

McCabe, K. A. (2003). *Child Sexual Abuse and The Criminal Justice System*. Lang Peter Publishing Inc.

Melissa Hall, J. H. (2011). The Long Term Effects of Child Sexual Abuse: Counselling Implications . *American Counseling Association* .

Michele M. Many, J. D. (2012). Working With Survivors of Child Sexual Abuse: Secondary Trauma and Vicarious Traumatization. In P. G. Brown, *Handbook of Child Sexual Abuse: Identification, Assesment and Treatment* (pp. 509-529). John Wiley and Sons, Inc.

(2018). *Protecting Children From Sexual Abuse: Implementation Of POCSO Act, 2012 and Beyond*. Tata Trusts, UNICEF and Human Dignity Foundation.

(2012). *Protection of Children From Sexual Offences Act*. Universal Law Publishing .

Sarah Caprioli, David A. Crenshaw. (2015). The Culture Of Silencing Child Victims Of Sexual Abuse: Imlications For Child Witness In Court. *Journal Of Humanistic Psychology* , 1-20.

Spehar, C. (2015). *Playful Pathways To A Resilient Mindset: A Play Journey To Triumph Over Adversity*. In Crenshaw, D.A., Brooks, R., Goldstien,S.(Eds), *Play Therapy Interventions To Enhance Resilience* (pp. 218-244). New York: NY: Guilford Press.

Stephen Smallbone & Richard K. Wortley. (2000). *Child Sexual Abuse In Queensland: Offender Characteristics and Modus Operandi*. Australia: Queensland Crime Commission and Queensland Police Service.

Virani, P. (2000). *Bitter Chocolate: Child Sexual Abuse In India*. India: Penguin Books India PVT, Limited.

## POLITICS OF SEXUAL LABOUR AND SEX WORK

**Pinky Biswash**

### Abstract

This piece of writing seeks to extend the understanding of the politics associated with sexual labour and sex work. This paper attempts to understand how stigma as a fundamental mechanism along with other mechanisms of patriarchy help to maintain the exploitations of women's reproductive labour as well as on sex workers generations after generations. Although from the last some decades, many started advocating sex work, talking and writing more about sexual labour, yet there exist little focus on the issue of stigma which primarily resist the acceptance and development of the conditions of women and sex workers particularly at the grass root levels. This paper will fill this gap. It will help us to have a more clear understanding of the politics of sexual labour and its inter-connections with sex workers.

**Key words:** Patriarchy, Sex Work, Sexual Labour and Woman

On 26th May 2022, the Supreme Court of India declared sex work as a profession and provide certain significant directions which upheld that sex workers should also treat equally under the law and has the right to live with dignity (Rajagopal, 2022). This is not for the first time that Indian courts have provided favourable landmark judgement towards sex workers. Back in 2011, the Budhadev Karmaskar vs State of West Bengal case the supreme court ratify the Article 21 of the Indian constitution ensures the right to life and livelihood of sex workers (Supreme Court of India, Budhadev Karmaskar vs State Of West Bengal on 14 February, 2011, n.d.); in 2019 the Calcutta Hight Court stated that prostitution is not prohibited under the Immoral Traffic (Prevention) Act (ITPA), 1956 and stated that sex workers or their clients cannot be accused unless there is substantial evidence of financial exploitation or she was a 'co-conspirator' in the crime (Times News Network, 2022); in September 2020, the Bombay High Court again validate that sex work cannot be a criminal offence and women have a right to choose their profession.

The court ordered the immediate release of three women sex workers, who were jailed at a state correctional institution (Jain, 2022). However, legal protections are important and therefore most of the activists-people fight for legal rights for an assurance that they can reach the court of justice and they can work for their development along with a hope that with time social outlook will change. But the question here is that even after more than a decade of the implications of ITPA (not criminalise sex workers for their profession) and a series of judgements of the Indian Courts, why sex work is still stigmatised— sex workers have been continuously facing moral policing, media insensitivity (there are many recent regional and national news items where sex work regarded as immoral and forbidden business), cases of police harassments and harassment from clients. As the review of the literature related to sex, sexuality, and identity help us to understand that whatever is going on in our surroundings is not operated in vague rather socio-political forces shaped and connects in important ways to relations of power around class, race, and, especially, gender. This is not exceptional in the case of sex work and the answer of the above mentioned question can only explore in the light of the politics of sexual labour.

Let me ask certain basic questions — why does the first night of marriage regulate the life of a woman? Why should women protect her virginity till her marriage and also glorify the norms associated with this practice? Why are discussions about sex and related issues stigmatised? Why sex work is stigmatised and not the ‘marriage’?

There is a bundle of questions and the answer leads us to the same issues— patriarchy and its associates. The first night of marriage is not an ordinary night that a woman spends in her life, but it is the night, through which the main purpose of marriage as a part of the larger structure of production and reproductions of the patriarchal family has been fulfilled. It ensured sexual intercourse between heterosexual people to secure the natural procreation processes of children. It is important for the foundation of the building of the institution of the family and henceforth marriage has been celebrated and glorified in most of the culture. However, the question arises here is that if giving birth of children or the procreation of family is the only aim of the institution of marriage, then why do some heterosexual marriages are celebrated and others are not even approved or snatched life of many by their families as well as the communities?

Because, simply the procreation of family is not the only aim of the institution of marriage rather to perpetuate a particular form of patriarchal

family— a family which should have pure blood family lineages and an undisputed descendants of private property and further to maintain the purity of the crucial identities of caste, race and religion (Engels, 2010; Menon, 2012: 4). Therefore, the first night of marriage has been performed under the socio-sexually restrictive values and socio-sexual conditions. Although the families in Indian society as a patriarchal institution have already been founded on the norms of hierarchical caste, race and religion, but, marriage is the main mechanism through which these hierarchical structures can unquestioningly sustain, maintain and reproduce itself. As a result, it became essential to strictly police and control over women’s sexuality and their sexual activities. Menon (2011) also added in this context that as an only ‘motherhood is a biological fact and fatherhood is a sociological fiction’ henceforth, in the absence of any method to confirm by a man that whether a child is his or not, he left with the only one method that is to control her sexuality (Menon, 2012: 7).

Moreover, in order to maintain control over women’s sexuality, monitoring or directing the first night of marriage is not enough. Rather, it requires a more acute and continuous surveillance. Therefore, there has been introduced a number of mechanisms, which are dedicated to the larger structure, that materially and ideologically ensured to enforce permanently the socially fixed or desirable sexual identity of women. Such mechanisms fundamentally included the practices of virginity, chastity and widowhood. These practices functions both at the level of ideological and material arrangements to perpetuate, shaped, reshaped or imposed the idea of ‘good’ or ‘pure’ women, which define that a good woman should not involve in sexual relations outside marriage. Therefore, marriages outside or with the people of wrong caste or religion or clan have not only faced social disapprovals and harassments (Menon, 2012: 4; Lavaud & Mitchell, 1949; Arya, 2019; Ahuja, 2016) but violence has also been unleashed on those who were unable to prove their virginity during marriages and sexually intimate or assume to be involved outside the marriage.

The anxiety around protecting these above-mentioned carefully constructed patriarchal identities are one of the fundamental reasons behind resisting sex workers. Most obviously, because sex work poses a direct threat to this carefully constructed legitimate direction of social order. As studies on the identities of sex workers have aptly claimed that within the ambit of the sex work industry sex workers, despitess of their vastly different socio-cultural background, including caste, class, race, sex, clan and religion,

provide services to a range of customers across all the strata of society (Fitzgerald, Elspeth, & Hickey, 2015; Banerjee, 2011). Such activities or practices of these heterogeneous groups of sex workers have the potential to make them fragile or pose a threat to the purity of the crucial hierarchical identities and the arrangements of naturalised pure blood descendants. Therefore, the watchmen of patriarchy are scared, because if these practices were adapted by us, the house of patriarchy will vanish. Hence, Goldman said, “to the moralist prostitution does not consist so much in the fact that the woman sells her body, but rather she sells it out of wedlock” (Goldman, 1911: 183-200).

The control over women’s sexuality is not only crucial to procreations of the family and hierarchical identities, but also essential to maintaining the economy. Women are responsible for domestic labour, including cooking, cleaning, child rearing and caring practices (Menon, 2012: 19-21; Kotiswaran, 2012: 58) along with satisfy their husband’s sexual and emotional need—the labour which is hidden and an open secret that goes into making men capable of working day after day and further it produces available cheap labour force. Over many decades a range of scholars proves in the context of the domestic labour debate that housewife’s reproductive labour has been benefitting or buttering capitalist mode of production of producing surplus value. Even during 1970’s materialist feminists refined the theories of women’s labour and they delineated with increasing clarity the contributions of domestic labour to the capitalist economy. They argued that housewives were in fact exploited by productive workers, who through their reproductive labour produced surplus value of the capitalist mode of production rather than simply benefiting the capitalist mode of production through the reproduction of labour power (Kotiswaran, 2012: 57). Ironically, even though feminist within the spectrum of domestic labour debate demand wages for women’s reproductive labour, yet the definition of reproductive labour has not included the sexual and emotional labour that a woman performed within her marriage often on a daily basis. These sexual and emotional services not only reproduce the labourer but also essential for sound mental or emotional health, that impact productivity at the workplace. When there is a whole structure of unpaid labour that complements and produces the surplus value for the economy, then the sexual and emotional reproductive labour cannot be considered as private. Emotional and sexual labour also consumes time, energy and has a market value, unlike other work; it is what keeps the economy going on.

It is also hard for feminists to seriously disagree that patriarchy and capitalism are the twin structures that together make super-exploitation over women. On one hand, when the economy is important to access political rights and on the other hand to grab both economic and political rights, work is essential. But in order to obtain a broader picture of what was and is (considered) work in capitalist society, nobody can ignore its gendered dimensions. One of the main reasons behind the poverty of women throughout the world is the inequality of gender division of labour and households is still more than just the sites of female invisible and undervalued activities. Despites of women invested all her productive years and restless energy in reproductive labour, but, it still largely remains unpaid, unrecognised and invisible. From the childhood level women are learning to limit their ambitions; engaged in the training of being a good wife and a good mother (Menon, 2012; Bagchi, 1993; Sharma, Pandit, & Sharne, 2013). It is hard to identify when a woman’s childhood is ending and the preparations of her mental universe for married life begins, let alone the life of a child bride. The whole life of a woman was depleted on fulfilling the desirable expectations and duties of these roles. Moreover a woman who learned nothing but only the skills to be a socially desirable wife and mother; forced or coerced to involve in marriage, who has no right on her natal home, has to permanently moved to her husband’s house after her marriage with little rights over her ‘self’ and in such a situation, her sexual self, which was veiled, secluded through a long term strict socialisation process practices only as a private affairs provides a very tight space. Even more specifically, women have no sexual identity within their marriage, they were a mere sexual object for their husband to fulfill their husband’s sexual desires and produce the descendants of his family and private property. One of persuasive instances recognised by the feminism of sexual exploitations in this discourse was the invisible sexual harassment in marriage or marital rape that shows the lack of sexual liberty of women within their marriage.

The presence of sexual double standard that reinforce the stereotypical ideology that is men are initiator or experts in sexual intercourse, whereas women are expected to refuse sex, acting as sexual gatekeepers and limit setters (Elloitt & Umberson, 2008; Crawford & Popp, 2003; Espin, 1997) restricted women to enjoy or express sexual pleasure even within their marriage. It also replicates that merely having no prior sexual intercourse is not enough to elicit from negative evaluations, women also cannot allow herself to experience sexual pleasure (Espin, 1997; Crawford & Popp, 2003) otherwise, they would be doubted as unchaste. Such double standards of

sexuality lead women to sacrifice their sexual desire and autonomy to sacrifice in exchange for social desirability and further labelling or inserted such ideas becomes part of a continual attempt to limit their sense of sexuality and identity. It resulted that as a woman who only engages in sexual activity when her husband wants, became disconnected from her own sexual desires. It also reveals that because of the presence of such continuous resistance of women in their own sexual desire, the sexual intimacy between men and women within the institution of marriage can be one sided and in such cases it is the men, who enjoy the sexual pleasure.

On the contrary, the growing research on sex worker identities evidenced that the identity of a sex working woman facilitates at least some limited space both for earning by performing sexual labour and realising their sexual self. Many sex workers find sex work as one of the better income source or livelihood options compared to the other kind of work available to them (Kotiswaran, 2011; Menon, 2012: 180-181; Kotiswaran, 2012; Sahni & Shankar, 2011; Bhattacharya, 2011). Sex work offers women reasonably some kind of independent livelihood and further it may provide more income and more control over one's working conditions than many other jobs available for a woman, especially those who have nothing but only trained to be a good wife and good mother (Counmans, 2013; Kotiswaran, 2011; Menon, 2012; Kotiswaran, 2012). A number of sex workers have not only found sex work as a more lucrative, but also as a space to explore their socio-sexual self. As Carbonero and Garrido aptly claimed that the blossoming sex work industry has been offered diversity services to their clients, where sex workers also can reshape the boundaries of intimacies (Carbonero & Garrido, 2017), which are otherwise preserved for non-commodified space. They termed these services as 'girlfriend experience' (Carbonero & Garrido, 2017). Further, Elizabeth Megan Smith, in her research on sex workers in Victoria, Australia also shows that sex workers experience sexual pleasure and explore their sexual self at the workspace (Smith, 2017). The presence of such evidence shows that the emotional labour that is deployed by the sex workers in relation to their clients has been changing the boundaries of intimacies, care and affections, which are often regarded as non-commodified and preserved for the private sphere. Further, it also explored an emotional, cultural discourse, where sex workers shape their working space for their self realisation and happiness.

If one day every woman realises the value of their labour and wakes up and stops providing these reproductive services, then it will work as like

throwing a big piece of stone in the glass house of capitalism. Further, patriarchy and its obsequious is fearful that if we provide recognition to the sex workers and their sexual labour than it might be open the path when the married women, women in love-relationships, domestic helper, women in public services and in so many other role, where women provide the sexual and emotional services freely and unquestioningly; understand the value of their labour and raise their voice for their rights the existence of patriarchy would be shaken. Because of the threats posed by the identity and activities of sex workers to the distinctive patriarchal arrangements of socio-cultural, political and economic codes, the resistance or oppositions towards sex workers are more acute, severe or aggressive and often violent. Therefore, along with stigmatising sex work and sex workers, have more than one sexual partner or have male friends, talking about sexual activities or issues and many times pronouncing the therm 'sex' in public space are also been stigmatised.

Working as a sex worker for a woman in a patriarchal society, like India, is not as straightforward as it seems to be. Several researches showed the picture of heterogeneous threats, nuisance, violence and harassment experienced by sex workers, including police harassment, moral policing, surveillance and violence from customers, pimps and third parties (Barnard, 1993; Karandikar & Gezinski, 2012; Fick, 2006; Bungay & Guta, 2018; Deering, et al., 2014; Church, Henderson, Barnard, & Hart, 2001). Further, they have been stigmatised as whore, bitch, sluts, sinners and social misfits and that affects their both physical and psychological health. At the same time being born and grown up in a patriarchal family and society, female sex workers have also experienced or internalised the values and morality associated with their sexual identity; morality of chastity and virginity. After all, the whole life of a woman is a one long regulation to achieve the single goal that is to get married and become a good mother and wife and sex worker's life is not exceptional from it. Therefore, sex workers, while transgressing their socially desirable role, produced tremendous guilt, shame and fear among them (Sanders, 2008; Goffman, 1963). Such stigmatised nature of the sex work and the negative emotions associated with it further affected sex worker relations with their labour and their self identity. Indeed, this could be a reason behind that all the poor women did not choose sex work as an option for their livelihood.

Despite the moral panic surrounding sex work and the identity of sex workers, a large number of individuals engage in sex work globally, and

this number is increasing day by day (as shown in the survey conducted by the National Aids Control Organisation). It is also a bitter truth that many of them experience torture, exploitation, harassment, and various forms of discrimination based on factors such as caste, race, religion, widowhood, and unchastity, among others. Under such conditions, they are forced to live a derogatory or demeaning life and are either compelled or coerced to provide sexual services for their livelihood.

The patriarchal structure is aware that with the exploration of sexuality, individuals have the desire to be sexually active and have active sexual partners, fulfilling their need for “sex.” Studies on sexual double standards show that men prefer active and experienced partners for hookups or short-term relationships. The structure reinforces male sexual desires by promoting the idea that having multiple sexual partners makes men “studs,” while stigmatizing women for the same behavior. However, it is important to note that due to their circumstances, they are forced to engage in sexual and emotional labor at a very low cost, which prevents them from improving their financial conditions or fulfilling their basic requirements. This cycle continues, and the entire system is designed in a way that exploits women in one way or another. It is crucial to understand that the patriarchal mechanism does not deny male sexual needs like it does for women; instead, it allows men to fulfill their sexual desires through their wives and also through sex workers at a cheaper price. The double standard stigma associated with sexual activity is a fundamental mechanism that perpetuates the exploitation of generations of women.

**Note:** This work is a shorter and significantly revised version of my M.Phil Dissertation titled *Ecology, Identity and Politics of Sexual Labour: A Study among Non-Brothel Sex Workers, 2021* from Department of Political Science, Dibrugarh University.

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## References

Ahuja, A. (2016, July 18). *Caste and Marriage in Urban Middle-Class India*. Retrieved DECEMBER 28, 2019, from Centre for the Advanced Study of India (CASI). The Trustees of the University of Pennsylvania: <https://casi.sas.upenn.edu/iit/amitahuja>

Arya, D. (2019, April 14). *The couples on the run for love in India*. Retrieved December 13, 2019, from BBC News: <https://www.bbc.com/news/world-asia-india-47823588>

Bagchi, J. (1993). Socialising the Girl Child in Colonial Bengal. *Economic and Political Weekly*, 28 (41), 2214-2219.

Banerjee, S. (2011). Voices from the Pit. In P. Kottiswaran, *Sex Work* (pp. 43-64). New Delhi: Women Unlimited (an associate of Kali for women).

Barnard, M. A. (1993). Violence and vulnerability: conditions of work for street working prostitutes. *Sociology of Health & Illness*, 15 (5), 683-705.

Bhattacharya, M. (2011). *Beshyaparar Panchti Durlav Sangraha*. Calcutta: Ananda Publishers Private Limited.

Bungay, V., & Guta, A. (2018). Strategies and Challenges in Preventing Violence Against Canadian Indoor Sex Workers. *Amj Public Health*, 108 (3), 393-398.

Carbonero, M. A., & Garrido, M. G. (2017). Being Like Your Girlfriend: Authenticity and the Shifting Borders of Intimacy in Sex Work. *Sociology*, 1-16.

Coumans, S. V. (2013). *How Age Matters Exploring Contemporary Dutch Debates on Age and Sex Work*. Development Studies. Netherland: International Institute of Social Studies.

Crawford, M., & Popp, D. (2003). Sexual Double Standards: A Review and Methodological Critique of Two Decades of Research. *The Journal of Sex Research*.

Deering, K. N., Amin, A., Shoveller, J., Nesbitt, A., Moreno, C. G., Duff, P., et al. (2014). A Systematic Review of the Correlates of Violence Against Sex Workers. *Am J Public Health*, 104, 42–e54.

Elloitt, S., & Umberson, D. (2008). The Performance of Desire: Gender and Sexual Negotiation in Long-Term Marriages. *Marriage Family*, 70 (2), 391-406.

Engels, F. (2010). *The Origin of the Family, Private Property and the State, Introduction by Tristram Hunt*. England: Penguin Books.

Espin, O. M. (1997). *Latina Realities: Essays on Healing, Migration and Sexuality*. United State: Westview Press.

Fick, N. (2006, June 16). Enforcing Fear: Police Abuse of Sex Worker when Making Arrests. *SA CRIME QUARTERLY*, 27-33.

Fitzgerald, E., Elspeth, S., & Hickey, D. (2015). *Meaningful Work: Transgender Experiences in the Sex Trade (With new analysis from the National Transgender Discrimination Survey)*. United States: National Centre for Transgender Equality.

Goffman, E. (1963). *Stigma*. London: Penguin.

Goldman, E. (1911). *Anarchism and Other Essays* (Second Revise series ed.). New York & London: Mother Earth Publishing Association.

Jain, A. (2022, June 8). Supreme Court order on sex work historic, but execution will be the real hurdle. The Print. Retrieved July 24, 2022, from <https://theprint.in/campus-voice/supreme-court-order-on-sex-work-historic-but-execution-will-be-the-real-hurdle/988049/>

Karandikar, S., & Gezinski, L. B. (2012). 'Without Us, Sex Workers will Die Like Weeds': Sex Work and Client Violence in Kamathipura. *Indian Journal of Gender Studies*, 19 (3), 351-371.

Kotiswaran, P. (2012). *Dangerous Sex, Invisible Labor*. India: Oxford University Press.

Kotiswaran, P. (2011). *Sex work*. India, New Delhi: women unlimited.

Lavaud, B., & Mitchell, W. (1949). Perfect Chastity. *Blackfriars*, 30 (346), 30-33.

Menon, N. (2012). *Seeing Like a Feminist*. India: Penguin, Random House India.

Rajagopal, K. (2022, May 26). Supreme Court recognises sex work as a 'profession.' The Hindu. Retrieved August 10, 2022, from <https://www.thehindu.com/news/national/supreme-court-recognises-sex-work-as-a-profession/article65461331.ece>

Sahni, R., & Shankar, V. K. (2011). *The First Pan- India Survey of Sex Workers: A Summary of Preliminary Findings*. The Centre for Advocacy on Stigma and Marginalisation (as part of the Paulo Longo Research Initiative).

Sanders, T. (2008). *Paying for Pleasure: Men who buy sex*. United Kingdom: Willan Publishing.

Smith, E. M. (2017). 'It gets very intimate for me': Discursive boundaries of pleasure and performance in sex work. *Sexualities*, 20 (3), 344-363.

Supreme Court of India Budhadev Karmaskar vs State Of West Bengal on 14 February, 2011. (n.d.). Indian Kanoon. <https://indiankanoon.org/doc/1302025/>

Times News Network. (2022, June 18). Brothel client can't be charged for trafficking: Calcutta high Court. Times of India. Retrieved August 10, 2022, from [https://timesofindia.indiatimes.com/city/kolkata/brothel-client-can't-be-charged-for-trafficking-calcutta-high-court/articleshow/92292635.cms?utm\\_source=contentofinterest&utm\\_medium=text&utm\\_campaign=cppst](https://timesofindia.indiatimes.com/city/kolkata/brothel-client-can't-be-charged-for-trafficking-calcutta-high-court/articleshow/92292635.cms?utm_source=contentofinterest&utm_medium=text&utm_campaign=cppst)

## THE NELLIE MASSACRE OF 1983: AN UNDERSTANDING OF ITS CONTESTING NARRATIVES

Minakshi Dutta

18<sup>th</sup> February 2022 marks 39 years of the Nellie massacre, which occurred in 1983 during the most extremist year of the anti-foreigner movement (1979-1985). Despite the large-scale killings in a span of few hours, indicating a high degree of organization (Begum & Patrick, n.d.), and having socio-political significance, the massacre received very little attention in academic and journalistic discussion. While the anti-foreigner movement has been documented well, the massacre has not been memorized or documented well. Many saw the incident as an act of self-defense. For many, the massacre resulted because of the historical loss of tribal lands to immigrant Muslims, the victims of the massacre (Hazarika, 2000, p. 45). A few saw it as a result of the culmination of politics, ethnic agendas, and grave violations of human rights (Uddin, 2015). The existing literatures on the massacre provide diverse interpretations, producing divergent meanings. Among all these contesting interpretations or narratives of the massacre, however, the 'land alienation' of the tribals by the victims of the massacre is the dominant one that received acceptability in Assamese society. In this paper, an attempt is made to analyze the contesting narratives of the massacre to find out how far they are based on empirical reality. To analyze the contesting narratives of the massacre, I have employed the theory of the Institutionalized Riot System (IRS) developed by Paul R. Brass. In this theory Brass mentioned three phases of riots: preparation, activation and explanation.

Brass discussed how in India people interpret riots after their occurrence. He argued that people in India try to construct the meaning of riot in a way that suits their interests the most. Acceptance of a particular narrative of a riot by the society determines the human relation and the power structure of the society (Brass, 2003, p. 10).

The first part of the paper provides the context of the Nellie massacre- the socio-political situation in which the incident occurred. The second part discusses the narratives of the massacre developed in academic and journalistic writings. This part also analyzed how some of the narratives