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**Universiteit
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**The problematization of sexual autonomy and its centrality for
feminism: reflections on the abolitionist stance towards prostitution**

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“I am surprised the patriarchy has not yet erected a monument to 'Consent,' inscribed with the words, 'without which none of this would have been possible.' Perhaps no other concept has confused so many people for so long. Women 'consent' to: a lifetime of unpaid domestic and sexual service (she wanted to get married); badly paid monotonous work (she took the job); clothing which restricts movement and damages health (no one marched her to the shop at gunpoint)”.¹

¹ Paula Jennings, “The Hunt Saboteur in Fox Furs,” *Gossip* (n.d.): 80-91.



Abstract: Numerous works have discussed the legitimacy of prostitution and the most appropriate legal approach to it. Still, there is no consensus on whether it is an oppressive practice worthy of condemnation or a job to be recognized. This research aims to contribute to the abolitionist effort by emphasizing that prostitution is different from selling our services in other capacities within the limitations of the capitalist culture, exposing the wrongs of the “pro-sex” discourse today and reflecting upon the significance of laws that claim to protect prostitutes by regulating the practice like a job. Altogether, I aim to answer the question of the extent to which the problematization of sexual autonomy, as put forward by abolitionism, is central to feminism by using prostitution as a representative case

I. Introduction

Prostitution has always been the subject of controversy in and beyond feminist circles and, as of today, the dispute about its legitimacy and the most appropriate legal approach is far from being solved. There is still no international consensus on whether it is an oppressive practice worthy of condemnation or, on the contrary, a job to be recognized, and around the world opposite legislation is being passed. Despite the numerous voices engaging in the discussion and the extensive accounts on the matter, this research aims to contribute to the debate by compiling and re-organizing the ideas and factors to bear in mind. More specifically, I will support the abolitionist effort and hope to add to the feminist critique of prostitution with new arguments in favour of the problematization of sexual autonomy and the criminalization of the purchase of sex.

Frequently, aiming to charge against the discourse about “free choice” and uncover the reality of the industry, feminist critiques of prostitution have insisted on the fact that it is the poorest women who resort to prostitution and pointed to the degrading conditions under which it is practised.² But those in favour or tolerant of prostitution reply by pointing to the fact that there are women who, coming from a more privileged position, carry out the activity too, and that a reform of the current conditions is possible.³ Then, if the abolitionist effort is to have force against the practice as a whole, the reflection must go beyond the most degraded instances and leave clear why every one of its forms remains objectionable.⁴

² See Catharine A. MacKinnon, “Prostitution and civil rights,” *MICH. j. gender & L.* 1, no. 11 (1993): 13.

³ See Elizabeth Bernstein, “What's Wrong with Prostitution? What's Right with Sex Work? Comparing Markets in Female Sexual Labor,” *Hastings Women's Law Journal* 10, no. 1 (1999): 110; Sibyl Schwarzenbach, “Contractarians and Feminists Debate Prostitution,” *New York University Review of Law and Social Change* 18, no. 1 (1990): 125.

⁴ Jeffrey Gauthier, “Prostitution, sexual autonomy and sex discrimination,” *Hypatia* 26, no.1 (2011): 168.

Keeping in mind this challenge, the present essay will be structured as follows: First, I will tackle the wrongness of prostitution by elaborating on the uniqueness of sexuality and the role of prostitution in sustaining the system of sexual domination. Notably, I will reflect on the importance of reciprocity and the impact of differential sexualization. Second, I aim to revise in detail the claims of the pro-prostitution discourse, claiming it builds upon a notion of false empowerment and leaves men's role in prostitution unquestioned. I will also warn that the relativist rhetoric in the defence of prostitution can lead to the dismantling of the feminist struggle and that it encourages lower standards for sexual relations. Fourth, attention will be given to distinct legal approaches by reflecting on the reasoning behind them and their implications. And finally, before concluding, I will take advantage of what has been said so far to elaborate on what a feminist conceptualization of sexual autonomy looks like and why the notions of "freedom of choice" and "consent" are being employed in a way that does not contribute to the emancipation of women.

All in all, by using prostitution as a representative case, this work aspires to answer the question of the extent to which the problematization of sexual autonomy, as put forward by abolitionists, is central to feminism. For this purpose, the research takes the form of a piece of critical theory that mostly goes through relevant literature on prostitution but also puts academic contributions in relation to other sources – notably, the opposing legal frameworks adopted in Sweden and the Netherlands and the positioning of Amnesty International and Human Rights Watch. Thereby, I build a broader argument about the appropriate approach when addressing women's oppression, contesting established views and projecting radical alternatives based on the reconfiguration of social relations and institutional frameworks.

II. What is wrong with prostitution?

Bearing in mind the diversity of approaches and the nuances of every account, we can distinguish three main perspectives in academia as far as the legitimacy of prostitution is concerned. On the one hand, the abolitionist perspective of feminists – most of them identifying as “radical feminists” – who regard prostitution as a patriarchal institution and seek its disappearance; on the other, the defence of prostitution by those who claim “sex work” can be indeed emancipatory; and, somewhere in between, critiques which recognize the practice as problematic in several ways but, nonetheless, do not share abolitionists’ effort to eradicate it.

When assessing the wrongness of prostitution, its proponents reject that there is something inherently wrong with the practice and instead focus on problems that would be contingent on the industry. Among others, they point to the economic inequality, health risks, physical violence and psychological abuse faced by prostitutes. Defenders of “sex work” argue that these problems are made worse by the illegality of the practice, which would prevent supervision, grant more power to pimps and discourage health checking.⁵ Then, they advocate for either the regulation or decriminalization of prostitution. Also, by often taking a critical stance towards capitalism, these voices draw attention to parallelisms between the reality faced by prostitutes and the women working in other areas – being the comparison between the prostitute and the factory worker among the most recurrent.⁶ All in all, what would be wrong with prostitution would not be practice-specific but caused the capitalist system in general and a repressive legal approach in particular. While the most convinced advocates of sex work assure that prostitution can

⁵ Martha C. Nussbaum, *Sex and social justice* (Oxford University Press, 1999), 288; See also Gayle S. Rubin, "Thinking sex: Notes for a radical theory of the politics of sexuality," *Culture, society and sexuality* (2007): 289.

⁶ Nussbaum, *Sex and social justice*, 289; Overall, "What's wrong with prostitution?", 714.

be – and sometimes is – an empowering practice, the authors who stand between abolitionists and the pro-prostitution lobby are more sceptical and rather resign themselves to a reality that they deem inevitable and which they intend, as far as possible, to improve. According to such an approach, circumstances that make the work dangerous and coercive are avoidable, and some changes would allow prostitution to be practised in conditions of safety and freedom.⁷

However, I claim there is a specific kind of harm that prostitution causes always and regardless of its conditions, which makes the practice especially concerning. That is, prostitution is harmful by definition. My argument is that the commodification of women's sexuality is a clear manifestation of male sexual domination and that the discourse that presents "sex work" as progressive and emancipatory is another proof of the ability of the patriarchy to adapt to new times. Although the reflections on sexuality that will follow apply to human beings in general, my assessment of prostitution is a feminist critique based on the premise that prostitution is and has always been a system in which *men* buy access to *women's* bodies, and that this distribution is not accidental. As put by Overall, an assessment of prostitution cannot overlook the sexual politics of human interactions⁸, and so the sexual hierarchy is at the centre of my analysis.

a. The commodification of (women's) sexuality

From a feminist perspective, prostitution stands as an institution in which women are paid to satisfy men's sexual desires. A prostitution contract is one in which a woman is paid by a man to engage in sex acts and services of various kinds, thereby granting him access

⁷ Christine Overall, "What's wrong with prostitution? Evaluating sex work." *Signs: Journal of Women in Culture and Society* 17, no. 4 (1992): 716.

⁸ Overall, "What's wrong with prostitution?", 716.

to her body and intimacy in exchange for some sort of financial compensation. More accurately, the “customer” is buying access to her sexual organs, in a way that they become commodities for his sexual relief. It is then accurate to state that prostitution is the practice through which a woman’s sexuality is most clearly alienated, as the man is the one to be pleased while her sexual desire and preferences are completely disregarded. Because, in prostitution, sexual intercourses – not arising from a mutual will but established by contract – are all about men paying to have a right over women’s bodies.

Some claim that, in the capitalist society, practically all forms of labour entail individuals alienating themselves to some level. People sell their labour force in the market and so make use of their bodies to carry out different tasks. Notably, Nussbaum argues that, by engaging in prostitution, a woman does not alienate her sexuality more than a singer alienates her voice, or a professor her mind. She insists that the prostitute still has her sexuality, she can use it on her own, just as the domestic servant can cook for her family and clean her own house. She rejects the claim that her sexuality is being turned into a commodity, at least in a meaningful sense. To convince us, she reminds us that people engage in many intimate activities (e.g., singing, money) for money all the time without loss of their expressive value.⁹

But can we compare sexual intercourses with artistic activities like the ones pointed out? Ericsson claims that opposition to “commercial sex” derives from outmoded attitudes towards sexuality, and encourages us to get rid of “those mental fossils” that prevent us from regarding sex and sexuality with naturality.¹⁰ In his analysis, the need for sexual gratification is similar to the cravings for food and drink, and so should be readily

⁹ Nussbaum, *Sex and social justice*, 291-92.

¹⁰ Lars O. Ericsson, "Charges against prostitution: an attempt at a philosophical assessment," *Ethics* 90, no. 3 (1980): 355.

available.¹¹ I am of the opinion that there is something unique about sexuality that makes it incomparable to both artistic expressions and physiological needs like food and drink, and which makes it worthy to stress its market non-alienability. Like Anderson,¹² I believe there is a kind of reciprocity required to realize human sexuality in a healthy manner. Sexual relations are built upon *mutual* sexual desire. This means they are not one-sided but consist of two or more persons being attracted to each other – either momentarily or in a deeper way – and choosing to engage in sexual intercourse. In her words, the good of sex “is realized only when each partner reciprocates the other’s gift in kind, offering her own sexuality in the same spirit in which she received the other’s”.¹³ However, prostitution disregards this reciprocity because it consists of the unilateral use of a woman’s body. It is an appropriative, unshared version of sexual intercourse.

In her assessment of prostitution, Overall says she is hesitant about whether sexual intercourse being non-reciprocal is always problematic. She points out that non-reciprocity is a common feature in many areas, and brings up the example of the licensed masseuse and the psycho-therapist.¹⁴ Again, the special nature of sexual relations is being underestimated because, as far as sexuality is concerned, mutual desire and reciprocity are fundamental. And by reciprocity, I do not mean monogamous sex based on love, but sexual desire in its most basic sense: sexual attraction for the other person(s). Because, in prostitution, not even sexual attraction matters. In practice, it is about having sex with whoever has chosen you or has been assigned to you. And this is no longer disassociating love from sexuality, it is disassociating sexuality from sexual attraction itself.¹⁵ As

¹¹ Ericsson, “Charges against prostitution”, 338-41.

¹² Elizabeth Anderson, *Value in ethics and economics* (Harvard University, 1993), 154-55.

¹³ Anderson, *Value in ethics and economics*, 154-55.

¹⁴ Overall, “What’s wrong with prostitution?”, 715.

¹⁵ Ana De Miguel, *Neoliberalismo sexual: El mito de la libre elección* (Ediciones Cátedra, 2015), 144.

pointed out by Pateman, now that claims about extramarital sex being immoral have lost their force, defenders of prostitution opt to frame it as “sex without love”.¹⁶

As I will elaborate further on later, sexual freedom is not having sex with whoever and under whatever conditions, but with whom we desire, from and for mutual pleasure.¹⁷ It is being free to choose our sexual activities and partners by their special merits, whatever those may be.¹⁸ Thus, prostitution undermines a woman’s relationship with her sexuality because sexual intercourses are not built upon desire but are about satisfying a contractual obligation with a man. While in our societies it is a necessity for most adults to earn a living by satisfying the demands of others and rarely does anyone find a job where one does only what one wants to do, our intuition tells us that these facts should not be transposed into our sex lives.¹⁹ While the economic exploitation faced by the prostitute may be akin to that of many other workers, the terms of her contract render her sexually exploited in a unique way,²⁰ because the contract forces her to temporarily surrender the right to govern her sexual acts on the basis of her own sexual preferences.²¹

Taking all this into account, I subscribe to Dworkin’s words: “prostitution is one of the institutions that most impede women’s experience of sexual intercourse as freedom.”²² In the following section, I argue that sexual freedom – and, more specifically, its curtailment – has been central to women’s oppression, and that sexual domination is closely linked to differential socialization. Bearing in mind this large role in the oppression of women, it is even clearer that sex requires a special sort of autonomy with

¹⁶ Carole Pateman, "What's wrong with prostitution?" *Women's Studies Quarterly* 27, no. 1/2 (1999): 57.

¹⁷ Amelia Tiganus, *La revuelta de las putas*. (Ediciones B, 2021).

¹⁸ Anderson, "Prostitution and sexual autonomy," 777.

¹⁹ Anderson, 763.

²⁰ Gauthier, "Prostitution, sexual autonomy," 176.

²¹ See Anderson, *Value in Ethics and Economics*.

²² Andrea Dworkin, *Intercourse* (New York: Free Press, 1987), 143.

respect to it and that, if sex were to become that ordinary or mundane as some authors propose, the conceptualization of such oppression would lose punch.²³

b. Sexual domination and gender roles

Sexual domination of women is a fundamental pillar of the patriarchy, having women been denied the enjoyment of their sexuality throughout time and across cultures. Many times, this has been promoted from religious and other conservative stances that have demonized sexually active women, but that doesn't always have to be the case. The patriarchy has multiple ways of manifesting itself and ensuring male dominance. As far as prostitution is concerned, the system is not only built upon money and influence but is based on a whole system of gender norms. It is a system that segregates and discriminates against women by assigning them an inferior position in the sexual hierarchy.

Despite efforts to disguise "sex work" as progressive, Overall acknowledges that prostitution is "dependent both for its value and its very existence upon the cultural construction of gender roles in terms of dominance and submission".²⁴ From a very early age, girls and boys are assigned opposite roles: not only are they pointed to different behaviours and attitudes through the entertainment industry, but the gender marker is present in every single sphere of their lives (clothing, toys, etc.). While boys are taught to be more active and braver, girls become quitter and worried about their physical appearance. Even before puberty, girls are sexualized and their perception of themselves starts to be tied to their male counterparts. The distinct socialization experienced by girls and boys is at the core of a system in which men hold symbolic power. Women are

²³ Anderson, "Prostitution and sexual autonomy," 774.

²⁴ Overall, "What's wrong with prostitution?", 719.

depicted in a way that hurts their autonomy and dignity, being their objectification one of the clearest examples. From here, we can explain the demographics of prostitution.

Women's sexuality is constructed very differently from that of men: we live in a culture where women's sexuality is used to sell, and women learn that sex is their primary asset.

²⁵ The whole patriarchal apparatus ensures that women are likely to be the sexual servants of men and not the other way around – like they have been taught to please them in other aspects of life (e.g. by cooking for them). Pateman said: “prostitution is completely consistent with the norm of female behaviour which identifies, as a woman's ultimate purpose in life, dedicated service to a man or master”. ²⁶ It perpetuates the myth that there is something "right" or "natural" about women devoting their entire lives to the wellbeing and pleasure of the male sex. ²⁷ Then, it is not incidental that there is no reciprocal social practice which represents men as servicing women's sexual desires. ²⁸ It is not part of their identity as a class to do so, and women's socialization does not lead them to buy access to men's bodies either. Actually, the few male prostitutes in the industry overwhelmingly service other men. ²⁹

Authors that, while despising some aspects of prostitution, reject to condemn it as a whole, claim that, as norms of sexuality evolve in ways that are less sexist, the background conditions of prostitution can change. ³⁰ This means that, as society becomes more egalitarian, prostitution can and will get rid of gender stereotypes that present men as dominant and women as submissive. However, it is not that these roles surround the industry, but they are its very basis. Put differently; it is not that prostitution, like many

²⁵ Overall, “What’s wrong with prostitution?”, 721.

²⁶ Carole Pateman, *The Sexual Contract* (1997), 208-09.

²⁷ Schwarzenbach, "Contractarians and feminists debate prostitution," 119.

²⁸ Debra Satz, "Markets in women's sexual labor," *Ethics* 106, no. 1 (1995): 78.

²⁹ Laurie Shrage, "Should feminists oppose prostitution," *Ethics* 99, no. 2 (1989): 354.

³⁰ Laurie Shrage, "Feminist perspectives on sex markets," in *The Stanford Encyclopedia of Philosophy*, ed. Edward N. Zalta (2004).

innocuous practices in our lives, is contaminated by inequality, but prostitution epitomizes inequality. Because it is the very submission of women by men that is being put on sale as a commodity in the market.³¹ What men are buying, in a way, is power.³²

Contrarily to what is being said by some, efforts to “de-stigmatize (at least certain forms of) impersonal sex”³³ won’t lead more women to seek out prostitutes. The demographics of prostitution are not about stigmatization, and not even about economic power – Overall said that “the fact that it is men and not women who buy prostitutes’ services is not, surely, just for women’s lack of equal opportunity to do so”.³⁴ Prostitution is about differential socialization, in a way that making it reversible would require changing women’s sexual socialization – which means challenging the whole system of gender norms. But, in that case, prostitution would lose its very cultural foundation, so we can actually have doubts about whether such an institution would actually exist in an equal society. In any case, as we have seen, a careful reflection on sexuality leads us to think that it is not worth the try to envision an "egalitarian" model of prostitution in a hypothetical non-sexist society. Because a feminist reflection of prostitution provides insights that extend beyond the confines of women’s circumstances, including analyses of sexuality more broadly.³⁵

III. The “pro-sex” discourse as a trap

In her assessment of prostitution, Schwarzenbach argues that women find themselves at a crossroads: they can either “continue to downgrade their own sexuality” and “limit their

³¹ Carole Pateman, "Defending prostitution: charges against Ericsson," *Ethics* 93, no. 3 (1983): 561-565.

³² Overall, “What’s wrong with prostitution?” 722.

³³ Schwarzenbach, "Contractarians and feminists debate prostitution," 125.

³⁴ Overall, “What’s wrong with prostitution?”, 719.

³⁵ Vanessa Munro, “Sexual autonomy,” in *The Oxford Handbook of Criminal Law*, ed. Markus D. Dubber and Tatjana Hörnle (OUP Oxford, 2014), 749.

eroticism to their role as spouse or parent” or “begin fully to acknowledge their sexuality” as well as “how powerful and variously constituted” it can be.³⁶ My argument is that however modern and emancipatory the discourse in favour of prostitution – purposefully auto-labelled “pro-sex” – may portray itself, and no matter how well-intentioned it may be, it serves to perpetuate the same old patriarchal domination.

Munro and Senent claim that, while presenting radically different depictions of prostitution, both the abolitionist stance and the pro-prostitution discourse adopted by some feminists are grounded in the willingness to defend the (sexual) integrity of prostitutes, and that the source of their divergence is rather an acute debate over how to secure it.³⁷ Leaving aside people who openly and purposefully oppose the feminist movement and its premises, these authors are right when pointing at the good intentions of many of those who defend prostitution. However, as I have introduced, the legitimization of “sex work” draws from a mistaken conceptualization of sexual integrity that is very harmful to women and feminism as a project. This error is probably due to the assumption of neoliberal premises and the internalized misogyny that we all carry inside – we ought not to forget that we have all been socialized in the patriarchal system. As pointed out by Ekman, questioning injustices can be overwhelming, in a way that reinterpreting them becomes tempting.³⁸

But, of course, we also need to talk about the deliberate, strategical co-optation of feminist terms by people for whom the well-being of women is no priority at all – more of the opposite. Men who profit from this practice, those who resort to it and all who – from any ideological position – have an interest in keeping women subjugated are very much

³⁶ Schwarzenbach, "Contractarians and feminists debate prostitution," 128.

³⁷ Munro, “Sexual autonomy,” 755; Rosa M. Senent Julián, "Tensions between feminist principles and the demand for prostitution in the neoliberal age," *Recerca: revista de pensament i anàlisi* 24, no.2 (2019): 111.

³⁸ Kajsa E. Ekman, *Being and being bought* (Spinifex Press, 2013), 82.

involved in the process of importing mottos such as “my body, my choice” into the defence of prostitution. In this sense, we can speak of a patriarchal backlash that tries to undermine feminist social advances by absorbing their revolutionary potential.³⁹ And, since the concept of freedom and sexual autonomy can be quickly twisted, the effort proves itself very effective. In Overall’s words, the claim of the right to be a prostitute can be turned against women by those who merely want to preserve men’s entitlement to buy women’s bodies.⁴⁰

When faced with a context marked by inequality, we must treat with suspicion those narratives that comply with the demands of the dominant group and that work to maintain the current power relations. Patriarchal institutions not only transform and take on new forms – such as the entry of prostitution into the digital world – but the discourses that legitimize them evolve to fit into the historical moment. In societies where the idea of equality has more or less permeated and religious conservatism is no longer fashionable, sexist traditions perpetuate themselves by seeking refuge within the very feminist cause itself. A system of oppression as powerful as patriarchy is chameleon-like: it is keen on finding ways to ensure its survival through time and across cultures. Who is responsible for this process? As said earlier, all those who, consciously or unconsciously, find themselves legitimizing sexist traditions.

In the following sections, I will explore how the defence of “sex work” builds upon a false attribution of autonomy,⁴¹ barely ever targets the man’s role and contributes to the dismantling of the feminist movement by adopting a relativist tone when addressing sexuality and oppression.

³⁹ Senent Julián, “Tensions between feminist principles,” 110.

⁴⁰ Overall, “What’s wrong with prostitution?” 723-24.

⁴¹ Rae Langton, *Sexual solipsism: Philosophical essays on pornography and objectification*, (Oxford University Press, 2009), 13-15, 237-40.

a. False empowerment

For proponents of “sex work”, the prostitute does not only emblemize someone making do under the constraints of the patriarchy, but prostitution is actually a subversive strategy.⁴² Gayle Rubin made an account on the spot in feminist thought on the subject of prostitution, and sympathized with the tendency that criticizes “restrictions on women’s sexual behaviour” and denounces “the high costs imposed on women for being sexually active”.⁴³ Advocates of prostitution claim to endorse sexual freedom and pleasure, regarding women exclusively as agents.⁴⁴ On the other hand, the abolitionist position is compared to conservative, anti-sexual discourse – a very common charge against radical feminist views on sexuality. But, contrarily to what has been said, radical feminists who stand for the abolition of prostitution *do* aim toward sexual liberation. In fact, I go further to affirm that only the abolitionist approach proposes a sexual liberation with a feminist perspective, that is, a sexual liberation for women.

That, traditionally, human sexuality has been repressed or made a taboo should not lead us to the conclusion that, for this reason, the public defence of any sexual practice is legitimate. On the contrary, the androcentrism that permeates our system and the fact that sexual domination has been - and is – a fundamental pillar for the submission of women should lead us to carefully question and problematize heterosexual sexual practices. Because, while openly embracing non-monogamous sex can cause the anger of religious authorities and other conservatives, this does not automatically make all types of such practices emancipatory or feminist at all.⁴⁵ Radical feminism is not about the reinstatement of traditional morality, but about preventing the very much-needed sexual

⁴² Bernstein, "What's wrong with prostitution?" 98.

⁴³ Rubin, "Thinking sex," 301.

⁴⁴ Overall, "What's wrong with prostitution?" 707.

liberation results in a mere extension of male privilege. In this sense, abolitionists warn us of the fact that despite the appearance of transgressive, "sex work" – and other practices such as pornography and BDSM – consists of the perpetuation of patriarchal values. And the sexual liberation for women is incompatible with such unequal sexual practices.

The abolitionist position has also been charged for emphasizing sexual danger and degradation and portraying women exclusively as victims.⁴⁶ For Schwarzenbach, a feminist account “can no longer rest content with a depiction of woman’s exploited and victim status” but “start from, and aim towards, female strengths”.⁴⁷ Statements such as this one may be attractive for – allegedly – reclaiming women’s condition as active subjects, but they are actually a trap. First, the “strength” this vision praises is little more than the traditional and sexist idea of the power of female seduction. Chancer’s view is a good example of it: “[I]n contrast with a low-paying clerical job... some women describe a sense of adventure, excitement, and, most of all, power in turning tricks... narcissistic enjoyment can emanate from seeing desire in someone's eyes, knowing the dependency admitted by this attentiveness (however transient and fleeting), making him pay and in fact 'getting paid' from a sense of controlling the interaction and/or in giving him, and at moments oneself, pleasure”.⁴⁸ Claiming that women can profit from their "erotic capital" – that is, from being sexualized by men – is buying into the traditional idea that men are victims to the charms of women, that they have an unbridled sexual instinct of which women take advantage of. Second, to aim toward *real* agency we first need to understand that, under the current conditions, women are not agents. Ironically, it is the

⁴⁶ Overall, 707.

⁴⁷ Schwarzenbach, "Contractarians and feminists debate prostitution," 129.

⁴⁸ Lynn Sharon Chancer, "Prostitution, feminist theory, and ambivalence: notes from the sociological underground," *Social Text* 37 (1993): 163.

commodification of women's sexuality in prostitution that is being defended by insisting on their condition as active subjects.

In conclusion, the defence of prostitution endorses a false representation of female sexual agency that identifies the lack of inhibition with a contract for sex with a man for whom the prostitute feels no particular sexual desire and links women's sexual freedom with being an object of consumption.⁴⁹ And the rhetoric of empowerment that aims to justify prostitution does not take away the misogyny of the practice, because the simple fact of endorsing an unequal institution with pride does not make it empowering in any sense.

b. Where are the men?

As introduced, the claim about women's right to be prostitutes hides the claim for men's right to buy access to their bodies. Like if the selling of sex was unidirectional, at the centre of the debate there is never the man who does the buying, but the woman who does the selling.⁵⁰ I will argue that it is not accidental that positive accounts of "sex work" focus on the supposed right of women to sell their bodies and not men's right to buy them. Put differently, it is no coincidence that discourses in favour of "sex work" overwhelmingly dismiss the man's role in prostitution, because it is there where sexism is the most obvious.

In Pateman's words, the assumption that prostitution is a problem about women ensures that the other participant in the prostitution contract escapes scrutiny.⁵¹ In the same vein, Overall talks about a case of "divide and conquer" to "keep women arguing with each other instead of with those who perpetuate and benefit from the practice".⁵² Whatever

⁴⁹ Gauthier, "Prostitution, sexual autonomy," 179.

⁵⁰ Ekman, *Being and being bought*, 5.

⁵¹ Pateman, "What's wrong with prostitution?" 56.

⁵² Overall, "What's wrong with prostitution?" 707.

the intentions of those endorsing the narrative in favour of prostitution, I agree that its net effect is diverting attention from what is truly important; notably, men's entitlement to buy access to women's consent. Saying that a man has the right to pay for sex doesn't sound as good as saying that a woman can do "whatever she pleases with her body", but it is the first reality that is hidden under the feminist slogan.

We cannot disregard where the demand for prostitution comes from, and we should interrogate the conditions that lead men to want to pay to have sex with women who do not desire them. We should talk about how prostitution is completely consistent with dominant male sexual practices, and acknowledge its very significant political implications. However, when defenders of "sex work" do target dominant male views on sexuality, they still find a way to affirm that prostitution can actually be a remedy for it. "Who is in a better position to perform such sexual therapy on men than women united together and working as a group?", Schwarzenbach asks.⁵³ Furthermore, she says, the prostitute as therapist model does not reinforce women's traditional position because therapists are in a power position in relation to their clients.⁵⁴ Once again, the state of things is twisted around in a way that women lose their recognition as victims and men are presented as vulnerable. To cap it all, women are assigned the responsibility to change toxic masculine views on sex. And, curiously, the way to do so is precisely by pleasing men sexually.

⁵³ Schwarzenbach, "Contractarians and feminists debate prostitution," 128.

⁵⁴ Schwarzenbach, 126.

c. Relativism as a dismantling strategy

Defences of prostitution adopt a relativist tone when arguing that there is a range of meanings tied to prostitution and insisting that, what one person experiences as degrading and humiliating, need not be experienced in that way by another.⁵⁵ The claim is, given that the relationship people have with their sexual capacities is very diverse, some people will find consenting to be sexually used by another person enjoyable or adequately compensated by a wage.⁵⁶ Relativists claim that we ought to acknowledge that, as not all women are similarly situated and not all prostitutes are subject to the same kinds of domination or risks, prostitution is not a homogenous phenomenon.⁵⁷ While it is clear that the experiences of prostitutes will never be identical, this vision goes beyond the acknowledgement of this fact to state that what may be oppressive for some women does not have to be for others – what is more, it can even be enriching. In this vein, Bernstein said that prostitution can be both liberatory or the most disempowering of exchanges, depending on the circumstances.⁵⁸ But how is it that the same practice can be both one thing and its opposite?

Such a relativist vision of sex and sexual domination fails to recognize the unity in women's experiences of sexuality that feminists have fought so hard to claim – notably during the second wave. The control and appropriation of women's sexuality – at different levels and through different mechanisms – is and has always been a fundamental pillar of patriarchal domination, and so women's role in heterosexual relationships is politically significant and worthy to scrutinize. Prostitution, by putting women's sexuality on sale, stands as one of the most prominent examples of a dynamic of dominance and submission,

⁵⁵ Bernstein, "What's wrong with prostitution?" 99; Schwarzenbach, "Contractarians and feminists debate prostitution," 121-22.

⁵⁶ Satz, "Markets in women's sexual labor", 71.

⁵⁷ Satz, 71.

⁵⁸ Bernstein, "What's wrong with prostitution?" 117.

and claiming its legitimacy in the name of diversity and insisting on individual meanings undermines the principle of “the personal is political”. This feminist slogan was born in the sixties out of the effort of identifying as centres of patriarchal domination spheres of life that had traditionally been considered personal and private. Then, feminists revealed the power relations that had traditionally structured the family and sexuality and brought to the public sphere the analysis of relationships that were deemed “private”.⁵⁹ Such a perspective was deemed fundamental to get from individual experience to collective struggle, making women aware of their position in the system and encouraging solidarity between them.

Of course, not all women are equally situated at the *individual* level but, still, all women as a *class* occupy an inferior position in the sexual hierarchy. And this is perhaps the first and foremost task of the feminist cause: the identification of common bases of patriarchal domination acknowledging that sexism impresses the experiences of *all* women in one way or another. The undeniable intersection of the "sex" factor with other realities – such as racial discrimination or class struggle – may complicate this fact, but in no way deny it. Thus, the recognition of the common experience of sexism is fundamental to identifying and conceptualising what makes women an identifiable political subject.⁶⁰

d. Lowering the standards of sexual relations

Another issue that I see in the defence of "sex work" is that it lowers our standards as far as women's sexuality is concerned. Talking about prostitutes, Bernstein says that “‘independent’ streetwalkers *may also be* able to assert *a degree* of control over their sexuality and provide (*relatively*) meaningful consent”. Similarly, she explains that in

⁵⁹ De Miguel, *Neoliberalismo Sexual*, 226, 237.

⁶⁰ De Miguel, 297.

some cases, prostitutes are the ones drawing up the terms of the contract by, for example, stipulating terms and conditions. The argument is that, as female sexuality is already appropriated – and she points to rape, incest and forced sex with boyfriends –, for some women prostitution may be the first time that they experience the notion of consent as at all meaningful. ⁶¹ Bernstein resorts to the disgraceful stories of women to illustrate this point. The problem here is that reminding us how women are harmed in other situations does not make prostitution a good option, but simply highlights how problematic heterosexual relations are still today. In other words, such an argument does not raise the standards of prostitution but, in any case, lowers that of sexuality under the patriarchy. The same author points to the testimony of a prostitute: “I had boyfriends over the years that I had sex with because that's what you were supposed to do. I didn't enjoy it, it was like a chore ... so it's like the same thing but you're getting paid for it, you're gaining something ... I have more independence than the women who have to do it for their husbands and make their dinner ... women do it all the time”. ⁶²

In this line, McClintock made a very worrying statement: “society demonizes sex workers because they demand more money than women should, for services men expect for free”.

⁶³ This constitutes a vision of sex in which one party - the woman - does a favour to another - the man – who, therefore, must pay for it. Thus, the first party’s genuine interest in engaging in sexual intercourse – this means, a willingness for it to happen without the need for financial compensation – is not considered. The possibility that women can be equal in sexuality is directly ruled out. It is assumed that men are those most interested in having sex – being willing to pay for it if necessary – and that women should ask for

⁶¹ Bernstein, “What’s wrong with prostitution?” 105.

⁶² Bernstein, 106.

⁶³ Anne McClintock, "Sex workers and sex work: Introduction," *Social text* (1993): 1.

something in return after granting them access to their bodies. Therefore, we take for granted that sex is a burden for women.

For obvious reasons, not problematizing these roles results in a neglect of female enjoyment of sexuality. Women are kept passive, in the role of providing and satisfying, while men are deemed naturally active, in a position to seek pleasure and find it in women who do not desire them. The enjoyment of sex belongs to them.

IV. Meaning and value of state legislation

When addressing the role of state legislation on prostitution, in most cases the discussion focuses on the improvement or worsening of the conditions faced by prostitutes. As said in previous sections, those who advocate for its regulation or decriminalization claim to aim towards the facilitation of the "work" of women in the prostitution system and assure that this requires their recognition as workers. In my opinion, such a perspective is overlooking important considerations like the role of laws in promoting values and influencing attitudes and, more specifically, the impact of normalizing certain practices in contexts of inequality. Thus, in the next two sections, I will insist on this point by trying to dismantle myths about state intervention and refute the alleged "pragmatism" of the postulates contrary to abolitionism.

a. "Pro-sex" versus "anti-sex"?

Very often, those in favour of the regulation or decriminalization of prostitution have given themselves the label of "pro-sex", implying that those who seek its abolition are against sexuality itself – "anti-sex". However, my argument is that not only do abolitionist

laws not constitute a violation of sexual freedom, but they are the only coherent framework to protect it. We ought to bear in mind two points:

On the one hand, applying critical thinking to matters related to sexuality is not repressive or conservative per se.⁶⁴ De Miguel reminds us that sexuality places us in relation with other people, and society shows interest in appealing to moral reflection and building some standards for such interactions – which happens very often as far as human relationships are concerned.⁶⁵ In other words, as sex connects human beings, it is susceptible to relationships of abuse and domination that deserve our attention. To try to keep feminist thinking outside the territory of sex is, then, to deny women the possibility of interrogating a fundamental part of their lives that has been traditionally abused by men.

On the other hand, it is worth noting that prostitution is first and foremost about the *purchase* of sex and not sex alone. As we are not talking about two parties freely engaging in sexual intercourse but specifically about one party buying the other into it, it is a matter of commodification, and not intimacy or leisure. Therefore, the state – being committed to the role of regulating the market and its limits – has even more reasons to intervene. Proponents of prostitution are demanding that the sale of sexual services is recognized as a transaction like any other, and so governments are in their right to question whether sexuality is suitable to be treated as a good to be bought and sold in the market. In this sense, Sweden set a precedent in 1999 when it passed the abolitionist law that criminalized for the first time the purchase of sex, stating that sexuality is not a commodity and that it must never be exercised at the expense of anyone else. Public investigators described prostitution as an activity incompatible with the individual's

⁶⁴ De Miguel, *Neoliberalismo Sexual*, 159; Anderson, "Prostitution and sexual autonomy," 777.

⁶⁵ De Miguel, 124.

ability to develop as a human being and running counter to the pursuit of equality between women and men.⁶⁶

Still, those who reject abolitionism on contractarian grounds insist that as far as the practice in question is “consented to”, the state should not have a say in the matter. In this line, some years before the passing of the first law legalizing prostitution as a profession in Europe, the Dutch Minister of Justice declared the government should “allow forms of – exploitation of – prostitution that may be considered acceptable from a social point of view because of their *voluntary* nature”.⁶⁷ Both Human Rights Watch and Amnesty International concur with such a view and support decriminalization. “Criminalizing adult, voluntary, and consensual sex – including the commercial exchange of sexual services – is incompatible with the human right to personal autonomy and privacy. In short – a government should not be telling consenting adults who they can have sexual relations with and on what terms.”⁶⁸

However, the consent of the parties involved should not stand as a sufficient reason to legitimize practices in societies marked by inequality, and much less make them a job.⁶⁹ It is common in democratic governments to set limits on “voluntary” contracts that are problematic and which are most likely to be signed by the most disadvantaged – in this case, women and, more specifically, poor women –, and my argument is that this logic should apply to prostitution. When examining the uniqueness of sexuality, I reached the conclusion that the protection of sexual autonomy requires its market inalienability, because the opposite would put the parties in unequal conditions that impede the mutual enjoyment of sexuality. Anderson also stands for the idea that the realization of some

⁶⁶ Statens offentliga utredningar 1995:15, <https://www.riksdagen.se/sv/dokument-lagar/dokument/statens-offentliga-utredningar/sou-1995-15-GJB315>

⁶⁷ Kamerstuk 25437, nr. 3, <https://zoek.officielebekendmakingen.nl/kst-25437-3.html>

⁶⁸ “Why Sex Work Should Be Decriminalized,” Human Rights Watch, August 7, 2019, <https://www.hrw.org/news/2019/08/07/why-sex-work-should-be-decriminalized>

⁶⁹ De Miguel, *Neoliberalismo sexual*, 162.

kinds of autonomy demands that certain goods are “produced, exchanged and enjoyed outside of market relations or in accordance with non-market norms”.⁷⁰ Because by democratically prohibiting the market alienation of certain goods embodied in the people, he says, citizens exercise collective control over the background conditions of human interactions.⁷¹

b. The philosophy of the lesser evil

Both governments that have chosen the path of regulating prostitution as if it were a job – like the Netherlands and Germany – and those who opted for decriminalization – such as Belgium – claim to adopt a pragmatic view aimed at the improvement of a reality they deem unavoidable. Dutch authorities illustrated this view: “however one looks at the phenomenon of prostitution, that it exists is a given, also for the government. This calls for a realistic approach without moralism”.⁷² In a similar vein, Amnesty International declares that it “neither supports nor condemns commercial sex” and advocates for decriminalization.⁷³

I call this the philosophy of the lesser evil because the reasoning is that, since we cannot aspire to the disappearance of prostitution, the best we can do is to provide a “safer” and “healthier” environment for it to take place. Put simply: among the bad options, let's choose the least bad. But no matter how extended prostitution is, or how often it is signalled as “the oldest profession”, democratic societies should not assume the existence of such an institution and renounce changing the cultural codes that lay its foundations.

⁷⁰ Anderson, “Prostitution and sexual autonomy”, 166.

⁷¹ Anderson, 165.

⁷² Kamerstuk 25437, nr. 3.

⁷³ “Q&A: Policy to protect the human rights of sex workers”, Amnesty International, June 1, 2016, <https://www.amnesty.org/en/documents/pol30/4173/2016/en/>

As expressed by De Miguel, the reflection on prostitution must tackle our normative horizon and the world we want to build for future generations. Therefore, it is fundamental to acknowledge the potential of laws in shaping public behaviours and expectations and reflect upon the potential impact of the legitimization of prostitution on men and women's attitudes towards sexuality.

In this sense, investigations preceding the Swedish law talk about the problem of allowing men "to buy access to women's to satisfy their own sexual needs", and acknowledge that prostitution is not only harmful to those involved in different ways, but also to society at large.⁷⁴ The legitimization of the sex trade through its regulation and criminalization is the state's endorsement of the idea that there is nothing wrong with women's sexuality being sold to the highest bidder. As acknowledged by Swedish lawmakers, such a statement would impact not only women and girls in prostitution but all women as a class. What message is being given to girls by validating a type of sexual relationship in which their desire has no place, and in which their role is to provide a "good service" to men? And how does this influence boys' perception of their relationships with women and their socialization in the values of equality and reciprocity?⁷⁵

As touched upon in previous sections, male views on women and sexuality create the demand for prostitution, and so the legitimation of the industry by the part of society and its institutions reinforces these very same attitudes by presenting them as either acceptable or unavoidable. Prostitution stands as a "sexuality school" for men, one in which they learn that the only pleasure that matters is theirs and which leads to absolute ignorance of female sexuality.⁷⁶ And because such a thing has no place in democratic societies, a ban

⁷⁴ Kommittédirektiv 1993:31,

https://web.archive.org/web/20200525000427/https://www.riksdagen.se/sv/dokument-lagar/dokument/kommittedirektiv/utredning-om-prostitutionen-i-sverige_GHB131

⁷⁵ De Miguel, *Neoliberalismo sexual*, 149.

⁷⁶ De Miguel, *Neoliberalismo sexual*, 169.

on the purchase of sex is important to signal that prostitution is based on premises that are reprehensible and deserve general condemnation.

Hence, abolitionist states have chosen to criminalize the purchase of sex in order to point to the “buyer” and make him responsible for this behaviour. This is the only acceptable legal approach to fight prostitution and of course not the criminalization of prostitutes that continues to take place in many countries. Traditionally, women have been the ones punished by institutions and despised by society; they have been the ones to blame and penalize. The willingness to leave the role of men in prostitution unquestioned has not only characterized the conversations about “sex work”, but also the configuration of state legislation. Then, the Swedish abolitionist law set a precedent by rejecting the double standard of laws criminalizing prostitutes and general attitudes toward women in the prostitution system and granting prostitutes, for the first time, the status of victims to be protected. “The man’s part in prostitution has often been toned down, despise the fact that it has mainly been men who have exploited prostitutes”.⁷⁷ By criminalizing the purchase of sex, lawmakers expect laws to have a deterrent effect and, in the long run, lead to a change in the attitude of many men towards the sex trade.

V. Towards a feminist conception of sexual autonomy

De Miguel highlights two main ideas that sustain the sex industry: the myth of free choice according to which women would already be “free” to choose to sell their bodies; and postmodern theories that sustain nearly every sexual intercourse is acceptable if there it is “consented”. On the one hand, De Miguel is very right in pointing to the dangers of not problematizing the notion of freedom in a context of inequality because, as discussed,

⁷⁷ Kommittédirektiv 1993:31.

while women may have the “freedom” to choose among a range of poor options, they have little control over the institutions sustain the unjust system in which they live. Awareness of the position they occupy in the sexual hierarchy and how this determines the course of their lives is essential, as well as defending the principle of “the personal is political”. Thus, legitimizing prostitution by endorsing the view that it is a matter of freedom of choice means leaving behind very important foundations for the fight against inequality in general and the feminist struggle in particular. As it is well known that no system of domination is maintained without the complicity of those subjected, placing “free choice” at the centre of the question can be deceptive.

Today, and especially when it comes to sex, the idea is that any action can be feminist as long as it is an "individual decision" of the woman. But in what position does this put women? And what remains of the struggle that committed to protecting them by questioning the structural and ideological mechanisms that condition people's choices according to their sex? It is a serious mistake to underestimate the material power and, especially, the symbolic resources that systems of domination count on to perpetuate themselves.⁷⁸ As said, it is central for feminism to analyse how the patriarchal system transforms so as not to disappear and, especially, identify its mechanisms for becoming invisible. In this sense, it is crucial to target the role of differential socialization and the fact that the narratives, norms, and values across societies remain very much sexualized – and we could even claim that every day they are more so.⁷⁹ Hence the insistence of radical feminism that formal rights, however necessary, are insufficient, and that the liberal discourse of "freedom of choice" is dangerous.

⁷⁸ De Miguel, *Neoliberalismo sexual*, 33.

⁷⁹ De Miguel, *Neoliberalismo sexual*, 36.

The exaltation of the decision to become a prostitute implies there is nothing wrong with women profiting economically from patriarchy.⁸⁰ This attitude constitutes a vision that takes the sexist system for granted, one that does not seek to shake its foundations and build a radically different society in terms of equality. What is intended is that within the unjust world we live in, at least people make decisions “freely”. But it is a poor notion of the freedom for which they stand for, as it only takes into consideration the most obvious and cruel forms of coercion. From an abolitionist position, prostitution and the "freedom of choice" narrative that seeks its legitimation has to be problematized in order to unmask the dynamics of domination and submission that are at its very base. To do so, feminism must not give up applying critical thinking as far as sexuality is concerned, acknowledging that it is precisely one of the bastions of patriarchy. It is unacceptable that prostitution acts as a space free of feminism where men can do as they please without being judged by society.

On the other hand, it is also worth reflecting on the limits of the concept of “consent” when it comes to sexual relations. Today, in a time when it seems that there is increasing awareness about the extent and different forms of sexual aggression, society is encouraged to reflect on the patriarchal values that fundament sexual violence. Targeting especially young generations, public authorities insist that sexual relations must always be consensual, adopting slogans such as “‘no’ is ‘no’” and "only ‘yes’ means ‘yes’".⁸¹ Such efforts are very necessary, yet the collective reflection should not end in the recognition of the need for consent to take place but also interrogate how it comes to be and its limits. For example, can consent in sexual relations be bought, as advocates of

⁸⁰ Shrange, “Should feminists oppose prostitution?” 357.

⁸¹ See, for example, Spain’s “only yes means yes” sexual consent law. AP, “Spanish parliament approves ‘only yes means yes’ consent bill,” *The Guardian*, May 26, 2022, <https://www.theguardian.com/world/2022/may/26/spanish-parliament-approves-only-yes-means-yes-consent-bill>

prostitution seem to imply? And if, as generally agreed, consent must always be revocable, how does this work with the contractual obligations that the prostitution contract establishes?

While the promotion of the notion of consent was initially meant to promote women's sexual freedom, it is worth going further and questioning the assumption that it is an acceptable marker of equality in sexual relations. In other words, beyond agreeing that it is a *necessary* requirement, we ought to examine whether consent is a *sufficient* condition to make a sexual relationship equal. Mackinnon, for example, has serious doubts about: "consent is supposed to be women's form of control over intercourse, different from but equal to the custom of male initiative. Man proposes, woman disposes. Even the ideal is not mutual. Apart from the disparate consequences of refusal, this model does not envision a situation the woman controls being placed in, or choices she frames."⁸²

I also think that a model based solely on consent leads to a poor conception of sexual autonomy. The act of consenting— that is, to “accept” or “agree” on something – may not be the result of an exercise of sexual self-expression. In the case of prostitution, the prostitute does give her consent, but this does not come from a genuine interest in carrying out a sexual act because there was no prior intention on her part.

This troubling reality should make us doubt whether we are setting the correct standards with respect to sexual relationships. To do so, we must reflect upon what we mean when we talk about sexual autonomy, and what are we aiming toward when we claim to promote women's sexual freedom. Authors such as St James, Richards and Schulhofer assume a broad definition according to which sexual acts would be self-determined as long as they originate in some desire of the agent performing them.⁸³ However, such a

⁸² Catharine A. MacKinnon, *Toward a feminist theory of the state* (Harvard University Press, 1989), 174.

⁸³ Gauthier, "Prostitution, sexual autonomy," 176.

description leaves the door open to recognize the desire for economic gain as an expression of sexual autonomy,⁸⁴ and I have already defended the view according to which the commodification of sexuality and sexual freedom are irreconcilable. In this sense, it is worth considering the definition of sexual autonomy proposed by Fischel and O’Connell, who define it as the capability to *codetermine* sexual relations – codetermination being that all parties can plan the existence, directions and trajectories of their sexual relations.⁸⁵ However, my advice is to opt for an even more narrow conception according to which sexual autonomy requires the right to govern one’s sexual acts on the basis of one’s *sexual* desires. As put forward by Elizabeth Anderson and Scott Anderson, with such a definition a prostitute’s sexual autonomy is being violated when she agrees by contract to satisfy the sexual desire of a “customer” in exchange for a non-sexual good, discounting her own sexual desire.⁸⁶

In conclusion, a feminist conceptualization of sexual autonomy must put desire and reciprocity at the centre, and assert the market-inalienability of sexuality. As I said, this is not to return to an old conception of sex that restricts its enjoyment by tying it to romantic love and monogamy, but instead to vindicate female pleasure – the one that is harmed by practices such as prostitution. Despite accusations of puritanism, a feminist critique of sexual relations promotes a series of values and standards to prevent the perpetuation of dynamics of submission, and this is an exercise that requires problematizing the discourse of relativism, freedom of choice and consent.

⁸⁴ Gauthier, 176.

⁸⁵ Joseph J. Fischel and Hilary R. O’Connell, “Disabling consent, or reconstructing sexual autonomy,” *Colum. J. Gender & L.* 30 (2015): 428.

⁸⁶ Gauthier, “Prostitution, sexual autonomy,” 176.

VI. Conclusion

The examination of the logic behind prostitution, the discourse that endorses it and the institutional frameworks that safeguard it leads us to the conclusion that putting women's sexuality up for sale is incompatible with female sexual autonomy. As said, the uniqueness of sexuality makes it impossible to treat sex as just another use of the body – and even less so when women have found their ability to express and exercise choice in this arena specially restricted.⁸⁷ We must reject a neoliberal conception of sexuality to start paying more attention to the coercive structures that determine the choices of individuals, of course, in favour of the most privileged.⁸⁸ As tempting as it may be, we cannot fall into a gender-blind ideology that disregards the cultural foundations that sustain the prostitution system. We cannot ignore the impact of an institution in which the female sexual desire is not rendered necessary for sexual intercourse to take place;⁸⁹ that is, the significance of the fact that men seek and find sexual pleasure in people who do not desire them.⁹⁰ Bearing this in mind, it is worth highlighting the role of the state and its laws in promoting the value of equality through setting fair standards with respect to sexuality and sending a message of social condemnation to those men who pay for sex. The abolitionist legal approach inaugurated in Sweden acknowledges the norm-setting function of laws as well as the fact that efforts to prevent prostitution should be made on many levels.⁹¹ Altogether, the case of prostitution makes it clear that the problematization of sexual autonomy put forward by abolitionists is fundamental for feminism, and that the opposite approach has serious implications that threaten the prospects of equality.

⁸⁷ Munro, "Sexual autonomy," 747.

⁸⁸ De Miguel, *Neoliberalismo Sexual*, 147.

⁸⁹ Senent Julián, "Tensions between feminist principles," 110.

⁹⁰ De Miguel, *Neoliberalismo Sexual*, 171.

⁹¹ Statens offentliga utredningar 1995:15.

In future research, it is advisable to continue examining the mechanisms through which patriarchal sexual institutions are perpetuated, paying special attention to the state of things concerning the differentiated socialization and early sexualization of girls. There is still work to be done in situating sexual autonomy in relation to other aspects of human life as well. For example, due to the scope of this work, I have not been able to tackle specifically whether sexual freedom should be placed above economic autonomy, as the abolitionist approach seems to imply. In later contributions it would be interesting, then, to elaborate in detail on how promoting women's economic dependency on men should not be done at the expense of their sexual autonomy.

Bibliography

- Anderson, Elizabeth. *Value in ethics and economics*. Harvard University Press, 1993.
- Anderson, Scott A. "Prostitution and sexual autonomy: Making sense of the prohibition of prostitution." *Ethics* 112, no. 4 (2002): 748-780.
- Bernstein, Elizabeth. "What's Wrong with Prostitution? What's Right with Sex Work? Comparing Markets in Female Sexual Labor." *Hastings Women's Law Journal* 10, no. 1 (1999): 91-117.
- Chancer, Lynn Sharon. "Prostitution, feminist theory, and ambivalence: notes from the sociological underground." *Social Text* 37 (1993): 143-171.
- De Miguel, Ana. *Neoliberalismo sexual*. Ediciones Cátedra, 2015.
- Dworkin, Andrea. *Intercourse*. New York: Free Press, 1988.
- Ekman, Kajsa Ekis. *Being and being bought: Prostitution, Surrogacy and the Split Self*. Spinifex Press, 2013.
- Ericsson, Lars O. "Charges against prostitution: an attempt at a philosophical assessment." *Ethics* 90, no. 3 (1980): 335-366.
- Fischel, Joseph J., and Hilary R. O'Connell. "Disabling consent, or reconstructing sexual autonomy." *Colum. J. Gender & L.* 30 (2015): 428.
- Gauthier, Jeffrey. "Prostitution, sexual autonomy, and sex discrimination." *Hypatia* 26, no. 1 (2011): 166-186.
- Jennings, Paula. "The Hunt Saboteur in Fox Furs," *Gossip* (n.d.): 80-91.
- Julián Senent, Rosa M.. "Tensions between feminist principles and the demand for prostitution in the neoliberal age: a critical analysis of sex buyer's discourse." *Recerca. Revista de Pensament I Anàlisi* 24 (2019).
- Langton, Rae. *Sexual solipsism: Philosophical essays on pornography and objectification*. Oxford University Press, 2009.

MacKinnon, Catharine A. "Prostitution and civil rights." *MICH. j. gender & L.* 1 (1993): 13.

MacKinnon, Catharine A. *Toward a feminist theory of the state*. Harvard University Press, 1989.

McClintock, Anne. "Sex workers and sex work: Introduction." *Social text* (1993): 1-10.

Munro, Vanessa. "Sexual autonomy." In *The Oxford Handbook of Criminal Law*, edited by Markus D. Dubber and Tatjana Hörnle . OUP Oxford, 2014.

Nussbaum, Martha C. *Sex and social justice*. Oxford University Press, 1999.

Overall, Christine. "What's wrong with prostitution? Evaluating sex work." *Signs: Journal of Women in Culture and Society* 17, no. 4 (1992): 705-724.

Pateman, Carole. "Defending prostitution: charges against ericsson." *Ethics* 93, no. 3 (1983): 561-565.

Pateman, Carole. "What's wrong with prostitution?." *Women's Studies Quarterly* 27, no. 1/2 (1999): 53-64.

Pateman, Carole. *The Sexual Contract*, 1997.

Rubin, Gayle S. "Thinking sex: Notes for a radical theory of the politics of sexuality." In *Culture, society and sexuality*, pp. 166-203. Routledge, 2007.

Satz, Debra. "Markets in women's sexual labor." *Ethics* 106, no. 1 (1995): 63-85.

Schwarzenbach, Sibyl. "Contractarians and feminists debate prostitution." *NYU Rev. L. & Soc. Change* 18 (1990): 103.

Shrage, Laurie. "Feminist perspectives on sex markets." (2004).

Shrage, Laurie. "Should feminists oppose prostitution." *Ethics* 99, no. 2 (1989): 347-361.

Tiganus, Amelia. *La revuelta de las putas*. Ediciones B, 2021.