In addition, there is the tricky question of state consent. A state becomes a PRSP state because it agrees to become one. It is the state that adopts legal reform that brings its domestic legislation in compliance with IFI expectations. In the traditional view, it is through the exercise of sovereignty that the state chooses to comply with international soft law norms and converts them into binding domestic law. Taking into account the reality of the power relationships between the IFIs and low-income countries, such a traditional analysis, is clearly overly formalistic. Could the truth, however, not be on the middle ground, and result in alternative hypothesis: compliance with the PRSP framework results from the interplay between rules set and aggressively promoted at the global level and conscious choices by domestic legislators that may or may not take the right to development of the individuals and groups within their jurisdiction seriously.

This book will be of interest to advanced readers in law, political science and development studies.

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Prabha Kotiswaran’s book takes forward her thesis on distributional effects of law, market and social normativity on the sex industry by working through the political economy and legal ethnography of sex work. It makes a case for decriminalisation and empowerment that develops from her earlier articles about the effects of criminalisation of sex work (Kotiswaran, 2008); and an argument for redistributive law reform for all sexual workers (Kotiswaran, 2010).

The book offers a materialist feminist understanding of sex work – Indian sex work in particular – while enhancing the understanding of the sex work in third world countries, in general. The author does this through field work and primary data collection in Tirupati, a temple town in South India, and Sonagachi, the famous red-light district of Calcutta. Emanating from and weaving together Marxism and feminism, her materialist feminist account examines the economic and material conditions of women’s lives and labour.

The book is an important addition to the writings on sex work as it problematizes the ‘global sex panic’ (p. 8) around the ‘third world sex worker’ by focusing on the agency of the women in sex work. Kotiswaran brings to her readers varied images from the brothels and presents sex workers in their everyday circumstances: cutting fish and vegetables, watching TV, doing embroidery, learning to speak English, berating their children, praying to photos of Gods as well as participating in the sex workers rallies and arguing in meetings. These images starkly contrast with the ailing, enslaved, trafficked third-world sex worker.
Here, sex workers narrate their experiences with other stake holders in the sex markets such as police, customers, brothel owners and petty criminals and speak of sex work like a job rather than an identity. Kotiswaran discusses at length the huge proportion of ‘flying sex workers’ visiting red-light districts during the day to sell sex while keeping their housewife identity intact. For these women, sex work seems to be a pure occupational choice.

Kotiswaran focuses on two aspects of sex work namely economics and law, and chapters in the book respond to this thematic. Part 1 of the book focuses on ‘theorising sex work’, Part 2 on the ‘political economy of sex work’ and Part 3 takes us ‘towards a theory of redistribution in sex markets’ in which law features as a central theme.

Kotiswaran formulates sex work as a form of labour in the expanding global sex markets and evaluates the differential labour relations that sex workers experience in the stratified sex markets. Part 2 of the book details the modalities of business, the labour and tenancy relations, profits and money earned. Varied modes of sex work are discussed at great length; for instance, chhukri who is virtually bonded to the madam and adhia who pays half the price per transaction of sex work to the brothel keeper in exchange for a place to stay. Labour relations of sex workers according to the size of the brothel they work in is scrutinised as are the labour conditions of self-employed sex workers who work independently in rented rooms. Kotiswaran does not shy away from detailing the chhukri mode which consists of mostly trafficked women – many minors amongst them – kept in the brothel by violence and rape. She states that the Durbar Mahila Samanwaya Committee, the union of sex workers in Sonagachi, is working hard to eliminate this mode of sex work and that collective action by sex workers themselves is the tool that can do away with evil practices within the business rather than the external force of law with its evident corruption and exploitation.

Whatever the circumstances of entry into the brothel, a woman may decide to continue sex work by accessing the choices she has. She rises in the sex work hierarchy, that is, from chhukri to adhia to self-employed to possibly brothel keeper. Women’s agency and choices are multi-layered concepts that can be assessed at the time of entry into sex work, at the point of leaving sex work or the red-light district altogether and many intermediate times. Sex work tends to be an economic choice for a dual reason: sex work pays much more than manual jobs that many women or even their male counterparts tend to access and most employment relations for poor women entail intolerable levels of sexual harassment. Many women then choose to earn money from selling sex rather than being pushed into providing free sex to keep a job that pays a pittance (pp. 100-102).

Similarly the decision to discontinue sex work is based on a variety of factors, including the social stigma of being a sex worker and desire for respectability. Fear of exposure through police raids and the media looms large for housewives who undertake sex work without the knowledge of their husbands. On the other hand, there are reasons to continue: despite being paid money by a sympathetic customer to escape sex work, Suman-gala remains in sex work; and after leaving sex work to get married and have children Banu gets bored with being a housewife and returns to Sonagachi. The desire to earn one’s own livelihood and to rise above poverty pushes these choices (pp. 144, 145). In these narratives, brothel keepers are presented as employers: many amongst them exploitative, even cruel but many considerate and fair. Brothel keepers represent the
success stories of sex workers who became wealthy through perseverance and enterprise during the long years of sex work.

In Chapter 6 of the book, entitled ‘Regulating Sex Markets: The Paradoxical Life of the Law’, Kotiswaran dispassionately evaluates the possible merits/demerits of total and partial decriminalisation of sex work and challenges the standpoint that decriminalisation could be a blanket solution to the legal problems of sex workers. First, the author challenges the view that abolitionists and decriminalisation supporters both take wherein law is assumed to be the most important tool of change in sex industry. She uses examples of how informal laws can destabilize criminalisation and can lead to de facto de-criminalisation, showing that the practice of law goes beyond the letter of the law. Second, Kotiswaran views many types of scenarios and states, for example, that total decriminalisation may actually increase the amount of sex sold (pp. 46, 190–200). Where law is seen as an instrument to control the sex market for the good of mainstream society, this may seem to be a negative outcome. But for Kotiswaran, the question is not how much sex is being sold but in what conditions? If women will enter sex work more since the fear of legal persecution is taken away then they might be able to control their work more. The author considers ‘legalisation for empowerment’ that includes labour law protection for brothel-based sex workers, low cost and expedient enforcement mechanisms, mediation possibilities and minimising the presence of the state machinery (pp. 201–207).

As the representative of the state machinery at the ground level, police feature as the most important stakeholders in the sex industry in India. In the narratives of the sex workers in this book, police appear in various avatars in the book, including lovers, friends and protectors of the sex workers (pp. 109, 122). The book does feature stories of police as supporters, and police exasperated by soliciting by the sex workers or embarrassed by the naked display of a drunk sex worker (pp. 130, 131). Yet the general image of the police was that of ‘snakes’. Kotiswaran reiterates that sex workers complained far less about customers than police harassment (p. 122) as most policemen they knew engaged in verbal, physical, sexual harassment such that women were reluctant to seek police assistance to tackle abusive customers. Apart from the individual police behaviour, the perspective of the police as a state apparatus was problematic as they would intervene for the sex workers against abuse by rowdies, only if the sex workers would stop selling sex. Thus, state protection would come – via seemingly sympathetic police personnel – only if sex workers would quit sex work and become ‘good women’ (p. 123).

Kotiswaran is able to bring out these hitherto hidden aspects of the sex industry and positives and negatives of all stakeholders involved through her methodology of presenting her data in an unbiased manner. She brings to the readers directly what she heard from the sex workers – even when it goes against her own project – and thereby fractures the research relationship of informant/subject/muted voice to researcher/active voice.

However, a significant gap in this book seems to be that Kotiswaran does not pay attention to caste in her field work or theorisation. She does not elucidate in her work what the ‘social capital’ factors supporting a successful sex worker are. Age and bodily capital is accounted for but not the ‘caste capital’. I use this term to mean the hereditary skills, occupational know-how that comes from the membership of particular caste and/or class that assists a person in her success in a particular occupation. Who amongst the
sex workers will become landladies or entrepreneurs later? Which sex workers have favourable labour relations or familial support? It has been argued (Dalwai, 2012) that women belonging to communities traditionally involved with sexual entertainment may do better in modern urban sexual occupations such as the dance bars as they have learnt the necessary skills from their mothers and aunts – including self-presentation through attire and make up and management of intimacy – and continue to have the familial support for child care and reproductive labour.

Scholars of caste and gender have pointed out that the relevance of caste in sex markets in India is ignored by most theorists of sex work and that caste is an essential framework while analysing sex work either as work or as sexual exploitation. As the hereditary caste-based occupational format has been translated into the urban and now globalising markets in India, any form of labour – including sexual labour – can hardly escape the reference to caste in the Indian context. In this light, where caste is a major signifier of class, the majority of poor women coming to sex markets are from lower castes. Second, lower caste girls are pushed into prostitution through varied institutional structures and processes. To cite an example – Devadasi, literally meaning the slave of God, is an ancient custom in Southern India. The current model of Devadasi entails lower caste girls being married to the Deity and being pushed into ‘religious prostitution’. Tambe (2009) asks, ‘How can prostitution be defined as work when this work is attributed to them because of their caste location and attendant ritual status, and when it marks them as lowly mendicants and parasites in the caste hierarchy, for engaging in sexual labour?’ (Tambe, 2009: 92). This direction of enquiry would have been particularly relevant to Tirupati, a temple town in Andhra Pradesh.

To sum up, Kotiswaran’s book is a welcome addition to the literature on sex work: theorisation around the sex worker as an active agent rather than passive victim has been done by feminist scholars (Kapur, 2005) as well as detailed ethnographies of sex work industry in Western or Asian settings (Sanders, 2006; Wilson, 2004). Legal understanding of the Indian situation (Sahni and Shankar, 2008) has been offered too. In this context, the present book is exceptional in the way that it weaves depth of theory with integrity of field work. Kotiswaran not only leaves the reader with many new thoughts but also makes material feminism and legal ethnography a pleasure to engage with.

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References


