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Julia O'Connell Davidson

School of Sociology & Social Policy, University of Nottingham, Nottingham, UK

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Let’s go outside: bodies, prostitutes, slaves and worker citizens

Julia O’Connell Davidson*

School of Sociology & Social Policy, University of Nottingham, Nottingham, UK

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In liberal thought, slavery is imagined as reducing the human being to nothing but a body, while the free and equal political subjects of modern liberal democracies are held to be abstract, universal and disembodied individuals. In theory, bodies are also unimportant in the wage labour exchange. Though traditional models of worker citizenship insist on state and employers’ duty to protect the human worth of worker citizens, they also assume the disembodied, thing-like nature of commodified labour power. Because bodies are so obviously important in the exchange between prostitute and customer, sex work is difficult to reconcile with liberal fictions of disembodiment, and one strand of feminist debate on prostitution is preoccupied by the question of whether prostitutes are like slaves or wage labourers. Protagonists on both sides of this debate often reproduce liberal understandings of labour power as a ‘thing’ that can be detached from the person. And yet labour power is also a contested commodity, and wage labour has historically been likened to slavery by activists struggling against the commodification of labour power. This article argues that stepping outside liberal fictions of disembodiment and recognising the parallels between prostitution, wage labour and slavery would allow greater scope for establishing a common political subjectivity amongst prostitutes, other wage workers and all those who have an interest in halting and reversing the current global trend towards the commodification of everything. In this way, common political ground between prostitutes and other wage workers is more visible when we step outside liberal assumptions about embodiment, slavery, work and citizenship.

**Keywords:** commodification; embodied labour; prostitution; sex work; citizenship

In liberal thought, freedom and slavery appear as oppositional categories, and this dualism maps onto other core binaries, in particular mind/body, persons/things and subject/object. Where slavery is imagined as reducing the human being to nothing but a body, a body that is used as the instrument of another’s will, the free and equal political subjects of modern liberal democracies are held to be abstract, universal and disembodied individuals (Brace 2004). In theory, bodies are also unimportant in the wage labour exchange, and workers sell their fully alienable labour to employers, not their embodied selves. Even collective struggle around the wage labour exchange has traditionally been founded on, and served to reproduce, ‘the fiction of disembodied actors with the capacity to sell labour away from the person (the body) of the labourer’ (Davidoff 1998, 169). Likewise, the traditional model of worker citizenship that was achieved through class struggle assumes the disembodied, thing-like nature of commodified labour power, even as it insists on state and employers’ duty to protect the human worth of the workers who sell it.

Because bodies are so obviously important in the exchange between prostitute and customer, sex work is difficult to reconcile with these liberal fictions of disembodiment,

*Email: julia.oconnelldavidson@nottingham.ac.uk

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and one strand of feminist debate on prostitution is preoccupied by the question of whether or not prostitutes sell something divisible from the person. Radical feminists and those lobbying for the suppression or abolition of prostitution (to whom I shall refer as ‘feminist abolitionists’) hold that prostitution involves the sale of bodies and persons, and so regard it as akin to slavery. Other scholars and activists argue that prostitution entails the sale of sexual labour/services not bodies or selves. What is wrong with prostitution, according to this view, is not that it resembles slavery, but that sex workers are stigmatised and excluded from rights and protections both as workers and as citizens.

This debate has largely taken place within the confines of liberal assumptions about commodification, embodiment, personhood and citizenship. It often reproduces a shared understanding of freedom and slavery as oppositional categories, and of labour power as a ‘thing’ that can be detached from the person. Where the debate is set up as an argument about whether prostitution resembles slavery or wage labour, the fact that labour power is also a ‘contested commodity’ is easily forgotten. This article considers what attention to the continuing history of struggle over the commodification of labour power reveals about the resemblance between prostitutes, slaves and wage workers, and argues that common political ground between prostitutes and other wage workers is more visible when we step outside liberal assumptions about embodiment, slavery, work and citizenship.

**Commodification and its binaries**

Kopytoff (1986, 68) observes that a commodity is ‘a thing that has a use value and can be exchanged in a discrete transaction for a counterpart, the very fact of exchange indicating that the counterpart has, in the immediate context, an equivalent value’. Yet, he continues, what is conceptually marked as ‘a commodity’ is not determined by the intrinsic qualities or properties of the thing itself, but rather by cultural codes and conventions, and hegemonic assumptions about social and political arrangements. In contemporary liberal democracies, ideas about what is admissible for commodification are powerfully shaped by a tradition of liberal political and philosophical thought that dates back some 300 years, and that tends to conceive of social and political reality in terms of a series of binaries or dualisms (Radin 1996; Prokhovnik 1999). The subject/object binary is central to ideas about what should be precluded from commodification, since it marks off human beings (who have both the right and the capacity to make political and economic contracts) from property (in which people have rights and are free to contractually exchange).

Through the lens of this binary, material things – ‘physical objects and rights to them – represent the natural universe of commodities’, while people (subjects) are taken to ‘represent the natural universe of individuation and singularization’ (Kopytoff 1986, 64). Indeed, in liberal thought, entering into commodity exchanges is one of the ways in which personhood is posited and confirmed. The freedom to do so is part of the equal, civil freedom that the liberal democratic state affords its citizens, and it is by entering into voluntary, peaceable acts of commodity exchange that liberal subjects recognise each other as persons (Sayer 1991, 58–59). This applies also to the wage labour exchange. In liberal theory, the idea of labour as ‘property’ that is separable from the person is ‘tied to a notion of human beings, and in particular men, “as masters of themselves”’, and also allows for an understanding of every member of liberal society as enjoying self-mastery (Brace 2004, 5). There may be vast inequalities in terms of ownership of land and capital, but all enjoy the same civil and political rights, and all are free to sell their labour or the products of their labour to the highest bidder. All are also free to withhold their labour – no lord, master or slave-holder can command the liberal subject to surrender this property held in the person.
Slavery thus appears as a categorical wrong not simply because it entails compulsory labour and involves a market in which human beings are traded as ‘things’, but also because it prevents them from achieving personhood by freely entering into property exchanges (Patterson 1982; Brace 2004). In the liberal imaginary, commodity exchange and personhood (or economic and political life) thus appear as both separate and mutually constitutive. The social order imagined in liberal thought is further divided into a ‘public’ realm of political, civil and economic life and a ‘private’ realm of the household and family (Pateman 1998). Commodification is imagined as properly featuring in economic life, but not in private, domestic life. This reflects deeper assumptions about the social and human connections that are, and are not, created by interaction and exchange in these different spheres.

The conceptual polarities of persons/things and public/private do not determine what is actually commodified in contemporary liberal democracies, but they do play a prominent role in discourse about what should be treated as a commodity. Markets that are perceived to trouble these binaries by visibly implying the commodification of persons rather than things, and/or by encroaching into territory once regarded as beyond commodification, generate great moral unease and political controversy (Kopytoff 1986; Radin 1996; Zelizer 2005; Constable 2009). Slavery, the sine qua non of unacceptable commodification in liberal societies, provides an important point of reference in debate about such markets. The market for prostitution is a case in point.

What is wrong with prostitution?

Prostitution has long been recognised as a divisive issue for feminists, and the fissures derive in part from different theoretical assumptions about the meaning of sex, and the relationship between gender and sexuality (Shrage 1994; Chapkis 1997). However, they also reflect different understandings of what is commodified in the prostitution contract. Pateman (1988) famously observed that where capitalist employers have an interest in what workers can produce through their bodily labour, and would replace workers with machines or robots if it was more profitable to do so, the male client of a female prostitute has an interest in the woman’s body as such. Because in modern patriarchy, ‘the difference between masculinity and femininity is the political difference between freedom and subjection’ and ‘masculinity and femininity are sexual identities’, when a man contracts to buy sexual use of a woman in prostitution, his masculinity, and so his political freedom, is renewed and affirmed, Pateman argued (1988, 206–207). For this reason, she concluded that ‘when a prostitute contracts out use of her body she is … selling herself in a very real sense’ (1988, 207, original emphasis).

Like Pateman, feminist abolitionists (for example, MacKinnon 1993; Barry 1995; Hughes 1999; Bindel 2003; Raymond 2003; Jeffreys 2009) object to prostitution on grounds that it expresses and bolsters patriarchal power relations. Unlike Pateman, they also regard prostitution as an entirely unique form of self-commodification, and one that is necessarily injurious both to individual women and to women as a class of persons. So, for example, arguing against the idea that prostitutes, like domestic and care workers, sell their ‘reproductive labour’, Jeffreys insists that prostitution ‘is not the same as cleaning or baking cakes’ (2009, 19). In Jeffreys’ work, as in the feminist abolitionist literature more generally, there is an assumption that where wage labour is something people do, prostitution is something done to women and children’s bodies. For Raymond (2004, 1160), the inadequacy of the comparison between prostitution and wage labour is summed up by the response of a ‘survivor of prostitution’ to the claim ‘that prostitution is no better
or worse than flipping burgers at McDonald’s: “In McDonald’s, you’re not the meat! In prostitution, you are the meat”.

Workers, in this account, sell a capacity to flip burgers, or to bake cakes or clean that is somehow separable from the body, self and person of the worker. In prostitution, by contrast, women and children are literally objects of trade, just as whole human beings are the object of trade in a slave market. Because prostitution is seen to reduce women to mere bodies, animated by the will of the customer and/or ‘pimp’, it is held to be profoundly self-estranging and to cause grave psychological harm. And because it is seen to violate what is an integral part of embodied personhood, no woman can genuinely consent to prostitute. Feminist abolitionists thus brook no distinction between forced and voluntary prostitution.

Over the past two decades, the feminist abolitionist case against prostitution has attracted a huge amount of criticism from other feminists who hold that prostitution is an income-generating activity or form of employment for women and men (e.g. Bindman 1997; Nagle 1997; Kempadoo 1999, to name but a few). As McClintock (1992, 95) puts it, ‘Prostitutes do not sell themselves; rather, like all workers (including feminists), they exchange specific services for cash and carefully negotiate with their clients what services they provide, at what rate, and for how long’. The latter half of this observation is borne out by a large and growing research literature that documents the active, effortful and sometimes highly skilled, labour that goes into initiating, negotiating and executing prostitution contracts, and that reveals many similarities between the labour required to execute prostitution contracts and the emotional and aesthetic labour performed by workers in a variety of other jobs, such as acting, modelling, interactive service work, care work and counselling (for example, O’Connell Davidson 1998; Sanders 2005; Bernstein 2007; Ditmore, Levy, and Willman 2010; Lever and Dolnick 2010).

While recognising that prostitution is sometimes organised under slavery-like conditions, this literature shows that sex work does not necessarily entail violence or coercion or cause any physical or psychological harm; it can be actively chosen in preference to other forms of employment; and agency and choice can be exercised within prostitution as much as within any other job. In voluntary prostitution, clients do not buy or even rent the body of the sex worker as an object or ‘thing’ to use entirely as they please for the duration of the contract. If slavery is envisaged as the opposite of autonomy and the slave is pictured as evacuated of agency, then prostitution is not slavery. For many of those who adopt a sex work perspective, it follows that it is fully alienable services/labour, not bodies/selves, that are sold in prostitution. And yet demonstrating that individuals can make an active choice to enter prostitution contracts, and that creative, skillful effort is required to win custom and execute contracts is not the same as demonstrating that what is commodified in prostitution is something separable from the body and person of the sex worker.

**Prostitution and the socially marked body**

Research with people who buy sex shows that they almost invariably discriminate not merely (or even) on grounds of the type or quality of service provided, but also in terms of the social identity and bodily characteristics of the individual who provides that service. Customers very rarely just want sex. In general, they want sex with a woman, or a man, or a transsexual. Age is also important. In a survey of a sample of 185 men who had paid for sex in five countries (India, Thailand, Japan, Sweden and Italy), more than half stated a preference for workers perceived to be aged between 19 and 25 (Anderson and O’Connell Davidson 2002). The body’s specific physical characteristics, such as breast or penis size, are also important to many clients, hence sex workers often emphasise such bodily
characteristics in their sales pitches to potential clients, and escort agencies group workers under headings such as ‘busty’ as well as blonde, brunette, young, mature, etc., in their marketing materials.2

Race also often matters to customers. This is amply demonstrated by research on sex tourism (e.g. Bishop and Robinson 1998; O’Connell Davidson 2001), but is also a feature of other prostitution markets. Koken, Bimbi, and Parsons’s (2010) research on escort agency workers in the USA found the market for female escorts was racially stratified, with white women the highest in the hierarchy and able to command the highest hourly rates, and African-American women the lowest. They also quote a black male escort, who remarked, ‘I don’t get certain clients. I’ve had a lot of people tell me that I’m like a beautiful body but wrong color’ (Koken et al. 2010, 221). Interview and survey research in the five country study mentioned above revealed that Indian and Thai clients also placed sex workers on different rungs of a racial or ethnic hierarchy, with darker-skinned women and girls at its base (Anderson and O’Connell Davidson 2006). In research on demand for the services of migrant sex workers in the UK and Spain (Anderson and O’Connell Davidson 2002), interviewees in Barcelona mostly expressed a preference for white workers from Eastern Europe, and a reluctance to buy services from African women on grounds of their alleged sharp practice and poor attitude, but also because they typically worked in street rather than indoor prostitution. In the words of one interviewee:

If I had to choose, the dark ones would be bottom of my list. I’m not racist, but with black women, you see them on the lowest scale of prostitution. I have nothing against them, but sexually, they don’t interest me. (40-year-old white Spanish male)

And if negative stereotypes about African sex workers helped to explain why some clients did not choose to pay for their services, the same stereotypes helped to explain why others did specifically seek them out. For instance, a 29-year-old white British man living in Spain who had chosen African street workers when he paid for sex described them as more liable to be drug addicted, mercenary, unclean and uneducated. He then said:

I think for me, because I’ve got very nice middle class parents and been brought up in a very nice middle class way, sleeping with a prostitute for me isn’t just sleeping with a prostitute. It’s about like damnation towards society, you see what I mean? It’s like sort of damnation towards everything you feel about yourself as well. So it’s almost like wanting to damn yourself. So it doesn’t even matter what the prostitute’s like.

Or rather it does matter to him – the prostitute needs to belong to a group that is popularly regarded as worthless, dirty and dangerous in order to serve as a medium of damnation.

Clients like these are not necessarily typical (indeed, the methodological problems associated with finding a representative sample of clients make it impossible to speak of ‘typical’ clients). There is also research to show that some customers do take an interest in the perceived individual qualities of the worker (sense of humour, nice smile, ‘bubbly’ personality, warm manner and so on) when choosing which worker to patronise, while research on relationships between ‘regular’ clients and sex workers reveals that there are some clients who treat sexual/intimate relations with sex workers as a commodity only in the sense of being something that can be exchanged for money and not in the sense that services provided by one prostitute are equivalent to or interchangeable with services provided by another (Sanders 2008; Lever and Dolnick 2010). For these clients, the social markings of the worker’s body are not a sufficient condition for buying her/his services. But they do remain a necessary condition.

At the risk of labouring the point, no matter how much value a male heterosexual client places upon the creativity, skill and effort of the worker he pays for sexual services, he
would rarely wish to purchase such services from even the most talented male sex worker. Research with clients thus supports Pateman’s (1988, 207) contention that customers do not (in general) enter into a prostitution contract in order to secure a disembodied service. The effortful labour that goes into executing a prostitution contract is not, on its own, what is commodified in prostitution. The product of that labour – the ‘thing’ or ‘experience’ it produces and to which a monetary value is attached – is indivisible from the socially marked body of the worker.

However, it is possible to recognise that the body matters in prostitution without also insisting that this reduces the sex worker to nothing but a body, or that prostitution is a unique form of self-commodification. Pateman may have been correct to state that (most) clients do not wish to purchase disembodied labour, but the body cannot be disentangled from the service any more than the service can be separated from the body. In the main, clients neither want a specific service provided by any old body (be they man, woman or transgender, or aged 21 or 70), nor any old service from a body marked in specific ways. What they seek, and so what is commodified in prostitution, is a complex blend of labour power, socially marked bodies and individual attributes. And this does not actually distinguish prostitution from all other forms of employment (Wolkowitz 2002, 2006; McDowell 2009; Hardy 2013).

**Employment and the socially marked body**

Research on interactive service work in tourism and in hospitality and catering also vividly demonstrates the interest that employers can have in particular bodies (Adkins 1995; Sanchez Taylor 2000; Matthews and Ruhs 2006), not least because there are employers who ‘add value’ to the service by sexualising it, and therefore want workers whose bodies are socially marked as sexual. Even when interactive service work is not overtly sexualised, the experience or state of mind it produces, the ‘thing’ to which the customer attaches value, still frequently derives from the customer’s perception of the worker as deferent, servile and/or caring in some way. Workers whose bodies are read as being ‘naturally’ subordinate or caring are assumed to have a more authentic capacity to perform deference, servility and care, and employers thus have an interest in their bodies as such. This also applies to domestic work, where employers of live-in workers in particular often draw on a set of stereotypes about racial and national difference, as well as about gender and age, to rank workers (Anderson 2000; Stock 2004; Bott 2005).

There are also other forms of employment, especially in the entertainment and modelling industries, where employers have a transparent interest in the socially marked bodies of workers. And the argument can be taken further, for classical sociological assumptions about the rational and impersonal character of modern business enterprises are undermined by the historical tendency of employers to segregate many forms of work by gender, age and race, even when there are no efficiency gains to be made by treating certain jobs as the preserve of male and/or white and/or younger or older workers. Indeed, Puwar’s (2004) research on the senior civil service shows how workers’ supposedly disembodied skills and abilities are read through the body, and employers can have an interest in workers whose bodies are imagined as unmarked (i.e. white, middle class, male), especially when those workers will occupy positions of power and authority, just as they can have an interest in workers whose bodies are socially marked as subordinate or caring.

The particularities of workers’ embodiment can matter as much to employers as the particularities of prostitutes’ embodiment matters to clients (McDowell 2009). Thus, even
if we share Pateman’s concern about the political relations that are expressed and reproduced in the contract between female prostitute and male client, it is important to recognise that political difference (in relation to race, class and age, as well as gender) can also be renewed and reinforced through employment contracts. The fact that bodies matter in prostitution does not differentiate it from all other forms of waged work. Does this mean there is nothing wrong with it?

**What is wrong with wage labour?**

For many of those who recognise prostitution as a means of earning a living, the answer to the question ‘what’s wrong with prostitution?’ is that, because sexual labour/services are not socially imagined as commodities that can be sold away from the self, prostitution is deeply stigmatised and often either criminalised or regulated in ways that damage the interests of sex workers, and deny them the rights and protections enjoyed by other workers and citizens (Alexander 1997; Chapkis 1997; Lucas 2005). Those who prostitute do not require emancipation from sexual slavery, but rather recognition as sellers of fully commodifiable labour/services like other workers.

But this overlooks the contested status of labour power as a commodity. For Marxist and socialist thinkers, the capacity to labour is not property and its commodification is irreconcilable with the persons/things binary. Marx pointed out that a fully fledged market in labour power as a commodity only comes into existence when a very particular set of social relations have been established. Workers have to have been ‘freed up’ in two senses (Nichols 1980). First, they must be free from the control of any particular lord, slave-owner or employer; second, they must be free from access to an alternative means of subsistence (Marx 1954, 668). As Marx makes clear in his discussion of the early stages of ‘freeing up’ labour in England, such freedom is not emancipation: ‘these new freedmen became sellers of themselves only after they had been robbed of all their own means of production, and of all the guarantees of existence afforded by the old feudal arrangements’ (1954, 669). They were stripped of protection and ‘hurled as free and “unattached” proletarians on the labour-market’ (Marx 1954, 669).

Without an alternative means of subsistence, dull economic compulsion forced the dispossessed to treat themselves as commodities, offering their bodily capacity to labour for sale to the highest bidder. For Marx, to be forced to sell this capacity was objectifying and debasing. Indeed, he described prostitution as only ‘a specific expression of the general prostitution of the labourer’ (Marx 1959, 88), and did not make the comparison neutrally, but rather to emphasise the moral and physical degradation implied by the commodification of labour power under the social relations of capitalism. Marx also drew attention to parallels between wage labour and slavery. Liberal theory condemns slavery as the illegitimate exercise of power over a sovereign self, but as it assumes labour is property that can be sold distinct from the self, wage labour is not regarded as presenting a similar problem. Yet as Marx pointed out, labour power exists only in the living self of the worker (1954, 165). It cannot be separated from the person who sells it (‘you can buy $50 worth of pig-iron, but you cannot buy $50 worth of puddling without a puddler’, as a member of the Central Labor Union of New York City put it in 1883, Stanley 1998, 93). It follows that wage labour does entail a transfer of power of command over the person of the worker, rather than the exchange of a fully alienable ‘thing’. In waged work, as in slavery, the will of one person (the worker) is subordinated to that of another (the employer). The difference is that wage slaves sell themselves by fractions, auctioning off hours of their lives rather than being sold for once and all, as Marx put it.
From the eighteenth to the mid-nineteenth century, labour activists commonly made use of the term ‘wage slavery’ to describe capitalist industrial relations (Hallgrimsdottir and Benoit 2007, 1398). This spoke to a recognition that in the labour market, people sell aspects of their embodied personhood. In nineteenth-century America, for example, many workers and labour reformers shared the sentiments expressed in an 1886 edition of the Locomotive Fireman’s Magazine, ‘Labor combines muscle and mind, brain and brawn, heart and hand – aye, it is life itself! It is not a commodity’ (Stanley 1998, 95), and emphasised the immorality of a market in which employers could treat workers as they might treat any other piece of merchandise. As Stanley (1998, 61–62) shows, debate on the labour question in the post-bellum North and South was ‘ideologically framed by the antithesis of slavery and freedom’, the fundamental question about ‘hireling men’ being ‘whether the buying and selling of their labor as a market commodity rendered them like or unlike chattel slaves’.

Political contestation of the commodity status of labour power also focused on the fact that, since labour power is ‘a human activity which goes with life itself’, it cannot ‘be detached from the rest of life, be stored or mobilized’ (Polyani 2001, 72). Since labour power is not produced for sale across a market, its ‘supply’ cannot simply be reduced or expanded in line with the demand for it. Nor can it be consumed by its purchaser in the same way that other commodities may be consumed, for sellers of labour power are very seriously affected by the way in which employers treat the ‘commodity’ they purchase. If the capacity to labour were exposed to untrammelled market laws of supply and demand, and if employers consumed and discarded human labour power as they might other piece of merchandise, it ‘would result in the demolition of society’ (Polyani 2001, 73).

The idea that the human capacity to labour could be treated as a fully alienable commodity, such that an employer could have property rights in a worker’s labour power without any obligations towards the worker beyond paying the agreed wage, was and remains the focus of political struggle. For this reason, the depth, spread and intensity of labour power’s commodity status have ebbed and flowed historically alongside what Marxists would term the balance of class forces. Yet even when organised labour has held a relatively strong hand politically, it has only succeeded in securing a partial and paradoxical ‘decommodification’ of labour.

From wage slavery to worker citizenship

Nineteenth-century labour activists were successful in the sense that debate on the labour question ultimately ‘gave rise to legislation on issues ranging from tenement sweatshops to the right to join unions and the hours of work’, and ‘contributed directly to the reshaping of liberalism’ (Stanley 1998, 97). This reshaping of liberalism simultaneously allowed for and tempered the commodification of labour power. It did so through state interventions that both enforced and moderated the double ‘freedom’ of free wage labourers. On the one hand, states disciplined and punished those who refused to accept dependency on wage labour (beggars, vagrants, etc.), but on the other, they placed certain restrictions on employers’ freedom to fully commercialise their relations with workers (such as legal restrictions on hours of work).

The organised labour movement’s struggle to limit the commodification of labour power continued, and its success was reflected in the political settlement that became the norm in welfare capitalist states in the post-Second World War period. This settlement entailed state intervention in the form of the provision of social security payments and public services that, to a greater or lesser degree, provided individuals and families with ‘a
level of insulation from total dependence on the labour market for survival’ (O’Connor 1998, 188). It was a political accommodation in which propertyless proletarians were, in theory, to enjoy not only a guarantee of economic security but also the right to ‘a share in the full social heritage and to live the life of a civilized being according to the standards prevailing in the society’ through their ‘social citizenship’ (Marshall 1964, 78).

Welfare states also intervened to moderate the commodity character of labour power inside work, adopting policies that afforded (some) workers certain forms of protection in employment, such as protection from dismissal (Papadopoulos 2005, 6). Between the end of the Second World War and the 1970s, a ‘standard employment relationship’ was developed:

under the aegis of legislation or collective agreement [which] incorporated a degree of regularity and durability in employment relations, protected workers from socially unacceptable practices and working conditions, established rights and obligations, and provided a core of social stability to underpin economic growth. (Rodgers 1989, 1)

The aim of such measures was to constrain employers in terms of their freedom to consume the labour power they purchased in whatever manner they chose, and in terms of the degree to which they could treat their relations with workers as simple commodity relations to be entered into and terminated at whim. They are designed to produce what Radin (1996, 109) describes as a form of ‘incomplete commodification’ that respects workers’ personhood. Such state intervention gradually extended to protect (some) workers from discrimination on grounds of race, gender, sexuality, disability, religion, marital status and age. Again, such interventions temper the commodity status of labour power. The shopper in search of a child’s birthday present is free to pick as they wish Action Man or Barbie; Barbie or Becky (Barbie’s friend in a wheelchair); white Barbie or one of the new range of black and mixed race dolls Mattel offers (Jamieson 2009), and the doll can be discarded when no longer wanted. Equal opportunities and unfair dismissal legislation is intended to prevent employers from selecting and dismissing the workers who supply commodified labour power on the same basis.

The measures adopted by welfare capitalist states to reduce the commodity character of labour power both inside and outside the workplace represented significant political gains for many working-class people. And yet these gains were and remain partial and in many senses paradoxical.

The limits of ‘decommodification’
The post-war political settlement and the model of worker citizenship it implied were based on a very narrow and limited acceptance of the principle that ‘labour is not a commodity’ (ILO 2007). It was grounded in recognition of the fact that labour power cannot be subject to the free reign of laws of supply and demand without immense human, social and political costs, but not acceptance of the idea that there is anything fundamentally wrong with the commodification of labour power under the social relations of capitalism. Nor did it imply recognition of parallels between wage labour and slavery, or acknowledgement that employers secure personalistic power over the self of the worker through the wage labour exchange. Concessions to the need for state intervention into the labour market were not accompanied by a rejection of the classical liberal assumption that labour is property that can sold away from the self (Stanley 1998). So far as the persons/things binary is concerned, this was a political accommodation that seemingly ran in two directions. On the one hand, it sought to acknowledge and protect the human worth of the workers who sell labour power (to recognise they have a value beyond that assigned to
them by the market, to prevent employers from harming them in the process of consuming their labour power). But on the other, it insisted on the disembodied, thing-like nature of what they sell.

Though the policies pursued in welfare capitalist states in the post-war period are sometimes described as ‘decommodification’ (Offe 1984), to the extent that labour power has continued to be treated as something disembodied that can be contractually exchanged without violating the persons/things binary, we might say that this is a misnomer. Labour power is still culturally and conceptually marked as a commodity that can be sold away from the person, even if welfare states have sought to moderate the effects of its treatment as such. Nor have efforts to protect society from the perils of a self-regulating market in labour implied any fundamental revision of liberal assumptions about the separation between economic man and citizen, or between the ‘productive’ public realm of the economy and the ‘reproductive’ private realm of the family.

As a result, social protection against the labour market has been differentially allocated. The citizens who enjoy it are discursively constructed as abstract, universal and disembodied individuals, but in practice, citizenship has historically been and remains gendered and raced (Pateman 1988; Lister 1997; Mills 1997; Puwar 2004). Women have been partially ‘excluded from the decommodification process, and the benefits and rights, this implied’ (Papadopoulos 2005, 7), and migrant workers in welfare capitalist states in the post-war period did not all earn the ‘social rights’ that supposedly guaranteed worker citizens an acceptable exit from the cash nexus (Williams 1989; Cohen 2006). Nor have measures to reduce the commodity character of labour power inside work afforded protection to all alike. They apply only to wage labour in the formal economy, and even here, the rights and protections they provide have been differentially distributed amongst different categories of workers (direct employees of large enterprises, direct employees of small employers, self-employed workers, part-time workers, temporary workers, agency workers and so on).

Because the labour market visibly troubles the conceptual polarity of persons/things, political interventions into its operation have been regarded as sufferable in liberal democratic societies (although, of course, the extent and nature of the interventions that should be tolerated is politically disputed). But though presented as a political response to a pre-existing external economic reality, these interventions do not merely regulate employment but also construct employment and labour markets as social fields, distinguishing between those constellations of ‘practices, actors, meanings, and institutional contexts’ that will count as ‘employment’ and those that will not (Zatz 2008, 925). And as Anderson (2013) observes, just as employment law helps to produce ‘workers’ and ‘non-workers’, so immigration and citizenship law, along with criminal law and welfare policy, helps to produce different categories of ‘migrants’ and ‘citizens’ with differentiated access to rights and social protection.

Even in the heyday of welfare capitalism in affluent Western countries, this legal and policy apparatus worked to exclude some people who worked from the benefits and rights of ‘decommodification’. Today, after almost three decades of welfare state retrenchment, and in the context of increasingly restrictive immigration policies that illegralise more and more migrants, there are many more people who are either not covered, or are incompletely covered, by the protections once viewed as necessary. They were considered necessary to simultaneously accommodate a market in the human capacity to labour power and the political fiction of universal freedom and equality for non-commodifiable human subjects. Worker citizens who formerly enjoyed ‘standard’ employment relations may experience the shift from embedded liberalism to neoliberalism (Harvey 2005) as a period
of deregulation, and have a shared interest in resisting such changes and attempting to recover the ground they have lost. But those who sell sex have never been incorporated into the traditional model of worker citizenship and standard employment relations. Nor is it clear that such a model promises to protect their interests.

**Outside liberal fictions of disembodiment**

Though not always criminalised, prostitution has nowhere been fully incorporated into the formal, capitalist economy and regulated as an employment sector in the same way as other entertainment or hospitality services are generally recognised as employment sectors. Regardless of how prostitution law is framed, self-employment remains the norm in the sex sector, and most sex work takes place in the informal economy beyond reach of any form of employment regulation or labour protection (Cruz 2013). There are senses in which this is in the interests of third parties who own or manage informal sector sex businesses (they have no obligations to workers in terms of assuring continuity of employment, sickness and maternity benefits, for example). But ‘standard’ employment relations are not always viewed as desirable by those who sell sex either. Decriminalisation and efforts to regulate employment relations in the sex sector in the Netherlands, New Zealand, Australia and Germany have had less impact than their proponents expected, something that is partly explained by the fact that such efforts impose constraints on prostitutes as well as employers (they are obliged to pay tax and lose anonymity by being registered as prostitutes), and many sex workers avoid this ‘by moving further “underground”’ (Gall 2007, 86; Kavemann 2007).

Lack of compliance with regulatory regimes also connects to other particular features of prostitution. In many other markets, workers are unable to realise the value that attaches to their embodied labour power without access to capital. In prostitution, however, workers hold the means of producing an exchange value in their socially marked bodies. Though the exchange value of sexual services can certainly be increased through the investment of capital, and money spent on advertising can increase a sex worker’s market share, the investment of capital is not a precondition for making money from prostitution. It is therefore possible to sell sex as an ‘independent commodity producer’ rather than entering into a direct or indirect employment relationship that allows a third party to appropriate any part of the prostitute’s earnings.

For those sex workers who have the economic and social capital to engage in a form of entrepreneurial prostitution that allows them to make good money and exercise a high degree of control over the contracts they enter into with clients, the economic self-determination this implies can be experienced as empowering (O’Connell Davidson 1998; Van der Veen 2001). Though successful, entrepreneurial sex workers have an interest in challenging the stigma that attaches to prostitution and legal frameworks that criminalise or otherwise inhibit prostitution contracts, they have nothing to gain by giving up their independence and entering into a standard employment relation with an employer.

At the opposite end of the spectrum, independent access to the prostitution market is important to people who not only lack capital but are also denied access to the labour market (people in receipt of certain welfare benefits, undocumented migrants and migrants whose immigration status denies them the right to enter paid work, runaway children, people who are dependent on certain drugs, etc.). For them, prostitution is a means to avoid absolute destitution, and standard employment relations are equally unappealing, albeit for different reasons. Formal employment implies visibility, which for migrants – depending on their immigration status – can mean being at risk of detention and deportation, and for
poor citizens often means being at risk of prosecution and loss of paltry but necessary welfare payments. And standard employment contracts would not be on offer to members of other groups who now sometimes rely on trading sex for survival (teenagers, intravenous drug users, the homeless etc.).

There are plenty of sex workers who stand between these two extremes, but there are other reasons why they would have little interest in being brought under the cover of standard employment relations in liberal democracies. Because sexuality is culturally imagined as linked to personhood, sex work is not regulated exactly as any other form of employment even in those states where a market in sexual services has been legalised. In Germany, for example, the Prostitution Act 2002 aimed to convert prostitution into a legally regulated type of employment, such that sex workers would be in a position to pay tax and to claim the social rights and employment protections associated with other forms of work. However, in order to preserve the worker’s rights to sexual self-determination, the Act also stipulated that clients and brothel owners/managers could not demand that a specific sexual service be performed (Kavemann 2007). As a brothel owner quoted by Kavemann (2007) explains, from the employer’s viewpoint, this implies a rather extraordinary employment relation:

The employer’s right to give instructions to employees is limited. What do I do if she says: so, I am not going up to the room with the next three guests? What then? Do I still have to pay her? Can I throw her out?

Prostitution is not currently socially organised in such a way that proletarianised workers sell their commodified sexual labour power to employers to direct and control in some kind of capitalist prostitution labour process, and those calling for sex worker rights do not wish to see it reconfigured in this manner. So, for example, the International Committee on the Rights of Sex Workers in Europe demands ‘that sex work is recognised as gainful employment’ and that sex workers ‘have access to social insurance which gives the right to unemployment and sickness benefits, pensions and health care’, but also states that:

The fact that sex becomes work does not remove our right to have control over who we have sex with or the sexual services we provide or the condition under which we provide those services. We demand the right to say no to any client or any service requested. Managers must not be allowed to determine the services we provide or the conditions under which we provide them – whether we are employees or ‘self-employed’. (ICRSE 2005)

Similarly, Lopes (2006, 267) demands for sex workers ‘the absolute right to say no’.

These are certainly not rights enjoyed by most wage workers. The waiter may have the right to refuse to perform tasks outside her job description and to refuse to serve drunk or abusive clients, but if her job description is to serve food and drinks to clients of the establishment, she cannot reserve the right to decide which meals to serve and to which customers. The fact that activists insist on these limits on employers’ rights of command over workers in the context of sex work suggests they too actually regard sexuality as a site of embodied personhood. Thus, although they challenge the radical feminist insistence that prostitution is slavery because it entails the sale of bodies/selves, they do so not on the basis that prostitutes sell a fully alienable commodity, but rather on the basis that ‘my body is the embodiment of my freedom’ (Hegel 1952, 43, cited in McNally 2006, 42), and I should therefore be allowed to do as I please with it.

To insist on sex workers’ right to say ‘no’ is to frame a vision of prostitutes’ rights that cannot be pursued through traditional models of worker citizenship. If sex work was socially imagined and legally regulated in the same way as more standard forms of employment in capitalist societies, then prostitutes would, like other workers, be expected to submit to the
will of the manager during working hours. They would not retain the power to discriminate between customers or services. And it is also important to note that if prostitution were brought fully under the aegis of laws that regulate standard employment relations, customers and employers would not retain the right to discriminate between workers either.

Equal opportunities and unfair dismissal legislation aims to prevent employers from treating workers in the same way that consumers treat dolls on offer in a shop, and so to compel them to behave as though the fiction of labour power as a disembodied commodity were a reality. To the extent that such legislation is enforced, it protects the workers it covers from a situation in which their livelihood depends on the capricious prejudices of buyers in the labour market. Unless there were a seismic shift to the way in which sexuality (and gender, age, race, disability, etc.) is culturally imagined, it is difficult to see how such legislation could be stringently applied and enforced in the sex sector without having a hugely negative impact on its profitability. If prospective customers knew they could no more expect to find a particular ‘type’ of person working in a brothel than they can now expect to find a particular ‘type’ of person working in local authority library, and that it would be just as unacceptable to refuse sexual services from a brothel worker on grounds of her or his looks, gender, age, race or disability as it would now be to refuse to be served by a librarian on those grounds, the demand for sexual services would fall dramatically.

For a variety of reasons, then, the measures historically adopted by welfare capitalist states to moderate the commodity character of labour power within workplaces are unlikely to be applied to prostitution, and though sex work feminists and activists speak of prostitution as sex work, they do not call for such measures to be applied wholesale to sex work. It could be argued that demands for special and particular limits to the commodification of sex workers’ labour power (such as ‘the absolute right to say no’) undermine efforts to assert a universal political subjectivity for sex workers and other workers (Ghosh 2004), since such demands apparently privilege sexual labour power and so assert the prostitute as a specific subject. However, I want to conclude by arguing that a focus on the parallels between prostitution, wage labour and slavery may provide a basis for establishing a common political subjectivity for all those who are compelled to commodify what is integral to selfhood.

Conclusions

Both wage labour and prostitution involve the commodification of embodied human capacities and attributes, and depending on the social and legal regimes that surround this commodification, both can look either more or less like slavery. Attention to the history of struggle around the commodity status of labour power demonstrates that, even under the social relations of capitalism, commodified labour can be embedded in a system of rights. But the same history also reveals a host of exclusion clauses, gaps and weaknesses in the system of rights constructed through traditional liberal and social democratic models of citizenship in terms of providing protection both from the labour market, and in employment. At the present moment in time, these gaps and exclusions are multiplying. This is partly because of a global shift towards a neoliberal order in which ‘market processes and entrepreneurial and corporate activities’ are increasingly disembedded from the social and political constraints that previously checked them (Harvey 2005, 11). It is also because forces and processes of globalisation both foster and construct ‘illegal immigration’, and citizenship law and migration law are worked in tandem to exclude more and more people from rights and protections (Anderson 2013). Thus, as some sex work feminists and sex worker rights activists recognise (e.g. West 2000; Sukthankar
2005; Cruz 2013; Hardy 2013; ICP, n.d.), even if sexual labour/services were valorised as a commodity in the mainstream labour market, it would be no guarantee of rights, inclusion and protection for sex workers.

In a context where more and more people find themselves stripped of social protections and hurled onto weakly regulated or completely unregulated labour markets, prostitution once again begins to look like only ‘a specific expression of the general prostitution of the labourer’. And wage labour’s resemblance to prostitution is heightened by the culture of capitalism’s further advance towards a universal commodification, one that extends to the attributes and characteristics of the self (Rutherford 2008). This is a culture in which we are all increasingly enjoined to think of our ‘looks, aptitudes, skills, strengths, smile, personality, and so on’ as abstractable components of a ‘portfolio of assets’ to be sold on the market (McNally 2006, 49). Indeed, the link between the value attached to a person’s labour power and their ability to package and ‘sell’ disassembled aspects of the body and self, which is such a striking and visible feature of prostitution, is increasingly a feature of work in many sectors (including higher education).

In this context, it may be possible to return to earlier understandings of capitalist employment relations as wage slavery, foster a recognition that all paid work, including prostitution, commodifies what is integral to, and indivisible from, our embodied selves and connect this to a broader political struggle to halt and reverse the current global trend towards abandoning ‘collective responsibility for individual welfare and subordinating subsistence rights to the capricious whims of the market’ (Soron and Laxer 2006, 19). This would imply moving beyond the kind of measures that have traditionally been adopted by liberal capitalist states to respect the ‘personhood’ of worker citizens. Indeed, it would require us to recognise and challenge the ways in which ‘personhood’ – far from being a status universally enjoyed by all flesh and blood human beings – is itself constituted as specific through the exclusionary processes and practices of citizenship, the regulation of employment and labour markets, and the ordering of public and private spheres.

Crucially, a focus on prostitutes’ and other workers’ shared experience of selling aspects of their embodied selves (albeit by fractions rather than for once and all) helps to reveal what is wrong with this kind of commodification under the existing global and social relations of capitalism. People can only say ‘no’ to any act of self-commodification when they have an alternative means of supporting themselves and their dependants. Without genuinely universal protections from, as well as in, the capitalist labour market, many people’s experience of prostitution and other forms of paid work will continue to look like wage slavery.

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Notes
2. In the UK, a case in which a man called the local police wishing to report a sex worker for ‘breaching the Sale of Goods Act’ recently attracted media attention. The man complained that the woman was not as attractive as she had claimed when he had arranged to meet her to pay for
her sexual services. She had, he claimed, ‘misdescribed herself, misrepresented herself totally’.
He did not want services provided by a worker with a body such as hers (BBC 2013).

3. ‘Puddling’ refers to the process through which impure pig iron is purified by heating and stirring
in an oxidizing atmosphere.

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