Millett finds that

It is as though cunt were posed as the opposite of ego or selfhood, its very antithesis, the negative pole of selfhood or spirit. The sale of women in prostitution reinforces this attitude more powerfully than any other event.⁷⁰

This attitude does not find an equivalent expression in male prostitution, however, due to the explicit character of sex-power relations between women and men. In many societies, Britain for example, males are not even recognized in law as prostitutes; prostitution is a specifically female activity, defined by a rigid moral code for women.

While less concerned with the acquisition of civil rights for prostitutes than liberal feminists (for 'rights' mean little in a society which is premised on sex hierarchy) radical feminists nevertheless oppose state criminalization of prostitution as further interference into the affairs of women. They therefore support the decriminalization of prostitution as a necessary step in eliminating the formal control of women, and of reducing the stigmatization of prostitutes which serves male interests by keeping women divided from one another.⁷¹ Decriminalization of prostitution is therefore inseparable from the long range goals of radical feminism.⁷²

Phyllis Chesler asserts that, if women are to take control of their bodies and their lives, they must overcome the idea of female self-sacrifice, in which women are made to participate in their own subordination. Even to ask men for equality, as liberal feminists do, is a sign of powerlessness, as if women are requesting that favours be bestowed upon them by men. Women must seize control of the means of production and reproduction, first by asserting control of their own bodies and lives.⁷³ As Barry states, the power of feminism

indicates that women are, despite the odds, capable of struggling against their own oppression. Indeed, women are more than mere victims, they are survivors, and "surviving is the other side of being a victim".⁷⁴ Women have survived in a world not of their own making, under conditions not of their own choice. Prostitution, as a wife or a whore, is a means of self-preservation in a hostile culture, under conditions of victimization.

The arts of prostitution were not invented by women. Men use them every day, with great sophistication, to advance their hierarchical structures ... We have managed to learn them anyway, for our survival. We cannot afford to give them up just yet.⁷⁵

To summarize the radical feminist perspective on prostitution, we have found that,

- Patriarchal power is maintained primarily through the control of female sexuality and ideological representations of female inferiority. The existence of prostitution is the ultimate manifestation of the control of women.
- While condemning prostitution, radical feminists pledge their support of prostitutes as victims of patriarchal culture. Overcoming the divisions imposed on women through definition by sexual character is necessary for the realization of sisterhood and thus a united female struggle.
- Radical feminists support the decriminalization of prostitution, while realizing the limitations of the gains to be made from such a victory. As Kate Millett states, such measures are a means of women fighting

oppression, but they do not help women define their own equality, which is a critical step on the road to liberation. It is not "dancing into the road, describing arcs and shapes of your own."⁷⁶ Nothing less than a social revolution predicated upon the transformation of gender relations is sufficient for a redefinition of female sexuality, the separation of sexuality from relations of power and subordination, and the ultimate destruction of prostitution.⁷⁷

As we have seen in our earlier discussion of socialist feminism, which will be elaborated in the forthcoming pages, socialist feminists regard gender revolution as only part of the answer to the issue of prostitution, specifically, and to the question of social transformation generally.

Socialist Feminism

As in the previous chapter, it is useful to begin our discussion of socialist feminism with an explication of traditional marxist theory, here in consideration of its perspectives on prostitution.

The following discussion reveals that the theoretical distance between these positions not only reflects the critical development of socialist feminist analysis in taking into account structures of patriarchy and their interrelations with productive forces, but the socialist feminist recognition that sexual identity and sexual practices, and the moral codes governing them, are historically specific phenomena.

The Traditional Marxist Perspective

The traditional marxist critique of prostitution centers on the assertion that its development was coterminous with the creation of marriage, and as such is inevitable within the context of modern bourgeois society. Engels initiated the debate in The Origin of the Family, Private Property, and the State, when he traced the development of prostitution to the rise of property differentiation and the beginnings of female slavery. As the accumulation of private property rigidified social relations there occurred the institutionalization of the legal marriage and the allotment of women to the role of wife, a form of male property for his exclusive sexual use. For Engels, the wife

differs little from the ordinary courtesan only in that she does not hire out her body, like a wage-worker, on piecework, but sells it into slavery once and for all.⁷⁸

So in Engels' formulation, prostitution and marriage are foremost economic relations imposed by the bourgeois productive mode. The woman as wife serves as the domestic and sexual slave of man within the confines of the family; the prostitute accommodates his lust where it cannot find expression through legally sanctified arrangements. The proletarian female who does not submit herself to marriage relations may find that her only alternative is to engage in prostitution if she is to survive. Bourgeois males of the Victorian period made ample use of working class females for this purpose, which had a double use as it protected, in their eyes, their own daughters and future wives from sexual advances, lending the assurance that they would be transmitted as undamaged property. It also furthered their understanding of the working class as immoral, all the while ignoring their own contribution to the condition through the maintenance of the proletarian's impoverished condition. In Engels' analysis, it is not surprising, then, that bourgeois males would bring the force of their legal system to bear against prostitutes, adding to the severity of its social consequences, while continuing to regard their own role in the act as honourable, or, at worst, "a slight moral stain that one bears with pleasure".⁷⁹

Contrary to modern feminist analysis, Engels asserted that prostitution demoralized men more than it did women, as it only affected

women who were directly involved in the activity, while it "degrades the character of the entire male world" in that it usually constituted conjugal infidelity.⁸⁰ Engels did not challenge the bourgeois values of monogamy, chastity, heterosexuality, and the nuclear family. Rather, he asserted that socialist revolution would eliminate the economic foundations of marriage and prostitution, making possible true monogamy, applicable to both women and men, based on individual sex love. Engels adapted his belief in the possibility of sex-love from the utopian socialists, which provided a break from the Victorian view of true love as being based upon a unity of "two disembodied souls".⁸¹ However, his continued support for female chastity and virtue, which he believed were endemic to women, meant that Engels had an inaccurate perception of the female sexual character. He regarded it as a timeless virtue, rather than as a product of historical forces which demanded the repression of female sexuality, in the interests of the preservation of male domination and the capitalist patriarchal family form.

August Bebel managed to move beyond Engels in his critique of 'the woman question' through his recognition of female sexual needs. Men, Bebel maintained, regarded the availability of prostitutes as their rightful dues, while severely condemning the prostitute and non-prostitute women who acquired sexual knowledge. Men were not concerned that women also experienced sexual desire, but rather, as masters, they forced women to suppress their impulses, in men's interest. Women's character and her suitability for marriage were dependent upon her

chastity. Males, however, were free to indulge themselves, unhampered by the fear of conception, and given that legitimate gratification was often not possible, prostitution came to be regarded as a necessary social evil by the bourgeois state acting on behalf of male interests. Bebel regarded this position as an admission of the inadequacy of Christian marriage in meeting human needs, given that many of the men who frequented prostitutes had wives, but chose to move beyond their domestic sexual arrangements. It further revealed that the state regarded all women as sexual currency; either through submission to a husband in fulfillment of marital obligations, or outside of the family, as a professional prostitute. All women, therefore, were regarded as the embodiment of sexuality - as 'the sex' - while the possibility that sexual relations could be a source of pleasure for 'respectable women' was denied. Bebel asserted that by turning the force of its laws to work for the control of prostitutes, allegedly to punish them for their depravity, the state turned reality "upside down" through the recreation of the Adam and Eve seduction myth. The pervasiveness of this perception of the feminine character insured that women's subordination and economic dependence upon men would be maintained and reproduced. Bebel was led to conclude from this that women were the greatest sufferers within bourgeois society.⁸² He concurred with Engels that both marriage and prostitution were the products of the capitalist system, and that a socialist revolution would be necessary to transform relations between genders and eliminate prostitution.

Alexandra Kollontai, a prominent member of Lenin's cabinet, made a significant contribution to the debate on prostitution and its relevance to the woman question as she not only further developed the concept of individual sex-love, but recognized that female inequality, and prostitution as an expression of that inequality, did not automatically disappear with a transformation in the mode of production. Kollontai recognized that despite her country's socialist revolution, the domestic arrangements of bourgeois society had carried on; the revolutionary process had not challenged the legitimacy of monogamous marriage, nor eliminated the perception of women as sexual servants and domestic labourers, despite the fact that they now participated fully in the wage labour process. Kollontai asserted that even to begin to address these problems would require a re-education of the working class, which could take several generations. New forms of the family would have to be created to eliminate female oppression as wives and prostitutes; sexual relationships could then be based upon reciprocal sexual passion, reproduction, or "emotional and intellectual harmony".⁸³

The sexual act must not be seen as something shameful and sinful but as something which is as the other needs of the healthy organism, such as hunger and thirst. Such phenomena cannot be judged as moral or immoral. The satisfaction of healthy and natural instincts only ceases to be normal when the boundaries of hygiene are overstepped.⁸⁴

In Communism, then, women and men could engage in free relationships which are healthy and joyful.

Such sexual relationships have nothing in common with prostitution ... Where passion and attraction begin, prostitution ends.⁸⁵

For Kollontai, prostitution provides a form of "unearned income" such as thrives in capitalism. While she recognized that women are forced into prostitution by their economic circumstances, she did not regard it as real labour, but rather as a parasitical activity. She concurred with Engels' and Bebel's linkage of prostitution to monogamous marriage and female economic dependence; however, women's economic condition was changing through the workers' revolution, and women were now expected to maintain a livelihood not through marriage but through productive labour.

We do not condemn prostitution and fight against it as a special category but as an aspect of labour desertion... The workers' collective condemns the prostitute not because she gives her body to many men but because, like the legal wife who stays at home, she does no useful work for the society.⁸⁶

Kollontai asserted that it is impossible to successfully fight prostitution in a capitalist society, as such a society is predicated upon the material conditions which create prostitution. Where prostitution continues in a workers' state, it serves to destroy the egalitarian basis of the social fabric; it allows men to assume that since women's sexual capacity can be purchased, they must therefore have a lower morality and social value. Communism, however, requires solidarity and comradeship among all workers. In order to eliminate prostitution, then, the consciousness of the masses would have to be raised as to its effects, and all women would have to be drawn into the revolutionary struggle for true communism.

Despite her realization that the transformation of idea structures

is a lengthy process which does not automatically follow a transformation in the mode of production, Kollontai remained imbued in the marxist tradition of subsuming gender relations within class structure. She therefore could not perceive the benefits of an autonomous women's movement, dismissing those being developed in Britain and the United States as a bourgeois preoccupation. Kollontai instead assumed that the Women's Department of the state bureaucracy could work effectively on behalf of women in initiating women's programs and working to re-educate the masses. Given that the specific concerns which Kollontai addresses linger on within the Soviet state, history has proven her faith in her male comrades inordinate.⁸⁷

To conclude our discussion, we have found that traditional marxism appears unable to conceptualize prostitution as more than a product of capitalism, which will be eliminated through the entrance of all women into the wage labour force and by a socialist revolution. Only Kollontai, who was able to make observations of a post-revolutionary society, understood that prostitution would not automatically disappear with the revolutionary process, but would take years of concerted effort to eliminate as a residual effect of capitalism. She too, however, attributed the development of prostitution solely to the depravity of the capitalist system. While these analyses have provided a starting point for socialist feminist research in articulating the class specific relations which contribute to the spread of prostitution, socialist feminists are now developing a less dogmatic formulation of the material and ideological bases of the activity.

Socialist Feminism

We have previously established that the purpose of socialist feminist research is to determine how structures of patriarchy and modes of production interrelate at given historical moments. This type of research necessitates an understanding that developments within the capitalist social formation may not lie in direct relation to capital itself, mediated though they may be by the institutional apparatuses of the social formation. Our first concern, therefore, is to establish the dimensions of the mediation of 'deviant' sexuality (as prostitution is defined) by the state, as a product of ideological and institutional practices within the current social formation.⁸⁸ State intervention through the regulation of sexual practices entails the definition, maintenance and reproduction of a society's patriarchal organization in ensuring the subordination of women, expressions of which may not be of immediate benefit to capital.

The articulation of this process has only recently emerged in the context of socialist feminist research, necessitating a break from the traditional marxist approach which assumed that 'the logic of capital' itself preserved female subordination.⁸⁹ Harrison and Mort have demonstrated this approach to entail an overly simplistic, functionalist account of social reproduction, in which a change in the mode of production caused changes in the family and in sexual practices, as assuredly as it caused transformations in the labour process. They point to evidence of patriarchal relations governing familial and sexual

practices which pre-date capitalism, but which continue to inform the construction of state legislation. We inherit specific ideologies and practices (for instance, religious ideologies) from earlier social formations which may act as determinants in social reproduction; even particular legislative practices may be as much a product of their own history prior to industrial capitalism, as by developments within capitalism itself. Socialist feminist research, therefore, attempts to differentiate between internal and relatively autonomous structures and practices which shape the construction of sexuality in capitalism.

Socialist feminists assert that the existence of prostitution as a particular expression of female subordination is a specifically patriarchal practice which pre-dates industrial capitalism, shaped though it may be in specific ways by the existing social formation, including the context in which it occurs and the methods by which the state regulates its practice.⁹⁰ Since patriarchy's material basis is the sexual division of labour, rather than a division based upon class considerations, women are treated as male property, whether they be wives or prostitutes, regardless of whether or not men possess other forms of property. Patriarchy, as we have seen, gives men the right to use to their advantage the productive and reproductive labour power of women, and enforces a system by which standards of sexual behavior are imposed upon women which determine particular instances in which they are to withhold or grant sexual access. The ideology of male sexual needs, for example, determines that men have the right of access to women outside of the confines of the family, given that their sexual

drives are considered far greater than women's, and necessitating the maintenance of a class of women to service their needs. From the above, socialist feminists surmise that

the state can be seen to draw on, transform, and modify particular sets of patriarchal relations, through legislation governing the transmission of property, marriage, and sexuality, but it cannot be seen to create these relations.⁹¹

Further, they find that since the state does not constitute a monolithic body, but rather a differentiated and often contradictory set of arrangements and practices, it must respond not only to the competing interests of capitalists, but must mediate between the often contradictory tendencies within capitalism and patriarchy regarding the position of women.⁹² For example, capital may draw upon women as a source of inexpensive wage labour at the same time that patriarchal ideology maintains that women's place is in the home. From this tension, socialist feminist research find that new ideologies and practices emerge. We could infer from this that women's mass entry into the labour market in post-war Canada, which resulted in the cultural acceptance of the 'working mother', or 'superwoman', most assuredly influenced legislation governing the division of family property when marriages break down.

By rejecting a functionalist marxism, socialist feminists recognize the existence of historical struggle beyond class struggle, which may influence the implementation of particular legislation by the

state... For example, the nineteenth century feminist struggle for property rights for women, enfranchisement, and most important here, the repeal of the Contagious Diseases Acts, are regarded as struggles against patriarchal relations which the state had institutionalized. These middle-class feminists recognized the role of the state in their oppression as it embodied patriarchal ideologies; they did not struggle on class or economic lines.⁹⁴ From this formulation, their success in all three of these areas had less to do with the demands of capital than with their efforts as active historical agents.

As an historical footnote, however, Judith Walkowitz contends that while the liberal feminists who were active in the campaign against the Contagious Diseases Acts were to gain short-term success through the repeal of the Acts, their long-term goal of social purity was doomed to failure. While they recognized and challenged the construction of the double standard of sexual behavior, and to a lesser extent, the impoverished condition of women in a sex-biased culture, they did not recognize how patriarchal structuring of women's subordination was shaped in a historically specific way within capitalism. Capitalism served to reproduce patriarchal privilege and further its own interests through the use of women as a source of cheap labour. As part of their social reform efforts feminists had attempted to convince prostitutes to engage in acceptable forms of wage labour; however, the average working class woman's wage was barely adequate to meet minimum standards of survival.⁹⁵ The gap between this wage and that of the prostitute was so substantial that Jeffrey Weeks posits that a prostitute could

earn in half an hour what other working women earned in a week.⁹⁶

As had been discussed in Chapter Two, socialist feminists assert that liberal feminists fail to question the legitimacy of capitalism in its ability to meet human needs, nor recognize the contradictory nature of an ideology of individual freedom and equality in a social formation predicated upon inequality and class hierarchy.

Socialist feminists assert from the above that prostitution is a historically specific practice most prevalent in male dominated societies. As an expression of sexual control, it is linked through male dominance in western culture to the practice of monogamy, which may be defined as "the system in which each wife has one husband only, to whom she is subordinate."⁹⁷ Socialist feminists may therefore assert that

The ideology of sexuality has a material basis, and its basis is, of course, the division of labour between women and men as organized through the monogamous "patriarchal" family.⁹⁸

As in the traditional marxist analysis, prostitution and monogamy are two sides of the same coin. However, some recent socialist feminist analyses posits that legislation regulating prostitution bears a more direct relation to structures of the family in capitalist patriarchy than it does to capital itself. They therefore examine particular discourses concerning sexuality, morality, the family and procreation as they are constructed in a particular period.⁹⁹ Harrison and Mort assert that changes in the ideologies of motherhood, childhood, and domesticity in the 19th Century directly affected state legislation of 'deviant' sexual activity. The ideology of motherhood determined that

sexual activity for women was acceptable only for its procreative function, rather than as an expression of sexual desire. Female virtue was considered necessary to ensure a stable domestic environment, and for the bourgeois family, provide proof of paternity for primogeniture in order that property pass only to its rightful heirs. However, the ideology of male sexual needs demanded that males have right of sexual access to women, whether within or external to the family.¹⁰⁰

Legislation regarding the practice of prostitution reflected these contradictory ideologies; the prostitute's obvious absence of virtue resulted in punitive legal measures against her, while no attempt was actually made to suppress prostitution, in the interests of male privilege. State regulation, therefore, does not necessarily imply state suppression.

Judith Walkowitz has determined a further reason for the increase in the regulation of prostitution which occurred in 19th Century Britain (and which was duplicated in Canada and the United States). She draws on the work of Foucault, who has revealed that at this time there emerged a veritable explosion of discourses on sexuality, resulting in the specification of distinct sexual practices within official discourse articulating the differentiation of forms of sexual conduct.¹⁰¹ The 'science of sexuality' which was created through the differentiation of sexual practices

identified sex as a public issue; rigidly differentiated male from female sexuality; focussed attention on extramarital sexuality as the primary source of dangerous sexual activity; and "incorporated" perversions in individuals who, like the homosexual, were now accorded an exclusive and distinct sexual identity.¹⁰²

As a product of this process numerous small scale disciplines emerged to direct the investigation and treatment of individual sexual deviancy; foremost among them, psychiatry and social work. While Foucault does not, in his analysis, relate these events to the wider social forces of patriarchy and capitalism,¹⁰³ Walkowitz attempts to demonstrate how they may be embedded with class and gender specific relations. The 'technology of power' which Foucault identifies as being created through these events, she posits, "was established to oversee and manipulate the social lives of the unrespectable poor", of whom prostitutes in particular symbolized social and economic exploitation, thereby inducing class guilt and fear. The Contagious Diseases Acts of 1864, 1866 and 1869 were a product of the increased state intervention into the lives of the poor.

The C.D. Acts reflect (the) view of the social underclass as degraded and powerless, yet potentially threatening and disloyal ... Through the control of sexuality, the acts reinforced existing patterns of class and gender domination.¹⁰⁴

Through the creation of these acts, the state now concerned itself with the regulation of extramarital sex, particularly among the working class. Moreover, through these acts the working class was further "identified as the primary source of disease and pollution".¹⁰⁵ Prostitutes, who were the primary target of these acts, were now subjected to mandatory medical inspection upon arrest, which the legislation had left to the discretion of the police officer. From the identification of prostitutes as a particularly abhorrent source of disease, and the increased police supervision that ensued, prostitutes

became identified as an "outcast class" of sexual deviants, thereby severing their relations with the rest of the working class.

A more contemporary British example is provided by Carol Smart in her critique of the Wolfenden Report of 1959. Medical and psycho-analytic discourses of the period had constructed a picture of the prostitute as the isolated sexual deviant, motivated by psychological aberrations of character; a position which neglected to consider external social and economic constraints imposed upon women as a gender. These were incorporated into the Wolfenden Report, which defined prostitutes as a "pariah group" upon the public. The report resulted in an increase of legislation on soliciting whereby women could be tried and convicted of prostitution based upon their past criminal history and the word of a police officer. No requirement was made for a proof of annoyance to the public. The new legislation therefore denied fundamental civil rights to the prostitute, implying that they were unworthy of such basic human considerations. The Street Offences Act, as this legislation was called, in conjunction with the Sexual Offences Act of 1956, which was "aimed particularly at the sexuality of young girls", had the consequence of a

growing legal, as opposed to moral, concern over the sexuality of young women. The statutory definition of women as persons in need of special protection has engendered a particularly stringent surveillance over female sexual behavior than male.¹⁰⁶

As Smart asserts, this, in effect, constitutes the legal legitimization of a particular moral view of prostitution, which then became further entrenched in the medical and psychoanalytic discourses of the period.

This moral-protective view had also revealed itself in the Criminal Law Amendment Act of 1885, which raised the age of consent to sixteen from thirteen years for working class girls as part of an effort to protect them from exposure to male lust. The legislation stemmed from public discussion inspired by sensationalist journalistic accounts of the 'white slave trade', through which innocent girls and women were purportedly kidnapped and sold into prostitution. The Act served to further specify acceptable standards of female sexual behavior and expand the control and authority of the state over sexual practices.¹⁰⁷

Our discussion of socialist feminist theory in chapter two demonstrated that socialist feminists are not so much concerned with the origins of patriarchy as how it is maintained and expressed within a given mode of production. The subsequent elaboration of their analyses of prostitution as it occurs within the capitalist mode of production has entailed the implicit recognition that its practice is heavily imbued with class specific relations, as was introduced in our discussion of the works of Engels, Bebel and Kollontai. While patriarchy 'sets the stage' through the subordination of women, socialist feminists assert that the economic reality of the capitalist labour process forces poor women¹⁰⁷ into prostitution; first, because those women who lack a male 'breadwinner' or whose spouse earns an inadequate 'family wage' must sell their labour power¹⁰⁸ in order to subsist; and second due to discriminatory practices in the

capitalist labour market such as unequal pay structures and lack of access to economically rewarding jobs.¹⁰⁹

Socialist feminist research has found that entry into prostitution is usually considered a temporary means of 'getting by'. Since women comprise an under-valued and under-paid reserve army of labour which can be drawn in and out of the labour force according to the vagaries of the economy and the supply of male workers, prostitution is one means by which women may support themselves when more legitimate forms of labour are not available, or as a means of supplementing their income from other sources.¹¹⁰ For example, Walkowitz, in her study of prostitution in 19th Century Britain, and Rotenberg, in her analysis of the activity in turn-of-the-century Toronto, have documented the movement of women into prostitution from domestic service, which was one of the few forms of labour open to working class women of the period, and but one step above prostitution on the occupational scale. The desperation of these women was all the more acute, since they lost not only their income but their shelter when employment was no longer available.¹¹¹ Walkowitz further found that prostitution also offered a means of escape for working class girls from over-crowded, disease-ridden homes. As she states,

There is perhaps no more telling commentary on the exploitive character of Victorian society than the fact that some women regarded prostitution as the best of a series of unattractive alternatives.¹¹²

Socialist feminists have found that these types of patterns have not substantially altered since the Victorian period. Most recently,

22
OF / DE

Canada's economic recession has resulted in a significant influx of women into the occupation. Their discussion of this trend will be elaborated in the chapter to follow.

To summarize our discussion of the socialist feminist perspective on prostitution, we have found that:

- Prostitution is a specifically patriarchal practice which pre-dates the development of industrial capitalism, shaped though it may be in specific ways by the existing social formation, including the context in which it occurs and the methods by which the state regulates its practice.
- Social class plays an important role in determining who becomes a prostitute.
- Some recent socialist analyses posit that state regulation of prostitution in capitalist patriarchy bears a more direct relation to the structure of the family than to the control of the working class for the protection of ruling class property interests.
- Other analyses posits that the construction of state regulatory legislation of prostitution can be tied closely to the protection of ruling class property interests.
- The nineteenth century development of a 'science of sexuality' was embedded with class and gender specific relations, and resulted in the increase in 'forms of power' which further regulated, stigmatized and isolated prostitutes.
- Since capitalism and patriarchy are now mutually dependent processes,

gender struggle must inform class struggle in order to eliminate exploitation based on sex and class.

Having discussed the perspectives on prostitution elaborated by liberal, radical and socialist feminists, we may now assess the strengths and weaknesses which each theoretical basis entails.

Conclusion

In the introduction to this chapter I suggested that there are three dimensions of prostitution which are fundamental areas for investigation of the activity: the economic relations, political-legal relations, and expressions of sexuality in social relations, which construct prostitution as an institution in a society which is both capitalist and patriarchal. It is therefore pertinent to evaluate feminist theoretical perspectives to determine their ability to address these criteria.

We found that liberal feminists are concerned primarily with the political-legal dimensions of prostitution. They emphasize the manner of state intervention into prostitution as it occurs in a liberal democratic society, with the view that the form of this intervention constitutes a denial of basic civil rights to the prostitute. As such, liberal feminists focus on the effects and effectiveness of legislation in the regulation of prostitution. This focus is an important one at this particular historical conjuncture, as the Federal Government of Canada is soliciting information on prostitution with a view towards revising the Criminal Code of Canada respecting prostitution related offences. Liberal feminists therefore have the potential of effecting real improvements in the lives of prostitutes in a very immediate sense, should they succeed in their efforts to have prostitution decriminalized. However, we found in the conclusion to their critique a statement by Jennifer James, the most prolific of liberal feminist researchers of prostitution, which asserted that prostitutes are not so

much victims of prostitution as of prostitution-related laws. This remark is informed more by the liberal assertion of the primacy of individual freedom than it is of a feminist understanding of the causes of prostitution. As Eileen McLeod affirms, a feminist analysis should address the complex interplay of emotional, ideological, organisational and physical "controls and resistances" between genders; "The sinister way in which the law shapes the situation is a secondary feature of it."¹¹³ Moreover, the liberal feminist emphasis on the effects and effectiveness of state legislation is inadequate if it is not informed by an understanding of how legislation is constructed within a wider historical framework. Liberal feminist efforts are seriously undermined without a thorough-going critique of the state and its role in the maintenance and reproduction of capitalist and patriarchal relations, and therefore of institutionally structured forms of inequality. Such an analysis would reveal that the economic forces which precipitate entrance into prostitution are integral to capitalism - a system which is predicated upon inequality. Further, it would expose how thoroughly patriarchal practices are embedded in the state, which feminist pressure for social reform can only go so far in addressing. As liberal feminists have unreflectively adopted the political tradition of their countries, so have they denied themselves the possibility of developing a theoretical base of their own.

Finally, liberal feminists only superficially address the social construction of sexuality, which is not surprising given the extent of their theoretical lacunae. Their emphasis on factors precipitating

individual entrance into prostitution as a sexually deviant activity is informative; it is, however, susceptible to misappropriation by those who attempt to reduce 'deviant' behavior to aberrations in individual character, hence reinforcing the requisite for individual 'treatment' and 'punishment' through psychoanalysis and punitive legal measures, and thus the legitimation of powerful institutions.

The radical feminist analysis contributes most significantly to our understanding of prostitution through its emphasis on how expressions of patriarchy affect the psychic makeup of women and men, thereby reproducing structures of sexuality, sexual identity, and sexual relations. This process provides the underpinnings for the maintenance and reproduction of patriarchy in ideology, which is reinforced through sustaining a system of female economic disadvantage. Men are therefore assured of the provision of a class of women to degrade and sexually exploit. However, from this perspective, economic factors precipitating entrance into prostitution are reduced to a residual category, which precludes an analysis of how economic forces may also be a material basis of female subordination within the capitalist social formation. Moreover, it undermines their ability to conceptualize prostitution as a product of the historically specific ordering of sexual relations.

While radical feminists realize the entrenchment of patriarchal structures in state institutional arrangements, their definition of patriarchy and conceptualization of the state are both simplistic. The state in particular remains underanalyzed; it is perceived as a monoli-

thic formation, rather than as a series of institutional arrangements and practices which are not uniform. Radical feminists therefore cannot provide an analysis of the contradictions which exist within the state system of relevance to its treatment of prostitution, nor attempt an analysis of the other functions of the state in the maintenance of the social order. Finally, it does not address the state in its historical specificity, and provides no analysis of how the state responds to social events. Since radical feminists neglect these critical foci, and do not have even the marginal access to the power center which benefits liberal feminists, they therefore cannot construct a theory of the maintenance and reproduction of patriarchy in capitalism, nor grasp how prostitution is a product of these interrelated forces. How then are they to free our political prisoners?

Recent socialist feminist analysis of prostitution, though still in its formative stage, provides the greatest breadth of critique because it begins with the construction of the ideological and material forces which spawn the activity. We must first articulate the causes of prostitution and of the construction of legislation which regulates the activity, before we can adequately conceptualize the significance of the effects, and of ways in which we may deal with the problem. Socialist feminist research furthers our understanding of sexuality, sexual identity and sexual relations as not natural but historical creations, reflecting and reproducing specific social practices. It makes us aware that there is no single cause of women's subordination, but rather that

it is created and reproduced through a complex interplay of forces. Socialist feminist research, however, also makes us aware of how much more remains to be worked out in our theoretical endeavors.

This chapter has revealed three distinct feminist discourses on prostitution. While the feminists are tackling the same fundamental problem - prostitution - and begin from the same understanding that it is their task as feminists to expose and eliminate inequalities between genders, their work is informed by varying perceptions as to the cause of gender inequality, and prostitution as a product of that inequality, as well as of how to surmount these practices. As has been revealed in Chapter Two, the theoretical traditions which inform the feminist frameworks constitute particular ways of "seeing" the social world. Each begins, therefore, from a different "theoretical problematic", which will

render visible only those objects or problems that occur within its horizons and upon its terrain. Only these objects and problems are significant for the theoretical discipline, and have a place within its overall structure. Other objects and problems are therefore insignificant; they fall into the interstices of the structure, they become invisible. The theoretical problematic, through its criteria of relevance or appropriateness, defines what is excluded from the field of visibility.¹¹⁴

We cannot attempt to integrate marxism and liberalism in order to fill in the holes that are revealed, since they are by their very constitution mutually exclusive theories. However, we can attempt to interplay some of the most salient features of radical feminism and

marxism, in the construction of a new discourse, as socialist feminists are attempting, to articulate the dimensions of prostitution in Canada today, and the role of the Canadian state vis à vis this activity. We do not lose track of liberal feminism, however; liberal feminists continue to play a major role in the forthcoming work, given their active intervention into the affairs of the state.

Endnotes to Chapter Three

1. Pat Armstong and Hugh Armstrong, A Working Majority (Ottawa: Ministry of Supply and Services, 1983).
2. Catharine R. Stimpson and Ethel Spector Person, eds., "Introduction" in Women: Sex and Sexuality (Chicago: University of Chicago Press, 1980), p.1.
3. Ibid.
4. Women Endorsing Decriminalization, "Prostitution: A Non-Victim Crime?" Issues in Criminology, 8 (Fall, 1973), p.137.
5. Priscilla Alexander, A Look at Prostitution, a paper prepared for the National Organization of Women, U.S.A., March, 1983.
6. Prostitution provides one means by which women may also use sex as power. While males may have the economic and social power to purchase sex, women as prostitutes have a 'commodity' to offer which empowers them with the ability to market that commodity. See Alexander, 1983, op cit.
7. Women Endorsing Decriminalization, 1973, op cit.
8. Jennifer James, "Women as Sexual Criminals and Victims" in Judith Longlaws and Pepper Schwartz, eds., Sexual Scripts (Hinsdale: The Dryden Press, 1977).
In 1977 a Toronto Star poll found that two out of three Torontonians regarded prostitution as a necessary service. Maggie Siggins "The Hooker Sanction" Toronto Life (August, 1982), p.19.
9. James, 1977, op cit., p.422.
10. Jennifer James, "Prostitute as Victim" in J. R. Chapman and Margaret Gates, eds., Victimization of Women (Beverly Hills: Sage, 1978), p.188.
11. Debra Boyer and Jennifer James "Juvenile Prostitution" in C. Griffiths and M. Nance, The Female Offender, Simon Fraser University Research Centre, Vancouver, British Columbia, 1980.
12. Ibid, 103.
13. Alexander, 1983, op cit.
Descriptions of 'prostitutes' working conditions, which will be elaborated in the next few pages, vary little among the feminist theoretical perspectives. Liberal feminists, however, have done the most extensive research of this kind, and I include a sampling of this work here in order to set the stage for further discussion of prostitution.

14. Karen DeCrow, Sexist Justice (New York: Random House, 1974).
15. Alexander, 1983, op cit, p.1.
16. Women Endorsing Decriminalization, 1973, op cit.
17. Gail Sheehy "The Economics of Prostitution" in Susan K. Datesman and Frank R. Scarpitti, eds., Women, Crime, and Justice (New York: Oxford University Press, 1980).
18. Alexander, 1983, op cit.
19. Sheehy, 1980, op cit.
20. Alexander, 1983, op cit, p.3.
21. Ottawa Citizen "Organized Crime in Canada 'Takes in \$20 Billion' a Year", January 13, 1984, p.2.
22. Josephine Butler Personal Reminiscences of a Great Crusade (London: Horace Marshall and Sons, 1896), p.12.
In 1865, the provinces of Upper and Lower Canada passed a Contagious Diseases Act which duplicated Britain's. The legislation was far less controversial in Canada, however, as it was little publicized and not enforced. The five year statute expired in 1870 and was not reintroduced. See Canadian Advisory Council on the Status of Women; Prostitution in Canada (Ottawa: Supply and Services, 1984).
23. Ibid, pp.183-4.
24. Alexander, 1983, op cit.
25. Ibid.
26. Meda Chesney-Lind "Re-discovering Lilith: Mysogyny and the 'New' Female Criminal" in Griffiths and NanCe, 1980, op cit, p.28.
27. Women Endorsing Decriminalization, 1973, op cit.
28. Alexander, 1983, op cit, p.15.
29. This point is raised because, in both the Canadian and U.S. legal systems, a man who is the husband or lover of a prostitute may be charged with living off the avails of prostitution simply for sharing accommodation with her.
30. Ibid.
31. Ibid.

32. Jacqueline Boles and Charlotte Tatro "Legal and Extra-Legal Methods of Controlling Prostitution: A Cross-Cultural Comparison" International Journal of Comparative and Applied Criminal Justice, 2 (Spring 1978), pp.71-85.
33. Jennifer James "Prostitution: Arguments for Change" in Sol Gardon and Roger Libby, eds., Sexuality Today and Tomorrow: Contemporary Issues in Human Sexuality (North Scituate: Duxbury, 1977).
34. Alexander, 1983, op cit.
35. Ibid; Kinesis, "Prostitutes: An End to Invisibility" (May, 1983), p.13.
36. Women Endorsing Decriminalization, 1973, op cit., p.138.
37. Elizabeth Vorenberg and James Vorenberg "The Biggest Pimp of All", Atlantic Monthly (January, 1977).
38. Women Endorsing Decriminalization, 1973, op cit., p.145.
39. Jennifer James, "Prostitutes and Prostitution" in Edward Sagarin and Fred Montunino, eds., Deviants: Voluntary Actors in a Hostile World (New York: General Learning Press, 1977), p.421.
40. Boles and Tatro, 1978, op cit.
41. Women Endorsing Decriminalization, 1973, op cit., p.138.
This statement by liberal feminists adds relevance to my previous assertion that liberal feminists are moving beyond the theoretical terrain of the liberal tradition. The recognition of force, or lack of choice, violates the liberal perception that in our 'democratic' society, individuals are free to choose the life path of their preference. Liberal feminists, however, must become conscious of this contradiction if they are to question the theoretical tradition which they adopt. Only then will they come to question the ability of the state to respond to their demands.
42. Alexander, 1983, op cit.
43. Boles and Tatro, 1978, op cit.
44. Vorenberg and Vorenberg, 1977, op cit.
45. Women Endorsing Decriminalization, 1973, op cit.
46. Ibid.
47. Alexander, 1983, op cit.

48. Jennifer James, 1977 in Gardon and Libby, op cit.
This discussion will be applied to and elaborated in the Canadian context in Chapter Four.
49. Jennifer James, "The Prostitute as Victim" in Barbara Raffel Price and Natalie J. Sokoff, eds., The Criminal Justice System and Women (New York: Clark Boardman, 1982).
50. James, 1978, op cit.
51. Kate Millett, Sexual Politics (New York: Ballantine, 1971), p.120.
52. Phyllis Chesler, Women and Madness (New York: Avon, 1973), p.138.
53. Millett, 1971, op cit. Barry concludes from this that it is pimping, not prostitution, which is 'the oldest profession'. Kathleen Barry, Female Sexual Slavery (New York: Avon, 1979), p.137.
54. Ibid, p.137.
55. Millett, 1971, op cit.
56. Barry, 1979, op cit.
57. Millett, 1971, op cit., p.98.
58. Barry, 1979, op cit.
59. Jackie Macmillan, "Prostitution as Sexual Politics" Quest, 4:1 (Summer, 1977), pp.41-50.
By 'blaming the victim' for her condition, patriarchal culture shifts the focus to the individual woman and away from sexist practices towards women. It is then permissible to ask the rape victim what she was doing walking alone at night, rather than questioning the motivation of the rapist. We may also blame the prostitute for her breach of society's moral codes, while ignoring the role of the client and of factors precipitating entrance into prostitution. A victimological approach therefore serves to obscure female subordination in a patriarchal culture.
60. Barry, 1979, op cit., p.203.
61. Ellen Strong, "The Hooker" in Robin Morgan, ed., Sisterhood is Powerful (New York: Vintage, 1970) p.326.
62. Roberta Victor "Hooker" in Studs Terkel, ed., Working (New York: Avon, 1975), p.103.
In feminist emphasis on the victimization of women in patriarchal society, they frequently overlook or dismiss the assertions which

prostitutes make of their own basis of power. As the possessors of the desired commodity, they have the ability to grant or withhold sexual access, and demand cash payment for their favours. We may question the validity of this power base, given that it occurs within a cultural context which reduces woman's value to her sexuality, and limits her occupational choices; nevertheless, the reality of the prostitute's experience in her interactions with clients provides an example of female survival in putting her limited power options to work for her. For a stripper's account of this process, see Seph Weene, "Venus" in Heresies, 12:3 (1981), pp.36-38.

63. Barry, 1979, op cit, p.271, 40.
The radical feminist emphasis on marriage as a primary means of achieving female sexual slavery, I contend, is a reductionist account of familial relations. Like the traditional marxist argument that women's roles in the home are performed solely for the reproduction of capitalism, it denies much of the reality of women's experience as lovers and mothers, which can be the source of considerable pleasure. Affective bonds serve to fulfill other needs than those accruing to patriarchy and/or capitalism.
64. Linda 'Lovelace' Marchiano illustrates this point in her autobiography, Ordeal (U.S.A.: Star Paperbacks, 1980).
65. Susan Brownmiller, Against Our Will: Men, Women and Rape (New York: Simon and Schuster, 1975).
66. Susan Griffin, Pornography and Silence (New York: Harper and Row, 1981), p.22.
In culture, as in religious doctrine, there is no place for a meeting of the flesh and spirit. Therefore, "In the pornographic drama of the virgin and the whore, we find the old religious definition of the sexual act."
67. Ibid.
68. Andrea Dworkin, Pornography: Men Possessing Women (New York: Perigree, 1979), p.204.
69. Millett, 1971, op cit, p.168.
70. Ibid, p.96.
71. Macmillan, 1977, op cit.
72. Radical feminist arguments for decriminalization and against legalization will not be elaborated here, as they closely parallel those raised by liberal feminists.

73. Chesler, 1973, op cit.
How the former point is to be accomplished, to what end, is not elaborated within radical feminist theory. It appears that they advocate a future society which most closely resembles Marx's notion of pure communism, but given that they lack a theory of the state, beyond the assertion that it is patriarchal, radical feminist strategy extends little further than the next demonstration.
74. Barry, 1979, op cit., p.46.
75. Leah Fritz, Dreamers and Dealers: An Intimate Appraisal of the Women's Movement, (Boston: Beacon Press; 1979), p.19.
76. Susan G. Cole, "Millett on Sexuality: Describing Arcs of Our Own" Broadside 5:4 (April, 1984).
77. Because radical feminists regard both patriarchy and prostitution as cultural universals, they do not perceive any other basis for prostitution (such as religious ritual) than as an expression of female subordination.
78. Frederick Engels, The Origin of the Family, Private Property, and the State (Moscow: Progress, 1977), p.71.
79. Ibid.
80. Ibid.
81. Ann Snitow, Christine Stansell and Sharon Thompson, eds., "Introduction" Powers of Desire: The Politics of Sexuality (New York: Monthly Review, 1983), p.14.
'Sex love' is not simply sexual desire, but reciprocal love, which is intense, permanent and possessive. As Engels states:

Since sex love is by its very nature exclusive - although this exclusiveness is fully realized today only in the woman - then marriage based on sex love is by its very nature monogamy.

Sexual liberation therefore constitutes the attainment of social conditions where women and men may join in permanent union, necessitating the elimination of the economic basis of bourgeois marriage and of prostitution. In Engels' conception, the proletariat were already free to engage in individual sex love as they did not possess private property, and as both genders participated in the wage labour process: hence the economic basis for marriage was not relevant. This position is contested by socialist feminists in three respects. First, it identifies sex love as a natural relation, rather than recognizing how the dimensions of human sexuality are constructed in a historically specific way. Second, in doing so, it fails to question the

viability of monogamous marriage, which socialist feminists regard as a means of enforcing patriarchal control within the family, and which denies the possibility of human fulfillment through alternative living arrangements. Third, in denying the existence of patriarchy as a force which may operate independently of capitalism, Engels fails to acknowledge the oppressive relations which continue to operate within the proletarian family. See Engels, 1977, op cit, p.81.

82. August Bebel, Women Under Socialism (New York: Source Book Press, 1970).
83. Alexandra Kollontai, Selected Writings (New York: Norton, 1977), p.275.
84. Ibid, p.229.
85. Ibid, p.275.
86. Ibid, p.267.
87. For a Soviet-feminist interpretation of the position of women in contemporary Russia, see Women and Russia: First Feminist Samizdat (December, 1979) introduced by the Women in Eastern Europe Group (London: Sheba Feminist Publishers, 1980).
88. The degree of relation to capital varies by the particular practice. Legislation regarding prostitution and homosexuality, for instance, lies in less direct relation to capital than does legislation governing property transmission and marriage practices. See Rachel Harrison and Frank Mort "Patriarchal Aspects of 19th Century State Formation: Property Relations, Marriage and Divorce, and Sexuality" in P. Corrigan, ed., Capitalism, State Formation and Marxist Theory (London: Quartet, 1980) for an elaboration of this argument. Also see Lucy Bland, et al, "Sexuality and Reproduction: Three Official Instances" in Michelle Barrett, et al, eds. Ideology and Cultural Reproduction (London: Croom Helm, 1979). Unfortunately, no Canadian research of this type exists thus far.
89. Harrison and Mort, 1980, op cit.
90. Socialist feminists do dispute the assertion of radical and liberal feminists that prostitution has existed throughout all of human history (as opposed to written history) and is a universal activity. Unfortunately, there have been few attempts in socialist feminist work to articulate the origins of prostitution or the structures of its existence in pre-capitalist economic formations. Mary McIntosh has, however, posited that what may be regarded as evidence of the universality of prostitution may in fact be expressions of distinct cultural practices; for example, expressions of religious ritual or

wife-lending. See Mary McIntosh The Sociology of Prostitution, unpublished draft, no date.

91. Harrison and Mort, 1980, op cit, p.81.
92. Ibid.
93. Ibid.
94. Ibid.
95. For an account of feminist reform efforts in Canada during this period, see Lori Rotenberg "The Wayward Workers: Toronto's Prostitute at the Turn of the Century" in Janice Acton et al Women at Work: 1850-1930 (Toronto: The Women's Press, 1974).
96. Jeffrey Weeks Sex, Politics and Society: The Regulation of Sexuality since 1800 (London: Longman, 1981).
97. McIntosh, no date, op cit, p.23.
98. Ibid, p.22.
99. Harrison and Mort, 1980, op cit.
100. The fulfillment of male sexual needs has been regarded as critical to the stability of the social order since far prior to capitalism. Said St. Augustine "Suppress the public girls and the violence of passion will knock everything in a heap" quoted in August Bebel, Women Under Socialism (New York: Schoken, 1971) p.147.
 And Thomas Aquinas:
 prostitution in the world is like the filth in the sea or the sewer in a palace. Take away the sewer and you will fill the palace with pollution; and likewise with the filth. Take away prostitutes from the world and you will fill it with sodomy ... wherefore Augustine says ... that the earthly city has made the use of harlots a lawful immorality.
 quoted in Mary Daly, Beyond God the Father (Boston: Beacon, 1973), p.61. Bourgeois Victorian women, however, regarded prostitution as a threat to the stability of the family. Prostitutes were thought to have a means of preventing pregnancy, and contraception was considered immoral. Sexual intercourse without the risk of conception, therefore, was an attack on the very foundations of the family.
101. Judith Walkowitz, Prostitution and Victorian Society (Cambridge: Cambridge University Press, 1980).
 Harrison and Mort assert from this that it is an oversimplification to state that sexual 'deviances' like prostitution are repressed by.

the state. Rather, the law, as medicine and literature, is a practice through which particular sexualities are constructed. See Harrison and Mort, 1980, op cit.

102. Walkowitz, 1980, op cit, p.4.

103. Foucault directs us to examine the specificity of "forms of power" in the creation of discourses on sexuality, which entails a 'micro' focus upon the social world. While this is useful for socialist feminist research on sexuality and sexual behavior, his vantage point comes up short in addressing the context of sexual relations as a product of the sexual division of labour. Throughout The History of Sexuality Foucault ignores the social differentiation between acceptable forms of female and male sexual behavior, as well as the fact that public discourses on sex have until recent years been conducted by men, from the male point of view. These imply a disparity in forms of power affecting sexual behavior. His lack of attention is at first puzzling, given that Foucault's work has appeared in a period when feminists are actively and vocally elaborating a theory of patriarchy as a socially and historically specific form of power. Harrison and Mort, however, have revealed that in providing a model to examine the specificity of the regulation of sexuality, Foucault fails to delineate the wider historical circumstances which shape this regulation and affect the organization of particular sexualities, or the form and cause of power itself. While Foucault asserts that sexual determinants cannot be reduced to the imperatives of capitalism, he does not attempt to examine other forms of economic, legal, and ideological practices, the "wider set of relations" which affect the structure of sexual and moral practices. 'Patriarchy', whatever its dimensions may be, is made invisible within the context of Foucault's work; socialist feminists must therefore move beyond him in their research. As Ross and Ropp state:

In sexuality, as in culture, as we peel off each layer (economics, politics, families, etc.), we may think that we are approaching the kernel, but we discover that the whole is the only "essence" there is. Sexuality cannot be abstracted from its surrounding social layers.

See Michel Foucault, The History of Sexuality (New York: Vintage, 1980); Harrison and Mort, 1980, op cit; Ellen Ross and Rayna Rapp, "Sex and Society: A Research Note from Social History and Anthropology" in Ann Snitow, et al, eds., Powers of Desire (New York: Monthly Review, 1983), p.54.

104. Walkowitz, 1980, op cit, p.4.

Walkowitz therefore identifies one way in which the increased regulation of prostitution as a form of social control may indeed be tied to the protection of not just patriarchy, but capitalism as well.

105. Ibid, p.5.
A description of these acts was provided in the liberal feminist discussion of prostitution, and will not be elaborated here.
106. Carol Smart, "Law and the Control of Women's Sexuality: The Case of the 1950's" in Bridget Hutter and Gillian Williams, eds., Controlling Women (London: Croon Helm, 1981) p.56.
107. While prostitution is not exclusively the preserve of working class women, they do comprise the vast majority of participants. Moreover, Eileen McLeod's study of street prostitutes in Britain has revealed that regardless of the class origins of prostitutes, a lack of basic material needs was a major reason for recruitment into the activity. Therefore, while non-working class women may be more favourably structurally located within capitalism, they are nevertheless subjected to the discriminatory social practices which limit the options of women as a gender. See Eileen McLeod, Women Working: Prostitution Now (London: Croom Helm, 1982).
108. Lori Rotenberg believes it more accurate to compare the services of the prostitute to those provided by a doctor or lawyer, in that she provides them on a contractual basis rather than directly selling her labour power. All are competitive businesses, and offer greater autonomy of working conditions. However, the fact that prostitution offers little possibility for upward mobility, is a product of a lack of alternative choices, and stigmatizes the provider of the services, aligns prostitution more closely with working class labour options than the middle class professional categories.
See Rotenberg, 1974, op cit.
109. Ibid; Walkowitz, 1980, op cit.
110. Ibid.
The functions of the female reserve army of labour were discussed in chapter two, and will not be elaborated here.
111. Ibid.
112. Walkowitz, 1980, op cit, p.31.
113. Eileen McLeod, 1982, op cit, p.26.
114. Rosalind Coward, 1983, op cit, p.1.

Chapter Four: The Canadian Dilemma

Introduction

This chapter will contextualize the economic, sexual, and political-legal relations of prostitution as they are occurring in Canada in this conjuncture, as well as their relevance to the wider set of social forces in evidence. We will begin by approaching the issues that are being raised about prostitution in particular, which involves a debate between those groupings demanding further criminalization of the activity (citizens groups, city mayors, police, etc.) and those who advocate decriminalization (primarily liberal feminists). This entails addressing the role of the Canadian state in regulating the practice of prostitution. We will determine what this debate signifies about the ideological terrain of Canadian society, as it is constructed through both the current economic climate and the politics of sexual relations. Sexuality is a particularly important area for study as it draws into focus questions about women's status in society, the character of state intervention into the affairs of its citizens, the limits of liberalism, and the decline of permissiveness. These issues indicate a general change in Canada's political climate, as the forces of conservatism strengthen and concomitantly challenge the floundering ideology of liberalism. Finally, we will assess the liberal, radical, and socialist feminist theories' contribution to an understanding of the prostitution issue in particular and the status of women generally in view of our preceding discussion.

Defining the Canadian Dilemma

We established in Chapter One that Canada's prostitution related laws are considered problematic by some groupings in Canadian society, but interpretations differ as to how prostitution should be dealt with through the legislative process.¹ Those most affected by the incidence of prostitution are the members of neighbourhood associations in areas where street solicitation occurs, city mayors representing the interests of affected citizens and businesspeople, and the police, who feel that their hands are tied in effectively dealing with the 'problem'. Prostitutes' organizations and feminist groups defend the interests of the prostitutes working on city streets, whom they assert are not criminals, and should not be prosecuted as such.

The Concerned Residents of the West End (CROWE) in Vancouver is the most vocal of neighbourhood associations. They claim that this ten block area, comprised mainly of apartment buildings, has lost fourteen million dollars, or \$14,800.00 per suite, in property value since street prostitutes began to frequent the area.² Mayor Harcourt of Vancouver asserts that the City's West End is disintegrating more rapidly than any other area in Canada as a result of prostitution, and a local businessperson that the area is considered virtually "synonymous with prostitution". States Mayor Harcourt:

Street prostitution is more than a nuisance. It brings in the scum bums and low rollers and the creeps that start to destroy the morale of a community and the qualities that we should take for granted - the right to be able to walk our streets in peace and safety.³

CROWE suggests that 50-150 prostitutes frequent the west end on a regular basis, depending upon the time of day and the weather conditions.⁴ For these people the incidence of street solicitation is problematic not simply with respect to the visibility of the prostitute, but because of the aforementioned decrease in property values, an increase in traffic problems, harassment of residents by prostitutes, customers and onlookers, trespassing, a negative impact on young people living in the area, disorderly conduct, a perception of a decrease of police control in affected neighbourhoods, an increase in crime and violence, and negative repercussions for local businesses, as they claim that sex shops, strip clubs and related unsalubrious businesses are moving into the area.⁵ As a result, residents claim that they are, in effect, being "held hostage" by prostitutes and their clients.

Witnesses before the House of Commons Standing Committee on Justice and Legal Affairs testified that because of these conditions some residents were becoming violent toward street prostitutes, and vigilante action would have occurred had CROWE not been established. They further assert that they are not dealing with prostitution as a moral issue - they consider the people of the west end to be "open-minded" - but as a safety issue; the streets were now dangerous due to the type of people who had been attracted to the area by prostitution.⁶

Montreal, Toronto and Halifax are confronting similar problems as prostitutes move beyond their traditional areas of business and into residential neighbourhoods. Only in Calgary has street solicitation actually decreased over the past several years, the problem having been

far more acute during the city's boom years,⁷ and although it is still considered a significant public nuisance. However, as a result of the Hutt decision (1978) and the Westendrop decision (1982), discussed in Chapter One, police are unable to deal effectively with street prostitution; their 'power of arrest' has been limited by these recent interpretations of the law. The Canadian Association of Police Chiefs therefore recommended to the Standing Committee that Section 195.1 of the Criminal Code be clarified so that solicitation no longer need be considered 'pressing and persistent' to constitute an offence; that solicitation be applicable to both women and men, and that a motor vehicle be considered a public place, thus restoring the power of arrest.⁸ This position was supported by the Metropolitan Toronto Association of Police Chiefs, the Mayors of Vancouver, Calgary, Niagara Falls, Regina, Victoria, Halifax and Edmonton, and the Progressive Conservative Party of Canada during the Standing Committee proceedings.⁹

The positions addressing legal reform are polarized, however, with the opposing camp, predominantly comprised of liberal feminists, advocating the decriminalization of prostitution through the repeal of Section 195.1 and amendments to Section 193 respecting the operation of bawdy houses so that prostitutes can work at home, while strengthening the power of the law respecting procuring. This position was endorsed by the National Action Committee on the Status of Women, the National Association of Women and the Law, the Elizabeth Fry Society, the Vancouver Coalition for a Non-Sexist Criminal Code, the Status of Women

Action Group (B.C.), the British Columbia Civil Liberties Association, the Women's Caucus of the British Columbia Law Union, the B.C. N.D.P. Women's Rights Committee,⁹ and Ottawa Mayor Marion Dewar.¹⁰ As a representative of the Elizabeth Fry Society stated:

We always fall back on more police powers, more jails, more punitive powers, and all you get is more jails, more people with criminal records.¹¹

Street solicitation for these groups constitutes a "problem of public order" rather than a criminal offence.¹² As such, problems of public order created by street solicitation could effectively be dealt with through other sections of the Criminal Code; S.171 - Causing a Disturbance, Indecent Exhibition, Loitering, etc., S.169 - Indecent Acts, S.305 - Extortion, and S.381 - Intimidation, as well as through the use of municipal bylaws regulating residential tenancy, motor vehicles, and zoning. Juvenile prostitution, they propose, may be dealt with through social service agencies and S.166 - Procuring Defilement. An increase in public funds would necessarily be directed to social service and education programs to address juvenile prostitution.¹³ The Osgoode Women's Caucus recommends adding a further new offence to the Code addressing 'public sexual harassment', which they consider the real offence of street solicitation, whether the harassment is caused by the prostitute or prospective client, and which would address other forms of sexual harassment of women in public places.¹⁴

As the Vancouver Coalition for a Non-Sexist Criminal Code states, most prostitutes conduct their business in an orderly manner, without pressuring prospective clients, disturbing the peace, and so on. They

also find that prostitution is not regarded as a problem in all parts of the nation, but rather is a geographically specific occurrence, affecting only certain cities and neighbourhoods within these cities. It is questionable therefore whether a federal law is necessary to control a localized activity. Finally, an activity cannot be considered 'properly criminal' by the courts unless it causes harm to others, which they assert prostitution rarely does.¹⁵ Where solicitation constitutes a nuisance, for example, by being pressing and persistent, it can be dealt with through the aforementioned statutes of the Criminal Code and municipal bylaws. Public nuisance in any case, they find, is mainly caused by customers and onlookers, rather than the prostitutes themselves.¹⁶ As the National Association of Women and the Law (NAWL) policy on prostitution states, the criminalization of soliciting reflects a moral and discriminatory bias in the law which should be rectified.¹⁷ While organizations supporting decriminalization recognize that citizens have some legitimate complaints regarding street solicitation, they assert that the activity would decrease if bawdy-house legislation was amended so that prostitutes could work at home, or in small groups in residences established for their businesses, while legislation against procuring was strengthened in order to prevent the operation of these businesses by predatory third parties.

In response to these pressures for amendments to the Criminal Code, in 1982 the federal government referred the issue to the House of Commons Standing Committee on Justice and Legal Affairs for public discussion. The Committee delivered its report in May, 1982, in which

it recommended that:

- Section 195.1 be amended to specify that both the prostitute and the client be liable for prosecution for soliciting.
- The definition of a public place be broadened to include motor vehicles and private places on public view.
- A new offence be created making it an offence to offer or accept an offer to engage in prostitution in a public place, thereby removing the requirement for proof of 'pressing and persistent' conduct.
- A new offence be created making it criminal to engage in prostitution with a person under eighteen, whether or not the prostitute is known to be under eighteen.¹⁸
- Once these recommendations are passed into law, their operation would be reviewed within three years, necessitating the monitoring of their operation from the date of their proclamation.¹⁹

These particularly stringent recommendations favouring greater criminalization of prostitution were apparently not the attempt at reaching a compromise solution that Justice Minister Mark MacGuigan had hoped. Nor, however, were his subsequent efforts more successful: a 'watered-down' version of the committee's recommendations was produced by MacGuigan in a proposed Act to amend the Criminal Code, through which only two of these recommendations would be brought into effect. Those who obtained the services of a prostitute would now be liable for prosecution, and a motor vehicle would be considered a public place; two measures which would, however, be rendered ineffective by his decision not to alter the requirement of 'pressing and persistent' solicitation.

MacGuigan's compromise solution was considered unsatisfactory from both sides of the debate. The tory justice critic referred to it as a "green light for hookers", while clearly it was neither the removal of criminal sanctions that decriminalization advocates had hoped.²⁰ In the ensuing furor, in June 1983, the Justice Minister decided to table the Bill and announced the appointment of the Special Committee on Pornography and Prostitution, which as part of its mandate was to further attempt a basis of consensus on street solicitation, as well as address the wider problem of prostitution itself.²¹ Our concern here is not to address the specifics of the Fraser Committee's mandate,²² nor to make recommendations to the committee, but to examine the social and political context in which prostitution has come to be perceived as a growing problem in Canada. It should be clear by this point that the socialist perspective provides the most informative conjunctural analysis.

It is apparent that Canada, like other advanced industrial nations in the western hemisphere, is now being affected by a 'general crisis of capitalism'. The Keynesian approach to economic policy is failing, due to the emergence of a new phenomenon - stagflation - in which massive government spending fails to curb the ever rising rate of inflation. Unemployment has risen to a level unknown since the 1930's, interest rates keep climbing, and the federal deficit has mushroomed. The Canadian public now justifiably questions the ability of the liberal deomocratic government to manage the affairs of the economy and thereby

re-establish social and economic stability.

Ian Taylor asserts that within this climate, violent crimes and burglary have increased and been extensively publicized by the media, resulting in a widespread "fear of crime" among the public. Moreover, racial tension is on the increase through the scapegoating of immigrants and minority groups, who provide a vulnerable population upon which to place the blame for social malaise.²³ Women too serve readily as scapegoats for the economic crisis. As Humphries finds:

the pressures emanating from a capitalist society in crisis exacerbate sex-linked relations of dominance and subordination, strengthen traditional ideas, and weaken women's drive for liberation.²⁴

These trends are evident both subtly, through a reassertion of the joys of motherhood and traditional notions of femininity in the media, and through overt hostility towards working women as attempts are made to move women out of the labour force and limit them to their traditional roles in the family, in order to decrease the supply of labour.

Given these conditions, the heightened intolerance towards street prostitutes can be posited to take on additional dimensions. First, for residents in areas where street prostitution is a common practice, the "fear of crime" may be exacerbated by the visible presence of the activity as a criminal undertaking, whether or not prostitution actually attracts other forms of criminal pursuit to the area. This statement is borne out by CROWE's submission to the House of Commons Standing Committee on Justice and Legal Affairs, which included an article entitled "Broken Windows". The article claimed that inadequate police control of a neighbourhood heightened anxieties among residents as it

lended itself to the perception that the area was 'fair game' for criminal activity in addition to attracting a wide variety of other undesirable persons, from panhandlers and drunks to the mentally disturbed. This state of affairs ultimately led to the disintegration of the neighbourhood and the morale of its residents, as an earlier comment made by Vancouver's Mayor Harcourt contended.²⁵ In view of CROWE's position, prostitutes may be scapegoated as the cause of other forms of criminal activity, despite the fact the crime rate is also growing in neighbourhoods where street solicitation is decidedly absent.

Second, we may speculate that the growing number of prostitutes appearing on the streets of a city provides a constant unwanted reminder of the severity of the economic recession. In British Columbia, for example, one out of five people are now living on welfare or unemployment insurance,²⁶ a figure which does not include many of the 'hidden unemployed' - those who have given up the job search and those who for some reason do not qualify for unemployment insurance or welfare benefits. As the Alliance for the Safety of Prostitutes, located in Vancouver, finds:

We find more and more women out there, some who haven't been on the streets for years, turning to prostitution out of economic necessity. Women who were earning a wage but lost their job, have run out of UIC benefits and now are on welfare ... One woman who receives \$420 monthly has to pay \$380 in rent ... so she supplements her income by prostitution.²⁷

They also estimate that women of colour (native, black and Asian women) comprise 50% of the population of street prostitutes in Vancouver, a percentage far greater than their proportion in the overall Canadian

population. It requires no explaining that these women are subjected to the double yoke of race and sex discrimination in the labour market, and may therefore regard prostitution as the most viable, if not the only, option available to them.²⁸

Third, in view of both the increased "fear of crime" and the indication that an economic crisis results in the reaffirmation of traditional values and behavior which are known and predictable, we can expect that prostitution will become less tolerated as both an affront to conservative values and through its association with sexual crimes against women. As one West End resident wrote in a letter to the Vancouver Sun:

We long ago lost the right to walk our streets after 7 p.m. We are harassed daily by cruising johns, who mistake all pedestrians for prostitutes, and by the prostitutes, who feel we have no right to be here ... A child is raped on her way home from school ... We must walk blocks out of our way to avoid confrontation ... We are victims, and our neighbourhood is being destroyed.²⁹

These are undeniably very real and critical concerns for West End residents, as Kinesis staffwriters assert. However, in their reply to this reasoning, they state that,

What is disturbing in the arguments used to promote greater legal penalties on the street prostitute is simply that they serve only to scapegoat the female streetwalker for a host of ills for which she is not responsible. West End residents working primarily to make prostitution invisible, seem to believe that in doing so, this invisibility will extend to the eradication of sexual harassment, rape, child abuse, and general noise and nuisance problems ... It is obvious that criminal sanctions placed on the individual prostitute will not even begin to alleviate the critical lack of safety for women and children in

our neighbourhoods, let alone address the issue of prostitution itself ... For West End residents and other citizens feeling the very real effect of urban disintegration in the midst of an economic crisis, the prostitute is a convenient target.³⁰

This response is less than satisfactory, of course, as it manages to skirt the inescapable conclusion that some of these acts are undoubtedly perpetuated by persons attracted to the neighbourhood to obtain the services of a prostitute. However, it does help to contextualize their relation to the pervasive problem of the economic exploitation of women, as well as public sexual harassment and abuse of women, which is by no means limited to the areas frequented by prostitutes.

These latter points are critical to our discussion, as they highlight the twofold character of the 'crisis' of Canadian society. While the supply of prostitutes is a product of the effects of the economic crisis upon women, both the increasing demand for prostitutes and the general abuse of women are indicative of a general crisis in sexual relations. The emergence of feminism has been frequently blamed for this occurrence - for invoking a communication breakdown between genders, male impotency, male violence towards women both within and external to the family, and general marital discord - by challenging established patterns of gender relations. However, it is difficult to measure how much the feminist challenge may have increased the incidence of these concerns, and how much it merely helped to make them visible, along with psychiatry and social work. Moreover, this argument is extremely reductionist, as it ignores the precise character of the historical context in which this crisis emerged, and in which feminism

itself re-emerged as a mass political movement. Socialist feminist analysis has revealed that we much define the manner in which the forces of patriarchy and capitalism interrelate in an historical conjuncture to determine the outer boundaries of our experience and produce these outcomes. An analysis of the crisis in sex relations must, therefore, account not simply for the emergence of feminism, but for the role of a capitalist patriarchal society in the commoditization (and thus devaluation) of female sexuality, as well as the rise (and now decline) of liberalism as an ideology which challenged taboos against sexual expression in a culture where women were not free. This work will take up an analysis of the character of sexual relations at this conjuncture. First, however, we will make some final observations about the substance of the prostitution issue in Canada.

We can propose from this discussion that the move for greater criminalization of prostitution is consistent with a pattern which is occurring in Canadian society as a whole. This pattern is characterized by the growth of conservatism as the economic crisis deepens, an increasing fear of crime against person and property, and a crisis in sexual relations. Moreover, we can establish that if even one of the above arguments is correct, then criminalization advocates are expressing not only a concern for the conditions of their communities, but a victimological attitude towards prostitutes as well. A general feminist stance is that greater criminalization of prostitution is tantamount to 'blaming the victim' of a society which promotes the sexual and economic exploitation of women by further entrenching this

attitude into law. There is a notable absence of concern among advocates of the position as to who the prostitutes are and how they came to be on the streets. The fundamental inconsistency in the logic of organizations like CROWE is that while they advocate an improvement in the general quality of life, they ignore the bases of social inequality which prevents this goal from being realized.

This inconsistency is not apparent to these organizations, however, because they regard prostitution as a threat to the quality of life, rather than a reflection of it. Therefore, making prostitution invisible is regarded as an adequate solution to the problem of street solicitation. Radical and socialist feminists realize that such a measure merely results in a more effective reproduction of patriarchy, since all of the problems associated with prostitution are perpetuated, but their reproduction remains obscured. Moreover, since street solicitation is understood by these organizations to be a problem which was created through legislative decisions, its removal is regarded as requiring a legislative solution. While interpretations of prostitution legislation have indeed become more specific, thereby providing prostitutes greater freedom of activity without coming into conflict with the law, this explanation remains insufficient in two respects. First, it neglects a consideration of specific events which (in addition to the contraction of the female labour market) drove prostitutes onto the streets in order to conduct their business. Second, it does not recognize that street solicitation only came to be perceived as a problem in some instances when it occurred in areas whose class

character afforded local residents the privilege of public protest, media attention, and government response.

John Lowman documents the fact that, prior to 1975, Vancouver was home to two "notorious" cabaret clubs, each of which was frequented by from 50 to 100 prostitutes per night. In 1975 one of these cabaret clubs was destroyed by fire, while the second was closed by police in an attempt at the suppression and control of criminal activity. This event resulted in the displacement of prostitutes onto the streets and an increase in public solicitation, "the very activity the law is designed to control".³¹ As a result of a policing decision, therefore, a geographical shift in the activity occurred, both into previously established areas of street solicitation, and more problematically, resulted in the creation of two new locations in the West End of the city. Residents and business groups of these middle-class residential areas quickly responded to this influx by pressuring police and City Council for a 'clean-up', a public outcry which Lowman asserts had not occurred when street solicitation had been confined to the "less salubrious" areas of the downtown core. Prostitution, then, was not a new problem to Vancouver, but only new to certain areas³² whose class character afforded its residents some political clout. Moreover, this event occurred prior to the changes in interpretation of legislation (which did not begin until 1978), revealing that the influx was neither caused by these legislative decisions, nor deterred by the more restrictive sanctions of the time.

Evidence of this pattern of displacement can also be found in

Toronto and Calgary. The 1977 homosexual molestation and murder of Toronto shoeshine boy Emmanuel Jacques, whose body was found on the roof of a Yonge Street massage parlour, resulted in a massive public outcry demanding a clean-up of the 'Yonge Street strip'. This event legitimated the subsequent 'moral crusade' which Toronto police embarked upon, resulting in raids and closures of massage parlours and bath houses frequented by homosexuals, and affecting higher density policing in the downtown section of Yonge Street.³³ As had occurred in Vancouver in 1975, prostitutes moved their trade into middle-class residential areas surrounding Yonge Street, regardless of the restrictive interpretations of legislation which were as yet being enforced.

Finally, in 1978 the City of Calgary strengthened bylaws regulating the operation of massage parlours and escort services in an attempt to curb the operation and proliferation of these kinds of businesses, which generally served as fronts for prostitution. The previous year four Calgary massage parlours employing from 25 to 40 women at a given time had been raided and closed.³⁴ Again a pattern of displacement was affected, this time not predominantly onto Calgary's city streets, nor into the city's residential neighbourhoods, but through a dispersion of these women into other major Canadian cities.

The move of prostitutes onto the streets of Vancouver, Toronto and Calgary is therefore a "derivative problem". Court decisions respecting the interpretation of legislation was of secondary importance in producing the influx of prostitutes onto the streets; these eventual

decisions merely meant that attempts to curb the derivative problem of street solicitation were rendered ineffective.³⁵ Like Lowman's study of Vancouver, the developments in Toronto and Calgary provide further indication that increased criminalization of prostitution is an inadequate means of dealing with the activity.

The research presented here identifies specific features of the pro-criminalization argument which are inaccurate (the law is responsible for the prostitution problem; further criminalization would alleviate the problem), and which constitute the use of patriarchal authority (making prostitution invisible reproduces patriarchal authority) and class authority (prostitution only becomes a problem when it occurs in their neighbourhoods). From a social democratic position, these factors do much to de-legitimize the pro-criminalization stance, as they demonstrate that the 'rights' afforded by a liberal democratic state are relative categories, afforded by sex and class privilege.

While liberal feminists challenge the assignation of the relative rights and freedoms of prostitutes vis à vis other citizens through their decriminalization program, they do not realize how thoroughly inequality is embedded in liberalism itself, as the ideology of a social structure which is predicated upon inequality. Their decriminalization program bears this assertion out. To reiterate the liberal feminist program, the offence of street solicitation would be removed from the criminal code, and its attendant problems, like noise and nuisance, dealt with through municipal bylaws. Amendments to bawdy-house legislation would be required so that prostitutes could operate from their

own homes and in small groups. In combination with strengthened legislation against procuring, this measure should circumscribe the control of prostitution for commercial exploitation by third parties. Therefore, while prostitution would not be driven underground, more favourable options would be made available to prostitutes than the unstable and often dangerous practice of street solicitation. While this program is on the surface a progressive one, since it combines the decriminalization of street solicitation with more 'permissive' bawdy-house legislation, it reproduces a central feature of the pro-criminalization position. The liberal feminist position provides a formula through which prostitution can be shifted around through legislative measures, to ensure greater invisibility of prostitution. In doing so, it too provides a formula for the more effective reproduction of patriarchy, and moreover, tacitly accepts the preservation of the liberal-utilitarian distinction between acceptable forms of private and public sexual behavior.

A reduction in the incidence of street solicitation cannot in itself be reasonably regarded as a bad thing from a feminist perspective, since the activity visibly promotes female sexual objectification. Such measures, however, create an insidious allegiance to the conservative elements of society, who would prefer the evidence of its own power obscured, while both displays of sexuality and women themselves were confined to the private realm.

A further shortcoming of the liberal feminist position is that it does not recognize how legislative reforms which on the surface appear

to be more permissive actually disguise more punitive and repressive means of formal control.³⁶ In this instance, the decriminalization of street solicitation through the repeal of S.195.1 would remove the offence from federal jurisdiction, leaving municipalities (operating under provincial jurisdiction) free to enact bylaws which expand the range of formal control of prostitution, since these bylaws would no longer contravene the division of legislative authority between the federal government and the provinces. While violating a bylaw is certainly a less severe matter than committing a criminal offence, the manner in which criminal legislation of prostitution is presently interpreted has at least limited its punitive powers. As such, the liberal feminist position does not adequately address the complexity of state institutional arrangements, which allows for a shifting of forms of control,³⁷ nor recognize that such a shift (as with the physical shifting of prostitutes themselves), can be the only outcome in a system predicated on inequality. A feminist program for social reform must attempt to account for the potential abuses of its progressive intentions. It is unlikely that liberal feminism can fully accomplish this task, in light of its unreflexive adoption of liberalism. This is a particularly critical concern in the present conjuncture, for as we have found, the movement for greater criminalization of prostitution is part of a growing concern not only for the clean-up of one's own neighbourhood, but indicative of a general change in the political climate of Canadian society as a substantial number of Canadians come to favour retrenchment over 'permissiveness'.

Sexual Relations and Social Control

This change in the Canadian political climate is characterized by the rise of conservatism which, in its least restrained form, includes the uneven yet perceptible growth of the 'New Right'. The primary concerns of New Right activity are the reassertion of the superiority of a free-enterprise system which is unhampered by state intervention, cutbacks in social service, health and education spending, increased military expenditures, and a return to traditional social values. The establishment of a moral cohesion in society is considered critical for social stability. It entails the exodus of women from the workforce and back into the home, the repression of birth control and abolition of abortion, and greater state regulation of 'deviant' sexual activity. Any form of sexual behavior which is not heterosexual, monogamous, and sanctified 'in the eyes of god' is posed as an attack on the family itself. Prostitution in particular is regarded as a threat to the family, since it allows men the benefits of marital intimacy, without taking on the responsibilities which the attainment of such pleasures entail. The achievement of pleasure as an end in itself, and the public display of sexuality, are taken by the New Right as evidence that permissiveness is rampant in modern society,³⁸ and will ultimately lead to social disintegration if not suppressed.

While the New Right professes to uphold democratic principles, the reality of its demands reflects a politics of repression, where 'freedom' is reduced to the relations of the capitalist market place. Therefore, while it shares with liberalism the belief in natural

hierarchy, individual achievement, and the right to private property, their visions of the ideal social order differ substantially. Conflict is particularly evident between the New Right and progressive liberals' treatment of sexual behavior, where the latter regards sexual pleasure as a desirable goal in its own right, and a matter of private, not public, moral concern. Progressive liberals advocate societal tolerance of sexual behavior which causes no harm, and denies that it constitutes a threat to the family system³⁹ or to the capitalist work ethic.

Socialist research presents a challenge to both the New Right and liberal positions on sexual behavior. That which the right has defined as sexual permissiveness, and liberalism as human sexual liberation, the left regards as evidence of the sexual repression inherent in a society which thrives on the subordination of its populace. The appearance of permissiveness merely serves to disguise the relations of social control. Public displays of sexuality and the concomitant eroticization of the environment are, from a socialist perspective, the products of the commodification of sexuality by the forces of the marketplace, which increasingly governs our sexual behaviour.⁴⁰ By offering up an abundance of choices, the illusion of individual freedom is maintained, while alienation from meaningful interaction between people is increased.⁴¹

Christopher Lasch asserts that this is possible because the "common man" has been stymied by the social conditions of modern capitalism, in which control is exercised by rigid and distant corporate

and government bureaucracies, leaving little possibility for individual freedom. According to Lasch, we live in "an age of diminishing expectations" characterized by a distrust of those in power and of little hope for the future.⁴² This milieu fosters a culture of "competitive individualism", resulting in "personalities of narcissistic preoccupation with the self". The narcissistic personality is acquisitive, competitive, continually seeking approval, has permissive sexual attitudes, and "demands immediate gratification and lives in a state of restless, perpetually unsatisfied desire".⁴³ Therefore, the narcissistic personality seeks liberation through the very practices which create her/his alienation.

Strategies of narcissistic survival now present themselves as emancipation from the repressive conditions of the past, thus giving rise to a "cultural revolution" that reproduces the worst features of the collapsing civilization it claims to criticize.⁴⁴

From this analysis, we may posit that the sex industry which is burgeoning all around us through the proliferation of pornographic material and a wide variety of prostitution related services is the product of the repression that the New Right seeks to increase. Moreover, it reveals the short-sightedness of liberalism in describing this as a period of sexual liberation. Prostitution in particular provides immediate gratification, requiring neither human interaction nor personal commitment. Socialist feminist research reveals the repercussions of this cultural bondage for women, who are both narcissistic consumers and the objects of consumption.

While patriarchal practices initiated the objectification of female sexuality, the market forces of industrial capitalism were able to use this to their advantage through the promotion of female sexual commoditization. As a result of the appropriation of sexuality by the marketplace,

Women do literally sell their bodies - if not as prostitutes, then to the publicity industries, modelling and so on - much as men and women sell their labour power. As a worker finds himself alienated in his own product, so ... a woman finds herself alienated in her own commercialized body.⁴⁵

The politics of repression of the New Right, and indeed conservative thinking in general, therefore poses a double threat to women according to socialist feminist analyses, through the reassertion of a social order which is both capitalist and patriarchal for the maintenance of class and gender control. While the right's ideal society would impose strict regulation upon commercialized sex related activity, and more punitive measures upon those who breach the rules, it would of course reinforce rather than address the relations which create prostitution. As Ehrenreich asserts, the nuclear family supported by a single male wage earner no longer exists as the predominant family order. The 'family wage' system has collapsed, and the maintenance of a family now requires the resources of a two pay cheque marriage.⁴⁶ For some of these families, the second income represents the difference between a modest and a consumeristic lifestyle, while for others it is critical for subsistence. Of two-spouse families in Canada, 51% would

fall below the poverty line if the wife stopped working outside of the home.^{47A} Moreover, it denies the existence of women who live without support of a male breadwinner, an increasing number of them as single parents. These women are part of a growing trend which Diana Pierce has termed "the feminization of poverty";^{47B} three-quarters of women in the Canadian workforce (whether single or married) earn less than \$12,000 per annum. For single mothers, this means a tenuous, subsistence standard of living, since 75% of men default on their child support payments, thus leaving them the sole support of their children.⁴⁸ These conditions are being further exacerbated by an economy in recession - by the falling value of the Canadian dollar, wage restraints, and massive layoffs - and by the technological takeover of women's traditional means of employment. Prostitution and other forms of employment in the 'sex industry' are therefore increasingly becoming considered the best, if not the only, alternative available by many women.

Further, the fact that the supply of clients greatly outnumbers prostitutes, and that this has been the case long before the breakdown of the traditional family, indicates still another inadequacy of this family system: that it is insufficient in meeting human needs.⁴⁹ Both socialist and radical feminists maintain that a return to this family (of which there can be none, given economic forecasts for the rest of the decade) would therefore greatly decrease rather than increase human fulfillment. The continued existence of prostitution is a blatant challenge to familism - the spread of pro-family ideas - as

the solution to societal crisis.

Clearly, conservative ideology, and the New Right in particular, represent a massive threat to all feminists. For socialist feminists, it is the reassertion of two systems of power which have become intertwined as a complex web of female subordination. For liberal feminists, it poses a threat primarily to women's status in the labour market, by attempting to negate the right of women to work outside of the home in occupations of their choice and with a wage on parity to men's. The sexual repression that the right would impose upon women is the critical concern from the radical feminist vantage point. Radical feminists believe that women will only attain a state of liberation if they develop their sexual potential, since patriarchy controls women through suppressing sexuality and denying reproductive freedom. Radical feminists assert that we live in a culture which glorifies and promotes male sexual expression (contrary to the socialist argument, in which both men and women are sexually repressed) and objectifies female sexuality as a product for male consumption. They posit, however, that women's growing awareness and assertion of a sexual self is now setting the conditions for women's liberation.

The New Right is not yet a dominant force in Canada as a whole, and perhaps will never attain the prominence which it has in Britain and the United States. For example, the Progressive Conservative Party certainly appears to have modified its right wing stance since its leadership campaign in 1983, when there were strong indications of a

U

right influence taking hold. (We must be cautious here, however, because they have not yet revealed a coherent ideological position through stating their intended social and economic policies.) Rather than a dominant political force, we see evidence of New Right thinking in single-issue campaigns like the pro-censorship and anti-prostitution movements, and in some single economic and social policy measures adopted by the federal government, like the recent decision to ban hate literature. It retains an uneven foothold among the provinces, being most influential in Conservative governments. New Right thinking has achieved greatest prominence in British Columbia, where the Bennett government is enforcing massive layoffs in the public sector and extensive cutbacks in social service, health and education spending. Whether or not this party still retains the popular support that it did on election day as a result of these measures, there remains a conservative moral sentiment among residents of the province. The province's severe economic crisis, exacerbated by the crisis in sex relations, has resulted in an attachment to established family forms as a means of providing stability in the face of an uncertain future. It should be no surprise, then, that the strongest movement for greater criminalization of prostitution is occurring in British Columbia.

The liberal feminist battle for decriminalization is therefore representative of the larger struggle that feminists must wage in the face of growing conservatism. The state has been identified as the main site of struggle for social and economic reform by liberal feminists and their opposition. We will, therefore, briefly examine the

role of the state in this process, through an analysis of its general structure, the means by which it maintains its own legitimacy, and its role in the regulation of prostitution.

The Role of the Canadian State

As we found in our discussion of the socialist feminist perspective on prostitution, 'the state' itself is not a monolithic structure, but rather is comprised of an often contradictory set of institutions and practices. In Poulantzas' terms, it is the product of a "complex synthesis of multiple determinations".⁵¹ Institutional components of the Canadian state are the government, the bureaucracy, military, judiciary, representative assemblies, and the sub-central levels of government found at the provincial and municipal levels. Therefore, elected government itself is not the equivalent of state power.⁵²

The extent to which the government effectively controls the power of the state, indeed even the extent to which it can speak authoritatively in the name of the state, will depend on the balance of forces within the various institutions of the state ... in terms of the classes they represent and the values they hold. This would determine how far the governmental power is circumscribed by state power.⁵³

The state may be conceptualized as a set of "relations among relations" linked through a complex network, rather than as a simple functional formation exercising uniform power.⁵⁴ This is critical to our understanding of how state power is exercised in the formal control of prostitution.

The Canadian state is now faced with the challenge of responding to the competing demands among others, of feminist and conservative pressure groups, while maintaining its own legitimacy as the 'manager' of the affairs of civil society and the economy.⁵⁰ Through the

successful mediation of these opposing forces, the state can provide the appearance of the process of democracy at work. However, as our discussion of socialist feminism has revealed, the state performs a primary role in the maintenance and reproduction of capitalist and patriarchal interests, two hierarchical systems of power which are inherently antithetical to democratic process, and as such is a representative of class and sex privilege. The appearance of democratic representation is made nevertheless possible through the process of hegemony, which -

is exercised as much through popular 'consensus' achieved in civil society as through physical coercion (a threat of it) by the state apparatus, especially in advanced capitalist societies where education, the media, law, mass culture, etc. take on a new role ... beliefs, values, cultural traditions and myths function on a mass level to perpetuate the existing order.⁵⁵

However, in Raymond Williams' words, "the reality of any hegemony ... is that while by definition it is always dominant, it is never either total or exclusive".⁵⁶ Counter forces, like feminism, may rise to challenge hegemonic power, both socially, through the introduction of new ideas among the populace, and politically, through a confrontation with the state respecting its role in the maintenance and reproduction of the prevailing forces of dominance.

The Canadian state has managed to contain much of the force of feminism through accommodating its least radical proponents, the liberal feminists. This is possible because, while liberal feminists

recognize and actively struggle against patriarchal practices; they otherwise share a common set of values and beliefs with the prevailing⁵⁷ political order, and do not as such recognize the patriarchal basis of liberalism itself. While the goals of feminism can never be fully realized in this political order, some important reforms can be made as the state makes concessions to the demands of liberal feminists. These concessions will be mediated, however, by concessions to competing and contradictory demands for social reform.

The establishment of public discussion on prostitution through the House of Commons Standing Committee on Justice and Legal Affairs, and later, the Special Committee on Pornography and Prostitution (the Fraser Committee) are means of reaching a compromise, thereby enforcing the perception that the state functions on the behalf of and is responsive to its citizens. We cannot speculate from this what the compromise might be respecting prostitution. However, socialist feminist analysis has determined that whatever the outcome, it will not significantly challenge patriarchal privilege, although as Harrison and Mort assets, it may alter existing legislation "in the form of its appearance".⁵⁸ No actual attempt will be made to suppress prostitution because prostitutes provide a valuable service for male citizens. As such, the federal government, being the dominant branch of the state, reasserts its own patriarchal basis. As Carol Smart maintains,

The law can therefore be theorised as a mode of reproduction of the existing patriarchal order, minimizing social change but avoiding the problem of overt conflict.⁵⁹

Lest this sound like a giant conspiracy on the part of the state, it should be remembered that the State in itself is laden with contradictory policies and practices, both within and amongst the various branches. Through the division of legislative authority between the central (federal) and sub-central (provincial, municipal) levels of government and their respective judiciaries, the formal control of prostitution has become a complex and contradictory affair, despite the fact that as a criminal offence it is properly the domain of the federal government. The federal system has sole authority over the administration of criminal law through the Criminal Code of Canada; provincial and municipal governments may not enact any legislation which is ultra vires - beyond the authority of those levels of government. However, as we indicated earlier, since the 1978 Hutt decision the Cities of Calgary, Montreal, Toronto, Vancouver, Niagara Falls, Regina, Saskatoon and Halifax have attempted to enact a system of bylaws to keep prostitutes off their city streets. These attempts have been effectively thwarted by a 1981 Supreme Court ruling in the Province of Alberta. In the Westendrop appeal, the council for the defense succeeded in overturning the previous conviction of Lenore Jacqueline Westendrop, who had been charged with unlawfully using the streets for the purpose of prostitution under Section 6.1 of Bylaw 9022 of the Highway Traffic Act, by the City of Calgary.⁶⁰ The Hutt decision had established that under Section 195.1 of the Criminal Code soliciting must be 'pressing and persistent' to constitute an offence; unless this was proven prostitutes were lawfully using the streets. The lawyer for the defence further established

that this bylaw and Section 195.1 were for the same purpose, and as such, the bylaw "cannot stand in the face of Section 195.1".⁶¹ The defendant was therefore acquitted, overturning her previous conviction, on the basis that the offending bylaw was ultra vires the City of Calgary and the Province of Alberta and therefore unconstitutional. As Chief Justice Bora Laskin stated:

however desirable it may be for the municipality to control or prohibit prostitution, there has been an over-reaching ... in the present case which offends the division of legislative powers.⁶²

The above instance provides an example of conflicts in the division of legislative powers among branches of the state which demonstrates that the state does not always act in a uniform manner in its expression of power. As further illustration of this point, we find that there are also contradictory interpretations of legislation evident in the administration of judicial power among the branches of the state. First, Section 193 of the Criminal Code - Keeping a Common Bawdy House - is sufficiently vague to have resulted in differing interpretations as to what constitutes a 'bawdy house'. In R. v. Patterson (1972) the Supreme Court of Canada ruled that proof must be made of "frequent or habitual use" of a premise for the purpose of prostitution, while in the same year, the Ontario Court of Appeal ruled in R. v. Worthington that proof of habitual use need not be made, and convicted a prostitute for entertaining a client in her own home.⁶³ Second, Section 195.1 does not specify whether or not clients or prospective clients of prostitutes can

be charged with soliciting. In 1978 the Chief Justice of Ontario ruled in R. v. DiPaola that a client could indeed be convicted of soliciting for the purpose of prostitution.⁶⁴ In the same year, however, the British Columbia Court of Appeal, in R. v. Dudak, overturned the defendant's conviction by stating that only the person who potentially receives or actually receives payment can be charged with soliciting, and moreover, that the client does not prostitute himself; he merely satisfies a desire.⁶⁵ Finally, interpretations differ as to whether a male may be considered a prostitute. Again in R. v. Patterson (1972) the Supreme Court of Canada acquitted a man of soliciting for the purpose of prostitution because of his gender: Dictionary definitions, it found, defined a prostitute as a female person. In the following year, the Supreme Court of British Columbia found a man guilty of the charge in R. v. Obey. The offence, it stated, was soliciting in a public place; it mattered not whether an act of prostitution actually took place.⁶⁶

The central and sub-central levels of government may be regarded, therefore, as competing forces for the exercise of control. However, their political differences are marginal in scale since (with the exception of social democratic forces who lack a power base, in any case) they are all representatives of bourgeois and patriarchal power; they merely differ as to the form of representation these interests should take. As we have seen, conservative dominated provincial governments are more amenable to the forces of the New Right than is the liberal dominated federal structure. For feminists who are active in the battle for

political reform, the structure of the Canadian state and its contradictory character presents further levels of challenge.

The Challenge for Feminists

As the Royal Commission on the Status of Women identified in its 1970 report, "prostitution is fundamentally a social, not a criminal problem".⁶⁸ With the emergence of the campaign for further criminalization of prostitution in recent years, feminists have had to reassert this belief by prioritizing the battle for decriminalization among a host of other pressing concerns for women. These concerns include high quality and accessible childcare, pensions for homemakers, the regulation of material which degrades and exploits women, sexual harassment and the effects of technological development in the workplace, and so on. Like these other struggles their efforts take place mainly on the terrain of the state, in challenging judicial authority in the regulation of prostitution. While their central focus is legislative reform, the documentation provided by (predominantly liberal feminist) women's organizations also addresses the wider issues of prostitution, its causes and effects. Liberal, radical and socialist feminists have made it clear that while they support prostitutes as the victims of a patriarchal culture, their stance does not legitimate the institution of prostitution itself. Supporting prostitutes is a sisterhood issue, and a necessary step on the longer road to the liberation of women.

Nevertheless, in contemporary feminist analyses of prostitution there is a tension between the prostitute's role in furthering female sexual objectification and the reality of their economic necessity. This is possible because while feminists have been defining the parameters of

'sexual politics' over the past two decades, they have yet to adequately theorize a politics of sexuality. Developing a politics of sexuality requires both feminist discussion of its contemporary dimensions⁶⁹ and research into sexual behavior in different conjunctures⁷⁰ in order to contextualize its historical, cultural, class and gender specific character. As long as feminists fail to do this their reform efforts run the risk of collapsing into moralism, a problem which befell their liberal sisters of the last century during their campaign for the repeal of the Contagious Diseases Acts. Such an approach only lends itself to further repression of women working in the sex industry. Walkowitz reports that for both feminists active in this early battle for legislative reform, and for 'repressive moralists':

the desire to protect working class girls masked impulses to control their sexuality, which in turn reflected their desire to impose a social code that stressed female adolescent dependency.⁷¹

This social code was middle-class in origin; it did not reflect the reality of working class girls' experience. The social conditions of working class girls set the boundaries of their activity: overcrowded conditions in the home and exposure to sexual harassment in the workplace, for example, meant that sexuality was part of their 'lived experience'. As a result, they "adopted a more instrumental and flexible approach to sexual behavior", rather than viewing chastity and respectability as synonymous.⁷² Middle-class reformers' inability to come to terms with female sexuality meant that their efforts were eventually turned against them by the repressive moralists' campaign

against vice,, through legislative measures which were antithetical to feminist aspirations.⁷³ Contemporary liberal feminists must therefore become aware that since it is a task of the state to uphold patriarchal privilege, any legislative involvement in sexual activity is likely to have negative repercussions for women, thereby turning "feminist protest into a politics of repression".⁷⁴

This is particularly problematic given that prostitution is now being investigated in the same context as pornography in Canada. Conservative interests are demanding further regulation of both forms of marketplace sexuality, and charge that feminists are inconsistent in their pro-decriminalization/anti-pornography stance. However, a major difference between the radical and liberal feminist position and the conservative moral view is that feminists realize that it is not just 'bad' men who pose a problem as consumers of pornography and prostitution, but the patriarchal structuring of society which promotes these activities.⁷⁵ Socialist feminists would further specify that the market forces of industrial capitalism have a responsibility here, in creating a burgeoning sex industry which thrives on the commoditization of female sexuality.

Moreover, feminists in general maintain that there is no real inconsistency in their positions on pornography and prostitution, for as Kinesis staffwriters articulate, "Pimps and johns are to prostitution what pornographers are to pornography". Positions on each are directed towards the larger struggle of attaining women's freedom from exploitive

and often violent social practices. The "real hypocrisy", they find, is in allowing pornography to proliferate in society, while prostitutes are penalized for their activities.

While the ~~thesis~~ position raises valid concerns, it remains imbued with the moralist stance of early feminist protest. Our previous discussion has alerted us to the cause for this concern. As Barbara Taylor further articulates:

The language of 'male lust' and female victimisation once again echoes through feminist meeting-halls, just as it did in the days when Josephine Butler stood on platforms brandishing a speculum and describing how it 'violated and humiliated' women whose only crime was to be the object of brute male instincts. Let no one doubt how deep women's anger against this degradation was, then, or how fierce it is now. Sexuality has always been the most savage arena of male/female hostilities, and will remain so as long as the desires which draw men and women toward one another are lived within a nexus of masculine power, twisted in a vice of male dominance and female subordination ... in struggling against the terrible weight of present-day sexual oppression it is all too easy to forget that the power, fear and anxiety which currently deform relations between the sexes can and eventually will be eliminated, and in their stead will emerge a new style of heterosexual relation - one based not on dominance and submission but on joyful egalitarian eroticism. If we forget this possibility, if we view ourselves as the permanent victims of male sexual coercion, then, like many of the feminist repealers of the 1880s, we too will turn toward a politics of repression.⁷⁷

As liberal feminists actively engage themselves in research and in political struggles over the issues of prostitution, pornography, reproductive freedom, and so on, the conflicts between the ideologies of

feminism and liberalism may become more apparent. As was discussed in Chapter One, liberalism is predicated upon the doctrine of separate sexual spheres, wherein the distinction between private and public is at the same time that of female and male. In a liberal society, freedom in the public realm, for men, requires the maintenance of a stable domestic environment through the labour of women. Such a social order cannot accommodate fully the demands being made upon it by feminists.⁷⁸ For liberal feminists to become aware of this point requires the realization that its relation to the theoretical base, as claimed for its own, is a tenuous one. While liberal feminists further legitimate state power (which is narrowly defined as government power) through their efforts towards government recognition of their demands, at the same time this challenge has the potential to reveal how firmly patriarchal relations are embedded in state structures and in liberalism itself.

As our discussion of socialist feminist perspectives on prostitution revealed, feminist pressure, which may result in real changes for women, also effects a "shifting of patriarchal ideology" so that its basis is further mystified, and as Eisenstein posits:

the shifting of patriarchal ideology may reflect formal rather than real gains for women as the state attempts to accommodate the tensions between liberalism and feminism.^{79A}

The entrenchment of women's rights in the Constitution, for example, is of limited benefit in the face of a conservative legal system, and "the inertia and built in opposition of the system itself",

as Rosemary Billings reveals.^{79B} Subsequently, Section 28 was a safe concession to make to feminists: it offered little threat to the state through its use, yet provided the illusion of state responsiveness to women, which would further provide them electoral support. Bill C-127, which re-defined rape as a crime of violence rather than as a sexual offence, was another feminist 'victory' which on the surface improved legal safeguards for women. Through this redefinition, it was hoped that more rapists would be prosecuted by the courts, while the stigma upon the victim would be reduced. Feminist efforts to challenge legislation, however, mean little if the mechanisms of enforcement - the police and the courts - continue to maintain their patriarchal practices.

Liberal feminists have the advantage of having a voice in the government decision making process. However, by recognizing many of the demands of liberal feminists, and liberal feminism itself as the "least threatening form" the state has managed to contain much of its "subversive" content.⁸⁰ For example, the Canadian Advisory Council on the Status of Women (CACSW) was established as a government 'think-tank' on women's issues. It is funded by the Secretary of State and presided over by a government appointee. The Advisory Council conducts important research on women in Canada. It is, however, dependent upon the federal government for its continued existence and is therefore susceptible to a 'soft-peddling' approach to feminism. This assertion was borne out during the 1980-81 debacle over the feminist proposed women's conference on the constitution, in which CACSW supported government efforts to have the event cancelled.⁸¹ More recently,

during its presentation in Ottawa to the Special Committee on Pornography and Prostitution, it advocated the most conservative of recommendations presented by a feminist organization⁸².

However, that which Eisenstein refers to as the "radical potential of liberal feminism"⁸³ is still apparent in such non-governmental bodies as the National Action Committee on the Status of Women, an umbrella group which represents over 280 member organizations across Canada. While NAC is liberal feminist dominated, its member organizations reach across the entire feminist political spectrum, as well as providing diverse regional and ethnic representation. In part, its qualified successes as a lobby group for social reform can be attributed to its ability to put aside internal differences in order to achieve immediate goals for women, as Billings asserts. The women's movement's power in Canada is a product of their work as lobbyists, rather than through the political recognition of women as a significant voting bloc.⁸⁴ It is often able to affect incremental, short term improvements in the quality of women's lives, through single issue campaigns, which socialist feminist Rosemary Billings asserts are crucial for the strategy of "societal overhaul". Moreover

The women's movement daily makes countless small demands ... The cumulative effect of such demands is that the women's movement has come to be understood and accepted by many women who would never feel comfortable associating with a progressive "political" movement, but are comfortable identifying with a progressive "incremental" one.⁸⁵

Socialist feminists can participate in these efforts, despite their recognition that the reform options of a liberal democratic state do

little to directly challenge the fundamental ideological and material conditions of female subordination.

Feminist issues can be resolved only in practice, which necessitates the mobilization of women both within male dominated spheres and in autonomous organizations.⁸⁶ These directions are evident in the emergence of prostitute's rights campaigns from the mid-1970's, comprised of prostitutes and feminists, and sometimes feminist prostitutes.⁸⁷ While their primary goal is legal reform, these organizations also represent a "coming-out" of a deviant group, in addition to conveying a challenge to women's social conditions.⁸⁸ As Margo St. James, former prostitute and 'Chair Madam' of Call Off Your Old Tired Ethics (COYOTE) states, the only thing necessary to start a prostitute's rights organization "is a lawyer, a feminist and a whore" but to make that organization work requires the support of all women.⁸⁹ Moreover, these organizations reveal that gains for women are not necessarily won by feminists alone.⁹⁰ Through her participation in PROS, a prostitutes' rights organization located in Britain, socialist feminist Eileen McLeod asserts that she has,

gained a sharp appreciation of the extent and complexity of the social processes that have to be taken into account in attempting to secure marginally better treatment for one particular group. Clearly not only the law, but also the police, welfare agencies, the media and public opinion had to be engaged with as they interlinked to pressure the status quo.⁹¹

Prostitutes' right campaigns have served to make feminists more aware of

the specifics of the nature of women's oppression, while it has made prostitutes more aware of how their condition reflects the position of women generally.⁹² This recognition is firmly implanted in Vancouver's Alliance for the Safety of Prostitutes (A.S.P.), whose organizers, prostitutes Sally de Quadros and Marie Arrington, assert that

For too long prostitutes have been regarded as society's disposable women, worthy of neither respect or protection. The time has come to fight back⁹³

Clearly, then, these organizations also demonstrate that prostitutes are thinking, active historical agents. They are not just victims of a patriarchal culture but women in struggle, whether their actions are motivated by economic necessity or through a desire for material success. That prostitutes are a particularly disadvantaged group of women is often a simplistic approach to the problem. Many are. Street prostitutes, for example, work in the least desirable conditions, for the least pay, and have the fewest avenues out of the life open to them. However, it is not usually the case that there are no alternatives available, but limited ones, and it is difficult, for instance, to support a family on the salary of a waitress or domestic servant, or on welfare. Further, once a prostitute is exposed to the amount of money that can be made through the occupation, it is difficult to relinquish. What may have begun as a temporary means of livelihood during a particularly difficult economic crunch reveals itself to be the most lucrative option available to women, for as Richard Symanski states, and as feminists recognize, "Men are willing to pay more for sexual access than for almost all forms of female labour".⁹⁴

It is apparent, however, that women do not become prostitutes through a simple mechanistic causation of their economic environment nor through female sexual slavery, as in the radical feminist argument. Were this so, all poor women would turn to prostitution to earn a livable income, given its remuneratory advantage. Some account must be made for human agency; of subjectivity and lived experience. As socialist Paul Willis asserts, cultural reproduction is capable of producing alternative outcomes.⁹⁵ Feminists must therefore address the production and reproduction of meaning as it takes place on both the individual and social levels of experience to determine the constraints of culture.

Willis recognizes two 'moments' of reproduction. First, there exist outside structures and class relationships which form symbolic and conceptual relations. These are the structural determinations which exert their influence upon the individual. However, they are not mechanical forces, but are mediated by cultural relations through human agency. These structures become sources of meaning and identity, and we make our decisions based upon their constitution. These appear to be freely made decisions to the individual. However, they serve to reproduce society's structures and functions on an aggregate level. From this, we can examine how women may be "freely compelled" to become prostitutes.⁹⁶ Given the recognition of both human agency and structural causality, we may determine the interactions of culture and structure, both of which are necessary for the dialectic of social reproduction.⁹⁷ Socialist feminist analyses have progressed the furthest in addressing this concern. However, major field studies remain

to be done to provide a source of information on prostitution for
developing this research.⁹⁸

Endnotes to Chapter Four

1. As was stated, prostitution itself is not illegal in Canada; prostitution related activities constitute the offence.
2. Budgen, Mark, "Angry Vancouver Mayor Calls Pornography Committee a Sham", Globe and Mail, 10 January 1984, pg.5
This provides an indication that the media plays a role in the construction of a public perception of a 'problem'. As Lowman finds, the media reports what it considers to be newsworthy, and in the process affects public opinion respecting the magnitude of a particular occurrence. It may, for example, affect a change in the image of the streets, rather than the streets themselves changing (see John Lowman, Geography, Crime and Social Control Ph.D. Thesis, University of British Columbia, 1982). This is not to deny that street prostitution constitutes a very real difficulty for residents of affected neighbourhoods; however, the alleged significant decline in property values indicates that perceptions of the extent of the problem by persons living external to the West End may have been exacerbated by media reporting.
3. Ibid.
4. Horgan, Denys, "Accord Sought on Ways to Curb Soliciting", Globe and Mail, 1 December 1983, p.8.
5. Bureau of Municipal Research, "A Canadian City Problem", reprinted in the National Association of Women and the Law Newsletter, Prostitution, 5 (June 1983), pp.65-72.
Despite this last claim made by CROWE, it is certainly not clear that a significant increase in sex related businesses has actually occurred in the area. It has certainly not become an established district for plying all manner of commercialized sex, as Toronto's Yonge Street was in the 1970's. Rather, the main conflict appears to be between the residents of a relatively bourgeois area, and the prostitutes who have moved on to their streets. This avenue of investigation will be discussed at greater length further below.
6. House of Commons Standing Committee on Justice and Legal Affairs, Order of Reference Respecting Soliciting for the Purpose of Prostitution, Issue 83, 11 May 1982.
7. Horgan, 1983, op cit.
8. Resolutions adopted at the 74th Annual Conference, Canadian Association of Chiefs of Police, August 24, 1979, Vancouver.

WHEREAS the provision of the Criminal Code of Canada, Section 195.1 relating to the offence of soliciting is inadequate in dealing with street prostitution, and WHEREAS police forces are experiencing serious difficulties in dealing with the problem,

Be It Resolved that Section 195 be amended by adding thereto Section 195.2 to read as follows:

195.2 for greater certainty

- a) "Prostitution" in Section 195.1 means sexual conduct performed by either a male or female person;
- b) "Public place" in Section 195.1 includes any means of transportation located in or on a public place; and
- c) "Soliciting" need not be pressing or persistent conduct in order to constitute an offence under Section 195.1.

Canadian Police Chief 8 (October 1979), p.27.

9. National Association of Women and the Law Newsletter, Prostitution, 5 (June 1983), p.58.
10. Ibid.
11. Horgan, 1983, Op cit.
12. Vancouver Coalition for a Non-Sexist Criminal Code "Appendix "July-39" Brief on Prostitution, Solicitation, Bawdy-Houses and Related Matters" House of Commons Standing Committee on Justice and Legal Affairs, Order of Reference Respecting Soliciting for the Purpose of Prostitution, Issue 83, 11 May 1982.
13. Ibid.
14. Willmot, J. The Osgoode Women's Caucus Brief on Prostitution unpublished Toronto, 1980-81.
15. The liberal feminist adaptation of the judicial use of the concept of harm, while justifiable in that it is criminal law reform which they are addressing, is problematic here. A contradiction is apparent in feminists' stances vis-à-vis pornography and prostitution. As socialist feminist Beverley Brown states, The logic of intervention is dominated by the liberal argument that it is only harms which justify intervention, that harms must be demonstrable effects and that the harm of intervention must always be less than the harm it is to alleviate.
In asserting that prostitution does not cause harm to others, these feminists make use of the judicial concept of harm; prostitution does not cause direct, measurable harm to individuals, since it is an act between consenting adults. However, in adapting the concept of harm to their treatment of pornography, liberal feminists are referring to harm caused not to individuals, but as Brown finds, to a constituency of women, in which pornography will affect individual women differently. While their use of the concept of harm

respecting prostitution has a practical utility in disclaiming state intervention into the lives of prostitutes as individuals, it ignores their use of the concept respecting pornography. Prostitution too could be perceived as harming women as a constituency by promoting the idea that female sexuality can be bought and sold. This suggests that the 'individual rights' argument of liberalism is inadequate in addressing feminist concerns. Liberalism cannot accommodate the concept of harm which feminists use to address pornography, since the effects of pornography are not tangible nor measurable upon individuals. Moreover, liberalism requires that harmful effects must be weighed against the harm caused by state intervention into the affairs of individual citizens, and intervention must be guided by general principles since it affects such a large scale of activities. Feminism, however, requests specific forms of intervention, through addressing singular issues and locally based activities.

Therefore, liberal feminists are becoming enmeshed in contradictory positions respecting prostitution and pornography, since they cannot balance the logic of liberalism with the goals of feminism. As Brown finds, "liberalism is inappropriate to feminism" because

liberalism offers neither a means of representing a feminist interest or a harm to that interest, nor a means of reckoning the type of harmful effects feminism seeks to emphasize; nor a way of thinking such a harm in relation to non-generalised forms of intervention.

(See Beverley Brown, "A Feminist Interest in Pornography" m/f 56 (1981), pp.11,13).

As will be discussed in the final section of this chapter, liberal feminists must move beyond their theoretical tradition if the long term goals of feminism are to be realized. The issue of prostitution cannot be sufficiently posed through an assertion of individual rights, yet neither should this discount feminist efforts to have prostitution decriminalized. Decriminalization should be justified by the radical feminist notion of 'sisterhood'; that prostitutes are part of a community of women who must struggle against external forms of patriarchal control.

16. Vancouver Coalition, 1982, op cit.
17. National Association of Women and the Law Newsletter, Prostitution, 5 (June 1983), p.23.
18. The defence of 'honest belief' is therefore not admissible, as it is in rape cases, in order to provide protection for children. The

National Action Committee on the Status of Women questions this contradiction in the law and asserts that this defense should not be permissible in rape cases either, in the interests of protection of women. Andrew, Kate "Prostitution: A History of Legal Developments" Kinesis, (May 1983), p.16.

19. The House of Commons Standing Committee on Justice and Legal Affairs Seventh Report, 6 May 1982.

The Committee further specified that its terms of reference - street solicitation - was a narrow one, addressing only the most visible aspects of prostitution. As their report stated:

constrained as it is by its terms of reference, the Committee has not attempted to deal with prostitution at large. It is a very contentious issue, involving broad social and economic issues. It warrants a complete review in the near future.

20. From the recommendations of the Standing Committee, the Justice Minister proposed that Section 195.1 of the Criminal Code be broadened as follows:

Section 195.1 of the said Act is amended by adding thereto the following subsection:

(2) In this section,
"prostitution" includes obtaining the services of a prostitute;
"public place" includes a motor vehicle located in or on a public place.

see: Proposed Act to Amend the Criminal Code, Minister of Justice, Ottawa, 25849.

also see: Calgary Herald "Sex Bill 'Green Light' for Prostitutes" Herald Staff (24 June 1983) p.1.

21. At the same time that public concern over prostitution emerged as a focal point for discussion, a similar debate was occurring respecting the dissemination of pornographic material. In this instance, the lines were drawn between those groupings demanding further regulation of the material (including persons with traditional social values, who regarded it as an affront to human decency, and feminists, for whom it was regarded as promoting the sexual exploitation of and violence towards women) and those who viewed the consumption of this material as a matter of individual choice ('progressive' liberals).

The Committee's terms of reference are therefore stated as:

1. to consider the problems of access to pornography, its effects and what is considered to be pornographic in Canada;
2. to consider prostitution in Canada with particular reference to loitering and street soliciting for prostitution, the operation

of bawdy houses, living off the avails of prostitution; the exploitation of prostitutes and the law relating to these matters;

3. to ascertain public views on ways and means to deal with these problems by inviting written submissions from concerned groups and citizens and by conducting public meetings in major centres across the country;
4. to consider, without travelling outside Canada, the experience and attempts to deal with these problems in other countries including the U.S., E.E.C. and selected Commonwealth countries such as Australia and New Zealand;
5. to consider alternatives, report its findings and recommend solutions to the problems associated with pornography and prostitution in Canada, as soon as possible, but not later than December 31, 1984.

Pornography and Prostitution: Issues Paper Department of Justice, Ottawa, November 1983, pp.1-2.

22. The mandate of the Special Committee on Pornography and Prostitution - the 'Fraser Committee' - is a much broader one, and it hopes to address all aspects of prostitution in Canada. However, the content of submissions presented to the committee thus far indicate that the focus is again being directed to street solicitation by concerned groups. This indicates that the committee may not adequately be able to address the scope of its mandate. Street solicitation and prostitution are complimentary but not synonymous activities. An adequate conceptualization of prostitution and how it does or does not constitute a source of concern must move beyond this narrow focus.
23. Taylor, Ian, Crime, Capitalism and Community (Toronto: Butterworths, 1983).
24. Humphries, Jane, "Women: Scapegoats and Safety Valves in the Great Depression" Review of Radical Political Economics 8:1 (Spring 1976), pp.98-121.
25. Concerned Residents of the West End, A submission to the House of Commons Standing Committee on Justice and Legal Affairs: Respecting Soliciting for the Purpose of Prostitution, Issue 83, May 1982.
26. Mulgrew, Ian, "One of Five in B.C. Lives on Welfare, U.I." Globe and Mail 5 April 1984, p.1.

27. The Alliance for the Safety of Prostitutes, quoted in the Brief to the Special Committee on Pornography and Prostitution National Action Committee on the Status of Women, February 1984.
This assertion cannot be empirically validated, as there are as yet no studies available to demonstrate a causal correlation between rising unemployment and an increase in street prostitution. Moreover, crime enforcement statistics do not provide a useful indication of an increase in the activity over recent years, as changes in interpretation of prostitution legislation have made it more difficult to arrest or convict prostitutes. Therefore, these statistics indicate a decrease in arrest and conviction rates, thus inaccurately inferring a decrease in prostitution. We can, however, compare A.S.P.'s assertions to the case of Britain, where statistical evidence is available which indicates a positive correlation between an increase in prostitution and that country's economic crisis. Further, in Britain too a prostitute's organization asserts that an increasing number of women are going "on the game" because of lack of alternative employment. They also indicate that as the numbers grow, and as "punters" (clients) also feel the economic pinch, the ratio of Prostitutes to clients increases and prices drop, resulting in many leaving the occupation in the hopes of finding a more viable means of support. See P.R.O.s Street Beat 6 (1983).
28. Ibid, p.9
While native women in particular comprise less than 5% of the Canadian population, they are 48% of the population of women imprisoned in Canada, the greatest number of whom are incarcerated for prostitution. Socialist feminists therefore rightly assert that the criminalization of street solicitation indicates that both class and race discrimination are a structured logic embedded in the law.
29. Kinesis Staffwriter, "Prostitutes .. An End to the Invisibility" Kinesis (May 1983), p.13.
30. Ibid.
31. Lowman, 1982, op cit.
32. Ibid.
33. Felming, Thomas "The Bawdy House Boys" Canadian Criminology Forum 3:2 (Spring 1981).
This occurrence provides a further indication that both prostitutes and homosexuals may be used as scapegoats for a larger problem, since both groups were widely persecuted for the actions of the two individuals who committed the offence.

34. Calgary Herald "Massage Parlours Raided; 25 on Prostitution Charges", 11 May 1977, P.1
Occurring at the time that they did, these actions were very likely prompted by the murder of Jacques in Toronto. The public outrage resulting from the boy's death was not confined to Toronto, but was experienced all across Canada at this time.
35. Lowman, 1982, op cit.
36. Hall, Stuart, "Reformism and the Legislation of Consent" National Deviancy Conference Permissiveness and Control (London: Macmillan, 1980).
37. While the definition of prostitution as a criminal offence certainly implies a more serious matter for the prostitute, as we have seen, interpretations of the legislation make it difficult to enforce. The creation of bylaws to apprehend prostitutes would attempt to overcome this, with more punitive repercussions for the prostitute.
38. Conversation with Ian Taylor, June 4, 1984.
39. MacNamara, Donald and Edward Sagarin, Sex, Crime, and the Law (New York: Free Press, 1977).
40. Conversation with Ian Taylor, June 4, 1984.
Karl Marx defines this as an aspect of reification, whereby capitalism converts relations between people into relations between commodities.
Karl Marx, Capital Volume One (Moscow: Progress, 1978).
41. Wilhelm Reich and Herbert Marcuse initiated this analysis in their separate attempts to unite marxism and psychoanalysis for the provision of a theory of human behaviour under capitalism. Each advocated the liberation of humanity from all forms of authority. Reich asserted that repression of the psychic structure begins in childhood, when there occurs a conflict between "life energy" and the moral authority of the father, resulting in the sexual crippling of the individual. This further results in a society comprised of individuals who are afraid of life and of authority, leaving them open to control by powerful persons. The liberation of human sexuality, said Reich, is the means by which the authoritarian social order will be overthrown. To achieve this end we must first replace the traditional repressive marriage with "natural" marriage, the basis of which is free association in sexual union, realize economic independence for women, and restructure our childrearing practices so that they become a social responsibility rather than the duty of individual women.

Marcuse, while influenced by the work of Reich, attempted to move beyond him in order to explain the persistence of capitalism. Marcuse maintained that capitalism requires people to sacrifice their humanity by selling their labour power to others in non-fulfilling work: it requires the deflection of the libido into socially useful activity. He further developed a distinction between basic and surplus repression. The former is necessary for societal functioning through the restraint and guidance of instinctual drives, resulting in an increase in gratification. The latter, however, constitutes the restraint of instinctual drives for the social control of individuals, in order that a particular group may maintain control of socially valued resources. For instinctual liberation to a state of freedom, Marcuse proposed, individuals must have socially useful and enjoyable work, which is not possible in a capitalist, patriarchal society.

See Wilhelm Reich, The Mass Psychology of Fascism (New York: Pocket Books, 1976); Herbert Marcuse, Eros and Civilization (New York: Vintage, 1962).

42. Christopher Lasch, The Culture of Narcissism (New York: Norton, 1978).
43. Ibid, p.xvi.
44. Ibid, p.xv.
45. Juliet Mitchell, Women's Estate (New York: Vintage, 1973).
46. Ehrenreich, Barbara, The Hearts of Men (New York: Anchor, 1984).
- 47A Canadian Advisory Council on the Status of Women, It's Your Turn: A Handbook for Canadian Women (Ottawa: Ministry of Supply and Services, 1983).
- 47B As cited in Ehrenreich, 1984, op cit.
48. Ibid.
 "40% of marriages currently end in divorce; 83% of single-parent families are headed by women and almost half of these families live below the poverty line."
49. This particular example appears indicative only of the family's inadequacies respecting men's fulfillment; however, inherent in this logic is the recognition of the sexual suppression of women in the home, as has been discussed earlier in this work.
50. The federal government branch of the state in particular now finds itself in the uncomfortable position of maintaining its own legitimization while faced with massive polarization among the Canadian

public. A government which defines itself as liberal cannot concede too much to the shift to the right without enacting social and economic policies which stand in contradiction to its own political ideology, yet a failure to address these concerns could result in the demise of its own political power at the election polls.

51. Jessop, Bob, The Capitalist State (Oxford: Martin Robertson, 1982).
52. Panitch, Leo, "The Role and Nature of the Canadian State" The Canadian State (Toronto: University of Toronto Press, 1977).
53. Ibid., p.7.
54. Jessop, 1982, op cit.
55. Boggs, Carl, Gramsci's Marxism (London: Pluto, 1976), p.17.
56. Walkowitz, Judith, "The Politics of Prostitution" Catharine R. Stimpson and Ethel Spector Person Women: Sex and Sexuality Chicago: University of Chicago Press, 1980, p.154.
57. I use this term loosely here, since liberalism is obviously an ideology in decline. Nevertheless, the federal government (the predominant branch of the state) defines itself as a liberal one, and it is to this body that liberal feminists primarily address themselves.
58. Harrison and Mort, 1980, op cit., p.82.
59. Smart, 1981, op cit., p.44.
60. While the manifest intention of this bylaw is control of the streets, since it did not include other forms of unacceptable conduct such as swearing and fighting, its real intention was to single out prostitution as a special concern.
61. Reasons for Judgment of His Honour, Judge H. G. Oliver In the Province of Alberta Between Her Majesty the Queen and Lenore Jacqueline Westendrop, Calgary, Alberta, October 7, 1981.
62. Sallot, Jeff, "Calgary Bylaw Ruled Unconstitutional" Globe and Mail 26 January 1983, reprinted in National Association of Women and the Law Newsletter, 1983, op cit.
63. Pornography and Prostitution: Issues Paper, 1983, op cit.
64. Rozovsky, L.E. and Rozovsky, F.A., Legal Sex (Toronto: Doubleday, 1982).

65. Hoegg, Lois, "Summary of Case Law on Soliciting" National Association of Women and the Law Newsletter, 1983, Op cit, pp.39-42.
66. Ibid.
67. Although the federal government has been known to enforce some decidedly right wing economic policies, like the '6 and 5 program', for example.
68. Report of the Royal Commission on the Status of Women in Canada (Ottawa: Ministry of Supply and Services, 1970) p.371.
69. Perhaps it is time for feminists to re-establish consciousness raising groups, a practice which has fallen by the wayside in recent years, in order to provide a direction for theorizing. As Hollibaugh and Moraga posit, we must move beyond the discussion of sexual oppression to one of determining what women find sexually pleasurable and why these experiences may be a source of gratification. See Amber Hollibaugh and Cherrie Moraga, "What We're Rollin Around in Bed With: Sexual Silences in Feminism" Ann Snitow et al, Powers of Desire (New York: Monthly Review, 1983).
70. Socialist feminists are now conducting a substantial amount of research of this kind. See, for example: Ann Snitow et al, Powers of Desire, 1983, op cit; Rosalind Coward, Female Desire: Women's Sexuality Today (London: Paladin, 1984); Eileen Phillips (ed) The Left and the Erotic (London: Lawrence and Wishart, 1984); Jane Root, Pictures of Women: Sexuality (London: Pandora Press, 1984).
71. Walkowitz, 1983, in Snitow, op cit.
72. Kathy Peiss, "Charity Girls and City Pleasures: Historical Notes on Working Class Sexuality, 1880-1920" in Snitow, op cit.
73. Walkowitz, 1983, in Snitow, op cit.
74. Ibid.
75. Willis, Ellen, "Feminism, Moralism and Pornography" Snitow, 1983, op cit.
76. Kinesis Staffwriters, 1983, op cit.
77. Taylor, Barbara, "Female Vice and Feminist Virtue" New Statesman (23 January 1981) p.17.
78. Eisenstein, 1981, op cit.

79A Ibid.

79B See Rosemary Billings' Introduction to Kome, Peggy, The Taking of Twenty-Eight (Toronto: The Women's Press, 1983).

80. Eisenstein, 1981, op cit.

81. Kome, 1983, op cit.

82. The CACSW recommended that the federal government de-sexualize soliciting laws so that any form of pressing and persistent solicitation be criminalized and prostitution not be singled out special treatment.

83. Eisenstein, 1981, op cit.

84. Kome, 1983, op cit.

With preparations under way for the 1984 federal election, we are now, however, beginning to notice the development of a significant 'gender gap' in the polls. This indicates that women in Canada may now be gaining power as a voting bloc as well, as competing parties vie for the female vote.

85. Ibid.

See Rosemary Billings' Introduction.

86. Finn, Geraldine, "Conclusion" Angela Miles and Geraldine Finn Feminism in Canada: From Pressure to Politics (Montreal: Black Rose, 1982).

87. For lists of prostitute's rights organizations see Eileen McLeod, Women Working: Prostitution Now (London: Croom Helm, 1982 and. Jillian Ridington, Prostitution Law: An International Comparison A background paper prepared for the Canadian Advisory Council on the Status of Women, February, 1983.

88. McLeod, op cit., 1982.

89. Lindsey, Karen, "Streetwalkers Organize in Boston" Ms. Magazine September, 1976. COYOTE, -a San Francisco based "loose-woman's organization", distributes 'bad trick sheets' and reveals the identities of 'vice cops' for the protection of street prostitutes, as well as lobbying government for the decriminalization of prostitution and lending its support for the Equal Rights Amendment and other U.S. feminist concerns. The Alliance for the Safety of Prostitutes (A.S.P.) in Vancouver, has modelled itself after this charter organization, as have numerous other prostitutes' rights organizations around the world.

90. McLeod, 1982, op cit.

91. Ibid, p.123.
92. Ibid.
93. The Alliance for the Safety of Prostitutes information pamphlet, n.d.
94. Quoted in the National Action Committee on the Status of Women brief, 1984, op cit, p.7.
95. Willis, Paul, Learning to Labour (Westmead: Saxon House, 1977).
96. A phrase devised by Pat Armstrong and Hugh Armstrong, "Beyond Sexless Class and Classless Sex: Towards Feminist Marxism" Studies in Political Economy 10 (Winter, 1983) pp.7-44.
97. Willis, 1977, op cit.
98. Some of this research is in the process of being conducted in Canada, by the Department of Justice, the Canadian Advisory Council on the Status of Women and by individuals in Vancouver, B.C.

Chapter Five: Conclusion

This research has revealed that socialist feminist research provides the most comprehensive analysis of prostitution in particular and the status of women in general. We have seen that the 'Canadian dilemma' respecting prostitution is indicative of the wider set of social and economic forces at work in this conjuncture, characterized by both an economic crisis and a crisis in sexual relations. These crises pose a severe threat to women's advances of the past two decades. The ability of feminists to maintain a foothold in these circumstances depends to a large extent on their ability to influence state policy. Feminist power vis à vis the state, however, is circumscribed by the state's role in the reproduction of capitalist and patriarchal power. Moreover, it is problematized by the internal contradictions inherent in the state structure, whereby a gain in one area may result in further resistance in another.

To summarize the relations of feminism to the state, we have found that the state has recognized liberal feminism as the least disruptive political force. By accommodating liberal feminism and recognizing some of its demands, it has managed to contain the radical content of feminism and maintain its own hegemonic power. As a result of this accommodation, liberal feminists can affect some reforms to the benefit of women. However, these do not, in their own right, represent major progress for women. Their attainment entails a shifting of patriarchal ideology on the part of the state, so that its relation to capitalist and patriarchal interests is further obscured, without these interests

actually being threatened.

In spite of this, women must keep up a tremendous pressure on the state, in recognition of the threats which are now being presented to women's advancements. Feminist victories are easily revoked in periods of economic and social instability. Moreover, feminists must recognize that formal gains which have been won, or remain to be won, may not be used to women's advantage, unless feminists recognize and challenge patriarchal power on all fronts. Legislative reform in particular means little if the mechanisms of enforcing it remain structured in dominance.

All feminists may use the unique structure of the Canadian women's movement to their advantage in this task. Beyond using community based women's groups for promoting local interests, Canadian women can affect policy decisions at the national level as a result of the liberal feminist voice in the government decision making process. In face of resistance from conservative moralists, and a government reform process which sometimes appears to progress apace of water wearing down a stone, the lobbying force of NAC and the research on women provided by the CACSW are an effective combination in making women's collective voice heard. As some advances are made for women, however, socialist feminist research advises that feminists must not be deluded into believing that these gains demonstrate "that our system is sufficiently elastic to be able to accommodate women's movement demands ad infinitum".¹ The accommodation of liberal feminism by the state has made this difficult to realize for most women. As Billings informs:

Feminist analysis of why some of the major lobbying efforts (abortion, equal pay) have not been productive have wound up as self-blame ... There is little conscious recognition of the fact that any social movement that is clearly out to reduce the powers of entrenched institutions is going to encounter massive resistance. Some change may occur, to be sure, but that change will only be in response to intolerable pressure, will only occur at the margins, and will be easy to undo once the heat is off.²

With regards to prostitution in particular, socialist and socialist feminist research have revealed the limitations of the state in its ability to deal with the activity. A state which upholds capitalist and patriarchal interests can merely shift prostitution around in an attempt to make it invisible, since prostitution is a product of these interests. At the same time, however, it must respond to pressure from various groups in order to give the appearance of democracy at work. Feminists must therefore keep up the battle for decriminalization in attempt to eliminate at least some of the formal control of prostitutes, and affect some real changes in the quality of their lives. They must, however, carry this battle on into their communities should decriminalization occur (which is not likely, in light of the competing forces at work) to prevent the further persecution of prostitutes through the use of such measures as discriminatory bylaws.

Feminists need also recognize that prostitutes are active historical agents in their own right, and take account of their lived experiences... One of the best ways for feminists active in prostitutes' rights campaigns to keep from lapsing into moralism (or benevolence)

in their sexual politicking is to work with prostitutes themselves.

Such measures further help to address feminist concerns about prostitution, beyond their legal status in society. By this I do not mean making attempts at reforming prostitutes themselves, as early liberal feminists unsuccessfully attempted, but in recognizing why prostitutes are who they are, providing a support network, and attempting to prevent further abuses.

Finally, feminists must attempt to address the wider set of social relations which create prostitution. This is particularly important now since it is apparent that women's position in the labour market, marginal as it is, is being further threatened. The general feminist interest in separating sexuality from economics requires both short term and long range planning, and the contribution of the most salient features that each of the feminist perspectives have made to the women's movement. Radical feminism has contributed the understanding that 'the personal is political'. Liberal feminists have gained access to political power. The insights of socialist feminist research, however, provide the best basis for strategizing.

Clearly, a program which addresses prostitution is one that entails social and economic reform on a large scale. The state must acknowledge the growing 'feminization of poverty' as an increasing number of women are put into the position of supporting themselves and their children in a hostile economic climate. This requires the implementation of feminist goals like equal pay, pensions for

homemakers, access to quality childcare, affirmative action programs, and skills retraining programs, as well as the improvement of existing social services.³ Moreover, it entails the recognition of the disappearance of the traditional nuclear family, as part of the reason for this phenomenon. A social policy which addresses the reality of poor women's lives must "de-privilege" this dominant concept of the family and recognize the growing diversity of its forms.⁴ A socialist strategy recognizes that it is the responsibility of the state to meet the needs of its citizens. What we are referring to here is an "accountable" and "responsible" welfare state through the "enshrinement of the social needs of a broad variety of social interests as rights in law."⁵

The extent of the economic crisis is such that these transformed social policies are not only necessary to meet the needs of persons living outside of the nuclear family, but within it as well. As Ehrenreich documents, the 'family wage' system itself has collapsed under the forces of capitalism. Corporate wealth is not being spread among employees through an increase in wages in sufficient amounts to keep pace with inflation, but instead is being directed towards overseas investments, finance speculation, and the manufacture of luxury consumer goods rather than useful products.⁶ As we have seen, the two-income family is now necessary to maintain over half of Canadian families above the poverty line, and the 'second' income received from women's work outside of the home may be barely sufficient to pay the cost of childcare and additional expenses entailed by working outside of the home like transportation and clothing. Therefore, while the

expansion of the welfare state is not a socialist's, or anyone's, idea of a sound future for Canada, as Ehrenreich states:

we have very little immediate alternative. If women had won equality and economic independence before the collapse of the family wage system, we might be able to step right into the liberal feminist vision of an androgynous and fully capitalist society. But the collapse of the family wage came first, before either the economy or the culture was ready to admit the female breadwinner on equal terms. The result is that for an increasing number of women and children, services that might comprise an adequate welfare state are now a matter of survival.

It is not likely that a socialist government will come to power in Canada for some time to come to implement these reforms. However, on the short term socialist feminists may pressure the N.D.P. to adopt them into their policy. The progressive policies of an opposition party have been known in the past to be implemented by the party in power, in order to maintain their electoral advantage. The implementation of senior citizens' pensions by the Diefenbaker government provides one example.

This appears to be a long road to have travelled from a discussion of prostitution. However, we cannot avoid the direct connection that the availability of prostitutes bears to women's position in the labour market, which is determined by the particular interrelation of capitalist and patriarchal forces in Canada today. Since the female labour market in Canada is contracting, it is not surprising that prostitution has become problematized. We must comprehend the position of women generally if we are to understand the lived circumstances of

prostitutes, and develop both short term and long range strategies for dealing with each. To challenge the social relations which create the market for prostitution, however, represents yet another avenue of struggle.

Endnotes to Chapter Five

1. Rosemary Billings in Kome, 1983, op.cit., p.14.
2. Ibid.
3. Ehrenreich, 1984, op.cit.
4. Anna Cootes in Ian Taylor, Law and Order (London: Macmillan, 1981).
Cootes recommends that a household be defined as any place where children live, regardless of the number of adults.
5. Taylor, 1983, op cit., p.34.
Welfare programs do not have to be paternalistic, however. They can recognize women's independence through the use of citizen participation and self-help programs, rather than implementing policies through the bureaucratic and professional dominance so prevalent in authoritarian liberalism.
See Ehrenreich, 1984, op cit.
A redefinition of the family, according to Cootes, need not directly challenge the nuclear family itself. The traditional family form remains a popular idea, and where it still exists it provides a source of support which is not found within the community at large.
6. Ehrenreich, 1984, op cit.
The Canadian situation is only distinct from the U.S. in that corporate profits accrued in Canada have always flowed out of the country, rather than building up the Canadian economy, as a result of foreign (primarily U.S.) ownership of Canadian industry.

The 'real' income of Canadian families has also declined. The statistics below are the average income for Canadian families for the years 1979, 1981, and 1982, measured in constant 1982 dollars.

Average Family Income

1979	33,283
1981	33,727
1982	32,981

From: Statistics Canada, Income Distribution by Size in Canada (1982) Table-Publication 13-207, Table Two.

7. Ehrenreich, 1984, op cit., p.180.
Canada's social policies seem to be moving in the opposite direction, however. Neither the federal government nor the provinces can accommodate an extensive welfare system and prop up capitalism too. Major changes in economic policies would be required to meet these needs, including the nationalization of Canadian industries to keep profits from filtering out of the

country, decreasing foreign investment by Canadian banks, increasing corporate taxes and reducing military spending. In short, the establishment of an adequate welfare state requires a major redistribution of wealth.

Bibliography

Alexander, Priscilla, A Look at Prostitution prepared for the National Organization of Women, U.S.A. (March, 1983).

Alliance for the Safety of Prostitutes, Information Pamphlet, no date.

Andrew, Kate, "Prostitution: A History of Legal Developments" Kinesis (May, 1983).

Armstrong, Pat and Armstrong, Hugh, A Working Majority (Ottawa: Ministry of Supply and Services, 1983).

Armstrong, Pat, and Armstrong, Hugh, "Beyond Sexless Class and Classless Sex: Towards Feminist Marxism" Studies in Political Economy 10 (Winter, 1983).

Barrett, Michelle, Women's Oppression Today (London: Verso, 1980).

Barrett, Michelle, and Mary McIntosh, The Anti-Social Family (London: Verso, 1982).

Barry, Kathleen, Female Sexual Slavery (New York: Avon, 1979).

Bebel, August, Women Under Socialism (New York: Source Book Press, 1970).

Beechey, Veronica, "On Patriarchy" Feminist Review 3 (1979).

Benston, Margaret, "The Political Economy of Women's Liberation" Monthly Review 21 (September, 1969).

Bernstein, J. et al., "Sisters, Brothers, Lovers ... Listen ..." Canadian Woman's Educational Press Collective (eds) Women Unite! (Toronto: Canadian Woman's Educational Press, 1972).

Bland, Lucy, et al., "Sexuality and Reproduction: Three Official Instances" Michelle Barrett, et al. (eds) Ideology and Cultural Reproduction (London: Croon Helm, 1979).

Boggs, Carl, Gramsci's Marxism (London: Pluto, 1976).

Boles, Jacqueline and Charlotte Tatro, "Legal and Extra Legal Methods of Controlling Prostitution: A Cross Cultural Comparison" International Journal of Comparative and Applied Criminal Justice 2 (Spring, 1978).

Boyer, Debra and Jennifer James, "Juvenile Prostitution" C. Griffiths and M. Nance (eds) The Female Offender Simon Fraser University Research Centre, Vancouver, British Columbia, 1980.

Brown, Beverley, "A Feminist Interest in Pornography" m/f 5/6 (1981).

Brownmiller, Susan, Against Our Will: Men, Women and Rape (New York: Simon and Schuster, 1975).

Budget, Mark, "Angry Vancouver Mayor Calls Pornography Committee a Sham" Globe and Mail (10 January 1984), p.5.

Butler, Josephine, Personal Reminiscences of a Great Crusade (London: Horace Marshall & Sons, 1896).

Calgary Herald "Massage Parlours Raided: 25 on Prostitution Charges" (11 May 1977), p.11.

Canadian Advisory Committee on the Status of Women, It's Your Turn: A Handbook for Canadian Women (Ottawa: Ministry of Supply and Services, 1983).

Canadian Advisory Council on the Status of Women, Prostitution in Canada (Ottawa: Ministry of Supply and Services, 1984).

Canadian Advisory Council on the Status of Women, On Pornography and Prostitution brief to the Special Committee on Pornography and Prostitution (April, 1984).

Canadian Police Chief 8 (October, 1977).

Charvet, John, Feminism (London: J. M. Dent and Sons, 1982).

Chesler, Phyllis, Women and Madness (New York: Avon, 1973).

Chesney-Lind, Meda, "Re-Discovering Lilith: Mysogyny and the 'New' Female Criminal" C. Griffiths and M. Nance (eds) The Female Offender Simon Fraser University Research Centre, Vancouver, British Columbia, 1980.

Chodorow, Nancy, The Reproduction of Mothering (Berkeley: University of California Press, 1978).

Clarke, L. and Lange, L., The Sexism of Social and Political Theory (Toronto: University of Toronto Press, 1979).

Cole, Susan, "Millett on Sexuality: Describing Arcs of Our Own" Broadside 5:4 (April, 1984).

Connelly, Pat, Last Hired, First Fired (Toronto: Women's Press, 1978).

Coward, Rosalind, Female Desire: Women's Sexuality Today (London: Paladin, 1984).

Coward, Rosalind, Patriarchal Precedents (London: Routledge and Kegan Paul, 1983).

Daly, Mary, Beyond God the Father (Boston: Beacon, 1973).

DeCrow, Karen, Sexist Justice (New York: Random House, 1974).

Dixon, Marlene, Women in Class Struggle (San Francisco: Synthesis, 1978).

Dworkin, Andrea, Pornography: Men Possessing Women (New York: Perigree, 1979).

Ehrenreich, Barbara, The Hearts of Men (New York: Anchor, 1984).

Eisenstein, Zillah, "Some Notes on the Relations of Capitalist Patriarchy" Z. Eisenstein (ed) Capitalist Patriarchy and the Case for Socialist Feminism (New York: Monthly Review, 1979).

Eisenstein, Zillah, "Developing a Theory of Capitalist Patriarchy and Socialist Feminism" Z. Eisenstein (ed) Capitalist Patriarchy and the Case for Socialist Feminism (New York: Monthly Review, 1979).

Eisenstein, Zillah, The Radical Future of Liberal Feminism (New York: Longman, 1981).

Eisenstein, Zillah, "Reform and/or Revolution: Towards a Unified Women's Movement" Lydia Sargent (ed) Women and Revolution (Montreal: Black Rose, 1981).

Elizabeth Fry Society of Toronto, Submission to the Special Committee on Pornography and Prostitution (February, 1984).

Engels, Frederick, The Origin of the Family, Private Property, and the State (Moscow: Progress, 1977).

Evans, Sarah, Personal Politics (New York, Random House, 1979).

Fee, Terry, "Domestic Labour: An Analysis of Housework and its Relation to Productive Forces" Review of Radical Political Economics 8 (Spring, 1976).

Finn, Gerladine and Angela Miles, Feminism in Canada (Montreal: Black Rose, 1982).

Firestone, Shulamith, The Dialectic of Sex (New York: Morrow, 1970).

Fleming, Ian, "The Bawdy-House Boys" Canadian Criminology Forum 3:2 (Spring, 1981).

Foucault, Michel, The History of Sexuality (New York: Random House, 1980).

Fox, Bonnie, (ed) Hidden in the Household (Toronto: Women's Press, 1980).

Friedan, Betty, The Feminine Mystique (New York: Dell, 1963).

Fritz, Leah, Dreamers and Dealers (Boston: Beacon, 1979).

Gardiner, Jean, "Women's Domestic Labour" New Left Review 89 (January-February, 1979).

Goldfield, E., et al, A Woman is a Sometime Thing (Toronto: New Hogtown Press, 1971).

Gordon, Linda and Allen Hunter, "Sex, Family and the New Right" Radical America 11:6 (1977-8).

Greer, Germaine, The Female Eunuch (Great Britain: MacGibbon and Kee, 1970).

Griffin, Susan, Pornography and Silence (New York: Harper and Row, 1981).

Guettel, Charnie, Marxism and Feminism (Toronto: Women's Press, 1974).

Hall, Stuart, "Reformism and the Legislation of Consent" National Deviancy Conference (eds) Permissiveness and Control (London: Macmillan, 1980).

Harrison, Rachel and Frank Mort, "Patriarchal Aspects of Nineteenth Century State Formation" P. Corrigan (ed) Capitalism, State Formation and Marxist Theory (London: Quartet, 1980).

Hartmann, Heidi, "The Unhappy Marriage of Marxism and Feminism" Lydia Sargent (ed) Women and Revolution (Montreal: Black Rose, 1981).

Herald Staff, "Sex Bill 'green light' for Prostitutes" Calgary Herald (24 June 1983), p.1.

Hoegg, Louis, "Summary of Case Law on Soliciting" National Association of Women and the Law: Newsletter Prostitution 5:2 (June 1983).

Hollibaugh, Amber and Cherrie Moraga, "What We're Rollin Around in Bed With: Sexual Silences in Feminism" Ann Snitow, et al. The Powers of Desire (New York: Monthly Review, 1983).

Horgan, Denys, "Accord Sought on Way to Curb Soliciting" Globe and Mail (1 December 1983), p.8.

House of Commons Standing Committee on Justice and Legal Affairs, Order of Reference Respecting: Soliciting for the Purpose of Prostitution Issue 83 (June 1982).

House of Commons Standing Committee on Justice and Legal Affairs, Seventh Report (6 May 1982).

Humphries, Jane, "Women: Scapegoats and Safety Values During the Great Depression" Review of Radical Political Economics 8:1 (Spring 1976).

Jaggar, A. and Rothenberg Struhl, P., Feminist Frameworks (New York: McGraw-Hill, 1978).

James, Jennifer, "Prostitution: Arguments for Change" S. Gardon and R. Libby (eds) Sexuality Today and Tomorrow (North Scituate: Duxbury, 1977).

James, Jennifer, "Prostitutes and Prostitution" Deviants: Voluntary Actors in a Hostile World Edward Sagarin, Fred Montunino (eds) (New York: General Learning Press, 1977).

James, Jennifer, "Women as Sexual Criminals and Victims" J. Longlaws and P. Schwartz (eds) Sexual Scripts (Hinsdale: The Dryden Press, 1977).

James, Jennifer, "Prostitute as Victim" J. Chapman and Margaret Gates (eds) Victimization of Women (Beverly Hills: Sage, 1978).

James, Jennifer, "The Prostitute as Victim" B. Raffel Price, N. Sokoff (eds) The Criminal Justice System and Women (New York: Clark Boardman, 1982).

Jessop, Bob, The Capitalist State (Martin Robertson: Oxford, 1982).

Kinesis "Prostitutes: An End to Invisibility" Staff writers (May, 1983).

Kollontai, Alexandra, Selected Writings (New York: Norton, 1977).

Kuhn, Annette, "Structures of Patriarchy and Capital in the Family" A. Kuhn and A. Wolpe (eds) Feminism and Materialism (London: Routledge and Kegan Paul, 1978).

Landes, Joan, "Wages for Housework: Subsidizing Capitalism?" Quest 2 (Fall, 1975).

Lasch, Christopher, The Culture of Narcissism (New York: Norton, 1979).

Layton, Monique, Prostitution in Vancouver: Official and Unofficial Reports Vancouver Police Commission, 1975.

Lindsey, Karen, "Streetwalkers Organize in Boston" Ms. (September, 1976).

Lowman, John, Geography, Crime, and Social Control Ph.D. Thesis, University of British Columbia, 1982.

Macmillan, Jackie, "Prostitution As Sexual Politics" Quest 4:1 (Summer, 1977).

MacNamara, D., and E. Sagarin, Sex, Crime, and the Law (London: Free Press, 1977).

Marchiano, Linda 'Lovelace', Ordeal (U.S.A.: Star Paperbacks, 1980).

Marcuse, Herbert, Eros and Civilization (New York: Vintage, 1962).

Marx, Karl, Capital: Volume One (Moscow: Progress, 1978).

Millett, Kate, Sexual Politics (New York: Ballantine, 1969).

Minister of Justice Communique, Ottawa (23 June 1983).

Mitchell, Juliet, Psychoanalysis and Feminism (New York: Vintage, 1974).

Mitchell, Juliet, Women's Estate (New York: Vintage, 1973).

Marx, Karl, A Contribution to the Critique of Political Economy (Moscow: Progress, 1970).

Marx, Karl and Engels, Frederick, The German Ideology (Moscow: Progress, 1977).

Molyneux, Maxine, "Beyond the Domestic Labour Debate" New Left Review 116 (July-August, 1979).

Montreal Association of Women and the Law, Position Paper on Soliciting (November, 1980).

Morgan, Robin, Going Too Far (New York: Vintage, 1978).

Morton, Peggy, "A Woman's Work is Never Done" Women Unite! (Toronto: Women's Press, 1972).

Mulgrew, Ian, "One of Five in B.C. Lives on Welfare, U.I." Globe and Mail (5 April 1984), p.1.

McDonough, R, and Harrison, R, "Patriarchy and Relations of Production" Annette Kuhn and Ann Marie Wolpe (eds) Feminism and Materialism (London: Routledge and Kegan Paul, 1978).

McIntosh, Mary, "Who Needs Prostitutes?" Carol Smart and Barry Smart (eds) Women, Sexuality and Social Control (London: Routledge and Kegan Paul, 1978).

McIntosh, Mary, "The State and the Oppression of Women" A. Kuhn and A. Wolpe (eds) Feminism and Materialism (London: Routledge and Kegan Paul, 1978).

McIntosh, Mary, The Sociology of Prostitution unpublished manuscript, no date.

McLeod, Eileen, "Man-Made Laws for Men? The Street Prostitutes' Campaign Against Control" B. Hutter and G. Williams (eds) Controlling Women (London: Croon Helm, 1980).

McLeod, Eileen, Women Working: Prostitution Now (London: Croon Helm, 1982).

National Action Committee on the Status of Women, Brief to the Special Committee on Pornography and Prostitution, prepared by Jillian Ridington (February, 1984).

National Association of Women and the Law: Newsletter, Prostitution 5:2 (June, 1983).

National Association of Women and the Law, Soliciting for the Purpose of Prostitution a brief presented before the Special Committee on Pornography and Prostitution (February, 1984).

New Democratic Party of British Columbia Communique (9 December 1982).

Oakley, Ann, The Sociology of Housework (New York: Pantheon, 1974).

Ontario Advisory Council on the Status of Women, Pornography and Prostitution (April, 1984).

Ottawa Citizen "Organized Crime Takes in \$20 Billion a Year" (13 January 1984) p.2.

Panitch, Leo, "The Role and Nature of the Canadian State" The Canadian State (Toronto: University of Toronto, 1977).

Phillips, Eileen, (ed) The Left and the Erotic (London: Lawrence and Wishart, 1984).

Piess, Kathy, "'Charity Girls' and City Pleasures: Historical Notes on Working Class Sexuality, 1880-1920" Ann Snitow, et al. The Powers of Desire (New York: Monthly Review, 1983).

Piercy, Marge, Woman on the Edge of Time (New York: Fawcett Crest, 1976).

Pornography and Prostitution: Issues Paper (Ottawa: Ministry of Supply and Services, 1983).

P.R.O.S., Street Beat 6 (1983).

Reasons for Judgment of His Honour, Judge H. G. Oliver In the Provincial Court of Alberta Between Her Majesty the Queen and Lenore Jacqueline Westendrop, Calgary, Alberta (7 October 1981).

Reich, Wilhelm, The Mass Psychology of Fascism (New York: Pocket Books, 1976).

Report of the Royal Commission on the Status of Women, (Ottawa: Ministry of Supply and Services, 1970).

Ridington, J. and Findlay, B, "Pornography and Prostitution" National Association of Women and the Law: Newsletter Prostitution 5:2 (June, 1983).

Ridington, J, Prostitution Law: An International Comparison Background paper prepared for the Canadian Advisory Council on the Status of Women (February, 1983).

Root, Jane, Pictures of Women: Sexuality (London: Pandora Press, 1984).

Rousseau, Jean Jaques, Emile (Woodbury: New York Baron's Educational Series, 1964).

Rotenberg, Lori, "The Wayward Worker: Toronto's Prostitute at the Turn of the Century" Janice Acton, et al. (eds) Women at Work: 1850-1930 (Toronto: Women's Press, 1974).

Rowntree, M, and Rowntree, J. "More on the Political Economy of Women's Liberation" Monthly Review 21 (January, 1970).

Rozovsky, L, and Rozovsky, F, Legal Sex (Toronto: Double Day, 1982).

Rubin, Gayle, "The Traffic in Women: Notes on the 'Political Economy' of Sex" R. Rapp (ed) Toward an Anthropology of Women (New York: Monthly Review, 1975).

Sallot, Jeff, "Calgary Bylaw Ruled Unconstitutional" Globe and Mail (26 January 1983).

Saunders, Eileen, "Women in Canadian Society" S. Richer and D. Forcese (eds) Social Issues (Scarborough: Prentice-Hall, 1982).

Saunders, Eileen, Women, the Economy and the Socialist State Ph.D. Thesis: Carleton University, 1983.

Sheehy, Gail, "The Economics of Prostitution" Susan K. Datesman and Frank K. Scarpitti (eds) Women, Crime and Justice (New York: Oxford University Press, 1980).

Smart, Carol, "Law and the Control of Women's Sexuality: The Case of the 1950's" Bridget Hutter and Gillian Williams (eds) Controlling Women (London: Croon Helm, 1981).

Smith, Dorothy, "Some Implications of a Sociology for Women" N. Glazer and H. Waehrer (eds) Women in a Man Made World (Chicago: Rand McNally, 1977).

Stang Dahl, T, and Snare, A, "The Coercion of Privacy" Carol Smart and Barry Smart Women, Sexuality and Social Control (London: Routledge and Kegan Paul, 1978).

Statistics Canada, Income Distribution by Size in Canada (1982) Table-Publication 13-207, Table Two.

Seccombe, Wally, "The Housewife and Her Labour Under Capitalism" New Left Review 83 (January-February, 1974).

Steinem, Gloria, Outrageous Acts and Everyday Rebellions (New York: Holt, Rinehart and Winston, 1983).

Stimpson, C, and Spector Person, EW, (eds) "Introduction" Women: Sex and Sexuality (Chicago: University of Chicago Press, 1980).

Strong, Ellen, "The Hooker" Robin Morgan (ed) Sisterhood is Powerful (New York: Vintage, 1970).

Stuckley, Johanna, "A Feminist Look at Prostitution" Sexual Behavior in Canada Benjamin Schlesinger (ed) (Toronto: University of Toronto Press, 1977).

Taylor, Barbara, "Female Vice and Feminist Virtue" New Statesman (23 January 1981).

Taylor, Ian, Crime, Capitalism and Community (Toronto: Butterworths, 1983).

Taylor, Ian, Law and Order (London: Macmillan, 1981).

Victor, Roberta, "Hooker" Studs Terkel (ed) Working (New York: Avon, 1975).

Vorenberg, E. and J. Vorenberg, "The Biggest Pimp of All" Atlantic Monthly (January, 1977).

Walkowitz, Judith, "The Politics of Prostitution" Stimpson, C, and Spector, E. Women: Sex and Sexuality (Chicago: University of Chicago Press, 1980).

Walkowitz, Judith, Prostitution and Victorian Society (Cambridge: Cambridge University Press, 1980).

Weeks, Jeffrey, Sex, Politics and Society Since 1800 (London: Longman, 1981).

Weene, Sph, "Venus" Heresies 12:4 (1981)

Willis, Ellen, "Feminism, Moralism, and Pornography" Ann Snitow, et al, Powers of Desire (New York: Monthly Review, 1983).

Willis Paul, Learning to Labour (Westmead: Saxon House, 1977).

Willmont, J, The Osgoode Women's Caucus Brief on Prostitution Toronto: unpublished, 1980-81.

Winslow, Barbara, Revolutionary Feminism (Ohio: Hera, 1978).

Wollstonecroft, Mary, "A Vindication of the Rights of Women" Alice Rossi (ed) The Feminist Papers (Toronto: Bantam, 1973).

Women Endorsing Decriminalization, "Prostitution: A Non-Victim Crime?" Issues in Criminology 8 (Fall, 1973).

Women and Russia: First Feminist Samizdat Women in Eastern Europe (eds) (London: Sheba, 1980).

Women's Studies Group, Women Take Issue (London: Hutchinson, 1978).

END

105-106-186

FIN