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Anjilee Dodge

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His Feminist Facade: The Neoliberal Co-option of the Feminist Movement

Anjilee Dodge* & Myani Gilbert†

ABSTRACT

Feminism has been co-opted by misogyny. This paper will demonstrate how the women's liberation movement has been colonized by patriarchal and capitalistic interests through manipulation and coercion. To demonstrate this thesis, our paper will analyze the chronology of colonization throughout the feminist movement by patriarchal and capitalistic ideologies. We start by showing the evolution of the second-wave feminist movement and the "sex wars" in which opposing feminist ideologies emerged conceptualizing sexuality and sexual violence in terms of prostitution and sex work as ideological concepts. Second, the paper will trace the advent of neoliberalism and its role in shaping feminist ideology. Third, this paper demonstrates how the global sex industry lobby represents itself as feminist through its advocacy of the ultimate decriminalization of prostitution. Finally, we focus on Washington State politics and dynamics as a representative example of how the global sex industry invests in feminist-fronted non-governmental organizations (NGO) to lobby on behalf of their interests. To conclude, we recommend several approaches for

* Anjilee Dodge received her Master of Social Work at the University of Washington focusing on sexual exploitation of marginalized populations. Anjilee has worked with Seattle's homeless and commercially sexually exploited youth and adults for six years and is passionate about creating community and societal change for marginalized individuals while working towards gender equity.

† Myani Gilbert received her Master of Social Work from the University of Washington and a Bachelor of Arts from the University of Vermont. Myani is committed to social justice, the fight for racial equity, and the liberation of women.

moving forward in the fourth wave of feminism, ensuring the liberation of all women and especially women of color and low-income women.

I. INTRODUCTION

The women's liberation movement is situated within an economic, political, and social crisis that has infiltrated feminist consciousness. The dissemination of messages from mainstream media, academia, and policy inundates women with the idea that feminism begins and ends with empowerment through a woman's individual agency.¹ Although a woman's right to choose is an essential tenet of feminism, reducing feminism's purpose to focus solely on women's agency restrains analysis from deepening and expanding. Stifling feminist discourse to individual identity politics halts discourse around collective liberation and ignores evidence that women's agency faces restriction within oppressive power structures.² The indignation, which defends the agency argument, silences feminist critiques, thereby disempowering the collective movement towards women's liberation and reinforcing institutionalization of women's

¹ See generally Nancy Fraser, *Feminism, Capitalism, and the Cunning of History: An Introduction*, 56 NEW LEFT REV. 4, 99–100, 108 (2009) (hypothesizing that current manifestations of feminism have been influenced by neoliberal capitalism, which hyper-focuses on individual freedom and the free market. Feminism has diverged from holistic ideals valuing redistribution, recognition, and representation equally and has instead legitimated neoliberalism specifically through a focus solely on recognition or identity politics); see also JANICE. G. RAYMOND, NOT A CHOICE, NOT A JOB: EXPOSING THE MYTHS ABOUT PROSTITUTION AND THE GLOBAL SEX TRADE 19–22 (2013) (dissecting the false distinction of “choice” within oppressive power structures and exposing the sex industry's lobbying for women's “choice” in prostitution while ignoring the social constraints of that decision. Highlighting that, in today's political environment, the idea of choosing anything within a free market is good).

² See generally Julia O'Connell Davidson, *The Anatomy of “Free Choice” Prostitution*, 2 GENDER, WORK & ORG. 1, 1–9 (1995); see also Fraser, *supra* note 1, at 113–15 (arguing that in shifting to an individual form of identity politics, we ignore the underpinnings of capitalism, neoliberalism, and patriarchy. A capitalist regime would much rather confront claims for individual recognition over redistribution of wealth and power).

oppression.³ In this paper, we shine light away from the individual choices women make and onto the power elite who have control over institutions that exploit and commodify women through pornography and prostitution: these power elite are housed *within* systems of oppression.

We first explore the evolution of the second-and third-wave feminist movements, demonstrating how the “sex work” perspective developed in opposition to the feminist faction advocating to end pornography and prostitution. Second, we define and elaborate on neoliberalism and its collision with and co-optation of feminist ideology. Third, we examine the global sex industry lobby, which advocates for the legalization/decriminalization of pimps, brothels, and sex buyers. Fourth, we provide evidence that US-based NGOs serve as sex industry lobbyists for legalization/decriminalization of prostitution using Washington State as an example of the co-option happening nationally. In conclusion, we present ideas for how to move forward on this issue to affect positive change.

II. THE EVOLUTION OF THE SECOND AND THIRD WAVE FEMINIST IDEOLOGIES

In this section, we will trace history through second- and third- wave feminism, while examining the paralleling popularity of neoliberal ideologies during this time. We show how neoliberal economic ideologies influenced academic queer theory and sex positivity, thus moving feminism away from collectivism and toward individualism. We postulate that this movement removes an essential critique of structural oppression and

³ See Meghan Murphy, *The No Platforming of Radical Feminists: A Talk by Julie Bindel*, FEMINISTCURRENT (June 6, 2015), <http://www.feministcurrent.com/2015/06/10/the-no-platforming-of-radical-feminists-a-talk-by-julie-bindel/>.

focuses primarily on politics of individual liberation, rather than elimination of collective suffering.

The second wave of the women's movement, in the '60s and '70s, laid the foundation for a feminist paradigm based on a collectivist vision of women's equality.⁴ The second wave sought to transform the deeply entrenched structures and patriarchal value systems ingrained in society.⁵ Feminist activists understood the necessity of women's domestic labor and fought not only for full economic inclusion within a capitalist society, but also for the acknowledgement and valuing of socially necessary domestic labor.⁶ As feminist philosopher Nancy Fraser remarks, "Rejecting both Marxism's exclusive focus on political economy and liberalism's exclusive focus on law, [second-wave feminists] unveiled injustices located elsewhere—in the family and in cultural traditions, in civil society and in everyday life."⁷ Thus, the second-wave feminist conception of justice included the economic and social equality of women while challenging hierarchies of status and asymmetrical power imbalances that maintained women's social and political subordination within a racist heteropatriarchy.⁸

All told, second-wave feminism espoused a transformative political project, premised on an expanded understanding of injustice and a systemic critique of capitalist society. The

⁴ See Susan Kemp & Ruth Brandwein, *Feminisms and Social Work in the United States: An Intertwined History*, 25 *AFFILIA* 341, 351 (2010)

⁵ *Id.*; see also NAN VAN DEN BERGH & LYNN B. COOPER, FEMINIST VISIONS FOR SOCIAL WORK 5 (1986); Fraser, *supra* note 1, at 103–04.

⁶ See Fraser, *supra* note 1, at 103–04 (describing second-wave feminism's emancipatory movement to bring about social change in arguing that the personal is political).

⁷ *Id.* at 103.

⁸ See generally Kemp & Brandwein, *supra* note 4, at 351 (chronicling the second-wave feminist movement and the different strands of feminists including liberal, radical, and socialist factions); see also VAN DEN BERGH & COOPER, *supra* note 5, at 5 (asserting that, through patriarchal institutions, power is seen as finite. Feminist ideology seeks to re-conceptualize power distribution in a more collective and equitable way and acknowledges that power is an infinite energy and can be distributed equitably among group members).

movement's most advanced currents saw their struggles as multi-dimensional, aimed simultaneously against economic exploitation, status hierarchy and political subjection. To them, moreover, feminism appeared as part of a broader emancipatory project, in which struggles against gender injustices were necessarily linked to struggles against racism, imperialism, homophobia and class domination, all of which required transformation of the deep structures of capitalist society.⁹

As radical second-wave feminists argued, these power imbalances were quintessentially ingrained into systems of prostitution and pornography.¹⁰

By the 1980s, feminist ideology began to infuse mainstream America.¹¹ Feminists advocated for five core principles: (1) to recognize that the personal is political, (2) to eliminate false dichotomies and artificial separations, (3) to reconceptualize power, (4) to value process equally with product, and (5) to acknowledge the validity of renaming.¹² These values were sewn into the first women-run organizations founded on feminist paradigms of collaboration, egalitarian and collective decision-making, and the valuing of female voices.¹³

Third-wave feminism arose in the late '80s, marked by women of color protesting the white heterosexual domination of feminist ideology during

⁹ Fraser, *supra* note 1, at 107.

¹⁰ See ANDREA DWORKIN, INTERCOURSE 143 (1987) [hereinafter INTERCOURSE]; see also CATHARINE MACKINNON, ARE WOMEN HUMAN? AND OTHER INTERNATIONAL DIALOGUES 112–120 (2006); see also ANDREA DWORKIN, LETTERS FROM A WAR ZONE 19–24 (1988) (describing Dworkin's perspective on prostitution. Dworkin views pornography as filmed prostitution and in fact a sub category of prostitution. Thus, her argument against pornography encompasses the power imbalances innate in prostitution). See ANDREA DWORKIN, PORNOGRAPHY: MEN POSSESSING WOMEN xxvii (1989).

¹¹ See Fraser, *supra* note 1, at 107–08.

¹² See VAN DEN BERGH & COOPER, *supra* note 5, at 4–9.

¹³ See Kemp & Brandwein, *supra* note 4, at 353; see also VAN DEN BERGH & COOPER, *supra* note 5, at 169 (redefining power and how it is distributed using a feminist administrative style of leadership and organizational development. The author specifically reviews literature and compares traditional administrative themes and differences in women run feminist organizations).

the previous three decades.¹⁴ Some feminist scholars named issues of intersectionality and the inability of women marginalized in multiple ways to separate their experiences of oppression.¹⁵ The failure to recognize the unique experiences of women across identities created an unjust denial of women's whole selves.¹⁶ This included the intersections of identities marginalized along axes of race, gender, class, and ability.¹⁷

III. "SEX WORK" VERSUS ANTI-PORNOGRAPHY/PROSTITUTION FEMINIST DEBATE

Stemming from the holistic vision of women's liberation by the second-wave and early third-wave feminist movement, anti-pornography and prostitution radical feminists began to emerge. Seen as systematic gendered violence against women, prostitution and pornography were deeply at odds with feminist values and a holistic vision of a just society.¹⁸ During this time, Catharine MacKinnon developed legal theories from a feminist perspective, creating an important body of work, which discussed how the dominance and submission of women act as an explanation for sexual violence perpetrated against them.¹⁹ Under this paradigm, theorists viewed prostitution and pornography as institutions of oppression that disproportionately impacted marginalized women and demonstrated patriarchal domination and oppression.²⁰ Andrea Dworkin, a prominent

¹⁴ BARBARA SMITH, HOME GIRLS: A BLACK FEMINIST ANTHOLOGY, XXVII, XXXIII (1983).

¹⁵ *Id.* at xxvii; *see also* AUDRE LORDE, AGE, RACE, CLASS AND SEX: WOMEN REDEFINING DIFFERENCE 589 (1984).

¹⁶ *See* SMITH, *supra* note 14, at XVI.

¹⁷ *Id.*; *see also* LORDE, *supra* note 15, at 590–91.

¹⁸ *See* RAYMOND, *supra* note 1, at 192–93; *see also* DWORKIN, *supra* note 10, at 119–24; *see also* MACKINNON, *supra* note 10, at 114–19.

¹⁹ *See generally* CATHARINE MACKINNON, TOWARD A FEMINIST THEORY OF THE STATE (1989) (describing the patriarchal roots of violence and laying down the foundation for legal feminist theory); *see also* CATHERINE MACKINNON, WOMEN'S LIVES, MEN'S LAWS 215–37 (2005).

²⁰ *See* DWORKIN, *supra* note 10, at 9–12.

anti-pornography/prostitution radical feminist (and survivor of prostitution), remarked, “The acts of violence depicted in pornography are real acts committed against real women and real female children. The fantasy is that women want to be abused.”²¹ Feminists like Dworkin and Mackinnon viewed innate gender-based power imbalances in prostitution and pornography as foundationally patriarchal and argued that the abolition of the sex industry was essential to women’s liberation.²² Dworkin and other radical feminists did not focus on the morality of viewing pornography, but rather, on the harm of making pornography.²³ By reframing the conversation around pornography and prostitution, the focus was on women and girls being victimized and the patriarchal systems of domination sanctioning that violence. Their critique of prostitution and pornography stemmed from the immeasurable physical, psychological, and social violence that women in prostitution faced and from the patriarchal dominance inherent in heterosexual relationships.²⁴ Critiquing the sex industry and male sexual domination, Dworkin wrote about the domination and control exerted through *all* heterosexual intercourse, stating, “Sex itself is an experience of diminishing self-possession, an erosion of self.”²⁵ Resentment brewed against perceived claims that women were disempowered actors rather than sexual subjects in their own right.²⁶

²¹ *Id.* at 11.

²² See DWORKIN, *supra* note 10, at 19–24; see also MACKINNON, *supra* note 19, at 213–14.

²³ See DWORKIN, *supra* note 10, at 272.

²⁴ See INTERCOURSE, *supra* note 10, at 143; see also Melissa Farley, *Bad for the Body, Bad for the Heart: Prostitution Harms Women Even if Legalized or Decriminalized*, 10 VIOLENCE AGAINST WOMEN 1087, 1095 (2004).

²⁵ INTERCOURSE, *supra* note 10, at 84.

²⁶ See Elisa Glick, *Sex Positive: Feminism, Queer Theory, and the Politics of Transgression*, 64 FEMINIST REV. 19, 20 (2000).

A. Identity Politics, Queer Theory, and the Sex-Positive Movement.

The disagreement between feminist strands started what was later known as the “sex wars” of the 1980s.²⁷ The “sex wars” ideologically split anti-pornography and prostitution feminists from sex-positive, and later, queer theorists.²⁸ Mackinnon and other radical feminists viewed women’s oppression ontologically; they examined and fought against women’s oppression in society right *now*, rather than how women might, or could be, situated in the future.²⁹ Radical feminists argued that sexual revolution consisted of overthrowing the patriarchy and dismantling systems of gender-based sexual oppression, such as pornography and prostitution.³⁰

In opposition to these radical feminist claims, queer theory, which emerged in the early ‘90s, viewed gender, sex, and sexuality as individual categories of adherence, instead of a holistic collective.³¹ Queer theorists critiqued feminist views of systemic power redistribution and focused on individual sexual liberation *within* oppressive power structures.³² Building off sex positive feminist ideologies, queer theorists insisted that subversive individual acts were revolutionary in and of themselves. This perspective, and its growing influence in academia and pop culture during the late ‘80s and ‘90s, led the two ideologies into direct conflict with each other.

B. The Co-Option of Sex Positive Feminism by Neoliberal Ideology

This shift towards sex-positivity as a central tenet of feminism created an opportunity for sex industry power elites to take advantage of a splintering feminist movement, one strand of which now valued personal sexual

²⁷ *Id.* at 20.

²⁸ SHEILA JEFFREYS, UNPACKING QUEER POLITICS 28 (2003).

²⁹ Brooke Meredith Beloso, *Sex, Work, and the Feminist Erasure of Class*, 30 SIGNS: J. OF WOMEN IN CULTURE AND SOC’Y 1, 48 (2012)

³⁰ *Id.* at 48; *see also* DWORKIN, *supra* note 10, at 24.

³¹ Glick, *supra* note 26, at 30.

³² *Id.* at 23.

freedom above structural egalitarianism. Liberal feminists came to associate being anti-pornography/prostitution with being “anti-sex.” As a result, liberal feminists began heavily incorporating sex positivism, asserting that women’s liberation is achievable through personal sexual liberation.³³ An ideological shift away from structural oppression of women through systematic gender-based violence, and toward individualized politics of personal sexual freedom, aligned feminism with the budding mainstream conservative neoliberal ideology of the time.³⁴ In direct response to anti-pornography and prostitution feminists in the late ‘80s, pro-sex work feminists denied that heterosexual sex was interlaced with male dominated violence. Thus, pro-sex work feminists sought to define female sexual empowerment *within* an oppressive system.³⁵ Pro-sex feminists argued that

[r]efusing to conceptualize sexual relations only in terms of social regulation, pro-sex feminists such as Echols, Rubin and Vance reject sexual repression, favor freedom of sexual expression, and claim that dominant configurations of power do not prevent women from exercising agency. Indeed, pro-sex feminist endeavor to cultivate sexuality as a site of political resistance is perhaps its most influential contribution to contemporary queer theory and politics.³⁶

The sex-positive movement provided a foundation for queer theory in which personal liberation and individual subversive acts were paramount. Judith Butler, a foundational queer theorist, argues for individualized sexual and gender resistance within the structures of the power elite.³⁷ This

³³ *Id.* at 22.

³⁴ See Glick, *supra* note 26, at 22–23 (noting that sex-positive theorizing in the early ‘90s by Echols, Rubin and Vance was in direct response to MacKinnon and Dworkin, who became noteworthy scholars in the ‘80s by questioning women’s agency within an oppressive system).

³⁵ *Id.* at 22.

³⁶ *Id.*

³⁷ See JUDITH BUTLER, GENDER TROUBLE: FEMINISM AND THE SUBVERSION OF IDENTITY 173–74 (1990).

argument implies that without imagining a model of sexual freedom *within* existing power relations, society will be unable to move to a more sexually liberated space. As such, Butler argues for subversive or transgressive gender and sexual play that act to denaturalize heterosexual constructs.³⁸ Butler argues that drag and gender-bending are foundational in upsetting the power regime of heterosexuality itself.³⁹ The neoliberal theoretical perspective of that same time focused on parallel-individualized politics of identity recognition, rather than redistribution of power.⁴⁰ As Eliza Glick, a queer theorist and feminist scholar states,

[P]ro-sex and queer theories that valorize transgression make self-exploration and the fashioning of individual identity central to political struggle. This focus on self-transformation, divorced from the collective transformation of institutionalized structures of power, reproduces the pitfalls of the liberal gay rights movement that politicizes ‘lifestyle’-for example, ‘buying pink’- as a strategy for social change.⁴¹

Third-wave feminism, which we argue influenced this neoliberal perspective, reconceptualized pornography/prostitution as “sex work,” framing it as subversive, sexually liberating, and rooted in choice.⁴² Thus, these “subversive” acts never integrated resistance against structural systems of oppression into individualized identity politics surrounding sex and gender. While queer theory may challenge existing power relations, it also reduces structural and material inequalities down to individual personal

³⁸ *Id.* at 173–77 (arguing that gender is merely a performance, and the body simply a canvas in which we create gender. Butler argues that there is no ontological or tangible existence of gender, only the performance of gender that men and women act out. This obligated binary “performance” must be transgressed in order to politically challenge heteronormativity); *see also* Glick, *supra* note 26, at 22–24.

³⁹ *See* BUTLER, *supra* note 37, at 173–74; *see also* Glick, *supra* note 26, at 40–41.

⁴⁰ Fraser, *supra* note 1, at 144; *see also* Glick, *supra* note 26, at 31–32.

⁴¹ *See* Glick, *supra* note 26, at 31–32.

⁴² *Id.* at 22.

choice and freedom, much in the same way that neoliberal economic ideology ignores these same inequalities.

In this way, queer theory allows us to think more critically about individual gender politics. However, queer theory never reintegrated essential discussions of sexism, racism, capitalism, or labor at the structural level.⁴³ These social structures are essential to conversations of feminism and queer theory because removal of power differentials from the analysis of individualized gender politics reduces class status to merely a social identity. As such, queer theory ignores the implications of hierarchy within a capitalistic, patriarchal, and racist system.⁴⁴ As we will further explore, this reduction of oppression to the individual level of identity removed an intersectional analysis of class and race relations. Commodification based on those levels of oppression, aligned nicely with the sex lobby's neoliberal political agenda emerging at the same time.

IV. NEOLIBERALISM: THE COLONIZATION OF FEMINIST IDEOLOGY

In this section, we provide evidence that illustrates how institutionalized neoliberalism blossomed a booming sex industry—an industry that is widely supported by a new kind of feminist thought. We refer to this new feminist thought as “neoliberal feminist ideology.” In exploring the advent of neoliberal feminist ideology and its impact on the current women's liberation movement, we show the deliberate colonization of the feminist movement.

Neoliberalism, a political and economic ideology popularized by Ronald Reagan and Margaret Thatcher in the late 1980s, shifted the economic, social, and political landscape while co-opting the critical consciousness of

⁴³ Beloso, *supra* note 29, at 59–60; *see also* Glick, *supra* note 26, at 29–30.

⁴⁴ *See generally* Beloso, *supra* note 29, at 50; *Cf.* Fraser, *supra* note 1, at 107 (positing that a critique of neoliberal capitalism has not been adequately infused into feminist theory, thus stifling discussion that centers around the intersection of race, class, and gender oppression); *see also* Glick, *supra* note 26, at 40–41.

the general public and academic theory.⁴⁵ Fundamental to neoliberal ideology are core principles of individualism, personal autonomy, market freedom, and the liberty to consume or commodify goods that enhance profits or personal satisfaction.⁴⁶ Neoliberalism seeks to deregulate national economies, liberalize international trade, and create a single global market. On a larger scale than previously possible, this deregulation has expanded on a national and local level.⁴⁷ As Brents and Sanders iterate, “Notions of individual liberty and responsibility have replaced protective regulations and social supports. This has allowed all sorts of enterprises to expand, including the sex industry.”⁴⁸ The sex industry expanded with the popularization of the internet in the early 1990s, during which time the deregulated market reached unprecedented levels.⁴⁹ Neoliberalism, as an emerging political ideology and economic powerhouse, leveraged economic capital to defend against opposing ideologies.⁵⁰ Steger and Roy speak to the forces at play in a neoliberal economy:

⁴⁵ See Nader Ahmadi, *Globalisation of Consciousness and New Challenges For International Social Work*, 12 INT’L J. OF SOC. WELFARE 14, 14–16 (2003) (asserting that linked with capitalism, production, and trade has been globalized. Furthermore, western ideology is disseminated in a global marketplace and has co-opted consciousness at the individual and policy levels. We argue that neoliberal ideology has been disseminated from western power elite through globalization, co-opting academic theory, as well as global policy); see also MANFRED B. STEGER & RAVI K. ROY, NEOLIBERALISM: A VERY SHORT INTRODUCTION 24–28 (2010).

⁴⁶ See STEGER & ROY, *supra* note 45, at 11–13.

⁴⁷ Barbara Brents & Teela Sanders, *Mainstreaming the Sex Industry: Economic Inclusion and Social Ambivalence*, 37 J. OF L. AND SOC’Y 40, 46 (2010); see also STEGER & ROY, *supra* note 45, at 31–34.

⁴⁸ Brents & Sanders, *supra* note 47, at 46.

⁴⁹ See GAIL DINES, *PORNLAND: HOW PORN HAS HIJACKED OUR SEXUALITY* 47–49; see also Rebecca Whisnant, *Confronting Pornography: Some Conceptual Basics*, in NOT FOR SALE: FEMINISTS RESISTING PROSTITUTION AND PORNOGRAPHY 15 (Christine Stark & Rebecca Whisnant eds., 2004) (explaining that the exponential expansion of the porn industry is a result of advancing technologies developed by big business, which in turn shifts culture thus increasing demand).

⁵⁰ Cf. STEGER & ROY, *supra* note 45, at 11 (stating that one of the most appealing facets of neoliberalism is its appeal to a globalized world rooted in free-market consumerism. In

The codifiers of neoliberalism are global power elites that include managers and executives of transnational corporations, corporate lobbyists, influential journalists and public-relations specialists, intellectuals writing for a large public audience, celebrities and top entertainers, state bureaucrats, and politicians. Serving as chief advocates of neoliberalism, these individuals saturate public discourse with the idealized image of a consumerist, free market world Indeed, neoliberal decision makers function as expert designers of an attractive ideological container for their market-friendly political agenda.⁵¹

Neoliberal economic, social, and political ideology has driven a multi-billion dollar global pornography and prostitution industry.⁵² Codifiers, or united corporate interests, of a free market neoliberal agenda have skillfully infiltrated factions of opposition that pose a threat to an unfettered and unregulated global sex industry.⁵³ These codifiers include sex-industry lobby groups and nonprofit organizations that have tactfully co-opted labor, feminist, and HIV/AIDs groups under the guise of free speech, women's liberation, and public health.⁵⁴ For example, in 2001, a Left Labor

presenting itself as such, neoliberalism maintains leverage amidst a contemporary global society and competing ideas, much like Marxism did).

⁵¹ *Id.* at 11–12.

⁵² *Cf.* DINES, *supra* note 49, at x, 51, 142 (describing how pornographers are sculpting an industry founded in neoliberal ideology as described in the previous paragraph).

Pornographers are businessmen profiting from the promotion of a deregulated free market where they can exploit products and labor, in this case, women, for maximum profit); SHELIA JEFFREYS, THE INDUSTRIAL VAGINA: THE POLITICAL ECONOMY OF THE GLOBAL SEX TRADE 66 (2009); *see also* Angela Miles, *Prostitution, Trafficking and the Global Sex Industry: A Conversation with Janice Raymond*, 22 CANADIAN WOMAN STUD. 26, 26–29 (2003) (describing the exploitation inherent in the sex industry functioning within globalized capitalism. Globalized capitalism is another way to speak about neoliberalism, which is the ideology behind globalized capitalism).

⁵³ Joyce Wu, *Left Labor in Bed with the Sex Industry*, in NOT FOR SALE: FEMINISTS RESISTING PROSTITUTION AND PORNOGRAPHY 206–09 (Christine Stark & Rebecca Whisnant eds., 2004).

⁵⁴ *See* Miles, *supra* note 52, at 5; JEFFREYS, *supra* note 52, at 29–31; KAISA EKIS EKMAN, BEING AND BEING BOUGHT: PROSTITUTION, SURROGACY AND THE SPLIT SELF

Conference was held in Australia.⁵⁵ Organizers titled the first session “Our Bodies our Rights” and intended to discuss civil liberties and free speech.⁵⁶ The speakers in this session included two members of the Eros Foundation, a political lobby group for Australia’s 1.2 billion dollar a year sex industry.⁵⁷ Speaking on behalf of the feminist labor sector, these lobbyists preached a rehearsed message construed by the corporate financial interests of their sex sector members.

Structural critiques that grounded feminists in the ‘70s and ‘80s were abandoned with a renewed focus on politics of recognition, identity, individual sexual empowerment, and autonomous choice, all of which worked in tandem with popular neoliberal ideologies of the time.⁵⁸ In the ‘90s, we began to see mainstream liberal feminist consciousness shift toward a neoliberal ideology, centering arguments on individual choice and autonomy.⁵⁹ This slow co-option of the liberal left by neoliberal power elites works to shift public discourse aligning with a neoliberal ideology of individual choice as the ultimate determinant of “moral.”⁶⁰ As Brents and Sanders articulate,

Consumption promotes a morality where personal choice is elevated to a moral right. Choice, be it choice of lifestyle or choice of product, is quickly becoming the new moral principle of our age

68–73 (“These groups have proven very useful to the lobbyists working for the sex industry, because the sex industry thus no longer needs to speak under its own name.”).

⁵⁵ Wu, *supra* note 53, at 206–09.

⁵⁶ *Id.* at 206.

⁵⁷ *Id.*

⁵⁸ *Cf.* Fraser, *supra* note 1, at 109, 110, 115 (calling attention to the timing of second-wave feminism’s splintering with other modes of feminism and the ideological rise of neoliberalism. By occurring in tandem, second-wave feminism contributed to and was influenced by neoliberalism’s cultural ideological power).

⁵⁹ *Id.* at 107–09.

⁶⁰ *See generally* Brents & Sanders, *supra* note 47, at 46–47 (showing the mainstreaming of free market neoliberalism resulting in the commodification of individuals within the sex industry. Discussing the implications of commodification, personal satisfaction and choice embodying the core tenets of morality).

. . . In other words, this free-market liberalism has also been injected into our personal morality.⁶¹

Neoliberal paradigms, initially promoted as economic theories, have now seeped into liberal feminist views of prostitution—if a woman “chooses sex work” as a profession, it is her moral right. Thus, entire *systems* of prostitution are now immune to critique.

Between the early 1990s and today, the feminist movement and a critique of patriarchal structures of oppression have slowly crumbled. The feminist movement has splintered and become unmoored from the critiques of capitalism that had once integrated separate feminist siloes.⁶² The movement has become vulnerable to alternative articulations and what Hester Eisenstein, Director of the Masters Program in Women’s and Gender Studies at City University of New York, called “‘a dangerous liaison’ with neoliberalism.”⁶³ Mainstream feminism now favors an individualized neoliberal paradigm of recognition and identity politics. Fraser states,

The turn to recognition dovetailed all too neatly with a rising neoliberalism that wanted nothing more than to repress all memory of social egalitarianism. Thus, feminists absolutized the critique of culture at precisely the moment when circumstances required redoubled attention to the critique of political economy.⁶⁴

Feminist alignment with neoliberal ideology and individual sexual politics created an opening monopolized by the sex industry. Pornographers, pimps, and johns have found an unlikely ally in feminists.

A. Global Neoliberal Sex Lobby: Efforts for Legalization

In this section, we will unveil the sex industry lobby’s co-option of the feminist movement by tracing the funding that develops and supports

⁶¹ *Id.* at 46.

⁶² Fraser, *supra* note 1, at 108–09.

⁶³ *Id.* at 109.

⁶⁴ *Id.*

organizations operating under the guise of feminism. The sex industry has vastly influenced the fight for legalization and decriminalization of prostitution by reshaping feminist analysis of this issue. These neoliberal codifiers preach messages of free speech and women's liberation to liberal feminists and labor organizers in direct efforts to shift the political and social norms towards deregulation and legalization of pornography and prostitution. These lobby groups, promulgating neoliberal messages of individual freedom and autonomous choice, stand to financially benefit from the co-option of these liberal organizations. This section of the paper will provide examples of the sex lobby's international impact on a prostitution legalization feminist framework.

B. A Feminist Message of Liberation through Sexual Exploitation.

Using neoliberal strategies for social control, capitalist and patriarchal institutions ally to manipulate feminist thought to be reflective of its ideologies, reducing women to individual commodities to be exploited for maximum profit.⁶⁵ Sex industry power elites benefit from women's claims of empowerment through systems of pornography and prostitution.⁶⁶ The sex industry lobby, which benefits from the framing of prostitution as a regular form of labor, influence progressive and liberal thinkers. The sex industry finds its way into progressive circles and reframes prostitution as a liberal concept.⁶⁷ Joyce Wu, a radical feminist author, writes about the sex-

⁶⁵ *Id.*

⁶⁶ See generally Christine Stark, *Girls to boyz: Sex radical women promoting pornography and prostitution*, in NOT FOR SALE: FEMINISTS RESISTING PROSTITUTION AND PORNOGRAPHY 281–84 (Christine Stark & Rebecca Whisnant eds., 2004); cf. Whisnant, *supra* note 49, at 15–16 (explaining that the porn industry increases men's power as they socially and economically profit by exploiting women through pornography); see also JEFFREYS, *supra* note 52, at 17–18 (arguing that power elite—men who make money off of the sex industry—have shaped women's participation in and perceptions of empowerment within systems of pornography and prostitution).

⁶⁷ EKMAN, *supra* note 54, at 70.

industry lobby speaking at the Australian Left Labor Conference where Maureen Mathews, a member of Eros Foundation, spoke as the feminist representative for the sex industry preaching civil liberties.⁶⁸ Founded in 1992, the Eros Foundation is an adult-only industry association—a political lobby group for the sex industry.⁶⁹ Maureen’s central point (according to Wu) was that, “women can, and indeed must, fuck their way to social freedom and justice. She [seemed unaware] that sexuality is fused with male dominance in our society and that this affects the workability of ‘liberation through sex.’”⁷⁰ The reframing of the sex industry within a neoliberal feminist perspective ignores institutional misogyny, racism, classism, ageism, heterosexism, and capitalist exploitation inherent in prostitution and pornography. Codifiers of the neoliberal sex industry confuse the feminist message. As Wu states,

What is especially dangerous about ‘feminist’ representatives such as Mathews is that the sex industry will prop her up as their ‘feminist speaker’ whenever there is a public forum of debate on the sex industry, and members of the general public who are not familiar with feminism will learn about feminism only what the sex industry wants them to learn, thereby discrediting the arguments of actual feminists against pornography.⁷¹

Billion-dollar corporations stand to significantly profit from their strategic employment of women to speak about sexual liberation in prostitution and promote their neoliberal ideologies. The normalization of the “sex as labor” ideology is far more effective coming from women than disseminated through pornographers themselves.

⁶⁸ Wu, *supra* note 53, at 206–09.

⁶⁹ The Adults Only Ass’n, *About Us*, EROS, <http://www.eros.org.au/about-us/> (last visited Oct. 5, 2015).

⁷⁰ Wu, *supra* note 53, at 208.

⁷¹ *Id.*

The sex industry lobby has shaped public discourse around the legalization of prostitution. With the rise of the women's liberation movement, feminist voices have shaped public discourse on policies related to gender. The sex industry directly benefits by gaining support from mainstream feminist voices supporting the legalization of prostitution. By reshaping the feminist narrative to focus on women's agency and empowerment to do "sex work," liberal feminist activists lobbying for the legalization/decriminalization of prostitution consequently protect pimps and johns.⁷² The legalization of prostitution does not in fact protect women, as we have seen from studies documenting the rise of trafficking and violence when countries legalize.⁷³

A reciprocal relationship between pro-sex work lobby groups and neoliberal governments exists globally. Governments and sex industry executives who stand to financially benefit from the legalization and decriminalization of prostitution finance pro-sex work lobby groups.⁷⁴ These groups work in tandem with neoliberal governments, which reap monetary reward from increased tax revenue generated by the sex trade.⁷⁵

⁷² Melissa Gira Grant, *Hookers: Sex Workers And Their Would-Be Saviors*, JACOBIN (2012), <https://www.jacobinmag.com/2012/08/happy-hookers/>; Kelly J. Bell, *A Feminist's Argument On How Sex Work Can Benefit Women*, STUDENT PULSE (2009), http://www.studentpulse.com/articles/28/a-feminists-argument-on-how-sex-work-can-benefit-women?ab=content_recs&utm_expid=22625156-1_HyAAxXdT4Cb3b9ocWvJYA.1.

⁷³ COAL. AGAINST TRAFFICKING IN WOMEN AUSTR., DEMAND CHANGE: UNDERSTANDING THE NORDIC MODEL APPROACH 4 (2013), available at http://www.catwa.org.au/files/images/Nordic_Model_Pamphlet.pdf

⁷⁴ DINES, *supra* note 49, at 51–53, 142–44; *see also* Miles, *supra* note 52, at 29; SHEILA JEFFREYS & MARY SULLIVAN, COAL. AGAINST TRAFFICKING IN WOMEN AUSTR., LEGALISING PROSTITUTION IS NOT THE ANSWER: THE EXAMPLE OF VICTORIA, AUSTRALIA 1 (2001), available at <http://www.catwinternational.org/content/images/article/95/attachment.pdf>.

⁷⁵ *See* Miles, *supra* note 52, at 29–31; *see generally* JEFFREYS & SULLIVAN, *supra* note 74, at 1 (arguing that neoliberal governments benefit financially from sex trade revenue. For example, the governments in Southeast Asia are encouraged to recognize the gross

The sex lobby contributed to the successful legalization of prostitution in various places across the globe, including Australia, the Netherlands, and Nevada.⁷⁶ The sex industry has an estimated turnover of \$1.2 billion in Australia, providing a financial incentive for countries to decriminalize prostitution.⁷⁷ Additionally, since women comprise a vast majority of those people represented in prostitution, countries that legalize prostitution can include these women in their female employment statistics, giving the false image of an economically progressive country while hiding that the state is simply sanctioning sexual and financial exploitation.⁷⁸ When governments benefit economically from policy decisions such as the legalization of prostitution, it becomes an ethical conflict of interest for them to also provide large amounts of funding to NGOs that lobby for that cause. However, this result is exactly what we see happening.

A number of powerful NGOs exist that argue for the legalization or decriminalization of prostitution. Amnesty International and the World Health Organization (WHO) are two of the largest international NGOs that support the decriminalization or legalization of prostitution.⁷⁹ These organizations maintain that prostitution is an issue of labor rights, and in doing so, frame the discussion as work in which consenting adults engage, subject to the same protection as any other professional occupation.⁸⁰ Rather than seeing the structural oppressions and coercive circumstances that lead a woman to be sexually exploited, Amnesty International and

national income made by the sex sector. The pro-sex work lobby groups also gain financial growth from the sex trade).

⁷⁶ See Miles, *supra* note 52, at 34.

⁷⁷ JEFFREYS & SULLIVAN, *supra* note 74, at 4.

⁷⁸ See Miles, *supra* note 52, at 33.

⁷⁹ AMNESTY INT'L, PROPOSED POLICY ON SEX WORK 1, 6 (2014), available at <https://www.amnesty.se/upload/files/2014/04/02/Summary%20of%20proposed%20policy%20on%20sex%20work.pdf>.

⁸⁰ MELISSA DITMORE & MARJAN WIJERS, THE NEGOTIATIONS ON THE U.N. PROTOCOL ON TRAFFICKING IN PERSONS 82 (2003), available at http://www.bayswan.org/traffick/NEMESIS_Ditmore.PDF.

WHO work to legalize an oppressive system founded on patriarchal entitlement and economic exploitation.⁸¹ Amnesty International says the following about their policy on sex work:

In particular, individuals who engage in sex work often have limited choices. Guaranteeing human rights without discrimination is the most effective way to ensure the empowerment of people involved in sex work and the protection of all individuals from discrimination, violence, and coercion.⁸²

Amnesty hopes that allowing men to purchase sex will reduce the amount of coercion women experience in prostitution and render the once taboo act less stigmatized.⁸³ While proponents of legalization agree that prostitution is something women turn to due to lack of alternatives, their policy solution is to work within an oppressive, capitalistic, racist, patriarchal system. With a goal of creating better work environments, they fail at addressing the structural factors that limit women's economic, educational, and political choices within systems of prostitution.

Likewise, the WHO calls for all countries to "work toward decriminalization of sex work and elimination of the unjust application of non-criminal laws and regulations against sex workers."⁸⁴ In this call to review laws and policies, WHO does not take into account the ramifications of decriminalization within the holistic scope of a neoliberal economic society. Julia O'Connell Davidson argues that the debate around

⁸¹ See Davidson, *supra* note 2, at 9; JULIE BINDEL & LIZ KELLY, LONDON METRO. UNIV., CHILD AND WOMAN ABUSE STUDIES UNIT, A CRITICAL EXAMINATION OF RESPONSES TO PROSTITUTION IN FOUR COUNTRIES: VICTORIA, AUSTRALIA, IRELAND, THE NETHERLANDS, AND SWEDEN 15 (2003), available at http://nordicbaltic-assistwomen.net/IMG/pdf/Study_in_4_countries_Kelly_Bindel.pdf.

⁸² AMNESTY INT'L, *supra* note 79, at 2.

⁸³ *Id.* at 2.

⁸⁴ WORLD HEALTH ORG., HIV PREVENTION, DIAGNOSIS, TREATMENT AND CARE FOR KEY POPULATIONS, CONSOLIDATED GUIDELINES 5 (2014), available at http://apps.who.int/iris/bitstream/10665/128049/1/WHO_HIV_2014.8_eng.pdf?ua=1&ua=1.

empowerment and individual autonomy to “choose sex work” originates from a first world Euro-American standpoint and ignores the economic and social power imbalances innate in prostitution.⁸⁵ Key to Davidson’s framework is a critique of capitalism and the neoliberal discourse that permeates our political and social systems. She writes, “Marxist thinkers view liberal discourse on property, labor, contractual consent, and freedom as a series of fictions that serve to conceal or naturalize huge asymmetries of economic, social and political power.”⁸⁶ While our analysis is not Marxist specific, critiques such as these locate liberal discourse around consent and the freedom of a woman to “choose” sex work as a profession. Thus, viewing prostitution as labor ignores the structural oppressions that force women into positions where they must submit to male dominance and sexual violence in order to survive within a capitalistic system.

Large international NGOs have huge political and social power to exert control over individual and collective bodies.⁸⁷ International corporations have influenced NGOs, such as WHO, Amnesty International, and the Human Rights Caucus (HRC), which has in effect contributed to imperialist globalization.⁸⁸ Kwiatkowski documents global and local NGO practices that have influenced indigenous culture and gendered conceptions, processes, and identities, some of which have resulted in unintended negative consequences. For example, Structural Adjustment Programs were introduced in the 1980s and with them came international NGOs that heavily influenced the economic and social culture of developing countries.⁸⁹ It is important to examine the “power of dominant development

⁸⁵ Davidson, *supra* note 2, at 1.

⁸⁶ *Id.* at 85.

⁸⁷ Lynn Kwiatkowski, *NGOs, Power, And Contradiction In Ifugao, The Philippines*, 34 *URB. ANTHROPOLOGY & STUD. OF CULTURAL SYS. & WORLD ECON. DEV.* 385, 387 (2005); DITMORE & WIJERS, *supra* note 80, at 80.

⁸⁸ Kwiatkowski, *supra* note 87, at 86.

⁸⁹ *See id.* at 388.

discourses to potentially generate certain worldviews and new identities that conform to the perspectives of the development institutions.⁹⁰ With these development institutions come western ideals of freedom and neoliberal discourse, which reduce social choices to the individual level, denying developing countries' collective focus to remain intact.⁹¹ Local progressive NGOs are an alternative to the neoliberal mindset of International NGOs; however, the discourse and precedent set by the international NGOs still influence many of these local progressive NGOs.⁹² International policy is crucial to the global impact of prostitution and commercial sexual exploitation.

The role of funding within these NGOs impacts their internal effectiveness as well. Janice Raymond, a prostitution abolitionist and one of the founders of the Coalition Against Trafficking of Women (CATW), an international NGO, researches the discrepancy in funding resources allocated to NGOs that work towards ending sexual exploitation. Agencies that work towards legalizing and regulating the sex industry are well funded and allocate resources to political advocacy at the policy level.⁹³ During an interview in 2003, Raymond reflected on conversations that happened during the two years that CATW attended meetings in Vienna to discuss the UN Protocol Against Trafficking. She recalls that CATW was only financially able to send one to four representatives whereas pro-sex work NGOs (mostly represented by academics) had numerous representatives—far outnumbering the anti-prostitution groups.⁹⁴ The increased financial power of pro-sex work lobby groups positions them to create policy that does not represent the realities women face—especially women in the

⁹⁰ *Id.* at 388.

⁹¹ *Id.*

⁹² *Id.* at 385.

⁹³ See Miles *supra* note 52, at 29.

⁹⁴ See Miles, *supra* note 52, at 29–30, 35; See also DITMORE & WIGERS, *supra* note 80, at 80–81.

global south. Despite this power differential, CATW and other abolitionist NGOs were able to develop a UN protocol on trafficking in 2000 that represented the voices of survivors they served.⁹⁵

In addition to NGOs, government agencies are also responsible for maintaining and creating systems of structural oppression. Critics accuse the World Bank and the United States Agency for International Development (USAID) of implementing programs that negatively affected the lives of women in Filipino communities due to their non-gender specific international development programs.⁹⁶ In an effort to standardize development strategies and account for exploited men, policies have been de-gendered, creating even more barriers for women seeking to benefit from these programs. Kwiatkowski states, “[T]he use of the term ‘gender’ depoliticized the problem of gender inequality, leading to a reluctance to challenge established norms and practices that subordinate women, and to transform existing relations of inequality.”⁹⁷ This focus on development without accounting for gendered power imbalances results in policies that maintain systems of gendered oppression such as those seen in the sex industry.

C. US NGOs as Sex Industry Lobbyists

The sex industry lobby spreads their message of prostitution as a valid and empowering form of labor that ought to be legalized through feminist organizations. Leidholt, co-executive director of the CATW, depicts how the messaging from the sex work lobby began to overshadow the abolitionist perspective during the third wave.⁹⁸ In 1977, the media

⁹⁵ See Miles, *supra* note 52, at 29–30, 35.

⁹⁶ Kwiatkowski, *supra* note 87, at 391.

⁹⁷ *Id.* at 392.

⁹⁸ COAL. AGAINST TRAFFICKING IN WOMEN, COALITION REPORT 23 (2004), available at <http://www.catwinternational.org/Content/Documents/Reports/catw04newsletter1.pdf>.

effectively ignored the conspicuous murder of a prostituted woman from a New York brothel by painting her death as dismissible due to her status as a so-called “hooker.”⁹⁹ The casual dismissal of this murder catalyzed the feminist movement around the issue of prostitution. Outraged at the dehumanization of prostituted women, feminists sought justice. Following the murder, anti-pornography feminists of the Women Against Violence Against Women (WAVAW) and Women Against Rape staged a protest in New York.¹⁰⁰ Soon after WAVAW’s arrival, Wages for Housework activists, taking a “sex work” perspective, protested that if prostitution were treated like any other form of labor, such a murder never would have happened. This “sex work” perspective overpowered WAVAW’s message. Leidholt describes how these pro-sex work advocates were much more effective at gaining media attention by using aggressive and intimidating tactics borrowed from an emerging pro-sex work NGO, Call off Your Old and Tired Ethics (COYOTE).¹⁰¹

Founded in 1973, COYOTE had a strong presence in the media, pushing the idea of prostitution as a valid form of labor.¹⁰² COYOTE received its funding from the sex industry as a way of promoting this idea, which helped to shape the image of the sex industry.¹⁰³ COYOTE represents itself as an organization that is interested in protecting the rights of women in prostitution. Its leaders were Margo St. James, who prostituted from 1962 to 1966, and Priscilla Alexander, who was a graduate of a prestigious liberal college and was not a survivor of prostitution.¹⁰⁴ Alexander coined the term

⁹⁹ *Id.* at 2.

¹⁰⁰ *Id.*

¹⁰¹ *Id.* at 3.

¹⁰² EKMAN, *supra* note 54, at 50.

¹⁰³ See Miles *supra* note 52, at 35–36.

¹⁰⁴ EKMAN, *supra* note 54, at 50; See generally JANICE RAYMOND, PROSTITUTION AS A FORM OF VIOLENCE AGAINST WOMEN, COALITION AGAINST TRAFFICKING IN WOMEN (1998), available at <http://www.catwinternational.org/Home/Article/137-prostitution-as-violence-against-women-ngo-stonewalling-in-beijing-and-elsewhere>; *Coyote*

“sex work” and promoted the notion of prostitution as an empowering form of labor.¹⁰⁵ The term “sex work” has permeated liberal feminist discourse and policy ever since.

COYOTE went on to found and ally with many offshoot organizations to increase their lobbying power. One of those organizations was the Victoria C. Woodhull Memorial Foundation (VWF) where Margo St. James served as executive director and Priscilla Alexander became chair of one of the VWF’s committees, the National Task Force on Prostitution (NTFP).¹⁰⁶ Offshoots of COYOTE infiltrated the scene and the same leadership made up multiple organizations, all of which lobbied politically for legalization of prostitution. Archived records of COYOTE state that VWF was “designed to be a funding tool for decriminalization of prostitution. . . . With COYOTE as the lobbying arm and NTFP charged with establishing international networks, VWF set up Masquerade Corporation to produce balls and other fundraising events.”¹⁰⁷ This disbursement of funding and founding of multiple organizations allowed lobbyists to saturate the market and collect funding through many different avenues.

Although widely perceived as a prostitutes’ union, according to records, in 1975 only 60 of COYOTE’s 8,500 members identified as prostitutes; most members were educated, white, middle-class women.¹⁰⁸ COYOTE and its offshoot organizations receive funding from sex industry executives and had a monopoly on public relations because of the corporate funding they received.¹⁰⁹

(*Organization*). *Records, 1962-1989: A Finding Aid*, HARV. U. LIBR. (May 1996), <http://oasis.lib.harvard.edu/oasis/deliver/~sch00278>.

¹⁰⁵ EKMAN, *supra* note 54, at 50.

¹⁰⁶ See *Coyote (Organization)*. *Records, 1962-1989: A Finding Aid*, *supra* note 104; see also STARK, *supra* note 66.

¹⁰⁷ See *Coyote (Organization)*. *Records, 1962-1989: A Finding Aid*, *supra* note 104.

¹⁰⁸ *Id.*

¹⁰⁹ See Miles, *supra* note 52, at 35.

D. Feminist NGOs Employed by the Sex Industry

NGOs with a “sex work” perspective may offer a harm reduction strategy. According to their websites,¹¹⁰ they purport to support women in and out of prostitution by providing them with community support and with mental and physical health resources targeted at their specific need.¹¹¹ These NGOs posit that the legalization/decriminalization of prostitution will protect the rights of women in prostitution by legitimizing the profession, decreasing stigma, and increasing safety. However, the advocacy for full legalization/decriminalization of the sex industry, by mainly harm reduction focused “sex work” NGOs, only increases the financial benefit for pimps and sex industry executives.

By zooming in on the city of Seattle, we can see the vast presence of the sex industry while it is still illegal. In Seattle alone, the underground commercial sex market has expanded from \$50.3 million in 2007 to \$112 million in 2013—increasing about 223 percent.¹¹² In Seattle, the weekly cash income for pimps between 2005 and 2011 was \$18,000.¹¹³ With the legalization of prostitution, a new market will open, and illegal pimps will become brothel owners and businessmen.¹¹⁴ The true beneficiaries of the complete decriminalization of the sex industry are the pimps and the johns.

One of the very vocal and influential feminist sex work NGOs operating today is the Sex Worker Outreach Project (SWOP), an international nonprofit organization, which has a local chapter called SWOP Seattle.

¹¹⁰ SEX WORKERS OUTREACH PROJECTS, *About Us*, SWOPUSA, <http://www.swopusa.org/about-us/donors/> (last visited Oct. 5, 2015).

¹¹¹ *Id.*

¹¹² Matthew Johnson, *The Hustle: Economics of the Underground Sex Industry*, URBAN INT., <http://datatools.urban.org/features/theHustle/> (last visited Dec. 21, 2015).

¹¹³ MEREDITH DANK ET AL., ESTIMATING THE SIZE AND STRUCTURE OF THE UNDERGROUND COMMERCIAL SEX ECONOMY IN EIGHT MAJOR US CITIES 30 (2014), available at <http://www.urban.org/sites/default/files/alfresco/publication-pdfs/413047-Estimating-the-Size-and-Structure-of-the-Underground-Commercial-Sex-Economy-in-Eight-Major-US-Cities.PDF>.

¹¹⁴ JEFFREYS & SULLIVAN, *supra* note 74, at 5; MACKINNON, *supra* note 10, at 247–50.

SWOP USA describes itself as “a national social justice network supporting the human rights of people involved in the sex trade.”¹¹⁵ SWOP USA notes themselves as the largest sex worker rights organization in the United States.¹¹⁶ Based on its approach to the issue of prostitution, like many NGOs of its kind, it is clear that SWOP takes on a harm-reduction approach to prostitution. SWOP’s local and national chapters claim to offer legal, health, and emergency resources for sex workers;¹¹⁷ however, this is misleading. The minimal support that SWOP Seattle’s website offers to women in prostitution is the phone numbers of local advocacy nonprofits much like SWOP itself, far from the necessary resources that can aid a woman in crisis. The majority of the website is filled with political activism efforts, including advocating for the decriminalization of prostitution. In other words, SWOP is primarily acting as a sex industry lobbyist.

The bulk of SWOP’s public presence is in community education and policy advocacy. While under the guise of protecting the rights of women and marginalized gender identities in the sex industry, SWOP members put pressure on the public through social media and letters to council members to oppose bills,¹¹⁸ which ultimately threatens the security and wealth of men who buy sex. For example, during the Washington Legislative Session of 2015, Senate Bill 5277 was proposed, which would increase the penalty of exploiting women in prostitution from a misdemeanor to a gross misdemeanor.¹¹⁹ My co-author and I were one of three who appeared to testify on behalf of SB 5277. Meanwhile, SWOP members filled up two

¹¹⁵ SEX WORKERS OUTREACH PROJECTS, *supra* note 110.

¹¹⁶ *Id.*

¹¹⁷ *Id.*

¹¹⁸ *An Open Letter to Policy and Lawmakers*, SWOP SEATTLE, <http://swop-seattle.org/policy-and-law/an-open-letter-to-policy-and-law-makers/> (last visited Mar. 18, 2016).

¹¹⁹ S.B. 5277, 64th Leg., Reg. Sess. (Wash. 2015).

rows of seats to testify against the bill. SWOP members act as sex industry lobbyists, promoting the interests of pimps and johns.

E. Tracing the Money: SWOP

It is important to examine the funding sources of nonprofit organizations in order to scrutinize the motivations of their actions. Funders of nonprofits may have the ability to put stipulations on donated dollars and create a status differential that could impact the integrity of the organization. SWOP USA's website lists its funders. By visiting <http://www.swopusa.org/about-us/donors/>, a list of private donors illuminates the sex sector funders who have a financial interest in the legalization of prostitution. The donors we will focus on are: Craigslist (\$50,000+), EROS Guide (\$5,000–\$10,000), and Slix.com (\$2,000–\$5,000).¹²⁰ We ask the question: by accepting money from exploiters, what are NGOs expected to do in return?

EROS Guide and Slix.com are online escort search sites with large thumbnails of prostituted women. Slix.com describes itself as “[a] revolutionary platform that changes the way men find quality private entertainment.”¹²¹ This site markets women like any other commodity on the internet. Women are for sale, and men are the target audience for consumption. Nothing differentiates these women, and the purchase of their bodies, from the online sale of a pizza from Domino's or shoes from Amazon. The marketing and sales strategies are exactly the same. A quote from Slix.com's website demonstrates this commodification, “Find what you're looking for quickly and easily with large photos you can actually see and navigation that just plain makes sense. We never try to upsell you—free is free!”¹²²

¹²⁰ SEX WORKERS OUTREACH PROJECTS, *supra* note 110 (Dollar amounts are indicated as aggregate amounts donated to SWOP USA by the listed companies).

¹²¹ SLIXA, www.slix.com (last visited Jan. 12, 2015).

¹²² *Id.*

This verbiage could be used for any website selling a product; only, this site sells women.

This blatant commodification and commercialization of the sex sector demonstrates the reduction of women to objects—opening up another market for wealthy male sex sector executives to exploit. Furthermore, Slixia, which makes money off pimping women online, backs pro-sex work NGOs and is a sponsor of this year’s Feminist Pornography Awards.¹²³ Yet, alongside its claim of being pro “feminist,” it advertises an article about the “Top Ten Hook Up Sites”—number four being a site called *Asian Women* because, “Let’s face it, we all love a good AMP [Asian Massage Parlor]. There’s a reason we’re attracted to Asian and Chinese bodies, they are so FIRM AND TIGHT. Furthermore to that, these women are ultra obedient.”¹²⁴ This blatant sexism and racism sits alongside claims of supporting women and creates a facade of feminism. If an organization truly supported women, they would not accept money from sex industry executives, such as Craigslist, EROS Guide, and Slixia, which all provide a platform for trafficking and prostitution.

V. CONCLUSION

This twisting of feminist theory can be traced throughout our recent history and has become a tool of the patriarchy to keep women subordinate, exploited, and oppressed through institutions of pornography and prostitution. As we have shown, today’s mainstream feminist movement is firmly situated in neoliberal feminist ideology, which has produced a culture of feminist identifying individuals and institutions that not only uphold misogynistic values, but participates in its own commodification,

¹²³ Donia Christine, *Slixia Supports The Feminist Porn Awards*, SLIXA <https://www.slixia.com/late-night/555-slixia-supports-the-feminist-porn-awards> (last visited Oct. 5, 2015).

¹²⁴ *Id.*

objectification, and oppression. The most damaging offender is the sex industry lobby, which utilizes its multidimensional capital to perpetuate violence against women, and the subordination of women to men, by advocating for the ultimate decriminalization of the global sex trade. The sex industry lobby funds organizations operating under his feminist façade.

Third-wave feminism has unwittingly provided a key ingredient to neoliberalism, one that reduces feminism to identity politics and demands women's inclusion in an exploitative capitalistic workforce that continues to devalue her full capabilities and unpaid domestic work.¹²⁵ Pro-sex work feminists focus on liberation within a system of patriarchal dominance and capitalistic control rather than fighting to dismantle those systems of oppression. Without feminists buying into ideas of sexual liberation through pornography, the sex industry would not have a willing workforce of women and girls in which to draw upon and feed the ever-growing demand.

Essential to women's liberation is the alignment of the feminist movement such that the interests of the most marginalized women and girls are truly at the forefront. This alignment requires misogynistic and racist undertones of the movement be acknowledged and opposed. In the fourth wave of feminism, the primary concern should be to liberate all women, specifically focusing on women of color, indigenous, and low-income women; women disproportionately marginalized within systems of sexual exploitation. The true liberation of women is derived from a meaningful shift in consciousness in which underrepresented female narratives guide the movement, rather than predominantly white privileged voices. It is essential that the health and safety of women are supported while not succumbing to the misogynistic conclusions perpetuated by the sex industry. It is truly feminist to support women in prostitution by providing them with community resources, support networks, mental health, physical

¹²⁵ Fraser, *supra* note 1, at 98–99.

health, education, and job opportunities. It is also important to push back against the demand, and to address the cultural and systemic reasons why male entitlement exists and perpetuates the systematic enslavement of women and girls globally.

Feminists must support and propose policies, which deconstruct patriarchy and capitalism through the enhancement of economic justice, racial equity, affordable housing, childcare, and labor rights. To represent the truly underrepresented voices of low income women and women of color, it is important to think critically about pushing policies, which seek to deregulate a market from which power elite stand to substantially benefit. Advocating for policies that protect the interests of sex industry executives (such as prostitution decriminalization) is not revolutionary; a cultural shift is essential for truly protecting the health and safety of women and marginalized gender identities.

The Nordic Model provides a compelling example of policies that seek to hold sex buyers accountable while working to shift cultural attitudes of men's sexual entitlement to women's bodies.¹²⁶ This model decriminalizes the selling of sex and criminalizes sex buyers, pimps, and brothels.¹²⁷ Since the introduction of the Nordic Model in Sweden,

street prostitution has been cut in half; there is no evidence that the reduction in street prostitution has led to an increase in prostitution elsewhere, whether indoors or on the Internet; the bill provides increased services for women to exit prostitution; fewer men state that they purchase sexual services; and the ban has had a chilling effect on traffickers who find Sweden an unattractive market to sell women and children for sex.¹²⁸

¹²⁶ RAYMOND, *supra* note 1, at 71–73.

¹²⁷ *Id.*

¹²⁸ Miles, *supra* note 52, at 1.

The Nordic Model is the most successful global example of policy that has taken a stance against gender-based violence and worked actively to address cultural norms of men's entitlement.

Here in Washington, there has been a shift in legislation, which works toward replicating the Nordic Model. Senate Bill 5277, proposed in the 2015 session, attempts to shift a normative carceral practice in which men who purchase women for sex face minimal charges. Senate Bill 5277 increases the penalty for exploiting a prostituted person from a misdemeanor to a gross misdemeanor.¹²⁹ In conjunction with this sentence, the Buyer Beware Program, which began in Fall of 2014, shifts focus onto the men who purchase sex, and seeks to shift the behavioral and cultural practices of men who feel entitled to buy sex.¹³⁰ While carceral policies like Senate Bill 5277 and programs like Buyer Beware are not ideal within the United States' flawed criminal justice system; longitudinal studies conducted in Sweden and Norway, where the Nordic Model has been implemented, suggest that laws do shift cultural attitudes and perceptions of sex buying.¹³¹ The commercial sexual exploitation of girls and women is such a deeply ingrained and embedded aspect of western culture that creating cultural change will require legislative advocacy as well as a grassroots movement.

It is imperative to now shift our analysis away from individual liberation and onto systematic and institutional liberation. Primary to this shift is a renewed focus on economic systems that exploit and commodify women of color and low-income women. Neoliberal ideologies rooted in individual

¹²⁹ S.B. 5277, 64th Leg., Reg. Sess. (Wash. 2015).

¹³⁰ Sara Green, 'Buyer Beware': Early Success for Initiative Targeting Johns Instead of Prostitutes, SEATTLE TIMES (May 18, 2015), <http://www.seattletimes.com/seattle-news/crime/buyer-beware-early-success-for-initiative-targeting-johns-instead-of-prostitutes/>.

¹³¹ See generally Niklas Jakobsson & Andreas Kotsadam, *Do Laws Affect Attitudes? An Assessment Of The Norwegian Prostitution Law Using Longitudinal Data*, 31 INT'L REV. L. ECON 103, 103–115 (2011).

freedom serve to give those with the most power in society the most freedom and the loudest voice. As feminists, we need to return to our roots and seek justice for the most marginalized—those experiencing the most violence and even death in prostitution. As women, we need to come together and refocus our precious energy on fighting power elite, corporate entities, and systems of patriarchal dominance—not each other. We need to listen to each other. Feminists need to fight to name male violence in prostitution as unacceptable. It is essential that we work together, through our differences, to unite against systems that entrench women as subordinate subjects.

As we have shown, systems of pornography and prostitution are not only embedded systems of male dominance and entitlement but flourish in a neoliberal economy. It is paramount to reintroduce a strong critique of capitalism into feminist conversations. Studies state clearly that Black women have the highest levels of poverty in the United States, and systems of racism, sexism, and classism limit the economic opportunities for marginalized women.¹³² As feminists, it is essential to shift dialogue onto institutions that limit women's full economic inclusion into society and work to broaden the opportunities for a livable wage especially for women of color and women of low-income. Systems such as universal childcare, universal basic income, and free secondary education all reduce barriers and increase opportunities for marginalized populations to thrive. By fighting together for a social safety net rather than for legalization or decriminalization of a violent and oppressive system of prostitution, we will enhance the economic and social opportunities for all women rather than guaranteeing further entrenchment.

¹³² Min Zhan & Shanta Pandey, *Economic Well-Being of Single Mothers: Work First or Postsecondary Education?*, 31 J. SOC. AND SOC. WELFARE 87, 91 (2015).