

International Journal of Human Sciences Research

PROSTITUTION UNDER SCRUTINY: WHEN THE ANTI-PROSTITUTION PROJECTS OF ABOLITIONIST FEMINISM AND RELIGIOUS CHRISTIAN PEOPLE CONVERGE IN BRAZIL

Tiago Luís Coelho Vaz Silva

Anthropologist. PhD in Social
Sciences by: ``UNICAMP``.

Professor at: ``UEPA`` and

at: ``SEDUC-PA``.

<http://lattes.cnpq.br/5025462673753937>

All content in this magazine is
licensed under a Creative Com-
mons Attribution License. Attri-
bution-Non-Commercial-Non-
Derivatives 4.0 International (CC
BY-NC-ND 4.0).



Abstract: In this academic essay, I propose to discuss the articulation between the anti-prostitution projects of religious groups and abolitionist feminism in Brazil; as well as the consequences of a possible ban/criminalization of prostitution for sex workers in the country. Politically based groups among religious Christians have promoted systematic attacks on prostitution, with the aim of criminalizing it, pragmatically appropriate certain issues and give new meaning to the grammar of feminists against sex work, in order to guarantee the maintenance of moral order and integrity of the Christian family. Even though the social projects of both groups are different, adherence to the anti-prostitution policy of Christian religious people is significant among abolitionist feminists in Brazil, even if no reference is made regarding this specific ideological convergence. The moral and legal regulation imposed by a possible prohibition/criminalization of prostitution would further reinforce the stigma, denying any type of approximation and similarity with the practice of this activity. Even if the legal system prohibits/criminalizes prostitution, this segment of sexual work will not cease to exist, but it will go through a process of marginalization and even greater clandestinity, enabling the proliferation of sexual exploitation networks that benefit from the condition of illegality of sex work.

Keywords: Prostitution in Brazil; Prohibition/criminalization of prostitution; Christian religious; Abolitionist feminism; Ideological convergence.

INTRODUCTION

The universe of prostitution is diverse and multifaceted, being made up of women and men; cisgender and transgender; homosexuals, heterosexuals and bisexuals; black, white, mestizo, etc. The exchange of sexual services can take place for financial or material compensation and occur in public, private or commercial spaces. For sure, the meaningful number of women in prostitution is a reflection of poverty and unemployment, or even limited alternatives and precarious conditions in service positions, as a result of inequalities in gender relations in the labor market. Thus, many women start to work with prostitution and remain in prostitution because they consider it, if not the only one, but a viable and often a better economic alternative, when comparing to other jobs already performed, taking into consideration, financial compensation and time flexibility.

And the perspective we adopted, it considers prostitution to be a free and voluntary activity, practiced by adults, over 18 (eighteen) years of age and in full possession of their mental capabilities. Thus, any and all commercial sexual activity that is practiced outside the presuppositions of freedom and consent must be characterized as a violation of individual freedom; therefore, sexual exploitation. This way, it is possible to establish the difference between voluntary prostitution¹ and sexual exploitation: forced prostitution² (DOEZEMA, 2000). In a similar way, what has been termed in common sense as “child prostitution” is configured as a crime of sexual exploitation of children and adolescents³ and;

1 Voluntary prostitution is understood as the provision of sexual services that are performed by an adult and capable person (with Brazilian legislation establishing the age of majority as eighteen years of age) by their free choice and without deprivation of liberty.

2 Forced prostitution is one in which a person involuntarily enters into prostitution (or even voluntarily, but is prevented from abandoning it), being forced to perform services of a sexual nature for the benefit of others, characterizing the crime of sexual exploitation.

3 The involvement of children and adolescents in commercial sexual activities also constitutes a crime of sexual exploitation, provided for in specific legislation – Article 244-A. To submit a child or adolescent, as defined in the caput of article number 2 of this Law, prostitution or sexual exploitation (Included by law, number 9,975, Child and Adolescent Statute, of 06/23/2000).

therefore, a distinct social problem with its own characteristics and which should not be confused with or associated with prostitution.

In this text, I intend to present a brief academic essay regarding the controversy in the public sphere regarding the possibility of labor regulation of prostitution as an activity recognized by the Brazilian State in the face of abolitionist and prohibitionist policies that aim to curb and/or criminalize prostitution in the country. More specifically, this text addresses the pragmatic articulation between the anti-prostitution projects of religious groups and abolitionist feminism in Brazil; as well as the consequences of a possible ban/criminalization of prostitution for sex workers in the country.

THE ATTACKS AGAINST PROSTITUTION IN BRAZIL

Politically based groups among religious Christians have promoted systematic attacks on prostitution with the goal of criminalizing it, starting with the proposal to remove the category of sex workers from the Ministry of Labor's register of occupations. These groups have activated the legislature with discourse related to segments of feminism opposed to sex work, but with different purposes.

Until very recently, a prohibitionist project was being processed in the Chamber of Deputies that required the removal of the description of the occupation of sex worker in the entry of the Brazilian Classification of Occupations (CBO) of the extinct Ministry of Labor and Employment⁴. It refers to the **Project of law, number: 2371/16**, authored by the federal deputy: Flávio Augusto da Silva (PSB-SP), called: "Flavinho do PSB". This Project of Law has the goal to prohibit prostitution on the grounds that this practice exploits women and

violates fundamental rights related to human dignity, which are protected by the Federal Constitution. Therefore, the human being and his body cannot be marketed as a mere product. In its content, it considers that, by making the practice of prostitution legal, the State ends up encouraging it even more, which is socially reprehensible since prostitution is associated with numerous risks such as: contagion of sexually transmitted diseases, mistreatment, street violence and death, as well as involvement with the underworld of drug trafficking, weapons and international human trafficking. In January 2019, this Project was filed based on article 17, item II paragraph "d", of the Internal Regulations of the Chamber of Deputies.

The inclusion of the sex worker category in the CBO represents a great achievement for the prostitute movement in Brazil and has granted relative social and political legitimacy to sex workers in the *métier* of their work practice and activism, even though it does not guarantee the recognition of prostitution as work ensuring the right to organization and self-organization in the exercise of professional activity. Therefore, we can imagine the setback that the removal of the sex worker category from the CBO would represent for the Movement in its fight for rights and citizenship; as well as the direct implications of this measure on the daily lives of sex workers, since this change in the scenario would signal an increase in control and coercion and, even, a possible prohibition/criminalization of prostitutional activity in the country.

In turn, **the project of law, number: 377/11**, authored by federal deputy João Campos (PSDB-GO), still pending in the Chamber of Deputies, has a prohibitionist

4 The Ministry of Labor was abolished by the government of former president Jair Bolsonaro (PSL) through a Provisional Measure (Public Ministry, 870/2019) and had its powers distributed among the portfolios of the Ministries of Economy, Justice and Citizenship. For sex workers, this raises uncertainty due to the lack of labor regulations and represents yet another threat to the legitimacy of exercising their profession.

character and aims to criminalize the act of paying or offering payment to someone for the provision of sexual services, legally penalizing prostitution clients. This Project of law is inspired by the “Swedish model”, implemented in Sweden since 1999 and, subsequently, with seven other countries joining. The anti-prostitution policy of client criminalization in force in Sweden is based on the principle that prostitution is gender oppression, violence against women and a sign of inequality between men and women, in particular, with regard to insertion in the job market. This way, inequalities are considered a consequence of the patriarchal structure prevalent in societies and the precariousness of female work in the capitalist system.

Thus, the Project of law: 377/11 considers sexual integrity to be a good that is unavailable to the human person and cannot be the subject of a contract for marketing purposes. For this reason, it understands the criminalization of payment for sexual services as the legal way to protect people and combat sexual oppression by criminalizing, exclusively, prostitution clients. This arises from the understanding of the prostitute, invariably, as a victim and of prostitution as a sacrifice of the personal integrity of those who practice it, as a consequence generated by social circumstances and the need for subsistence. Furthermore, the Project of law places prostitution within a negative framework accompanied by other practices that are harmful to society, such as, for example, organized crime, the sexual exploitation of children and adolescents and drug trafficking.

However, even though the proposal that deals with the criminalization of prostitution clients, currently being processed in the legislature, is conducted as part of the scope of the political agenda of the Christian conservative society project, adherence to this proposal is significant among feminists who

call themselves radicals in Brazil, even if no reference is made to the project of law: 377/11. The argument is built based on the supposedly successful experience in Sweden that this model is the only one capable of enabling better conditions for women to abandon prostitution, guaranteeing psychological and financial support, education, housing and care for children – even that this is very far from the proposal presented for the Brazilian reality; while it also re-educates the male behavior of future generations so that they become aware that paying for sex is a consequence of a decadent and unfair society.

The salvationist rhetoric of abolitionist feminism, which universalizes the image of the prostitute as a victim to be “rescued” from the condition of vulnerability (devoid of agency) in the face of male oppression, finds affinity in a complex process of approximation/distancing with the Christian religious narrative of preservation of certain moral values of the family and Christianity. This fact has become vehemently evident as a result of the process of resurgence of conservatism that is currently plaguing the country. As an example of this, the project of law: 377/11 articulates the foundations of the policy to combat prostitution put into practice by the Swedish government, markedly inspired by abolitionist feminism, with the purpose of implementing the conservative agenda of Christian religious groups via the legislative branch, through a law that would make sex work unfeasible and further marginalize people in this universe. This manifests itself under the pretext of wanting to protect prostitutes from sexual oppression and violence considered intrinsic to the exercise of prostitutional activity, without at least creating alternatives so that these people can support themselves economically and continue their lives, seeing that, the project of the law aims to remove them from prostitution, but does

not provide any type of assistance for them – other than the guarantee that they will not be criminalized.

In the broader scenario of combating prostitution, there are transactional networks (not necessarily feminist) that are formed around this position and have influenced the debate at a global level, organizing the agenda of several feminist collectives around the world. In the articulation between these transactional organizations and certain segments of local feminisms opposed to sex work, a negative image has been spread that strongly links prostitution to crimes of sexual exploitation of children and adolescents and international human trafficking for the purposes of sexual exploitation. (PISCITELLI, 2016; TAVARES, 2014). These organizations have profoundly influenced the public debate on prostitution, especially among the new generations of feminists in Brazil. The dissemination of their ideas is intended to promote anti-prostitution awareness as a component of a supposed civilizing process, while also facilitating training for feminist activism that opposes sex work.

If, for sex workers, the recognition of prostitution as a professional activity falls within the scope of achieving sexual rights

and labor rights⁵, in addition to a mechanism to combat the stigma that affects the activity; on the other hand, for abolitionist feminists, such recognition implies the naturalization of violence against women consented by the State, when it supposedly favors the “commodification” and “sexual exploitation” of women through prostitution. In this context, radical feminists defend the elimination of prostitution and see in its labor regulations a neoliberal project linked to the sex industry to legitimize female sexual exploitation. They argue that everyone who recruits and organizes prostitution and benefits from it should be criminalized; some positions even defend the criminalization of clients, who would be penalized when paying for sexual services. The practice of prostitution is understood by these activists as violence, an attack on human rights, and prostitutes are considered victims. This perspective links prostitution to the sexual exploitation of women, the sexual exploitation of children and adolescents, and human trafficking; also serving to encourage what has been called “rape culture”⁶.

It is necessary to point out that this ideological convergence between Christian religions and certain aspects of feminism is not exclusive to Brazil. For the United States

5 **The project, number: 4,211/12**, better known as PL Gabriela Leite, prepared by the prostitutes’ movement in partnership with former federal deputy Jean Wyllys (PSOL-RJ), intends to regulate the activity of sex workers in Brazil and remove prostitution houses from illegality by transforming them into companies that can be supervised by the State. This proposal has as its principle the “empowerment” of women through the use of their bodies and sexual freedom, but, above all, it has the goal to guarantee labor rights that have long been demanded by prostitute associations and social movements in favor of regulating prostitution. Therefore, it is about expanding citizenship to a segment of society that is outside labor laws, aiming to guarantee rights to the profession as occurs with other professional categories. With the resignation of Jean Wyllys from the position of federal deputy, PL Gabriela Leite was filed on January 31, 2019, in accordance with the terms of Article 105 of the Internal Regulations of the Chamber of Deputies.

6 Adriana Piscitelli (2017) tells us that the term “rape culture” was created in the United States in the 1970s, presenting significant differences between liberal and radical feminist perspectives on rape. For liberals, the understanding of rape focuses particularly on the damage that this violence causes to the victim on an individual level; while for radicals, rape is related to patriarchal constructions of gender and sexuality, with an emphasis on harm to women as a group. Piscitelli (2017) points out that Susan Brownmiller’s work, entitled “*Against our Will: Men Women and Rape*”, published in 1975, it was constituted as a watershed on the topic by signaling the need to examine the elements of culture that promote and spread violent attitudes, as well as the ideology and psychological stimulus that guide men to practice this form of aggression. In this work, Brownmiller already denounced the blaming of women victims of sexual attacks, being a fundamental reference for understanding the notion of “rape culture” as we understand it today, that is, cultural practices that reproduce and justify the perpetration of sexual violence (PISCITELLI, 2017).

context, Elizabeth Bernstein (2007-b) shows us the circumstances and motivations that culminated, since the late 1990s, in a broad coalition between evangelical activists, secular feminists, civil society organizations and government entities. This coalition is formed around combating what they denounce to be an interconnected and diverse set of human rights violations such as, for example, human trafficking and involvement in sex trade activities, all designated as “modern slavery”. These alliances resulted in the approval of a series of federal and state laws to combat human trafficking that equate any and all forms of prostitution with the crime of trafficking; as well as in the implementation of numerous humanitarian projects that aim to “rescue” women from prostitution and the criminalization of many others who refuse to be “saved”. Prostitution clients also became the target of criminalization policies and even any other person involved or suspected of involvement in the activity, under the new heading of combating “modern slavery”⁷ (BERNSTEIN, 2007-b)

In Brazil, the goal of groups with their political base among religious Christians is precisely to inscribe a certain morality in the country’s legal order, regarding issues related to sexual and reproductive rights and the family, as it occurs in the debate on the supposed “gender ideology”, for example. To fulfill their social project, they pragmatically appropriate certain guidelines and give new meaning to the grammar of feminists who are against sex work, in order to guarantee the maintenance of the moral order and the integrity of the Christian family. The discursive emphasis is on human dignity and the preservation of moral values associated

7 “Rescue” operations rely on the work of an employee of the organization disguised as a potential client, who is responsible for investigating the brothels and, in partnership with the local police, carrying out the “rescue” of women and children and then forwarding them to receive assistance in state-sponsored rehabilitation establishments or religious institutions. These operations have become true spectacles, often carried out with the participation of the press that covers the operations. This model of activism has become the standard among evangelical and feminist abolitionist organizations. (BERNSTEIN, 2007-b).

with the family, supposedly threatened by the possibility of prostitution being redefined as work. This intersection between the interests of these religious groups and abolitionist feminism, while becoming convenient for some segments of feminism, it also generates a lot of discomfort for others. It happens because an agenda that is intended to be revolutionary for abolitionists is spearheaded in the legislature by groups historically associated with practices and the defense of conservative agendas; even diverging on issues dear to both religious and feminists, as occurs, above all, in the dispute over abortion. This discomfort also arises from the dissent that prevails among feminists regarding the understanding of prostitution as work; as well as the measures that are used as alternatives that have resulted in greater marginalization and incarceration of those inserted in this universe, as shown by the experience of other countries that adopted abolitionist and prohibitionist models as a regime to regulate prostitution.

FINAL CONSIDERATIONS

Analyzing the scenario that was presented, it is necessary to think about the prohibitive/criminalizing aspect imposed on prostitution, as a discursive and performative construction of the society project that is desired for the country, where what is at stake is the maintenance of both Christian moral values and religious groups and hegemonic models of sexuality that oppress and exclude those who do not fit into such established standards; all of this crossed by the abolitionist anti-prostitution agenda of some segments of feminism.

These are distinct societal projects in

dispute where prostitution takes center stage in the debate about women's bodies and sexuality (but not exclusively women). In my opinion, I think that anti-prostitution projects do not aim to prohibit the sex market in general, but, above all, some specific segments: street prostitution, and that which takes place in brothels and prostitution houses, as well as the legalization from both places. Therefore, it is pertinent to question what type of sexual work we want to prohibit/criminalize and which are tolerable within the project to criminalize prostitution in Brazil. Besides, I also think about how other sex work niches fit into this issue.

The moral and legal regulation imposed by a possible prohibition/criminalization of prostitution would further reinforce the stigma, denying any type of approximation and similarity with the practice of this activity. Despite moral and legal regulations, it is possible to conjecture that certain segments of sexual work, such as "luxury escorts", for example, would not be affected directly, or at least immediately, by the change in legislation on prostitution. It happens because they tend to assume characteristics that has the goal to distinguish themselves and distance themselves from street prostitution, starting with their discursive construction. On the contrary, this makes us believe that State intervention would occur vigorously in prostitution areas and spots, in an attempt to systematically eliminate the visibility of the provision of sexual services in public places, which makes us think that such devices of control and coercion would ultimately serve as a mechanism for a policy of criminalizing poverty⁸.

8 Elizabeth Bernstein (2007-a) highlights that, in the USA, since the 90s of the 20th century, states and municipalities have implemented a series of legal impediments to contain the sexual trade, whether through the criminalization of prostitution, zoning restrictions in certain urban areas, and even, paradoxically, the legalization of the maintenance of brothels. The author shows us how the practice of prostitution among the popular classes, the lowly red light, are targets of police action and State intervention by criminalizing both sex workers and their clients, often associated with social disturbances and the perpetration of crimes of all kinds. the nature; while prostitution practiced by middle- and upper-class people is tolerated because it is not considered a threat to the social organization and moral values of American society (BERNSTEIN, 2007-a).

In this context, it is interesting to think about how decisive class and race markers will be in determining those who will suffer the most severe penalties of the law and those who, in some way, will be able to work its intricacies. Even if the legal system prohibits/criminalizes prostitution, this segment of sexual work will not cease to exist, but will go through a process of marginalization and even greater clandestinity, enabling the proliferation of sexual exploitation networks, who benefit from the illegality of sex work.

REFERENCES

BRASIL. Ministério do Trabalho e Emprego (MTECBO). **5198: Profissionais do sexo**. Classificação Brasileira de Ocupações. mteco.gov.br. Disponível em: <http://www.mteco.gov.br/cbosite/pages/pesquisas/ResultadoOcupacaoMovimentacao.jsf>. Último acesso em 01/08/2020

BRASIL Câmara dos Deputados. **Projeto de Lei nº 377/11**. Acrescenta artigo ao Decreto-Lei nº 2.848, de 7 de dezembro de 1940 – Código Penal – para dispor sobre o crime de contratação de serviços sexuais, e dá outras providências. Disponível em: https://www.camara.leg.br/proposicoesWeb/prop_mostrarintegra?codteor=839127. Último acesso em 01/08/2020. Texto original.

_____. Câmara dos Deputados. **Projeto de Lei nº 4.211/12**. Regulamenta a atividade dos profissionais do sexo. Disponível em https://www.camara.leg.br/proposicoesWeb/prop_mostrarintegra?codteor=1012829. Último acesso em 01/08/2020. Texto original.

_____. Câmara dos Deputados. **Projeto de Lei nº 2371/16**. Sugere e requer a retirada da descrição da ocupação de *profissional do sexo* em verbete da Classificação Brasileira de Ocupações - CBO. Disponível em: https://www.camara.leg.br/proposicoesWeb/prop_mostrarintegra?codteor=1476319&filename=PL+5789/2016. Último acesso: 01/08/2020. Texto original.

BERNSTEIN, Elizabeth. **Temporarily yours: intimacy, authenticity and the commerce of sex**. The University Chicago Press. Chicago, 2007-a.

_____. The Sexual Politics of the “New Abolitionism”. **Differences: A Journal of Feminist Cultural Studies**, 18 (3) pp. 128-151, 2007-b.

DOEZEMA, Jo. Loose women or lost women? The re-emergence of myth of “white slavery” in contemporary discourses of “trafficking” in women. **Gender Issues**, Washington, vol. 18, n 1, p. 23-50, winter 2000.

PISCITELLI, Adriana. The Dangers of the Transnational Sphere: Putafeministas and recent confrontations between feminisms in Brazil. **Paper presented at The World of Women Congress**, Florianópolis, 2017.

_____. Conhecimento Antropológico, Arenas Políticas, Gênero e Sexualidade. **Revista Mundaú**, nº 1, pp. 73-90, 2016.

TAVARES, A.G.C. **A organização da zona: notas etnográficas sobre relações de poder na zona de prostituição Jardim Itatinga, Campinas-SP**. Dissertação (Mestrado em Antropologia Social). Instituto de Filosofia e Ciências Humanas, Unicamp, Campinas-SP, 2014.