

2 Prostitutes, Children and Slaves

We will gather in Stockholm for the first World Congress Against the Commercial Sexual Exploitation of Children. We will express our outrage at the sexual exploitation of children. And as governments – together with concerned individuals everywhere – we will make our commitment to a global partnership which will bring an end to this contemporary form of slavery.

ECPAT, *Newsletter* (1996)

The social categories 'Adult' and 'Child' are imagined in opposition to one another, and are also fundamental to people's moral identity in contemporary Western societies (Ribbens McCarthy et al., 2000, p. 787). 'Prostitute' and 'Slave' are also constructed in relation to an imagined opposite, and they too are categories that tell us what we are by showing us what we are not – the virtuous and respectable woman knows herself as such because she is not a 'Prostitute'; we know ourselves to be free because we are not 'Slaves'. They are also all categories that map onto a more fundamental dualism in Western thought, namely, the subject-object binary. The Child, the Prostitute and the Slave are socially imagined as the objects, not the subjects or authors, of social exchange. As cultural figures, they symbolize and embody our fear of engulfment, infantilization, exclusion and dishonour. To refer to anyone as a 'slave', to describe another adult as 'childish', or to call a woman a 'whore' are thus all extremely powerful insults, and when people say that they have been treated like slaves, prostitutes or children, it communicates their sense that they have been humiliated, stripped of dignity, denied recognition as full human subjects and agents.

At the same time, those deemed to actually *be* children or slaves have very often been the focus of intense sentiment – as objects, they can be pitied much more freely and much more intensely than can those who are viewed as authoring and controlling their own destiny. The suffering of the prostitute can evoke a similarly sentimental response, providing there is no suspicion that she actively chose her wretched condition (see Gilfoyle, 1992). Brought together in the idea of a 'child sex slave', these social

categories add up to a particularly potent symbol of undeserved suffering, one that can be used to great effect for fund-raising and lobbying purposes. Unsurprisingly, then, the metaphor of slavery has figured prominently in campaigns against the commercial sexual exploitation of children (CSEC), and is taken by many to capture in a very straightforward way the essence of the harm that it represents. However, as this chapter sets out to show, a number of moral, political and theoretical problems attend on the treatment of child prostitution as a 'contemporary form of slavery'.

The Anomaly of Prostitution

Imagined as a woman or girl who trades sex for cash or other benefits, 'the prostitute' disrupts what are imagined as natural binaries and so troubles categories and classifications that are central to the way in which sense is made of social and political relations. As a female, she is (or should be) sexually continent, pure, modest and passive, and yet as a prostitute, she is seemingly sexually indiscriminate, voracious, immodest and active; as a female, she is (or should be) naturally passive and dependent on a husband, father or brother, and yet as a prostitute, she is seemingly active and independent. And because, in most societies, gender inequalities mean that most women are economically dependent on men, so that most heterosexual sexual relationships have an economic element to them, the existence of the prostitute threatens the certainty of other key cultural categories: in particular, those of 'wife' or 'virtuous woman/girl': 'The only difference between women who sell themselves in prostitution and those who sell themselves in marriage is in the price and the length of time the contract runs' (Marro, cited in Beauvoir, 1972 [1949], p. 569).

The ambiguities and boundary loss implied by prostitution may help to explain the hugely negative stigma that is commonly attached to female prostitutes, and their cultural association with filth, disease, decay and death (Pheterson, 1989; O'Neill 1997). As Mary Douglas famously put it, dirt is 'matter out of place', and 'our pollution behaviour is the reaction which condemns any object or idea likely to confuse or contradict cherished classifications' (2002, p. 45). She goes on to note that cultural categories, as public matters, are not easily subject to revision, and yet

they cannot neglect the challenge of aberrant forms. Any given system of classification must give rise to anomalies, and any given culture must confront events which seem to defy its assumptions. It cannot ignore the anomalies which its scheme produces, except at risk of forfeiting confidence. This is why... we find in any culture worthy of the name various provisions for dealing with ambiguous or anomalous events. (2002, p. 48)

The social and legal provisions that different societies have devised to deal with the ambiguities of prostitution could form the subject of another

entire book. Here the important point to note is simply that there is cross-cultural and historical variation in terms of how people diffuse the threat to cherished categories posed by the anomalous figure of the prostitute woman. In some societies – past and present – the anomaly is dealt with by attempts to physically exterminate the female prostitute, for example by stoning, such that she does not live to contradict the definition of 'woman' as sexually pure and passive. In others, however, attempts are made to rescue the cultural categories that are imperilled by prostitution by re-casting female prostitutes as a separate and different class of persons. They are not *really* women – a prostitute is 'a woman with half the woman gone, and that half containing all that elevates her nature, leaving her a mere instrument of impurity', as William Acton put it in 1870 (cited in Bell, 1994, p. 55); or as Pietro Aretino wrote in *The Life of Courtesans*, 1534 (and this is quoted approvingly by Richard Goodall in his 1995 defence of prostitution), 'a whore is not a woman. She is a whore' (Goodall, 1995, p. 93).

Re-labelled as natural born 'whore' rather than 'woman', the female prostitute is no longer anomalous, and there need be no anxiety or confusion over her place in the social order. She can be accepted (though inferiorized) as a necessary feature of the social fabric. Thus, prostitution has often been likened to a sewer and understood to serve a vital function, for in containing men's excess sexual urges, it protects the purity of 'good' women and girls ('Prostitution... is the security valve for the honour of families and it is as necessary in societies as garbage dumps, drainage and sewerage system, etc', Barrios et al., 1892, cited in Nencel, 2001, p. 15). And, providing prostitutes are geographically and socially isolated from 'honest' women, they pose no threat of pollution, just as human detritus does not endanger or disgust so long as it flows in a sewer. This traditional view of prostitution as an unpleasant but inevitable and necessary feature of human society persists even to this day (and at policy level generally leads to an emphasis on preventing prostitutes from contaminating 'respectable' society, i.e. subjecting them to forms of surveillance and control that would rarely be imposed on other citizens), as does the equally traditional view of prostitution as sin and the castigation of both prostitutes and their clients (which at policy level translates into calls for prohibition).

Although such models of prostitution sit comfortably with traditional beliefs about gender, they are incompatible with key tenets of modern liberal thought discussed in the previous chapter. If people are authors of their own destinies, then no woman is born to prostitute, and no man is incapable of controlling his sexual impulses. And the fact that prostitution is generally organized along the same lines as other forms of commodity exchange invites uncomfortable comparisons with economic transactions that are socially sanctioned, such as wage-labour. Could it be that prostitution is a contract like any other?

This is a difficult question for liberals, for there is a longstanding tension in liberal political thought regarding the relationship between the body,

property and labour. John Locke stated that 'Every man has a property in his own person. This nobody has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his' (Locke, 1993, p. 274). This dictum allows for the commodification of a person's bodily capacity to labour, and for the construction of the wage-labour contract as a moral experience. Yet as Bridget Anderson notes, because he viewed the body as God-given and sacred, Locke also considered that 'A man does not stand in the same relation to his body as he does to any other type of property... So a man does not have the right to kill himself, or put himself into slavery, because he is the work of God' (2000, p. 3). The liberal concept of property in the person thus leaves room for debate about what can, and cannot, properly be commodified and contractually exchanged across a market without moral harm. Among other things, it leaves unanswered questions about whether or not a woman has a right to put herself into prostitution. Do the body's sexual capacities constitute property in the person, or is it impossible to detach sex from personhood without moral harm? Do laws prohibiting prostitution violate the prostitute's natural right to engage in voluntary transfers of her rightful property, or does the prostitution contract itself violate her natural right to dignity (O'Connell Davidson, 2002)? Such questions complicate international policy debate on prostitution, which is already politically fraught for a number of other reasons.

International Debates on Prostitution: Division and Consensus

Though prostitution is known to be a significant feature of economic life in many nations, regardless of their overall level of economic development, there is much cross-national variation in terms of the scale and visibility of the commercial sex market, and in terms of social norms and attitudes regarding prostitution. And while laws pertaining to prostitution are generally informed by one of three basic models (prohibition/suppression, legalization/regulation, or decriminalization/toleration, see Davis, 1993), there is also much variation between countries in terms of the details of prostitution law and law enforcement practice. These legal and social disparities simultaneously reflect and generate significant differences between nations in terms of public and political discourse on commercial sex. The extent and nature of such national differences represent a major impediment to achieving any international consensus regarding adult prostitution, and disputes over how best to approach prostitution cannot be resolved through appeal to dominant liberal discourse on human rights, for, as noted above, liberal understandings of property in the person and individual rights to voluntarily contractually exchange such property do not inform a single or consistent position on commercial sex.

Thus we find that although prostitution has been explicitly addressed within a number of United Nations conventions since 1949, the pronouncements and recommendations emanating from the UN do not add up to a consistent or coherent position on prostitution involving adults (see Kempadoo, 1999a). This reflects member states' inability to agree upon whether the international community should be attempting to eradicate all forms of prostitution, or whether a distinction should be made between forced and child prostitution (which should be outlawed) and prostitution that is voluntarily chosen by adults (which should be tolerated or regulated). Over the past two decades, international debates on prostitution and associated issues such as 'trafficking' have progressively polarized around these two positions, and the exchange between groups campaigning for the total abolition of prostitution and those lobbying for the recognition of 'free choice' prostitution as a legitimate form of work has become increasingly acrimonious.

International differences and divisions are less pronounced in relation to child prostitution. The UN Convention on the Rights of the Child (1989), ratified by over 190 countries (Social Care Group, 1999), defines the child as a person below the age of 18 and explicitly calls on states to protect children from all forms of sexual exploitation. There are also a number of other instruments that offer the child international legal protection against exploitation in prostitution (NGO Group for the Convention on the Rights of the Child, 1996). Moreover, in most countries where prostitution is legally regulated rather than prohibited, it is already a requirement that persons must be over the age of 18 (sometimes over 21) in order to register as a prostitute or to take up employment in a brothel. And where a legal policy of suppression is in place, there are already often provisions to impose particular penalties on those who encourage or profit from the prostitution of minors. This does not, of course, mean that those under the age of 18 actually *are* universally legally protected against prostitution. There are plenty of gaps and loopholes in many countries' legislation on the commercial sexual exploitation of children, and law enforcement practice is often lax. However, there are few, if any, politicians or lobby groups who would actively argue against the principle of completely abolishing child prostitution, and many are comfortable with the position expressed by Vítit Muntarhorn at the first World Congress against the Commercial Sexual Exploitation of Children: 'I do not pass judgement on the pros and cons of adult prostitution. However, child prostitution is inadmissible – it is tantamount to exploitation and victimization of the child because it undermines the child's development. It is detrimental to the child both physically and emotionally, and it is in breach of the child's rights' (1996, p. 10). Thus, adult prostitution is understood to pose complex moral and political questions about individual liberty, sexual morality, property in the person, free choice and contractual consent, and it is a brave (or Swedish) liberal who passes judgement on it. But child prostitution is another matter. Why?

The Child as Object

Liberal thinkers have long argued that since children have not developed the capacity for reason, they are not qualified for the exercise of freedom; indeed, as John Locke put it, to grant freedom to one who is without reason is 'to thrust him out amongst Brutes, and abandon him to a state as wretched, and as much beneath that of a Man, as theirs' (cited in Archard, 1993, p. 7). Similarly, John Stuart Mill held that the adult's independence over any form of conduct that 'merely concerns himself' is absolute – 'Over himself, over his own body and mind, the individual is sovereign' (Mill, 1910 [1859], p. 13), but argued that children – at least those who have not yet reached 'the maturity of their faculties' – cannot be granted this kind of self-sovereignty: 'Those who are still in a state to require being taken care of by others must be protected against their own actions as well as against external injury' (p. 13). There can be no 'voluntary' child prostitution, then, because children are incapable of making a free and informed choice to enter prostitution. Child prostitution thus 'amounts to forced labour and a contemporary form of slavery' (ECPAT, 1999).

On first inspection, Mill's proviso that the liberty principle apply only to those who have developed the capacity for rational thought may seem politically uncontroversial (to allow 5-year-olds the liberty to trade sex in exchange for trips to Disneyland if they chose to do so, for instance, would be neglectful rather than respectful of their autonomy). And yet I think the fact that Mill employed the same arguments in defence of colonialism should give pause for thought. Mill held that where human beings in 'civilized' societies (namely most European societies) were in the maturity of their faculties and 'had attained the capacity of being guided to their own improvement by conviction or persuasion', all non-European societies were 'backward' – their peoples were in a state of 'monage' or 'infancy' (cited in Parekh, 1995, p. 93). Africa was a continent without a history; China and India, in fact the whole of the East, had been 'stationary' for thousands of years. Such 'backward' societies could not be improved by free and equal discussion, and if they were to be further improved, 'it must be by foreigners' (cited in Parekh, 1995, p. 93).

As these were moral and political infants, below the age of consent, Mill held that a 'parental despotism' by a 'superior people' was perfectly legitimate, in the interests of the colonized even, for it would help to raise them to a higher stage of development (Parekh, 1995, p. 93). 'Civilized' and 'primitive' (or 'barbarous', 'savage' or 'wild') can thus be added to the list of dualisms constructed and reproduced in classical liberal thought that were discussed in the previous chapter (modern/pre-modern, free/unfree, public/private, reason/emotion, independent/dependent, masculine/feminine, adult/child) (see Mills, 1998; Puwar, 2004). The interconnections between these dualisms are significant for contemporary debates on the commercial sexual exploitation of children, especially the construction of child

prostitution as a form of 'slavery'. It strikes me that the discourse on child prostitutes as 'sex slaves' is one that sets out not simply to rescue individual children who are exploited within the sex trade, but also to redeem certain cherished cultural categories.

Take, for example, the way in which child prostitution is understood by Ron O'Grady, the founder member of End Child Prostitution in Asian Tourism (ECPAT), a Bangkok-based NGO which had its roots in a tourism pressure group (the Ecumenical Coalition on Third World Tourism). His account is important, for ECPAT is widely regarded as having played a central role in transforming child prostitution into an issue of international concern, debate and policy attention, and so has exerted a powerful influence on public and political discourse on CSEC (Black, 1995; Montgomery, 2001). The key elements of ECPAT's concerns about child prostitution are to be found in *The ECPAT Story* (O'Grady, 1996). The book opens by stating:

Child prostitution has a long history in Asia. For centuries India maintained a system of temple prostitution or devadasi and it still lingers on in rural areas today. In China and Central Asia the wealthy have long considered sex with a young pre-pubescent girl, preferably a virgin, to be the best way to ensure wealth and vigour. Such customs were written into the religious and social traditions of the entire society but... the enlightenment of the first half of the twentieth century saw education become more widespread in Asia and the ideals of democracy, equality and the rights of women and children began to be accepted more readily in some quarters. (p. 9)

However, O'Grady continues, the 'growth towards a more enlightened society has suffered a setback with the revival of widespread child prostitution' in recent decades (p. 9). The demand, he tells us, comes partly from low-income local men who have discovered that it is cheaper to use child prostitutes, partly from locals who wrongly assume that a child is less likely to be infected with AIDS and other STDs. However, 'the largest determinant in the recent growth of child prostitution appears to have come from foreign abusers' – foreign military personnel, seamen, expatriate workers and paedophiles from Western countries (p. 10).

By focusing on Asia and failing to note the fact that child prostitution also exists in 'enlightened' Western societies that are formally committed to 'ideals of democracy and equality', this account implicitly reproduces the imagined opposition between pre-modern and modern, barbarous and civilized, 'oriental' and 'occidental' societies. Indeed, it is these dichotomies that make the behaviour of Western paedophiles, tourists and expatriates so very shocking. After all, unenlightened and uncivilized folk might be expected to sexually abuse children (indeed, their maltreatment of women and children is part of what makes them primitive and barbarous), but for members of a 'civilized' society to behave in this way is intolerable. It can be and must be stopped. (For the sake of the children,

Was he necessarily wrong?

or because it endangers the presumed boundary between civilization and barbarity?)

O'Grady also notes that ECPAT's decision to 'campaign to end child prostitution and nothing else' often had to be defended against those who argued that the problem could not be treated in isolation (p. 19). First, there were those who held that child prostitution was caused by poverty, and that ECPAT should therefore look at the root causes of poverty and focus on strategies to provide economic alternatives for children vulnerable to CSEC. But, O'Grady comments, there were already development agencies working on poverty alleviation, and besides, 'it is too simplistic to reduce the issue of child prostitution to a question of poverty alone' (p. 20) (more will be said about this in the following chapter). Next, there were those who opposed all forms of prostitution, whether involving adults or children, and who tried to persuade ECPAT to campaign more generally for the abolition of prostitution. O'Grady remarks that he feels some sympathy for this view, especially when confronted with evidence of adult women who were also subject to slavery-like conditions in prostitution, but

it is also a fact that prostitution (both male and female) is legal in many countries and that, when there is an element of choice in the decision to become a prostitute, the moral issue is far from clear. The prostitution of young children is a much clearer issue. With children the consent of the child is never present, or, if it appears to be, it will be because of blackmail or manipulation on the part of the adult. (p. 20)

Finally, ECPAT came under pressure from those who believed the organization should be campaigning against child sexual abuse in general, rather than commercial sexual exploitation in particular. O'Grady defends the idea of a boundary between commercial and non-commercial forms of child sexual abuse as follows: 'There is a qualitative (and usually quantitative) difference between the commercial sexual abuse of a child kept in slavery, required nightly to serve the demands of several different adults, and the more usual form of child sexual abuse which may happen less frequently and often within the circle of family and friends' (pp. 20-1). This is pretty flimsy stuff. If the moral issue centres on consent, and O'Grady accepts that some adults are forced into prostitution, why focus only on 'child slaves'? And if the concern is with the non-consensual sexual use of children, can it really make a difference how frequently a child was raped or whether the child was raped within what is imagined as the 'private' realm of family and friends or the 'public' realm of the market? The fact that ECPAT sought to erect and defend these boundaries reflects, I believe, its narrow concern with what its founder members viewed as the operation of an immoral market, a market that was unacceptable because within it, children become 'commercial sexual objects available for short-term hire' (O'Grady, 1996, p. 11). This narrow concern can be understood, at least at one level, as expressing anxieties about the maintenance of key

cultural classifications. Child prostitution seemingly collapses conceptual matrices that in liberal thought are quite distinct. It turns 'the child' into 'a prostitute' (a sexual and a market actor), so potentially disrupting both a model of children as innocent, asexual, passive, dependent, unable to contract, the opposite of adults, and a model of the market as a benign site in which sovereign subjects and civil equals meet to engage in voluntary, mutual, contractual exchanges.

The metaphor of slavery offers a means by which to make the otherwise incompatible categories of 'child' and 'prostitute' congruent. If children are incapable of making choices, then child prostitutes are objects and 'sex slaves'; and if child prostitutes are objects and 'sex slaves', then we can be certain that there has been no element of choice in their decision to prostitute. But is it really so easy to hive child prostitution off from adult prostitution, and does the concept of 'slavery' help us to grasp the realities of children's experience of prostitution in the contemporary world?

The Variability of Prostitution

In any given country, prostitution can take many organizational forms and involve very different employment relations, working conditions and earnings. There is variation in terms of the settings in which prostitute-client transactions are arranged and executed (brothels, massage parlours, hair salons, lap-dance clubs, restaurants, bars, private apartments, hotels, streets, beaches, truck stops, roadside lay-bys, to name but a few), and the extent and nature of third-party involvement in prostitution (some prostitutes work independently, others are directly or indirectly employed by a third party, some enter into contracts of indenture, some are confined in brothels and forced to prostitute, and so on). Third-party involvement does not map tidily onto the settings from which prostitutes work, and whether involved in 'indoor' or 'outdoor' prostitution, prostitutes may be controlled by an extremely abusive third party, or working completely independently, or somewhere between these two extremes. The degree of direct economic exploitation to which prostitutes are exposed thus spans a continuum from absolute (as when a third party appropriates all of the money garnered through an individual's prostitution) to entirely absent (as when a person who prostitutes independently keeps all of her or his earnings). Prostitutes' experience of violence, at the hands of both third parties and clients, also varies, and though some of those who work in the sex trade are at very high risk of assault, others are not (West, 1992; Scambler and Scambler, 1997; O'Connell Davidson, 1998; Weitzer, 2000).

Next we should note that though generally understood to refer to cash-for-sex transactions, prostitution is not always or necessarily arranged as a simple and instantaneous commodity exchange (x sum of money for y service). It can also entail less explicitly contractual and more diffuse

exchanges (what is sometimes termed 'open-ended prostitution'). The latter can shade off into longer-term relationships within which one party provides domestic labour and/or companionship, as well as sexual services, in exchange for a range of benefits (a place to live, financial support, help with setting up a business, assistance in migrating from a developing to a rich country, and so on) (Hobson and Heng, 1998; O'Connell Davidson, 1998; Sanchez Taylor, 2001a). The boundary between commercial and non-commercial sexual relationships is neither sharp nor impermeable, so that, as noted earlier, the cultural categories of 'wife' and 'whore', 'good' and 'bad' girls and women, are always somewhat precarious. And even when prostitution is arranged as a commodity exchange like any other, it does not preclude the possibility of more diffuse relationships developing between prostitutes and regular clients.

Taken together, all this means that 'prostitution' does not refer to a uniform experience. There is a hierarchy or continuum in terms of earnings, working conditions and the degree of control that individuals exercise over the details of their own prostitution, and the experience of those at the top of the hierarchy is vastly different from, some would say incomparable to, that of individuals on the lowest rungs of the sex trade. And the subjective experience of prostitution differs not simply because the power relations it implies vary, but also because people come to prostitution with very different personal histories, different attitudes towards sex commerce, and different qualities as individuals that leave them either better or worse equipped to manage their experience (O'Connell Davidson, 1998).

Where do children fit into this complex and differentiated phenomenon? I think it would certainly be true to say that nowhere in the world are persons under the age of 18 to be found amongst those sex workers who enjoy the highest earnings, best conditions and greatest control over their working lives, and that they are often found in the lowliest, most exploited and most vulnerable positions in the sex trade. But as the following chapter will show, children are not always forced, manipulated or 'blackmailed' into prostitution by adults. Instead, many children trade sex as part of a survival strategy in just the same way that many adults 'choose' prostitution because it is the only or best means of subsisting open to them. And crucially for the purposes of this chapter, when children are discovered on the bottom rungs of the prostitution hierarchy, forced by third parties to submit to harsh work routines, unprotected sex, beatings, and so on, they are rarely alone but instead work alongside adults in the same conditions. So, for example, in research on Burmese prostitutes in Thai brothels, almost all of Hnin Hnin Pyne's (1995) interviewees reported having been tricked or sold into brothel prostitution by husbands or boyfriends, friends or, in most cases, strangers who had brought them from Burma to Thailand on the promise of jobs as waitresses, maids or food vendors. The fee paid to the recruiter by the brothel owner was constructed as a 'debt' that the individual who had been sold then had to work off through prostitution.

The experience of 17-year-old Aye Aye was typical of those who had been forced into prostitution in this way:

Aye Aye had been kept in Thailand for three years at two different brothels. When rescued, she was living on the fifth floor of the brothel, which had a pool hall and a bar on the first two floors. The building housed approximately one hundred women. From noon until two in the morning, Aye Aye, wearing a numbered button, would sit behind a glass partition, while men ogled her and others from across the room. She would watch television while waiting for her number to be called. She served about twelve to twenty men a day. (Pyne, 1995, pp. 215-16)

But Aye Aye was not forced into prostitution or subject to these working practices because she was below the age of 18, nor would she have been immediately released upon reaching her eighteenth birthday. Pyne's study included a sample of 43 Burmese brothel prostitutes in Ranong, a Thai town close to the Burmese border, 41 of whom had been forced into prostitution in the manner described above. The ages of these women ranged from eighteen to thirty-seven, although the majority (72.1 percent) were in their late teens and early twenties' (Pyne, 1995, p. 218). Likewise, research in Thailand, India, Bangladesh, Pakistan, Brazil and the Czech Republic shows that those prostitutes who are debt-bonded and/or confined in brothel prostitution are by no means all below the age of 18 (Truong, 1990; Sutton, 1994; Lim, 1998; Brown, 2000; Uddin et al., 2001; Saeed, 2002; Siden, 2002).

It is also important to note that where women and girls are subject to abuse and confinement by employers, very often the police and other state actors (immigration officials, local officials who license businesses, etc.) systematically collude in and profit from their oppression, and/or further violate their human rights. So, for instance, in one police raid on brothels in Ranong in 1993, 148 Burmese women and girls were 'rescued' by the Thai police. Following the raid, the women and girls 'were arrested by the Thai police as illegal immigrants and kept in appalling conditions for months' (Montgomery, 2001, p. 31). Investigations by human rights groups suggest there had been widespread collusion by Thai officials in the initial trafficking and subsequent confinement of these women and girls in the brothels (Montgomery, 2001). In Bangladesh, the system through which prostitution is legally regulated bestows upon local officials and police the power to license or register sex workers, thereby giving the police enormous control over the supply of labour for brothels. Bribes from brothel owners provide the police with a regular income, and they are often complicit with the financial exploitation of forced and underage prostitutes, as well as using their powers to extort sexual services from sex workers in brothel districts (Uddin et al., 2001).

What possible grounds could there be for distinguishing between adult and child victims of the practices and structures described above? It is sometimes asserted that children, 'because of their young age and lack

of control, are more vulnerable to being sold by parents or guardians and to being tricked, coerced, abducted or kidnapped by unscrupulous adults' (Lim, 1998, p. 176), and are therefore more likely to be subject to forced labour or enslavement in the sex trade. Yet even if this is the case, we know that some people over the age of 18 are subject to this type of abuse and exploitation. So why would any campaign that sought to combat this 'modern form of slavery' focus its concern on *children*? Could it be that the discourse on CSEC as modern slavery is as much concerned to protect cherished components of a liberal system of classification, in particular, to preserve Adult and Child, and 'slavery' and 'freedom', as oppositional categories, as it is to rescue any human being who is actually subject to abusive employment practices in the sex trade?

Slavery and Freedom

Much scholarly attention has been paid to the problem of how to define slavery, not least because, as Laura Brace observes, 'it is often argued that in order to understand liberty and autonomy, we need to know how to recognise their opposites' (2004, p. 160). For liberals in particular, she continues, 'this has meant striving to draw bright lines between slavery as a wrong or a logical impossibility and individual autonomy as a good and a right' (pp. 160–1). Yet evidence about the social relations of the real world has long hampered and still impedes philosophical efforts to clearly demarcate autonomy and slavery, or free and unfree labour, as oppositional categories. Put crudely, the problem is that even when understood as defined in the Slavery Convention of the League of Nations (1926), which states that slavery is 'the status or conditions of a person over whom any or all of the powers attaching to the right of ownership are exercised', slavery implies a *package* of unfreedoms, not all of which are unique to the condition. Thus, slavery has certain features in common with other forms of unfree labour, such as debt bondage, serfdom, servitude and forced labour.

More problematic still, the form of free wage labour that liberals fondly imagine as a defining characteristic of 'modernity' (based on a voluntary, mutual contract between worker and employer from which each party may freely retract) did not miraculously appear with industrialization in Western countries. Employment relations in the eighteenth and nineteenth centuries, in 'modern' manufacturing as well as other sectors, were shaped by traditional forms of servitude and thus implied some of the unfreedoms that are classically associated with slavery. For example, in Britain, the Master and Servants Act (which was not repealed until 1875) allowed employers to arbitrarily impose fines for poor performance or attitude, and prevented workers from freely withdrawing their labour, which was owned by the master for the duration of the contract (often a period of twelve months) (Palmer, 1983). Meanwhile, European labour power for

the colonies was often recruited and retained using a system of indentured servitude under which

an individual entered a legal contract which bound him or her to a master for a fixed number of years... The individual was obliged to make labour power available to the master who appropriated the total product of the labourer's labour power and who, in return, was responsible for the costs of transport, subsistence and reproduction. (Miles, 1987, p. 76)

Following the abolition of the slave trade and then slavery, a new form of indenture was introduced to bring labourers from India, China and Africa to the Caribbean (Potts, 1990; Ramdin, 1994). Again, these workers were bound to employers by restrictions placed upon their 'economic and political freedom to dispose of labour power' (Miles, 1987, pp. 89–90). And even in the twentieth century, the employment contracts imposed on supposedly 'free' workers in the colonies were often but 'a fig leaf concealing actual slavery', or 'enslavement... masked by a legal transaction: the agreement between the slave owner, designated in the contract as the hirer, and the slave, designated in the contract as the seller of labour' (Nzula et al., 1979, p. 82). Nor can we comfort ourselves with the idea that in the contemporary world, those who are formally constructed as 'free' wage workers are universally protected from all of the unfreedoms associated with slavery. The Asian Migrant Centre's yearbook is full of reports of 'free' wage workers in a variety of sectors and a range of countries who have been denied basic human rights and freedoms, for example (AMC, 2000), and children are amongst those who are not legally or socially constructed as 'slaves', but yet live and work in conditions similar to those experienced by enslaved persons (see, for example, Seabrook, 2001).

And so far as a bright line between slavery and freedom is concerned, the problem is not just that a multitude of sins can be and have been incorporated under the heading 'free wage labour', but also that the experience of people legally constructed as slaves has never been homogeneous. Whilst acknowledging that the institution of slavery was 'brutally – and all too often murderously – inhuman', historians increasingly urge us to recognize the fact that 'relations between owners and slaves were infinitely more complex than [the] polar model of dominance and submission would suggest' (Geary, 2004, see also Archer, 1988; Lott, 1998). In Brazil in the eighteenth and nineteenth centuries, for instance, there was a good deal of diversity in terms of slave employment. 'On many plantations... slaves worked together with freed men', some slaves worked in specialized occupations, and there were even cases in which 'slaves were actually entrusted with the management of entire estates and found themselves in a position to accumulate capital and buy their freedom' (Geary, 2004). There have also been times and places in which the labour performed by individual slaves (even though very much in the minority amongst enslaved persons) has been less arduous than that performed by individual free wage workers, for example the labour of African and Indian children kept as pets by

wealthy English families in the eighteenth century (Fryer, 1984; Visram, 2002) as compared to that of 'free' child workers in factories in England during the same period. Thus, if we are concerned with slavery as a form of labour exploitation, there is no clear, clean line between it and 'free' wage labour. Slavery stands at one pole of a continuum of exploitation, shading off into servitude and other forms of exploitation, rather than existing as a wholly separate, isolated phenomenon.

Perhaps not surprisingly then, in seeking to draw 'bright lines' between slavery and freedom, liberals have tended to emphasize the excluded political and legal status of slaves rather than dwell too closely upon their economic exploitation. Hence the unique horror of slavery is widely held to be the fact that it treats human beings as property, chattels to be bought, sold or given as gifts, treated as nothing but 'an extension of the will of another, without any rights needing to be recognized, lacking almost all formal acknowledgement of human worth and therefore all honour' (Turley, 2000, p. 6). But so far as questions about treating human beings as property are concerned, matters are again not entirely clear-cut. The League of Nations' definition of slavery as 'the status or conditions of a person over whom any or all of the powers attaching to the right of ownership are exercised' does not completely distinguish the master-slave relation from every other social relationship, for some of the powers attaching to the right of ownership can be and often are also exercised over spouses, employees, professional athletes and, of course, children (see Patterson, 1982; Brace, 2004).

Thus, individual components of the package of unfreedoms (legal, moral and economic) associated with slavery have been and are also experienced by groups that, although sometimes *compared* to slaves, are not socially imagined as 'slaves' (wives, children, wage workers). One feature of slavery that does appear to be singular concerns the dishonour of the slave. According to Orlando Patterson (1982), slavery is a form of social death. A slave is not only a person without power, but also a person without natality. Slaves' connections to their own blood relations, their ancestors, parents and children, are severed, and their natal alienation means that they cease to belong, in their own right, 'to any legitimate social order' (Patterson, 1982, p. 5). They must therefore depend absolutely upon their master for their identity as well as their physical existence. They live in the 'shadow cast by the owner', and the slave is thus 'a symbol of extreme dependency, objectifying other people's fears of being effaced, losing their continuing links and their home in the social world' (Brace, 2004, p. 169).

This social death (the absence of an independent identity and exclusion from civil society, and thus the inability to make claims, either on other people or on property) is intimately connected with the slave's dishonour, something that many commentators hold is grounded in slavery's origins 'in defeat and capture, and to its continuing basis in violence' (Brace, 2004, p. 170; see also Blackburn, 1988). As Patterson notes, 'Archetypically, slavery was a substitute for death in war', but 'The condition of slavery

did not absolve or erase the prospect of death. Slavery was not a pardon: it was, peculiarly, a conditional commutation. The execution was suspended only as long as the slave acquiesced in his powerlessness' (1982, p. 5). In accepting social death in place of actual, physical death, every moment of the slave's life thus testifies to and compounds the original dishonour of 'choosing' the humiliation of slavery in place of death (see also Yaveiz, 1988, p. 158).

If, traditionally, the ultimate humiliation for a man has been defeat in warfare, for a woman or girl it has been the loss of her sexual 'honour'. The rape victim or the 'adulteress' may be required to pay with her life (as, for example, in the recent case of Sañyahu Huseini, a northern Nigerian woman condemned to be stoned to death under *sharia* law for the 'crime' of having been raped and impregnated by a man to whom she was not married: Dowden, 2002), but she is also often propelled into what is traditionally imagined as another form of social death – prostitution (see, for instance, Kannabiran, 1996). 'Whore' and 'slave' have historically been gendered terms to refer to persons without honour (thus Othello refers to Desdemona as a 'whore' and a 'strumpet' when he believes she has betrayed him, and to Cassio and Iago as 'slave' when he thinks they have done likewise). Indeed, the strong cultural associations between slavery and dishonour strike me as a very good reason for urging caution with regard to the indiscriminate use of the term 'slavery' in relation to prostitution.

More generally, it is important to recognize the problems associated 'with setting up slavery as either about social exclusion or about labour, and with insisting that it has to be understood either as the opposite of belonging or as the opposite of freedom' (Brace, 2004, p. 171). Such dichotomous thinking 'misses the connections and continuities between labour, morality and honour and between self-ownership and community' (Brace, 2004, p. 171). If the term 'slavery' is to be used in relation to prostitution, then it is necessary to look closely at the specifics of the culture and economics of unfree prostitution in any given setting. This is not only important in terms of understanding the complex interplay between political exclusion and labour exploitation in shaping the experience of prostitution, but also in terms of identifying and prioritizing policy responses. Let me illustrate with an example.

Unfree Prostitution in Context

In a number of South Asian countries, there are socially and geographically isolated brothel districts in which whole communities (men, women and children) are directly or indirectly economically dependent on prostitution (INSAF, 1995; Brown, 2000; Uddin et al., 2001; Saeed, 2002). These communities may live in a particular 'quarter' of a city, or 'in the case of those outside the big towns, the brothel communities have a separate

existence as a special kind of village, which at first glance looks like a typical squatter or slum settlement' (Uddin et al., 2001, p. 18). As Uddin et al. note on the basis of research in two such communities in Bangladesh, 'There is a hierarchy of sex workers at the core of each brothel community.' The most powerful are the *bariwalis* and *shordarnis*, women who have worked their way up through the sex work hierarchy and now own housing and/or land, and 'have amassed sufficient income and influence to act as community leaders' (2001, p. 25). *Shordarnis* are also the women who 'recruit and manage bonded prostitutes, known as *chukris*'. As the least powerful of sex workers, *chukris* are positioned at the base of the community hierarchy:

chukri... denotes a girl sold to a *shordarni* or *bariwali*. The older woman pays the basic living expenses of the *chukri*, who in return hands over all the earnings from her sex work. After a period ranging from a few months to several years, a *chukri* will buy her way out of the contract, in a settlement mediated by the *shalish* [local form of arbitration]. The sum she pays to her *shordarni* or *bariwali* may be quite considerable. Customarily a *chukri* borrows this money from another *shordarni*/*bariwali*. This procedure elevates her status from *chukri* to *bharatia*, or tenant sex worker, at which point she is said to have become 'clever'. Some *chukris* escape from the brothel, usually going on to another one where at least they are not bonded. (p. 25)

There are features of this form of prostitution that resemble aspects of slavery, as traditionally understood. Indeed, Uddin et al. observe that *chukris* 'began their lives outside the world of the brothel, and were abducted or procured and sold on to a *shordarni* or *bariwali* in a deal which reduces them to sexual slaves' (p. 44). Yet it is important to note that unfreedom is not necessarily a permanent condition. An elaborate cultural system, featuring both economic and social elements, exists through which both the prostitute's status within the community and her earnings and working conditions can be shifted. It would certainly be possible to compare the system through which *chukris* buy themselves out of bondage to the phenomenon of manumission, but this should not obscure the significance of the *chukri*'s impermanent status for subjective understandings of power relations within the community. In the brothel culture, *shordarnis* are respected rather than depicted as villains and criminals, and bonded girls often aspire to become *shordarnis* or *bariwalis* one day, for this is 'the pinnacle of a sex worker's career' (Uddin et al., 2001, p. 25).

Three further points. First, not all child prostitutes in such brothel districts are bonded workers. Girls who are born to sex workers and raised in the brothel community also enter prostitution. Unlike *chukris*, they enjoy 'some freedom of action within the brothel compound'; however, they do not necessarily exercise much control over the details of their prostitution or the earnings gleaned through it (Uddin et al., 2001, pp. 42–4). Indeed, there is an expectation that such children will hand over all their earnings

to their mothers or guardians, who are often entirely economically dependent upon them. None the less, bonded and non-bonded prostitutes, both adult and child, work alongside each other in these communities. Second, the degree of economic exploitation involved in child prostitution in the brothel districts (for both bonded and non-bonded prostitutes) is not fundamentally different from that involved in other forms of child labour in Bangladesh, such as domestic work or work in *bidi* (cigarette) factories (Uddin et al., 2001, p. 45). However, and this third point is crucial, both adult and child prostitutes are socially constructed as profoundly inferior. Others by the wider political community in which they live. Indeed, so great is the stigma attaching to prostitution in Bangladeshi society that some brothel communities even have to have their own graveyards because sex workers' bodies will not normally be accepted by regular graveyards for burial (Uddin et al., 2001, p. 22). And though the Bangladeshi state does not officially sanction the forms of prostitution described above (the legal status of prostitutes and prostitution is ambiguous, and the sale of children and the use of bonded labour are illegal), neither does it offer women and girls effective protection from abuse and exploitation. Indeed, as noted earlier, the police derive a regular income from prostitution, and are often complicit with the exploitation of unfree and underage prostitutes.

Compare the situation of a *chukri* in a Bangladeshi brothel district with the following case, involving Nikita, a 16-year-old orphaned girl from the Czech Republic. Having been fired from her job as a seamstress, Nikita turned to street prostitution to subsist. On the second day working the streets she was kidnapped by men who smuggled her to the Netherlands, where she was sold on to a group that forced her to work in a sex club. Here, a man (presumably a client) 'saw her suffering and many traces of abuse and helped her to get out of prostitution. He provided a hiding address and called the police' (Wolthus, 2002, p. 1). As Nikita was abducted, sold, confined, unpaid and forced into a given work-rate through the use of violence, she too could be described as treated like a slave, and her situation is certainly what many commentators have in mind when they speak of child prostitution and sex trafficking as forms of modern slavery. But again, I would urge caution, for unless the term 'slavery' is used carefully, paying close attention to contextual variations regarding the configuration of slavery's constituent elements within different socioeconomic systems (see Patterson, 1982, p. 26), to the different 'cultures' of slavery, and to the role that the state plays in creating the legal and social framework within which people are enslaved, then it serves only to further Otherize and objectify the prostitute. Certainly, it does not assist in the development of realistic, context-appropriate policy goals and priorities.

So, for instance, in Bangladesh, female prostitutes are socially constructed as pariahs and stripped of ties and claims to community belonging in a way that resembles social death, and this is not unconnected to the forms of labour exploitation to which they are subjected within prostitution. In the Netherlands, female prostitutes are not imagined or treated in

the same way (indeed, adult prostitutes, at least those who are EU citizens, are afforded certain rights and protections as workers). Such differences are of enormous significance in relation to policy, for interventions that may help to protect women and children from abuse and violence in one context may actually make them more vulnerable in another. It is one thing to call for closer police surveillance of sex clubs and the closure of establishments in which girls like Nikita are found in the Netherlands, but quite another to do so in Bangladesh, for, as Uddin et al. note:

From time to time... there are calls for the closing down of certain brothels and the 'rehabilitation' of sex workers. Such proposals are nominally inspired by religious and moral concern, but often disguise an intention to take over property and land occupied by brothel communities established over many years. They entail the eviction of sex workers from their homes and communities, and therefore the loss of the small measure of security they possess. The sex workers also know that 'rehabilitation' in the mainstream of Bangladeshi society is impracticable: they will not be accepted. (2001, p. 18)

Sex workers therefore resist such campaigns, though not always successfully.

If the concept of slavery is to contribute anything to analysis or policy-making in relation to child prostitution, then it must be used in the context of more detailed and systematic assessments of the specific unfreedoms associated with specific forms of prostitution in specific locations. For where the notion of 'the Slave' is used merely as a rhetorical device to bridge the social categories of 'Child' and 'Prostitute', there is a danger of implying that only the innocent child can truly be a slave, and is a 'slave' regardless of the actual circumstances surrounding her prostitution. This may allow for the protection of the conceptual binaries that are held dear in liberal democracies (Adult/Child, freedom/slavery, civilized/barbaric, virtuous woman/whore), but it does not necessarily promise to safeguard the interests of those who are currently subject to slavery-like employment practices in the sex trade. Indeed, the discourse on CSEC as modern slavery makes it possible for governments and international policy-makers to sideline questions about human, civil and labour rights abuses affecting prostitutes of all ages, including violations perpetrated by state actors. And last but not least, it deflects attention from questions about the structural conditions that encourage many children independently to use prostitution as a strategy for survival, questions that form the focus of the following chapter.

3 On Child Prostitutes as Objects, Victims and Subjects

The United Nations Convention on the Rights of the Child (CRC) is the most ratified instrument of international law and affords children rights to protection, provision and participation, including, in Article 34, protection against all forms of sexual exploitation and abuse. However, since it defines 'children' as persons below the age of 18, the term 'child' spans what is inevitably a condition of complete and absolute dependence on older carers through to what may be a state of partial or complete independence from such carers, or, indeed, a state in which the person has acquired responsibility towards older or younger dependants. Within any given country, children are further divided by their gender, class, race, ethnicity and/or 'caste', as well as by their nationality and/or immigration status, and there are also global divisions and cross-national differences to take into account. Differences between 'childhoods' nationally and cross-nationally, and divisions between children in terms of age, gender, class, race, 'caste', nationality, disability, and so on, are clearly relevant to any analysis of children's presence in the sex trade. A 17-year-old British boy trading sex on the streets of London and a 10-year-old Cambodian girl in brothel prostitution in Phnom Penh are unlikely to have entered prostitution in the same way or for the same reasons, for example.

Those involved in campaigns against the commercial sexual exploitation of children do generally recognize that children enter prostitution by different routes and for different reasons (sometimes even that they occupy different positions in the prostitution hierarchy). Yet they do not invite us to dwell too long upon the meaning of that diversity. Instead, one of the central themes of campaigns against CSEC is that no matter why children started to trade sex, no matter what form their prostitution takes or why they remain in it, no matter what their age or their subjective view of their involvement in prostitution, trading sex violates children's rights as set out under Article 34 of the CRC. It endangers children's mental and physical health, undermines their development, and, since children by virtue