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COMMENTARY

Sex Work, Marginalization, and Activism in India

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Introduction

Debates over prostitution and sex work are often so polarized that systematic, comprehensive discussions of relevant research and policy are difficult to find. Benoit, Smith, Jansson, Healey, and Magnuson (2018) offer a useful response to this problem in their Target Article. After introducing the general methodological challenges to sex work research and policy, they discuss two broad perspectives on sex work: the "gender inequality" perspective, which underlines the hierarchy of gender relations, and the "social inequality" perspective, which focuses on exploitation of labor. For each perspective, they outline its basic theoretical claims, summarize the existing empirical evidence, explain critiques of the perspective, discuss related policy approaches, and then lay out critiques of these policy approaches.

The great benefit of the Target Article's approach is that it explores all sides of both perspectives, allowing for an evaluation of each on its own merits. Benoit et al.'s (2018) conclusion that the social inequality perspective is more convincing is well supported by the evidence they provide. However, some key oversights remain: (1) they rely predominantly on examples from the Global North, (2) they have little to say about differentiations among sex workers in terms of gender identity or forms of sex work, and (3) they focus primarily on state policy and place less emphasis on organizing and activist efforts. These exclusions amount to, more generally, abstracting the "prostitution problem" from the lives of the majority of sex workers and their everyday lives, especially in the Global South.

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Benoit et al.'s (2018) Target Article aims to take a global approach to sex work, ultimately arguing that sex work constitutes a form of exploited labor in "neoliberal capitalist societies." This broad characterization misses the uneven and diverse ways in which capitalism and neoliberalism operate in distinct contexts. While the article does draw on the transnational literature, referencing scholarship on, for example, Senegal, Mexico, and India, the policy approaches discussed at most length include those in U.S. and Sweden (as examples of repressive policy approaches), the Netherlands and Germany (as examples of restrictive policy approaches), and New Zealand (as an example of integrative policy approaches). In this response, we discuss ways in which research from the Indian context may add nuance to the policy discussion the Target Article offers.

We are largely supportive of the focus of the Target Article and its conclusions—that theoretical and policy approaches that see sex work as a form of exploited labor where multiple forms of social inequality intersect are more persuasive. In many ways, these conclusions align with our own experiences working with Indian sex workers as researchers and activists. In what follows, we offer what we hope will be complementary insights that broaden the focus of Benoit et al.'s (2018) Target Article beyond the realm of state policy in the Global North. In our own work with sex worker organizations in India, we have found in particular that non-governmental organizations, community-based organizations, and activists can play a key role in sex workers' lives. We begin with some background on sex work in India, the context in which we study and work. Next, we discuss how differentiations among sex workers in India shape their distinct experiences of sex work and policy. Finally, we discuss how considering organizing efforts offers a fuller picture of sex workers' experiences of policy. We also discuss the unique tensions sex worker organizations face.

Sex Work in India

Sex work in India takes place in a context where the majority of work is informal and unprotected (Agarwala, 2013; Breman, 1995), and overall levels of poverty are high. As in many countries, there are little large-scale and systematic data on

sex work in India. The limited data that do exist suggest that sex workers in India come from relatively marginalized social backgrounds. Researchers in a pan-India survey found relatively low levels of schooling among female sex workers, with 50.2% having had no schooling (Sahni & Shankar, 2013). The majority (65%) came from poor family backgrounds (Sahni & Shankar, 2013). About 26% of female respondents were Dalits[1] (Sahni & Shankar, 2013). Overall, these data suggest that sex workers are largely poor and marginalized, but also that they resemble other groups of marginalized workers in their social and economic profile. Many sex workers have pursued or continued to pursue alternative occupations in the informal sector such as domestic work, construction, or factory work. Sex workers' backgrounds resemble the picture of informal workers in general, where, for example, over 40% of women informal sector operators are illiterate and another 10% have an educational level below primary school (Raveendran, 2017). Overall poverty rates in India are estimated at 21.9% (Government of India Planning Commission, 2013).

In the Indian context, then, the marginalization of sex workers does not result from prostitution policy alone—it also results from broader forms of economic exclusion and stigma. Sex workers struggle to feed and educate their children and pay for housing and health care. However, the forms of stigma and violence Indian sex workers face build on those other poor and marginalized people confront with an added layer of criminalization and marginalization. Many Indian sex workers work under extremely exploitative and stigmatized conditions and are commonly abused by police, *goondas* (thugs/goons), landlords, neighbors, lodge owners, brothel owners, agents, clients, husbands/partners, government officials, and even strangers who see them at work. Further, they are routinely denied basic entitlements such as ration cards or access to appropriate and non-discriminatory health facilities. Anti-sex-work policy and policing practice prevent sex workers from accessing their rights, including the right to practice the business of making money from sex. Activists fear that a new proposed anti-trafficking bill will further criminalize sex workers and their clients and that "large scale human rights violations in the name of anti-trafficking will continue to be the norm" (Pai, Seshu, & Murthy, 2018b).

Differentiating Sex Workers

The Benoit et al. (2018) Target Article, while it points to the fact that sex workers are not only cisgender women in the "social inequality" perspective, does not fully theorize the ways in which differentiations among sex workers might affect their lives and their relationship to policy, or how the practice of sex work has changed over time. Public health studies have used various criteria to distinguish between types of sex workers: practice, mode of operation, mode of organization, nature of the sex work network, place of sex, and primary place of solicitation (Buzdugan et al., 2010; Buzdugan, Halli, & Cowan, 2009). In addition, mobile phones have transformed sex work in India, and gender and sexual identity shape experiences of sex work in fundamental ways.

Increasingly, mobile phones play a key role in the organization and practice of sex work in India (Beattie, Bradley, Vanta, Lowndes, & Alary, 2013; Buzdugan et al., 2009; Jain & Saggurti, 2012; Panchanadeswaran, Brazda, Barberii, & Chacko, 2016; Panchanadeswaran, Unnithan, Chacko, Brazda, & Kuruppu, 2017). Mobile phone technology has offered opportunities for greater income generation, financial stability, autonomy, and spatial mobility to many sex workers because of relatively safer, faster, and consistent access to newer client networks (Panchanadeswaran et al., 2017). Additionally, mobile phones have enhanced sex workers' abilities to create deeper bonds with their families and social networks (Maher, Pickering, & Gerard, 2012; Navani-Vazirani et al., 2015; Panchanadeswaran et al., 2017). On the other hand, mobile phone technology has also posed formidable challenges to sex workers' safety and privacy, including due to clients' attempts to photograph and video-record sexual acts without their consent.

Distinctions among Indian sex workers along lines of gender and sexual identity play a key role in their experiences and the forms of marginalization they face (Chacko, Panchanadeswaran, & Vijayakumar, 2016; Chacko, Vijayakumar, & Panchanadeswaran, 2016; Vijayakumar, 2018). Gendered and sexual differences among sex workers mean that each group of sex workers faces unique sets of challenges. For most Indian sex workers we have studied, across gender/sexuality lines, access to basic services, state entitlements, and livelihood is a major concern. But different groups are positioned differently. For sex workers across the three groups (cisgender women, cisgender men, and transgender women), economic compulsions are often an important precursor to entry into sex work. Men in sex work often identify sex work as an intersecting space that helps them to seek out pleasure, as well as earn an income. Transgender sex workers often turn to sex work for economic survival when unable to locate or maintain employment due to gender discrimination. Besides, sex work is seen as an age-old occupation among transgender women, tied to a former or current life within the *hijra* system.[2]

The policies and laws around sex work are not the only ones that affect sex workers' lives, and the differentiations among sex workers make this point particularly clear. For example, until the recent NALSA v. UoI (2014) decision, which recognized the right of transgender people to choose their gender as men, women, or "third gender," and Johar v. UoI (2018), which

[1] Dalit, meaning "oppressed" or "crushed," is a term used to refer to groups formerly referred to as "untouchable" in the Indian caste system.

[2] Hijras are part of a ritual community of transgender women with its own religious practices and kinship structure.

decriminalized sodomy, members of the transgender community were either invisible in policy spaces or faced the effects of criminalization. Paradoxically, because of the new access to social services that these decisions have allowed, transgender sex workers may have *more* opportunities for social support than cisgender women sex workers do. Of course, these decisions at the national level may take a long time to affect sex workers' lives on the ground, but they do indicate one of the major differentiations sex workers experience.

Organizing and Its Tensions

Benoit et al.'s (2018) Target Article largely focuses on national-level law and policy related to the regulation of sex work—repressive models, in which sex work is unilaterally or partially criminalized, as in the U.S. and Sweden; restrictive models, in which sex work is legal but regulated, as in the Netherlands and Germany; and integrative models, in which sex work is decriminalized, as in New Zealand. This focus reflects the ways in which debates about sex work have largely been constructed in the U.S. and Europe. However, as the Indian context shows, criminalization takes many forms beyond its legal manifestation, and all of these affect the lives of sex workers.

India offers a particularly useful example here, because in India sex work is not entirely criminalized—under the Immoral Trafficking (Prevention) Act (1986), activities related to prostitution are criminalized, such as "living off of the earnings of a prostitute" and "soliciting in a public place," but sex work in and of itself is technically legal. In practice, sex workers face various forms of moral policing, violence, and stigma, within and beyond the law. They face regular police brutality—despite the legal ambiguities—but also widespread discrimination from families, neighbors, landlords, and other state officials. These forms of discrimination hinder their access to basic social entitlements from citizenship rights to lack of services for their children (UNDP, 2007). In short, prostitution law is only one facet of the mechanisms of exclusion sex workers face. Indeed, even if sex work were to be fully decriminalized in India, discrimination and stigma might mean continued police abuses as well as other forms of exclusion.

While Benoit et al.'s (2018) Target Article makes little room to discuss sex worker organizations, our research on sex worker activism suggests that organizations outside the state can play a key role in cementing sex workers' access to social services and mitigating the everyday levels of violence they face. Sex worker organizations can, for example, put pressure on local police authorities to reduce levels of unlawful detainment and police harassment; facilitate sex workers' access to social entitlements; and respond informally to cases of discrimination by families, landlords, or school officials.

Sex workers' organizing in India has grown over the years—in terms of size, focus, and organizational strength. The National Network of Sex Workers (NNSW) and the All-India Network of Sex Workers bring together sex worker collectives and organizations that support them. The issues that they address include violence and stigma, as well as policy issues at the national and international level. NNSW, for example, made a submission on the status of women for the Convention on the Elimination of All Forms of Discrimination Against Women shadow report from India and argued that the uncertain legal status attached to "their work and identity further 'invisibilises' them as citizens with associate rights and entitlements" (Pai, Seshu, Gupte & VAMP, 2018a).

However, sex worker organizations are also facing severe challenges—the reduction in the funding of HIV prevention programs that worked with sex workers, the general clamping down on dissent, and the growing strength of anti-trafficking advocacy that rejects labor perspectives on sex work have all had an impact. All of these are in addition to the challenge of organizing when the work is not entirely legal, and many workers' lives are insecure due to the high levels of violence. Anonymity is a useful shield for sex workers, and hence they are often reluctant to join collectives that draw attention to them and their occupation. Clients, too, prefer those who do not reveal their occupation (Kongelf, Bandewar, Bharat, & Collumbien, 2015).

Sex worker organizations' experiences also point to the tensions of positioning sex work alongside other forms of precarious work. We are in strong agreement with Benoit et al. (2018) that "sex workers have much in common with other precarious workers who face additional inequalities based on their social class, race, sexual minority status." Yet, this fact leads to important tensions when it comes to supporting sex workers. Sex workers' organizations contend with the fact that asserting sex worker identity is often necessary to advocate for sex workers as a group, but also bears significant personal costs when sex work remains deeply stigmatized. This tension manifests in operationalizing alliances with other groups of precarious workers, who may or may not support sex workers' struggles. On the one hand, sex workers face unique sets of challenges that may merit specific attention; on the other hand, emphasizing their commonalities with other workers may allow for better access to state services and building alliances, even if it does not work toward ending stigma. This difficulty is particularly significant because the lines between sex work and other work are often more blurred than stereotypes suggest (Shah, 2014).

More generally, sex workers are also affected by the gradual erosion of anti-poverty programs; the suppression of political dissent; dynamics of gentrification; economic, political, and social discrimination against Dalits, Muslims, and Adivasis;[3] and the normalization of sexual violence—concerns that extend far beyond the realm of sex work alone. If sex work is conceptualized in isolation, many of the issues

[3] Adivasi, meaning "first inhabitant," is a term used to refer to indigenous groups in South Asia.

that most urgently affect sex workers' lives will be left out. Minority groups such as sex workers who are required to straddle multiple identities often suffer from "intersectional invisibility" (Purdie-Vaughns & Eibach, 2008) that renders them even more vulnerable. And yet, living out cross-cutting alliances is more difficult in practice than in theory.

Conclusion

Sex workers' lives are layered, and they wear multiple identities—often they are migrants; sometimes they are slum dwellers; they work as construction workers, vendors, and factory workers; and they are parents and partners. While the "social inequality" perspective helps to address the complexity of sex workers' lives, it may still limit the possibilities for intervention programs and activism that address issues that sex workers face by focusing too narrowly on criminalization. The Benoit et al. (2018) Target Article goes a long way toward clarifying pressing debates around prostitution policy through an even-handed approach to the evidence. What we have tried to do in this Commentary is broaden the question of prostitution policy to the forms of violence and discrimination—as well as the forms of empowerment—that extend beyond the realm of policy.

Broadening the focus in this manner is more meaningful in addressing the lives of sex workers we work with in India, but also those most marginalized in the U.S. and Europe. It also is more likely to address the differentiations in sex workers' needs. Perhaps the most important question is not how to resolve "the prostitution problem," but rather how "the prostitution problem" has been defined. In other words, the "prostitution problem" must encompass not only the manner in which neoliberal capitalist societies define and regulate prostitution, but also how we might open up possibilities for meaningful social and political inclusion and humane livelihood for all marginalized people.

References

Agarwala, R. (2013). *Informal labor, formal politics, and dignified discontent in India*. New York: Cambridge University Press.

Beattie, T. S., Bradley, J. E., Vanta, U. D., Lowndes, C. M., & Alary, M. (2013). Vulnerability re-assessed: The changing face of sex work in Guntur district, Andhra Pradesh. *AIDS Care, 25*(3), 378–384.

Benoit, C., Smith, M., Jansson, M., Healey, P., & Magnuson, D. (2018). "The prostitution problem": Claims, evidence, and policy outcomes. *Archives of Sexual Behavior*. https://doi.org/10.1007/s10508-018-1276-6.

Breman, J. (1995). *Footloose labor*. Cambridge, UK: Cambridge University Press.

Buzdugan, R., Copas, A., Moses, S., Blanchard, J., Isac, S., Ramesh, B. M., & Cowan, F. M. (2010). Devising a female sex work typology using data from Karnataka, India. *International Journal of Epidemiology, 39*(2), 439–448.

Buzdugan, R., Halli, S. S., & Cowan, F. M. (2009). The female sex work typology in India in the context of HIV/AIDS. *Tropical Medicine & International Health, 14*(6), 673–687.

Chacko, S., Panchanadeswaran, S., & Vijayakumar, G. (2016). Sex work as livelihood: Women, men and transgender sex workers in Karnataka. In B. Fernandez, M. Gopal, & O. Ruthven (Eds.), *Land, labour and livelihoods* (pp. 133–153). Berlin: Springer.

Chacko, S., Vijayakumar, G., & Panchanadeswaran, S. (2016). Our secure beliefs and their insecure lives. In P. Darooka (Ed.), *Road to rights: Women, social security and protection in India* (pp. 130–146). New Delhi: Sage.

Government of India Planning Commission. (2013). *Press note on poverty estimates, 2011–12*. Retrieved December 10, 2018, from http://planningcommission.nic.in/news/pre_pov2307.pdf.

Jain, A. K., & Saggurti, N. (2012). The extent and nature of fluidity in typologies of female sex work in southern India: Implications for HIV prevention programs. *Journal of HIV/AIDS & Social Services, 11*(2), 169–191.

Kongelf, A., Bandewar, S. V. S., Bharat, S., & Collumbien, M. (2015). Is scale-up of community mobilisation among sex workers really possible in complex urban environments? The case of Mumbai, India. *PLoS ONE, 10*(3), e0121014.

Maher, J., Pickering, S., & Gerard, A. (2012). *Sex work: Labour, mobility, and sexual services*. London: Routledge.

Navani-Vazirani, S., Solomon, D., Gopalakrishnan, Heylen, E., Srikrishnan, A. K., Vasudevan, C. K., & Ekstrand, M. L. (2015). Mobile phones and sex work in South India: The emerging role of mobile phones in condom use by female sex workers in two Indian states. *Culture, Health & Sexuality, 17*(2), 252–265.

Pai, A., Seshu, M., Gupte, M., & VAMP. (2018a). *Status of sex workers in India*. Sangli: Center for Advocacy on Stigma and Marginalization. Retrieved December 10, 2018, from https://tbinternet.ohchr.org/Treaties/CEDAW/Shared%20Documents/Ind/INT_CEDAW_NGO_Ind_17395_E.pdf.

Pai, A., Seshu, M. S., & Murthy, L. (2018b). In its haste to rescue sex workers, "anti-trafficking" is increasing their vulnerability. *Economic & Political Weekly, 53*(28). Retrieved December 10, 2018, from https://www.epw.in/engage/article/raid-and-rescue-how-anti-trafficking-strategies-increase-sex-workers-vulnerability-to-exploitative-practices.

Panchanadeswaran, S., Brazda, M., Barberii, J., & Chacko, S. (2016). Mobile phone technology and sex work in India: Boon or curse? *Annals of Global Health, 82*(3), 459. https://doi.org/10.1016/j.aogh.2016.04.263.

Panchanadeswaran, S., Unnithan, A. M., Chacko, S., Brazda, M., & Kuruppu, S. (2017). What's technology got to do with it? Exploring the impact of mobile phones on female sex workers' lives and livelihood in India. *Gender, Technology and Development, 21*(1–2), 152–167.

Purdie-Vaughns, V., & Eibach, R. P. (2008). Intersectional invisibility: The distinctive advantages and disadvantages of multiple subordinate-group identities. *Sex Roles, 59*(5–6), 377–391.

Raveendran, G. (2017). *Women and men operators of enterprises in India's informal sector*. Ahmedabad: WIEGO.

Sahni, R., & Shankar, V. K. (2013). *Sex work and its linkages with informal labour markets in India: Findings from the first pan-India survey of female sex workers*. Retrieved December 10, 2018, from http://opendocs.ids.ac.uk/opendocs/handle/123456789/2369.

Shah, S. (2014). *Street corner secrets: Sex, work, and migration in the city of Mumbai*. Durham, NC: Duke University Press.

UNDP. (2007). *Push to open: An appraisal of sex workers' access to basic services*. Retrieved December 10, 2018, from http://www.undp.org/content/dam/india/docs/push_to_open.pdf.

Vijayakumar, G. (2018). Is sex work sex or work? Forming collective identity in Bangalore. *Qualitative Sociology, 41*(3), 337–360.

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