

Amnesty International and Emily Bazelon whitewash prostitution, leaving Indigenous women and girls to deal with the consequences

By Cherry Smiley

June 16, 2016

<http://www.feministcurrent.com/2016/06/16/emily-bazelon-amnesty-whitewash-prostitution-indigenous-women/>



The full decriminalization of prostitution has received considerable mainstream media attention of late: On May 5, the *New York Times* published an article by Emily Bazelon called, "Should Prostitution be a Crime?" and on May 26, Amnesty International formally adopted a position in favour of the total decriminalization of prostitution.

Neither Bazelon's article nor Amnesty International's "sex work" policy take into meaningful account the ways in which prostitution functions as a system of colonialism that disproportionately targets Indigenous women and girls. Through these policies and positions, prostitution is sanitized and whitewashed into "sex

work,” leaving Indigenous women and girls and our sisters of colour to deal with the consequences.

Today, as the result of the sustained work of Indigenous women and men, increasing numbers of individuals and organizations are beginning to recognize the importance of land to the survival, cultures, and well-being of Indigenous Peoples and the ways in which colonialism violently disrupts these relationships. Slowly, non-Indigenous people are beginning to understand the concept of “unceded territories” and acknowledge the exploitation of lands and “resources” that were forcibly removed from the care of Indigenous Peoples.

Male colonizers were thieves who took what wasn’t theirs because they believed they were entitled to it. But this entitlement didn’t stop at lands — these men decided they were also entitled to the bodies of Indigenous women and girls.

According to research done by Melissa Farley, Jacqueline Lynne, and Ann Cotton, Indigenous women and girls in Canada were prostituted through early forts and military bases, and as “country wives” of white fur traders. Indigenous women and girls were targeted for prostitution in part because of lies told about them: they were “squaws” and “savages” who always wanted sex with white men. Prior to the invasion of North America, prostitution didn’t exist among the Indigenous Nations I have encountered — rather, prostitution was imposed on Indigenous women and girls by male colonizers. Entitlement to land continues today as non-Indigenous people live on and exploit Indigenous lands for profit, and entitlement to bodies continues in crisis levels of male violence against Indigenous women and girls.

In her article, Bazelon quotes Liesl Gerntholtz, Executive Director of the Women’s Rights Division at Human Rights Watch (HRW), another organization that has taken a position supporting the total decriminalization of prostitution:

“You’re often talking about women who have extremely limited choices. Would I like to live in a world where no one has to do sex work? Absolutely. But that’s not the case. So I want to live in a world where women do it largely voluntarily, in a way that is safe.”

Gerntholtz and HRW have apparently concluded that it is impossible to imagine a world without prostitution and, in doing so, disregard Indigenous histories and send the message to Indigenous women and girls that we are not worth fighting for. In taking this position, HRW reaffirms the racist myth that Indigenous women and girls (and women of colour) are disproportionately consenting to engage in prostitution because they so desire sex with white men. If we don’t recognize and fight back against the racist, sexist, and capitalist inequalities that funnel women and girls into prostitution *and* fight back against male entitlement, our only answer to the overrepresentation of Indigenous women and girls in the sex industry becomes:

“Because they are ‘squaws’ who desire sex with strangers in disproportionate numbers to white women.” Is this the lie we want to continue to tell to Indigenous women and girls and the message we want to send to the men who buy and sell them?

Unfortunately, Bazelon and HRW can’t (or won’t) challenge male entitlement. Instead, women and girls are told they simply need to find better and “safer” ways to accommodate unchallenged male entitlement to our bodies.

The messages I received from the time I was a girl were meant to keep me “safer”:

don't talk to strangers, don't walk alone at night, don't wear short skirts. This messaging (always directed at girls and women) aims to constrain our movements and actions in the name of "safety." Where is the messaging to boys and men not to rape? Where is the messaging that tells men and boys that they are not entitled to sex whenever, however, and with whoever they want? Where is the challenge to male entitlement to bodies and lands?

We see examples of male entitlement everywhere. The recent case of the Stanford rapist, Brock Turner, is a perfect example. His actions, as well as the light sentence, defence, minimization, and disbelief of Turner's actions by his father and others, is an example of rape culture: a culture that allows, condones, and even celebrates the rape of women and girls by men. This culture affects all women and girls, but Indigenous women and women of colour in particular ways, leading one to question whether Turner would have even been charged or convicted had his victim been Indigenous or a woman of colour.

Watching these cases, Indigenous women and women of colour see that even a woman with white privilege received a horrific response to her sexual assault, leading us to ask, "If this happened to a woman with a relative level of privilege, what will happen to us?" Regardless of the race of the victim, what all women live through as victims of sexual assault and the ways our lives are constrained by male violence (or the threat of male violence) is a direct result of the patriarchal culture we live in.

Turner raped a woman because he felt entitled to her body. Male entitlement is a foundation of rape culture, yet many who claim to criticize rape culture simultaneously support the decriminalization of pimps and johns, thereby failing to recognize that the very same male entitlement that supports rape culture also fuels the sex industry.

Amnesty says their new policy, "does not argue that there is a human right to buy sex or a human right to financially benefit from the sale of sex by another person." What the organization doesn't seem to realize is that, without consequences for the actions of pimps and johns, their policy green-lights and condones those actions. Amnesty International's policy naturalizes male entitlement to bodies (and lands) by refusing to acknowledge it as part of the foundation of patriarchy, racism, and capitalism and by refusing to challenge it accordingly.

To be clear, I am critiquing the system of prostitution, not the women and girls who are in prostitution. In the same way, I critique Canada's horrific residential school system without criticizing residential school survivors and critique rape culture without blaming women and girls who have been raped. There is no shame in engaging in prostitution; Indigenous women and girls have been targeted for prostitution since the invasion of Canada by white men. The fact that Indigenous women and girls survive at all in a genocidal culture that hates us and hates all women is nothing short of a victory. But we deserve more than just survival — we deserve fulfilling, joyful lives that are free from male violence or the threat of male violence. We deserve to engage in sexual acts of our choosing, with partners that we choose, who consider our humanity and pleasure, without any form of threat or coercion, economic or otherwise. All those who sell sex should of course be decriminalized and all women and girls should have access to the things we need to

build those fulfilling, joyful lives, like safe and affordable housing, nutritious food and clean water, access to education and employment opportunities, and a recognition of our rights to our lands, languages, and cultures. I don't judge those who find themselves selling sex, but I do judge the men who choose to pay for or profit from the sexual exploitation of women and girls — the vast majority of whom are poor, Indigenous, and of colour. In Canada today, girls are sexualized from a very young age and women still only earn 72 per cent of what men earn for similar work; let's not pretend girls begin their lives on equal footing.

I've witnessed a lot of online praise for Bazelon's article and Amnesty International's new policy, and sadly, I'm unsurprised at this show of support. When the status quo (male entitlement) isn't being challenged, celebration is to be expected. I'm sure many johns and pimps applauded Bazelon's article and Amnesty's new sex work policy.

A number of well-meaning individuals and organizations refer to reports by HRW and Amnesty International regarding violence against Indigenous women and girls in Canada as important research in regard to this issue. However, due to these organizations' position on prostitution, it is obvious to me that neither has an understanding of colonialism and the consequences of this ongoing process on the lives of Indigenous women and girls. Human Rights Watch, Amnesty International, and Bazelon fail to understand that, on a fundamental level, white male entitlement to bodies and lands is harmful and sometimes deadly, and that white male entitlement to bodies and lands must always be challenged. Prostitution is the colonization of bodies, and at its heart, is an expression of patriarchy, racism, and capitalism. This is about wealthy, white male domination and control.

I suggest that writers like Bazelon educate themselves further on colonialism and what it means before publishing further on these issues, and that HRW and Amnesty International refrain from commenting on any issue of male violence against Indigenous women and girls in Canada until they are willing to take a stand against male entitlement to women's bodies and lands.

These positions and arguments are contradictory and cannot be reconciled to advocate for an end to violence against Indigenous women and girls on one hand, and for pimps and johns to buy and sell Indigenous women, without consequence, on the other. Indigenous women and girls don't need "allies" that refuse to challenge colonialism in Canada and colonial ideologies within themselves.

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