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**PROSTITUTION -
ABOLISH!
DON'T REGULATE!**

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P.O.Box 8888

Cumberwood

3235

e-mail: malentro@sai.co.za

PROSTITUTION – ABOLISH! DON'T REGULATE!

Introduction

In October 2002, the Constitutional Court ruled that laws which criminalise prostitution and the keeping of brothels were not unconstitutional. Both are unlawful; the person making the offer of sexual favours and the brothel keeper can be charged under the Sexual Offences Act.

A certain Ms Ellen Jordan a brothel-keeper, was found guilty in the Magistrate's Court of keeping a brothel and was fined an amount of R600. Ms Jordan was clearly unhappy with the judgement against her and decided to fight the matter all the way to the Constitutional Court.

According to her, it cost her R3 million in legal costs.

The question is why was the issue of her conviction for running a brothel so important to her that she had to spend a real fortune contesting it legally. Reason demands to know why did she not pay the R600 fine and live off on the balance of the R3 million, i.e. on R2 999 400. Was it for the concern of her "girls" who would have no work? Was it in defence of her and her "girls" constitutional right to enjoy the "Freedom of trade, occupation and profession"? Or was it in defence of her claim to the enormous profits she reaped from prostitution?

Incidentally, it would be interesting to learn where Ms Jordan got the R3 million. Did she inherit the money from her dear departed parents or from a wealthy aunt who was a spinster? Or was it from the sweat and misery of victims whose bodies she sold in prostitution at enormous profit?

“THE OLDEST PROFESSION IN THE WORLD.”

There is nothing in common between a victim of society who through a variety of reasons beyond her control is compelled to sell her body for monetary or material gain and a member of a profession which requires a high degree of educational or technical qualification flowing from a relatively long course of study at an academic or technical institution in a specific field of knowledge.

When prostitution is referred to as a profession, it is done in a sarcastic or mocking tone. Nobody seriously believes this terrible misfortune which befalls a human being as being a profession.

In real life, society which while on the one hand tolerated, encouraged and even regulated prostitution, reviled it and referred to it in a harsh and derogatory manner. An ordinary dictionary of synonyms offers, amongst others, the following words in describing a prostitute:

Adulteress, strumpet, tart, hustler, harlot, whore, street walker, fallen woman, trollop, hussy, bitch, slut, minx, wanton, fornicatress, Jezebel.

In the light of society's contempt and hatred for women pressed into prostitution, it is farcical to seek to give respectability to these girls and women by referring to them as "Sex Workers" and to insist that others should also refer to them as such. Changing the name changes nothing. The degradation of a human being remains.

It reminds one of the time when Mahatma Gandhi, in show of taking a stand against the caste system and against the inhuman oppression of the members of the "low castes" referred to as "Untouchables" announced that thenceforth they be referred to as the **Harijan**, meaning the children of God. Gandhi believed that by making people refer to the "untouchables" as "children of God", it will help melt away the thousands of years of caste discrimination. Of course, it did not happen as Gandhi had hoped. The serious fighters against caste oppression and exploitation refer to the caste oppressed as DALITS (meaning Oppressed) and not as Harijans.

Calling the unfortunate women pressed into prostitution respectable names like "sex workers" is really prettifying true ugliness. By doing this, one misleads and misinforms and fudges the issues.

THE NATURE OF PROSTITUTION

Prostitution is ugly. Make no mistake about it. Those once progressive writers like Steinbeck (author of "Grapes of Wrath") who have sought to portray prostitution in humorous terms have committed a grave crime against that section of humanity which has been forced to sell their bodies in prostitution.

One of the most powerful exponents of the total condemnation of prostitution and who has relentlessly campaigned for its abolition is ANDREA DWORKIN, an

American. She is a committed feminist and a prolific writer on the position of women.

Andrea Dworkin is very passionate in her hatred for prostitution. And she does not mince her words. This is how she describes prostitution:

“Prostitution: what is it? It is the use of a woman’s body for sex by a man, he pays money, he does what he wants. The minute you move away from what it really is , you move away from prostitution into the world of ideas. You will feel better; you will have a better time; it is more fun; there is plenty to discuss, but you will be discussing ideas, not prostitution. Prostitution is not an idea. It is the mouth, the vagina, the rectum, penetrated usually by a penis, sometimes hands, sometimes objects, by one man and then another and then another and then another and then another. That’s what it is.”.....

I ask you to think concretely about your own bodies used that way. The people who defend prostitution and pornography want you to feel a kinky little thrill every time you think of something being stuck in a woman. I want you to feel the delicate tissues in her body that are being misused. I want you to feel what it feels like when it happens over and over and over and over and over and over and over again: because that is what prostitution is.”¹

Those intellectuals who want to move into the realm of ideas and away from reality believe that they are doing a singular service to these unfortunate women by referring to them as “sex workers”. By describing them by such an innocuous name, “sex workers”, they seek to give the impression that these victims are ordinary workers who leave home and family, (like an office or factory worker or model), engage in prostitution for 8 or 10 or 12 hours and return home, buying bread and food on the way home to their families with whom they enjoy quality time catching up with the events in their lives (but never the victims’) and bonding with them. And then they prepare for bed after watching a favourite programme on television. And in bed, they spend precious moments with their husbands who would have been waiting impatiently.

This is being removed from reality.

¹ From a speech delivered by Andrea Dworkin at a symposium entitled “Prostitution: From Academia to Activism” at the University of Michigan Law School, October 31,1992.

What is the effect of events of the day on the woman? According to Andrea Dworkin:

“In prostitution, no woman remains whole. It is impossible to use a human body in the way women’s bodies are used in prostitution and to have a whole human being at the end of it, or in the middle of it, or close to the beginning of it. It is impossible. And no woman gets whole again later, after.”²

As for calling prostitution “work”, one can only denounce that as hypocrisy of the worst kind. Engaging in prostitution is a massive assault on the psyche and dignity of a woman. Again, let us read the views of Andrea Dworkin:

“And so, many of us are saying that prostitution is intrinsically abusive. Let me be clear. I am talking to you about prostitution per se, without more violence, without extra violence, without a woman being hit, without a woman being pushed. **Prostitution in and of itself is an abuse of a woman’s body.**”³

(Our emphasis)

WHAT DRIVES GIRLS AND WOMEN INTO PROSTITUTION?

There are many causes of prostitution. It will take a massive tome to deal with this subject. It will take an army of social workers, psychologists, sociologists and other intellectuals qualified to comment on this phenomenon which assumed serious dimensions with the advent of monogamy coupled with a money economy.⁴

The obvious and commonly known causes are poverty and unemployment; enticement and then virtual imprisonment in a brothel; perpetual indebtedness to the brothel owner for clothing, food and a place to stay (the cost of which is determined by the brothel owner and not by the mechanism of supply and demand); to pay for induced drug taking and the addiction which follows; the

² *ibid.*

³ *ibid.*

⁴ And not since the Stone Age as claimed. Even during that stage of development of human society called tribalism which came on to the scene long after the Stone Age , there was no prostitution.

break-up of the family and being without a support group.⁵ The overarching cause is a male dominated society and a male dominated government of the day which finds it convenient to have a large number of women and girls press-ganged into prostitution and which cares nothing for the plight of the victims.

Whatever the cause, and there are many, there is one thing they have in common and that is, girls and women are driven into prostitution by dire necessity; they enter this prison of their degradation most unwillingly and those strong enough to end their unbearable condition take one of two routes – escape by flight or suicide.

THE REALITY OF PROSTITUTION

Whether a person works the streets or a brothel, it involves an endless series of acts of sex with persons known to the victim or with total strangers. There is no place for preference or dislike for a particular client. The sex act which is something highly personal and normally a culmination of a relationship of wooing and courtship, has to be indulged in at a moment's notice and with a person regardless as to whether she finds him desirable or attractive. The sex act is performed in circumstances and conditions opposite to what was intended by nature.

To be able to satisfy the sexual desires of her clients repeatedly night/day in and night/day out, the victim has to fortify herself or escape in drugs and /or liquor. The imbibing of these substances have consequences of their own. They have to be paid for; they are addictive and the craving has to be satisfied. There are the serious effects of these substances on the mind and body. Who is there to attend to them?

Victims of prostitution are often violated by psychopaths who get pleasure out of the pain they inflict on the woman than from the sex act. She has to endure the pain. She may or may not get paid. She is shown no respect. At times she is lucky to get out of situations with her life.

There is the pimp or ponce – that despicable breed of parasite who feeds on the earnings of the victim. He (its always a man) takes a major slice of her pitiful earnings; he is always on the alert to ensure that the victim does not conceal her earnings from him. The ponce has no respect for her and shows her none. He despises her for what she has to do for her living, yet he is a willing beneficiary. He cannot survive without those earnings. He, therefore, finds himself in a position where he has to allow his “woman” to satisfy the sexual desires of other men and

⁵ Nymphomania, as a cause which leads women and girls into prostitution must be rejected as having no medical or scientific basis. We believe that this was a fallacy used to justify prostitution or rape.

hates her for it. Yet he grabs her earnings. The conflict generated makes him perform acts of violence against her; physical assault and assault on the dignity by being reviled in the most derogatory language. How does one live with that? Again, it will be liquor and drugs which come to her rescue. Yet it is these very substances which in the end destroy her.

Prostitution and the brothel are known to be the hot-beds of sexually transmitted infections. At present it is the deadly AIDS. Before AIDS, there was syphilis and gonorrhoea. Girls and women engaged in prostitution got the infections from their clients and they in turn passed it on to other clients. The latter then passed it on to their wives until the diseases assumed alarming proportions and the government of the day had to step in to contain the diseases by closing brothels throughout Europe (in the 16th century) and requiring periodic medical inspection. Regulations in the Scandinavian countries in the 20th century required “frequent medical examination, and provide free mandatory hospitalisation for any one found to be infected with venereal disease.”⁶

In former times, getting infected with syphilis meant death. There was no cure. Today, AIDS has become the deadly sexually transmitted infection. Thousands are dying daily. Mothers pass this condition to their children.

Prostitution means risking getting AIDS on a daily basis and on each day the risk is as many times as she engages in unprotected sex which is often demanded by men.

That then, briefly described is the reality of prostitution.

By any standard, it is an abomination! It is so evil, so degrading, so inhuman that there ought to be no debate or doubt about its total abolition.

ENTER THE HYPOCRITES AND PERPETUATORS OF PROSTITUTION.

When every moral fibre of one’s body cries out for the abolition of this abomination, there come on to the scene certain persons parading as do-gooders, demanding for what they call “regulation of the sex industry.”

1. The basis of this approach is that prostitution has been with human beings for a long time and that there is no hope in the foreseeable future that prostitution

⁶ Britannica/2002/cache/info/000004.html

will cease existing. It is therefore desirable that prostitution be made legitimate and be regulated.

OUR RESPONSE: There has never been a serious effort made to eradicate prostitution in most parts of the world. The fact that a crime against a section of humanity has been in existence for a long time does not justify giving it LEGITIMACY AND PERMANENCE.

Murder has been in existence, figuratively, from the time of Cain and Abel. Does the long duration of a crime entitle it to legitimacy?

2. Prostitution to be regarded as a recognised way of earning a living.

OUR RESPONSE: Only persons who are sick in the head can propose that prostitution be recognised as a way of earning a living. Insanity apart, we suspect strongly that persons making such a proposal have an interest in prostitution. It may be that they would like to avail themselves of this degradation i.e. prospective clients, or they have a financial stake in the earnings from prostitution.

3. Regular health checks and improving the conditions of women.

OUR RESPONSE: Where are the doctors to come from? Already there is a marked shortage of doctors and nurses. Who is going to ensure that regular checks do take place? What will the penalty be for not making regular checks? More importantly, what about the infected clients? Who is going to check them medically? And what measures are planned to protect the girls and women? Finally, what do medical checks entail? What about the treatment where a sexually transmissible disease has been detected among the women practising prostitution? This question is asked in view of the criminal footdragging of the National Health Department in the treatment of AIDS?

4. Breaking the hold of the Brothel Owners and Pimps.

OUR RESPONSE: There is no indication as to how prostitution will function without brothels and pimps. Where is it proposed that the victims will be housed? How will it be ensured that pimps are removed from the scene? Nothing is said about this. These are more statements of intent than concrete proposals. Their practicality depends entirely on an efficient and corrupt-free police force.

5.If prostitution is legalised, the state will benefit by way of taxation.

OUR RESPONSE: How can the practice of an abomination can ever be justified by a dubious receipt of income tax? Why stop there? Why not legalise contract killings and charge income tax on contract price received by the contract killer? Is the country so bankrupt that it is quite prepared to lay claim to the blood price paid to sex victims? As it is, she receives a pittance after huge cuts made by the ponce and brothel owner. Does the state now want to grab a slice from the pittance? No decent person will want any part of money generated from the process of prostitution?

6. If prostitution is legalised, then those girls and women would not be prosecuted in a court of law. They would enjoy their rights and be protected by the Constitution.

OUR RESPONSE: The position of enlightened people is that a war must be waged against prostitution, ***not against the girls and women engaged in it.*** Brothel owners and pimps must be prosecuted mercilessly. The girls and women involved must be taken under the protection of the welfare department and given treatment where it is warranted and then given training in skills which would enable them to earn a decent living.

Only a person who is totally ignorant of the harsh and terrible reality of prostitution can glibly talk about ENJOYING the rights of prostitution. Such a person has idealised or romanticised prostitution. He or she still believes prostitution to be a normal job!

Must the protection of prostitution be enshrined in the Constitution?

To all those who want the “regulation of the sex industry” so that prostitution receives the protection of the Constitution and thereby seek to make it acceptable and respectable, we pose the following question:

ARE YOU PREPARED TO ALLOW YOUR MOTHER,
DAUGHTER OR SISTER TO ENTER THIS “INDUSTRY”
WHICH HAS RECEIVED CONSTITUTIONAL PROTECTION?
ARE YOU WILLING TO AGREE TO THESE CLOSE RELATIVES
BECOMING SEX WORKERS?

If you respond to these questions in the negative, then we ask : WHY ARE YOU SO ENTHUSIASTIC ABOUT REGULATING OTHER PEOPLE’S MOTHERS, SISTERS AND DAUGHTERS INTO LEGALISED PROSTITUTION?

We go on to ask that if you find prostitution revolting for close members of your family, why should you not react in a similar manner when it involves millions of other people's close relatives?

OUR POSITION:

1. We fully support the United Nations General Assembly, which adopted a convention which advocated the suppression of prostitution.

No person can claim to be civilised or enlightened if he or she does not advocate the total abolishment of prostitution.

2. We also adopt the position held by that great socialist, Charles Fourier (predecessor of Marx and Engels) who "was the first to declare that in any given society the degree of woman's emancipation is the natural measure of the general emancipation."⁷ This simply implies that there can be no true liberation for as long as a section of humanity is subjected to abuse, indignity, degradation and humiliation.

3. We fervently believe that given the will, the enlightenment, the love for humanity, the hatred of oppression in any form or shape, it is possible to abolish prostitution. But it can only be done in a society which is truly humanistic and which believes in equal rights for males and females and which puts people before profits.

4. There is historical precedence for the abolition of prostitution. In 1949, when the victorious People's Liberation Army swept into the cities of China, it performed certain vital historical tasks. One such task was the abolition of prostitution and closure of brothels. Some of the largest ones were converted into youth centres. "A programme of re-education for those trapped in prostitution was announced, with additional re-education including assignment to hard labour for any backsliders."⁸

CONCLUSION:

The State spends billions of rands every year housing, guarding, feeding, clothing, rehabilitating, providing medical and hospital care and watching over a huge

⁷ "Socialism: Utopian and Scientific" by Frederick Engels page 400 of **Selected Works** by Marx and Engels Lawrence and Wishart 1968

⁸ Encyclopaedia Britannica 1969, volume 18 page 647

prison population. A significant section of these prisoners has been found guilty of the most heinous crimes known to society. Instead of executing them, society has chosen to imprison them at tremendous cost.

If such a large portion of the taxpayers money goes for the upkeep and welfare of dangerous and wicked criminals, why can't society set aside a fraction of that amount for the welfare of victims of prostitution?

Remember! These unfortunate sisters of ours are totally innocent!