

Dangerous Sex, Invisible Labor: Sex Work and the Law in India

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The Human Rights Watch estimates there are twenty million sex workers in India. Feminists are divided on what to do. On one side, radical feminists take a political position, advocating abolition; to them, sex work is nothing more than violence against women, all women. On the other side, materialist feminists are increasingly taking an economic stance, grounded in Marxian theories on reproductive labor. They appeal to economic justice and view sex work as not unlike other forms of reproductive labor, such as housekeeping and child rearing.

Within this debate, Prabha Kotiswaran, a Harvard-trained law lecturer at the University of London, challenges many common assumptions and analyzes the economics of the sex trade in India. Her research takes her through the underbelly of the industries in Kolkata (Calcutta) and Tirupati, uncovering a world that seems, well, remarkably normal. In Sonagachi, a red-light district in Kolkata, she observes what could be ordinary lives in any typical Indian setting. Hindu images of deities adorn the walls of brothels; sex workers spend their days watching soap operas on TV and helping their children with homework.

The industry isn't driven by trafficking, as the media suggests. In southeastern India's Tirupati, one of the busiest pilgrim destinations in the world, the sex industry is embedded with the commercialism of religious tourism, as tens of thousands of pilgrims visit the area daily. Here, the majority of sex workers are married and pursue this work for financial considerations.

In a 2000 survey, Women's Initiatives, a Tirupati-based NGO that helps HIV-positive women, found that only three percent of sex workers in Tirupati had been deceived into sex work and that one percent began out of tradition; the rest entered the trade due to personal (typically financial) circumstances. The UN Protocol, however, would define all these sex workers as having been trafficked.

Rehana, a sex worker who is married and has a ten-year-old son, began selling sex when she realized that any occupation for her involved sexual demands and harassment. Sex work turned out to be financially liberating. She earns more in five minutes (her rate is 200-300 rupees "per shot") than her husband earns for eleven hours of backbreaking labor as a furniture painter (100 rupees). Rehana's story seems more typical than the stories about underage trafficking that dominate the media.

According to Kotiswaran, the perception of violence may also be exaggerated. Some 91.7 percent of family-based and 82.4 percent of street-based sex workers in Tirupati claim they have never been subjected to violence from a client. At the same time, 61.2 percent claim to have been exploited by the police, often being forced to have sex with them or pay bribes to avoid prosecution and harassment. Kotiswaran says that many of the laws meant to protect sex workers are often used to re-victimize and humiliate them instead.

Western abolitionists such as Nicholas Kristof, who has written about brothels in Kolkata for The New York Times and has led efforts to free sex workers, presume that it's better to be poor than to do sex work. Kotiswaran questions this position. She says there's a colonial presumption in it: That people in the third world need to be rescued from

themselves. “Trafficking portrays the moral panic of white slavery,” said Kotiswaran in an interview. “It’s an imperial construct that victimizes the third world as disempowered, barbaric, and brutalized.” This is exactly how the British looked upon the people of India during their centuries-long occupation.

Her research uncovers a multitude of stakeholders—from legislators to police, from landlords to brothel keepers, from local politicians to the UN—with competing agendas at the macro and micro levels of the sex economy. Her portrait reveals a sufficiently complex market, with pressures, as in any economy, being applied from all sides.

At the heart of her argument, she openly wonders whether those who develop the laws on the sex trade really understand its dynamics or have instead been influenced by predominant myths, and, as a result, continue to perpetuate such myths. Her book engages at the theoretical and qualitative levels, challenging the reader’s assumptions. It sheds light on the economics of sex and pushes back against the politics of sex, forcing us to reevaluate our understanding of the world’s oldest industry.

BRUCE CUTHBERTSON (September / October 2011)

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