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Democracy Dies in Darkness

Excluding those in the sex industry from covid-19 relief is a mistake

Making moral judgments about women's jobs just reduces their choices further

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Big companies like Ruth Chris, Potbelly and Shake Shack that are receiving large coronavirus-related Small Business Administration loans have caused an uproar. But far less attention has been paid to whom the SBA excluded from relief: people who work in the sex industry.

While those who are self-employed or independent contractors have the option to apply for SBA small business loans, legal businesses that provide “live or recorded performances” or “receive more than 5 percent of [their] gross revenue” from the sale of products with any depictions of a “prurient nature” are ineligible for help. Owners of clubs and other small businesses may file lawsuits over their exclusion, but it is the women carrying the industry who will suffer. Though strippers, porn actors, sex therapists and erotic novelists can still file for aid through unemployment and possibly receive the \$1,200 stimulus checks given to millions of Americans, they are ineligible for these far larger loans and are therefore much more economically vulnerable.

The SBA decision highlights how perceptions of morality and access to living wages have long been yoked for employees of businesses related to sex. When the government excludes the sex industry from economic help, it is because it considers this work immoral, a judgment that devalues women's labor and sex work more broadly. Treating the sex industry as illicit reinforces flawed moral judgments and makes workers in this industry, especially women, particularly vulnerable.

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In the early 20th century, American communities addressed the sex industry with ambivalence, simultaneously criminalizing women who performed this work, and finding ways to raise revenue from it. While prostitution was technically illegal, in many cases local governments allowed women to provide such services, often sanctioning red light districts that provided money to the city coffers. For example, a 1908 Texas law criminalized and charged women suspected of prostitution as "vagrants." In that same legislative session, however, state officials allowed city governments to rewrite their charters and create red light districts. Many of the red light districts were moved out of the central business districts to neighborhoods with predominantly African American populations. "The Reservation" and "Frogtown" in Houston and Dallas are examples of this legal paradox.

But legislatures also tried using economic policies to coerce women to conform to specific models of morality. In 1913, the Illinois legislature led a national movement to pay women a living wage in jobs that would keep them out of the sex industry, specifically prostitution. Legislators zeroed in on a small paragraph in a 1911 Chicago Vice Commission Report that connected the low wages women were paid in “legitimate businesses” with forcing women into prostitution to survive. The reformers argued that economic insecurity and not personal immorality was to blame for women taking up prostitution. Many poor women, including some who worked as prostitutes, acknowledged as much while testifying in front of government commissions to ask for living wages.

But legislators’ motives were far more paternalistic than benevolent. Progressive legislators and reformers wanted to safeguard women not as people in their own right but solely as mothers. They worried prostitution would damage women’s moral capacity for serving this role. Reform measures targeted white women in the hope that by contributing more money to the family wage it would provide a better home life for white children.

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The paternalism of such measures was clear in the way the minimum wage also aimed to help women “adrift,” — usually young white women who moved into cities searching for employment, illustrating the moral concerns driving legislators. Women “adrift” were defined as those who moved away from the moral protection of their fathers but had not yet married — transferring the protection of their morality to the husband. Progressive legislators and reformers argued that these poor white women, usually from rural areas, were worthy of the economic protection to keep them from immoral behavior — thereby protecting their virtues for motherhood.

Opponents of the minimum wage for women worried about the effect paying women more money would have on industries that employed them. In 1913 industry leaders like Julius and Lessing Rosenwald of Sears and Roebuck argued that offering women more money would cut down on businesses’ ability to compete. C.R. Miller of Miller Manufacturing in Dallas in 1919 insisted a minimum wage would drive industry from Texas costing women their jobs. Despite women earning only \$4 to \$6 per week at a time when the cost of living averaged \$15, these men also asserted that poor women wanted more money to spend on frivolous extravagance rather than be content with what they had. To these opponents of the minimum wage for women, immorality was a state of mind and not an economic condition. Only inherently immoral women would take up prostitution, they argued.

But the arguments connecting morality and economic access overwhelmed these concerns. Legislators were determined to preserve women’s virtue for motherhood, and when they couldn’t, to keep such women from reproduction. State legislators approved eugenics laws to sterilize women who did not meet the acceptable white American standard of womanhood. Several states also established feebleminded farms and girls reformatories. Both addressed the problem of young, poor white girls who society feared would damage the superiority of the middle and upper white economic classes if they reproduced.

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Similarly, beginning in Massachusetts in 1912 and along the West Coast in 1913, state governments also enacted legislation to pay women in legitimate jobs a minimum wage. Legislators defined a minimum wage as enough to provide women with a comfortable living. Because white, wealthy Christians crafted this legislation, it embedded their very specific conception of women's worth. Those in sex industries were, of course, excluded from such wages.

But in 1919, Texas state legislators also excluded domestic workers and farm labor from access to the minimum wage for women. African American women and Mexican American women mostly filled these occupations. Business executives argued that black and brown women were not as efficient in their work and shouldn't be paid the higher wages. But the discrepancy in wages also reflected legislators' priorities; they were less worried about the virtue of black and brown women, whom they saw as inherently inferior. Protecting them from prostitution would have been beside the point.

In 1923, however, in *Adkins v. Children's Hospital*, the Supreme Court ruled that the state laws mandating living wages for women were unconstitutional. The protective economic laws created to keep poor white women out of the sex industry between 1913 and 1923 slowly fell away. The reformist spirit that saw a connection between economic insecurity and immoral behavior and drove this legislation also faded.

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Through the twists and turns of women's status in America — with marriage and motherhood dominating the popular imagination in the 1950s, and then as the women's movement arose in the 1960s and 1970s before being challenged by a backlash from the rising Christian Right — the sex industry persisted. New forms of legal sex work allowed women to commodify their bodies to earn a living. Stripping is a billion dollar industry and webcamming uses technology to reach a wide audience. The porn industry also remains a way for many women to earn more money than they otherwise might.

But laws that criminalize poor women for vagrancy, view women in sex work as inherently immoral and connect access to a living wage to moral worth still persist as well. While some argue women in the sex industry have power, the current stimulus package shows it is not enough to legitimize their work. A century later, policymakers still see women engaged in the sex business as being fundamentally guilty of poor and immoral choices, thereby rendering them unworthy of government help. Yet, this conception ignores the fact that for many women, the sex business offers the only hope of a living wage. Even worse, by passing them over for aid in a moment of crisis, the government simply reduces their choices and further devalues their labor.

Government needs to back off making moral value judgments shaped by Christian values when it comes to women's work, and instead to focus on the harsh economic reality facing millions of women. How one chooses to labor is an individual choice, and every job ought to provide a living wage. Only once we treat all workers with dignity can we level the playing field economically.

