

Discourse and the Marginalization of Sex Workers in Policy and Scholarship

Zoe Wooff

Dr. Patricia Schechter

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Bodies are shaped by the systems of knowledge, language, and practices that define what is "true" or "normal." The prostitute's body is not a neutral or objective entity but is "produced" through discourses that define it as deviant, hypersexual, or victimized, a concept rooted in Foucault's theories of discourse and power. Judith Butler's theory of performativity further illuminates how such identities are reinforced through repeated cultural performances and inscriptions. These discourses take various forms, ranging from moralistic condemnations to legal regulations, each working to inscribe specific meanings onto the bodies of those involved in sex work. It is then "reproduced" through repeated cultural performances and inscriptions, such as legal definitions, visual representations, and social narratives, ensuring that these meanings remain entrenched across time and societies. Such performances not only construct but also reinforce the category of "prostitute" as a recognizable identity or class, shaping public perceptions and justifying interventions aimed at control or reform. This cyclical process perpetuates a rigid understanding of sex work, leaving little room for nuance or recognition of the diverse realities of sex workers themselves.

This process of production and reproduction manifests in numerous domains. Legal systems often frame sex workers as criminals or victims, stripping them of agency and rendering them either culpable or helpless within societal narratives. Media and cultural representations, on the other hand, oscillate between sensationalizing and pitying depictions, which perpetuate stereotypes rather than reflecting the complex realities of sex work. Public health discourses have historically constructed sex workers as vectors of disease, using their bodies as symbols of contamination while simultaneously ignoring broader issues of healthcare access and labor protections. Even within feminist debates, the prostitute's body frequently becomes a site of contestation, polarized between those who view it as the ultimate symbol of patriarchal

oppression and others who see it as a radical assertion of sexual and economic agency. This binary framing oversimplifies the nuanced experiences of sex workers, reducing their lives to ideological battlegrounds rather than lived realities.

In each of these cases, what is being produced is not the person herself, but an abstracted figure of "the prostitute" or, as Gail Pheterson (Editor of the foundational 1989 anthology *A Vindication of The Rights of Whores*) puts it in *Reflections on the Whore Stigma* (2024), "the Whore" or "the Bad Girl." This figure, constructed by discourse, becomes a symbol laden with cultural anxieties about sexuality, morality, and power. It is easier to control, condemn, or rescue an abstraction than to engage meaningfully with the real individuals whose lives are shaped by these forces. As a result, the lived experiences, voices, and agency of sex workers are frequently erased and replaced instead by narratives that serve broader societal or institutional agendas. By critically examining these mechanisms, we can begin to challenge the patterns of marginalization and open space for more authentic and inclusive representations.

The erasure of sex workers' lived realities is exacerbated by specific legal and institutional interventions that reflect and reinforce these discursive constructions. For example, the "white slave panic" of the late 19th and early 20th centuries fueled sensationalized fears about women being trafficked into prostitution, leading to restrictive immigration laws and punitive measures aimed at controlling women's mobility. Scholars such as Laura María Agustín (an expert on undocumented migration and informal labor markets, known online as the 'naked anthropologist') in *Sex at the Margins: Migration, Labour Markets and the Rescue Industry* (2007), and Jessica R. Pliley (Director of Women's and Gender Studies at Texas State University) in *Policing Sexuality: The Mann Act and the Making of the FBI* (2014) have explored how these narratives were racialized, with Jewish and Chinese men often cast as

villainous pimps who lured white women into moral ruin. These stories reinforced xenophobia while constructing prostitution as a racial and moral threat, justifying increased state intervention and surveillance.

Rescue homes and reformatories claimed to rehabilitate women engaged in sex work, however, scholars like Elizabeth Bernstein (coiner of the term "carceral feminism") in *Temporarily Yours: Intimacy, Authenticity, and the Commerce of Sex* (2007) document how these institutions often operated as carceral spaces, where women's autonomy was further stripped away. Women confined in these facilities under the guise of moral reform were subjected to invasive surveillance and forced labor. Rescue homes perpetuated stigma by framing sex workers as morally and socially deviant, erasing any acknowledgment of economic hardship or structural inequality that might have led to their involvement in sex work. Public health campaigns, such as VD sweeps and the establishment of lock hospitals, similarly played a significant role in producing and policing the prostitute's body. Philippa Levine's *Prostitution, Race, and Politics: Policing Venereal Disease in the British Empire* (2003) details how these campaigns forcibly detained sex workers for medical examinations, reinforcing associations between prostitution and disease. Lock hospitals became spaces of medicalized control, where women's bodies were treated as public health hazards rather than as individuals in need of care and support. These interventions disproportionately targeted marginalized women, particularly those of lower socioeconomic status or racialized groups, further entrenching the stigmatization and dehumanization of sex workers.

Laura Agustín's analysis in *Sex at the Margins* identifies structural and ideological reasons for the erasure of sex workers from the archive and scholarly discourse. Historical records disproportionately document the actions of state, religious, and reformist groups that

sought to "rescue" or regulate prostitutes, rather than preserving the voices or perspectives of sex workers themselves. Because sex work is criminalized and stigmatized, sex workers are often forced to operate in secrecy, leaving behind limited records. Additionally, those who do appear in the archive may do so under legal or medical frameworks that pathologize or victimize them, rather than reflecting their agency or lived experiences. The archive reflects the moral frameworks of the societies that produce it, often viewing prostitution through lenses of deviance, immorality, or victimhood. This skews the historical record toward narratives of control and intervention rather than autonomy or resistance.

The structural erasure of sex workers from the archive also creates a vacuum that scholars fill with interpretations shaped by institutional biases. These interpretations often prioritize the perspectives of authorities, such as missionaries, law enforcement, and reformers, over the lived realities of the individuals whose lives they seek to document. This erasure not only distorts our understanding of sex work but also reinforces the broader stigmatization of sex workers, framing them as voiceless objects of study rather than active participants in history. Archival practices that exclude or misrepresent sex workers' perspectives perpetuate a cycle where their stories are subsumed by narratives of victimhood or deviance. Professor of History at Wichita State University Benson Tong's 1994 book *Unsubmissive Women: Chinese Prostitutes in Nineteenth-Century San Francisco* illustrates how archival gaps and biases limit scholarly investigations, reproducing the erasure of sex workers in contemporary research. His work primarily draws on historical records created by institutions such as courts, immigration offices, and missionary organizations. These records frame Chinese prostitutes as victims of trafficking or vice, reinforcing passive and dehumanizing narratives. The lack of sex workers' personal narratives in the archive limits the scope of the analysis. Without these voices, Tong fails to

portray Chinese prostitutes as active agents, even though his stated goal is to challenge victimization tropes. Tong's book does not explore how the experiences of Chinese prostitutes relate to those of other Chinese laborers (e.g., miners, domestic servants). This omission perpetuates the framing of sex work as uniquely immoral or exploitative, rather than situating it within broader patterns of racialized and gendered labor. Additionally, by not drawing parallels between historical and modern issues, Tong misses an opportunity to challenge ongoing frameworks of marginalization and erasure in both historical and contemporary contexts. This lack of comparative analysis reinforces the idea that prostitution is a singular, exceptional category of labor, rather than one facet of a broader spectrum of precarious, racialized, and gendered work. Expanding such analyses could illuminate shared structures of exploitation, helping to deconstruct the moral hierarchies that isolate sex work from other forms of labor.

The legal system plays a foundational role in producing the prostitute's body as a site of deviance and criminality. Prostitution laws often focus on regulating bodies rather than addressing the structural inequalities that shape sex work. The prostitute's body is inscribed with criminality through anti-solicitation laws, zoning restrictions, and anti-trafficking policies. These frameworks construct the sex worker as either a criminal agent or a passive victim, requiring state intervention to regulate or "rescue" them. This legal construction serves dual purposes: reinforcing societal moral norms while obscuring the structural forces that lead people to engage in sex work. By defining the prostitute's body as an object of legal control, these systems render invisible the agency of sex workers and prioritize punishment or intervention over empowerment and protection. Public health policies further entrench these narratives, often positioning sex workers as threats to societal well-being. Historical campaigns to control venereal diseases framed sex workers as vectors of infection, legitimizing invasive medical interventions and

heightened surveillance. These practices not only stigmatized sex workers but also ignored systemic barriers to healthcare, such as poverty and lack of access to medical resources. Contemporary public health initiatives still frequently adopt a paternalistic approach, focusing on regulating sex workers rather than collaborating with them as partners in health advocacy. Shifting this dynamic requires recognizing sex workers as experts in their own lives, capable of contributing to policies that address their needs while respecting their autonomy.

To challenge the marginalization and erasure of sex workers, it is essential to interrogate these systems of inscription and create space for the lived realities and voices of sex workers themselves. Archival practices must move beyond institutional records to include oral histories, participatory research, and other methodologies that center sex workers' perspectives. Scholarship must situate sex work within broader analyses of labor, migration, and inequality, rather than isolating it as a moral or exceptional category. Finally, legal and policy frameworks must prioritize decriminalization and labor protections to acknowledge sex work as legitimate labor and to address the structural inequalities that shape it. By critically engaging with the systems that produce the prostitute's body, we can begin to dismantle the cycles of marginalization and erasure that have long defined this field.

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