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J Interpers Violence 2005; 20; 270

DOI: 10.1177/0886260504270333

The online version of this article can be found at:
<http://jiv.sagepub.com/cgi/content/abstract/20/3/270>

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Violence and Legalized Brothel Prostitution in Nevada

Examining Safety, Risk, and Prostitution Policy

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This article examines violence in legalized brothels in Nevada. Debates over prostitution policies in the United States have long focused on questions of safety and risk. These discourses inevitably invoke the coupling of violence and prostitution, though systematic examinations of the relationship between the two are sparse. This article explores the issue of violence in the Nevada brothel industry. By drawing on interviews with prostitutes, managers, and policy makers, this article examines both prostitutes' perceptions of safety and risk and brothel managers' practices designed to mitigate violence. Discourses relate to three types of violence: interpersonal violence against prostitutes, violence against community order, and sexually transmitted diseases as violence. The authors conclude by arguing that the legalization of prostitution brings a level of public scrutiny, official regulation, and bureaucratization to brothels that decreases the risk of these 3 types of systematic violence.

Keywords: *Nevada; brothel; sex industry; sex work; violence; prostitution*

Legalized brothels occupy a contradictory position in debates over prostitution policy. On one hand, brothel promoters throughout the last century have argued that brothels provide the safest and most hygienic outlet for prostitution (Bell, 1994; Best, 1998; Gilfoyle, 1992; Walkowitz, 1980). Even today, analysts often see brothels as safer alternatives to policies that criminalize prostitution. Criminalized prostitution neither eliminates prostitution nor frees prostitutes from the threat of violence. On the other hand, many see brothels as little better than criminalization in terms of the exploitation of women (Chapkis, 1997; Hobson, 1990). This is especially true among proponents of decriminalization, who argue that state regulation, as in the legalized brothel industry, just replaces illegal pimps with legal ones. Are brothels a safer alternative to criminalized prostitution or are they a state-sanctioned form of the oppression of women? This question is broader than the scope of

JOURNAL OF INTERPERSONAL VIOLENCE, Vol. 20 No. 3, March 2005 270-295

DOI: 10.1177/0886260504270333

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this article. However, the issue of violence is a key element in this debate. To eventually answer the larger policy question about how best to regulate prostitution first requires an analysis of violence in legalized brothel systems such as Nevada's. Importantly, though, it also entails an analysis of perceptions of safety and risk and exploration into just what is meant by the term *violence*.

This article examines the issue of violence within legalized brothels in the state of Nevada in two ways. Rather than arguing definitively for or against brothels as safe places, we analyze the mechanisms in Nevada brothels that address safety and inhibit the risk of particular forms of violence. Second, we examine how prostitution policy is framed by notions of risk, safety, and violence and how this is echoed in the attitudes of legal prostitutes and brothel owners. We argue that the rhetoric of risk and safety that is evident in prostitution policies and echoed by sex workers and brothel owners frames the issue in terms of three types of violence: interpersonal violence against sex workers, violence against community order, and disease as violence. We conclude by arguing that legalization brings a level of public scrutiny, official regulation, and bureaucratization to brothels such that violence is far less likely to be a systemic problem as it is when prostitution is illegal but flourishing.

Is prostitution inherently violent? In our patriarchal culture, is there something about women selling sex to men that is innately and invariably dangerous? If by violence we mean actual physical harm, our research in brothels indicates that it is not. However, our research also indicates that fear of violence—which in and of itself constitutes a sense of danger and risk—is a critical component of legalized prostitution. The brothel prostitutes we interviewed invoke feeling protected from violence to justify satisfaction with brothels as opposed to illegal work. They talk of violence as a fear of physical danger at the hands of customers, pimps, and police when working the streets where prostitution is illegal. The brothel workers also talk of risk and threats of a different kind of violence—violence to their bodies and health through the spread of sexually transmitted infections (STI). Likewise, brothel managers and owners see themselves as protecting women from violence on the streets by providing a legal alternative to illegal prostitution. They also see themselves protecting both customers and prostitutes from disease through state-mandated health testing in Nevada's brothels. So not only does an assumption of violence remain at the heart of the institution of sex work, but this assumption also includes disease as a form of violence to the body.

Our research draws on 8 years of fieldwork in the Nevada brothel system. Our data consist of ethnographic notes from visits to 13 of the 26 currently operating brothels in Nevada, participant observation in public debates on brothels and brothel policies, and historical and contemporary document

analysis of laws, policies, programs, and organization within the brothel system.¹ Between 1998 and 2002, we conducted semistructured, open-ended, face-to-face interviews with 40 prostitutes that lasted about an hour each. These interviews were all conducted in prostitutes' rooms at the brothels or, on a few occasions, in the lounge area without management present. We collected surveys from 25 prostitutes in four of the brothels. We conducted approximately 11 semistructured, open-ended interviews with current and former brothel managers and owners. We have interviewed approximately 10 state regulators and activists and had formal or informal discussions with five brothel customers.

For this research, we coded our interviews and field notes for all references to safety, violence, danger, risk, and fear. We then analyzed the way in which prostitutes and owners discussed these issues to establish insight into the meaning and mechanisms of violence as practice and as discourse within Nevada's legal brothel industry.

PROSTITUTION POLICY AND THE RHETORIC OF RISK

Perceptions of safety and danger have framed prostitution policy since it entered public discourse in the 19th century, and Nevada's legalized system has been no different. Scholars have noted four main categories of prostitution policy: (a) legalization (state licensing and regulation); (b) abolitionist approaches (laws punishing third parties, not the prostitutes themselves); (c) criminalization (prohibiting solicitation and punishing all parties, including prostitutes, pimps, and, potentially, customers); and (d) decriminalization (regulating prostitutes as independent businesses; Alexander, 1997; Brents & Hausbeck, 2001; Weitzer, 1999, 2000). All of these approaches invoke a fear of prostitution-related danger and offer policies that promote safety in some fashion or another. For example, when government first began to intervene into prostitution in the United States at the turn of the 19th to 20th century, the primary stated motivation for doing so was to counter a perception of social disorder and violence that stemmed from street prostitution. Since then, there are three primary ways that violence has framed prostitution policy: interpersonal violence against prostitute women, violence against community order, and violence of disease.

Interpersonal Violence Against Prostitute Women

The first conceptualization of violence in American prostitution policy was through reformers' abolitionist arguments from the first wave feminist

movement. Early reformers identified the key problem with prostitution as male lust that lured innocent women into a depraved life as prostitutes. They saw violence in the force and coercion used to transform innocent women to prostitutes, the wresting of female virtue away from poor women. Once women became prostitutes, further exploitation and violence from pimps, madams, and customers was endemic. Punishing the customers, pimps, and panderers could destroy the institution of prostitution. In England, feminists advocated abolitionist laws in response to the Contagious Disease Acts that, they argued, both institutionalized prostitution and subjected prostitutes to brutal medical examinations. This approach informed white slavery, antitrafficking laws, and international treaties that proliferated from the late 1800s into the mid-1900s and continues to inform some more recent attempts to control trafficking in women (Alexander, 1997; Doezema, 1999; Walkowitz, 1980). The abolitionist perspective expressly advocates safety, primarily women's freedom from harm, as a central motivator of policy. It is important to note that it is not safety for women as prostitutes, per se, that is of concern here; rather, adherents to this perspective advocate safety and protection from violence that they perceive and define as inherent to the institution of prostitution. These policies also assume prostitutes are helpless victims, leading critics to assert that this perspective is paternalistic and disempowering to women (Hobson, 1990).

Fear of interpersonal violence against women is also evident in criminalization and legalization policies, both of which also invoke the threat of physical violence as justification for their particular forms of regulating prostitution. Criminalization policies argue that prostitution brings danger and violence to prostitutes and to their customers. Proponents of criminalization argue that the only way to protect against these dangers is to stand collectively against the commercial sale of sex and to prosecute purveyors of prostitution. Prolegalization advocates argue that prostitution is an unstoppable social exchange and that the most efficient and effective means to eliminate the violence and protect all parties involved is for the government to regulate prostitution via legalization.

Violence Against Community Order

The second way to conceptualize prostitution-related violence is through policies that see commercial sex as evidence of generalized social disorder and that seek not to eliminate but to control and hide prostitutes from public life. Most laws legalizing and regulating prostitution are framed by this rhetoric. Prostitution is too visible and flaunts socially corrosive behavior publicly. From this perspective, prostitution too often profits the behind-the-

scenes players who flaunt disregard for the law. For example, municipal reformers during the progressive era criticized prostitution policy for feeding corrupt politicians and ward bosses who controlled and profited from vice in urban areas (Best, 1998; Gilfoyle, 1992). The contagion of visible and unregulated prostitution threatens the stability of communities; this fear of structural violence reaches beyond interpersonal harm to fear of the disregard for the rule of law and concern for an orderly civic life (Best, 1998). Many of these arguments are similar to policies regulating other vices and those that also seek to zone vices such as prostitution away from respectable areas of the city. Much contemporary debate about prostitution centers on environmental effects on communities, a concept that includes disorderly public conduct, potential harm to children, harassment of and violence against women, nasty paraphernalia, and so on (Weitzer, 2000).

This perspective is also evident in discourses that support the criminalization of prostitution. Here, these ideas are most clearly echoed in cries over the contagion effect of prostitution such that the public sale of sex acts like a virus that attacks the good fiber of community, spawns a host of spin-off crimes and deviant behaviors, and cultivates unwanted subcultures and communities at the expense of traditional community, flourishing businesses, and mundane civic culture.

Violence of Disease

The third rhetoric of danger associated with prostitution is one that is not commonly discussed in debates over prostitution and violence. Namely, it is a focus on the dangers, risks, and fears of latent violence via disease in general and STIs specifically. Though not typically considered a form of violence, this perspective is a pervasive part of the fears, dangers, and risks both in prostitution discourse and among our participants in the Nevada brothels.

Middle-class fear of disease and contagion coming from prostitution was part of the medicalized discourse that slowly replaced morality as the dominant controlling rhetoric in the 1800s (Foucault, 1988). The state regulation of prostitution in the 19th century arose at the same time as growing discussion about the ill health effects of selling sex (Brandt, 1987). During this same period, the medical discipline was becoming increasingly professionalized and was claiming arenas of specialized expertise. As early as 1858, Dr. William Sanger published *The History of Prostitution* and became one of America's most outspoken proponents of a medical model informing prostitution policy. He argued that government should regulate and license prostitution to require medical exams for prostitutes. These sentiments were consistent with other prostitution policies of the era in much of Europe and in

England, which solidified the frame of prostitutes as vectors of disease (Alexander, 1997; Doezema, 1999; Walkowitz, 1980). St. Louis, New Orleans, and St. Paul passed laws licensing brothels and included mandatory medical examinations and restrictions on prostitutes' mobility. After World War I, the medicalized discourses and fears of disease prompted federal authorities to define prostitution as a physical and moral threat to the nation's youth and, in particular, its young military personnel. Federal authorities successfully closed most red-light districts near military bases based on this fear of contagion spreading to military men (Brandt, 1987; Hobson, 1990). The more recent AIDS crisis continues to frame prostitutes as vectors of disease and a potential threat to heterosexual populations and has spurred laws that criminalized HIV-infected prostitutes.

Although most of the focus has been on the threat of disease coming from prostitutes' bodies, feminist and activist prostitutes have brought attention to threats of disease to prostitutes themselves. The unidirectional fear of prostitutes infecting the general public is evident in mandatory HIV/AIDS and other STI testing requirements and legal penalties established by various states and municipalities. There are yet to be any regulations that attempt to test prostitutes' customers as similar sites of contagion.

NEVADA POLICY

When Nevada's current laws were written, they drew on the legacy of other examples of brothel legislation and regulation. Today's laws punish third parties to prostitution, they regulate and zone prostitution away from so-called respectable areas of communities, and they address concerns over the spread of disease. This said, Nevada's statewide prostitution policies are remarkably sparse considering Nevada is so well known for its legalized bordellos (Brents & Hausbeck, 2001; Hausbeck & Brents, 2000). The Nevada Revised Statutes (NRS) have only two sections related to prostitution. The first is the section that in effect legalizes prostitution; the law does so by prohibiting the licensing of prostitution from counties with populations of over 400,000 (NRS 244.245). This law leaves open the possibility for legal prostitution in Nevada counties with populations below this limit. The second section of Nevada's law on prostitution regulates pandering, pimping, zoning, advertising, and sexually transmitted diseases. With the exception of prohibitions on brothel advertising, the rationale for these regulations is almost exclusively based upon the rhetoric of risk and violence associated with prostitution.

The statutes prohibit pandering, anyone who forces, decoys, or entices a woman to become a prostitute and to work in a brothel (NRS 201.300-360). These laws also protect spouses from being forced into prostitution and prohibit forcing women into marriage. NRS Section 201.320 prohibits anyone from living off the earnings of a prostitute. The NRS also impose zoning restrictions, keeping brothels at what legislators consider a safe distance away from schools, churches, and main streets.

For years prior, some brothels instituted their own health and STD testing policies, but not until the AIDS crisis in the mid-1980s did Nevada institute official health regulations in the brothels. In 1985 and 1986, the Nevada Administrative Code imposed sexually transmitted disease and HIV tests on legal, working prostitutes (NAC Chapter 441A010-A325 and 441A775-A815). The result is that each person who applies for employment as a prostitute must take a blood test for HIV and syphilis and must submit a cervical specimen to be tested for gonorrhea and chlamydia. These tests must be negative before a prostitute can be licensed to begin work. Every week thereafter while working in a brothel, prostitutes must see local physicians, who conduct PAP smears for gonorrhea and chlamydia and monthly blood tests for syphilis and HIV. If a working girl tests positive for anything other than HIV, she is unable to work until treated, cured, and her physician reinstates her health card. If she tests positive for HIV, she can no longer work as a legal brothel prostitute. A 1987 law made it a felony for anyone who is HIV positive to work as a brothel prostitute. The sentence is 2 to 10 years or a fine of \$10,000 (NRS 201.356-358). The brothel owner is also legally liable for damages if they continue to employ a prostitute that tests positive for AIDS (Brents & Hausbeck, 2001).

Prior to the law making prostitution illegal in counties with populations exceeding 400,000, there was no state law on prostitution at all. Historically, there have been a patchwork of various informal practices and formal public policies employed across the state, some to criminalize prostitution and others to regulate it (Brents & Hausbeck, 2001; Hausbeck & Brents, 2000). As with prostitution policy debates more generally, the recurring sentiments underlying these different policy approaches in Nevada have invoked the public interest in curtailing the inherent risks and dangers of prostitution. That said, there have been no documented studies of the ways in which state laws, county regulations, and brothel policies actually manage risk once prostitution is legalized.

BROTHEL SAFETY MECHANISMS: IN-HOUSE POLICIES AND PRACTICES

Nevada's legalized brothels were established and then legislated out of a concern with these three frames of violence (interpersonal violence against prostitutes, violence against community order, and the violence of disease). So it makes sense that brothel owners and promoters emphasize safety when they defend the legalization of prostitution and advocate, on behalf of the brothel, business to potential workers and customers. In our visits to Nevada's brothels, we found that in-house and regulatory safety mechanisms are typically among the first items on the tour and are a recurring theme in conversation. The mechanisms most consistently employed in brothels to provide safety from various types of risks and threats include guidelines for the negotiation process, call buttons and audio room monitoring, control of customer behavior, good relations with police, limiting out-of-brothel services, limiting the movement of prostitutes, adhering to health regulations, and engaging in preventative practices.

The policies and practices detailed below insure both protection of the economic viability of the business for brothel owners and protection of brothel workers' health and safety. Both brothel managers and prostitutes explained that these mechanisms protect the safety of the workers and customers alike. However, the most detailed and central safety mechanisms are clearly those that protect profitability for owners. In other words, a safe, conflict-free transaction that protects the laborers as well as the customers is built into the operating structure of brothels as a means to sustain the economic and social viability of the legalized prostitution industry. One could argue that protection for prostitutes is extended when and where it coincides with the primary goal of brothel owners: profits. That said, it is never in the business interests of brothel owners to have an environment of fear or danger permeating the exchanges in their bordellos. Such a climate works against the ability to hire motivated and hard-working prostitutes, generates concern among local officials and regulatory bodies, which therefore could threaten licensing, and poisons relations with customers looking for a good time, not a dangerous liaison. Although there undoubtedly are brothel owners who are a bit cavalier about safety mechanisms in the name of frugality, the vast majority of brothel owners are keenly aware of the close relationship between perceptions of safety and their own profitability. As is clear in our discussion of prostitution policy, the discourses of cleanliness and safety are the central justification for why legalized prostitution exists in Nevada at all.

The Negotiation Process

Just as with other businesses, making the deal and receiving payment is of the utmost importance to the prostitutes who work as independent contractors in the brothels and, of course, to the management. The negotiation process is the point at which the licensed, independent contractor prostitute agrees upon a service for a particular fee with a client. Brothels often have souvenir-like menus of services, but they never post prices; rates for various services are always decided upon by the working women in negotiation with their customers. Brothels typically have house minimums, which mean that prostitutes cannot sell a particular sex act for a particular amount of time for less than that a set amount. Of course, the goal is to get as much above the house minimum as possible. Because the house minimums are kept secret, clients have no way to know what the lowest rate is or whether their arrangement is fair or unusually pricey.

The negotiation takes place in the apparent privacy of the prostitute's bedroom. However, safety dictates that the secrecy of the arrangement be little more than a facade. The reality is that the house manager on duty listens via intercom to the negotiation between the prostitute and the john so that they know what services were agreed upon at what price. They then turn off the intercom once the negotiation is complete. Before the prostitute begins to provide the agreed-upon services, she leaves her room and takes the cash payment or credit card to the office, which in larger brothels is a discreet operating center and, in smaller brothels, is often the kitchen or some similar multipurpose room. The manager deposits the money and sets a timer for the particular prostitute's room so that the office knows when the customer's time is up and he needs to either leave or renegotiate and pay again.

Most owners identified employee theft as the major reason for using intercom systems to listen in on negotiations, betraying a basic mistrust of prostitutes. One owner said, "You have the 10% of the ladies that will try and rip you off seven ways to Sunday." Listening in through the intercom is one way owners feel they can control women's negotiations with customers. But another owner was equally firm in explaining that the intercom "is about our safety concern. The house listens in on every negotiation." It was during negotiations for payment that workers and managers felt even rational men can get angry or violent. Deft negotiating also minimizes the risk of dealing with disgruntled clients after the fact. As one prostitute told us:

I just tell them that if you're really nervous, you know, you need to at least get a half hour. We have some time to warm up and you feel more comfortable. But if you're nervous at all, then I really don't want to do ya under 30 minutes because you are going to have the impression that it's all me.

Then, at the point where a prostitute takes payment to the manager, any strange feelings or problems can be discussed, and managers can be put on alert. One owner explained,

The idea there is to get the money out of the room so that there's no attempt on the man's part at some point to be physical or forceful to regain his money Then it's our responsibility to end the party. You want to eliminate the lady from any of the decisions in the process so that she is sheltered from any brow-beating or coercion from the gentleman's part about more time or anything . . . that she's put in a position to be able to say to the gentleman, 'Oh you're the best I've had all day or all week or all year and I'd love to spend the next hour in here with you, but these SOB's I work for are going to come pounding on the door, and we're going to get in trouble unless either we leave the room or we talk more money.' We encourage the lady to put the burden on us. And then she's their buddy and we're the bad guys.

A prostitute concurred that this process was empowering.

Say for instance you get in there and ya know they start right away climbing all over you . . . it's like wait a minute, you haven't shown any cash and you don't have free reign until there's an exchange made here. Okay?

Once the negotiation is made and money is collected, the intercom is typically turned off. Managers claim they then rely on the women to tell them if they need to keep the intercom on. One owner said,

If a girl is unsure of a customer she might ask you to listen, for security. Or, instead of turning on, I would walk out, this is such a small house, I'd walk down the hall and listen. But I mean, sometimes that happens. Or they leave their door open just a little bit. That's no problem.

Another example of how this negotiation and payment system protects the independent contractors was explained this way:

If a lady is concerned about safety with a customer, she comes out with a slip that says, keep an eye on this one.

Most of the women we talked to felt secure about this system. However, two women in a smaller brothel were not happy.

Here they have baby monitors, but they're not always listening It is a real false sense of security.

Another prostituted added,

The main reason they [intercoms] are there is so that the parlor maids do not have to trail up and down the hall. They can say 'ladies, time to renegotiate' over the intercom. I've yelled and hollered and even screamed just as a test.

This whole process of negotiation is designed to ensure full payment to the house and the safety of prostitutes. As evidenced by these quotes, this works in several ways. The house can hear if the client gets unruly or abusive during the negotiation and can interrupt if needed. Prepayment to the brothel such that the credit card and cash are not in the prostitute's room ensures that the client does not try to get any of his money back should he not be fully satisfied by the exchange. The room timers allow the house to keep track of who is working when and who is running overtime and might need management intervention. The rhetoric of risk is ostensibly on the physical safety of the working women, but the risks of losing business or profits are evident as well.

Panic Buttons

As added security, all the brothels we visited had call buttons in each of the prostitutes' rooms. When pressed, these panic buttons would either link via a direct intercom to the office—formal or makeshift, depending on the brothel—or would ring a buzzer that could be clearly heard by the madam, management, or other employee. In most brothels, the buttons are located in easily accessible locations at the head or side of the bed in the prostitute's room, but this was not always the case. Nonetheless, these buttons are a major source of security for most of the prostitutes we interviewed, and many pointed these out as their direct link to help should an incident occur. Said one prostitute, "You push the panic button once and you have immediate rescue." Owners pointed them out as a back-up system in case other mechanisms failed.

The panic buttons seem to serve as more of a symbolic than an actual mechanism for protection against danger. Most of the women who felt a sense of security with the panic button had also not experienced any violent situations. A few prostitutes expressed concern about the location of the button or explained how they consciously positioned themselves where they could have easy access to the button. But one long-time prostitute at a small, rural brothel who had experienced violence pointed out,

Panic buttons are a joke . . . usually they're across the room, but if you can get across the room you can get out the door.

In reality, the safety of the brothel comes into play long before someone relies upon a panic button in their bedroom. Most everyone recognized that the real mechanisms for protection are working in a setting that allows constant public scrutiny of the behavior of the customer before the actual paid party, that makes client anonymity and easy exit difficult, and that provides a houseful of people just a flimsy door away from the prostitute-john interaction and exchange.

Allies with Law Enforcement: Controlling Rowdy Customers

Most all of the owners we spoke to prided themselves on their ability to run out-of-control customers off the premises. They were all very clear that rowdy or disrespectful actions by customers were not tolerated; it was bad for business and bad for the morale and safety of the girls. Said one owner,

Assholes we cannot deal with. Right there it says there are no F words in here. We serve gentlemen and we have ladies. And that's how it is. We like having a reputation for being strict with our customers and not letting them drink too much and be rowdy, because for one thing, that's a very important safety factor with the girls. If the customer is allowed to be loud and obnoxious and use bad language in the bar, he's going to be rough in the room. So we tell him right away, guy comes in using bad language, we make him stop. And if he won't stop cussing, we throw him out.

Unlike street prostitutes, the brothels can rely on local law enforcement as a back-up in the unlikely case of trouble.

They're safe here. If we have a guy that comes in, and I'll use you for an example, if you want to beat one of my girls up, you ain't gonna get out of here. 911. Get somebody up here. The cops are on our side. They're gonna get ya.

Brothel owners have a clear interest in maintaining their image as law-abiding, trouble-free businesses to keep their licenses and maintain good relations within their communities. The owners we interviewed ensure this by making it policy to call the police at the slightest hint of trouble to send a message that they don't tolerate bad behavior.

The whole name of the game is control. But that control also makes us get along pretty well with the sheriff's office. There are two reasons for doing it, one, the sheriff's office, but also the girls' personal safety.

As another owner said,

You can be too late, but you can never call him [the sheriff] too early. So if they have the slightest hint of a problem, they call the sheriff. If they ask the guy to leave and he says, 'I'm not going to,' they say, 'Fine, I'll call the sheriff.' They don't even argue with him. They just call the sheriff, and usually by the time the sheriff gets here they guy's already left. So all we do is give the sheriff's deputy a cup of coffee and send him down the road.

Another policeman who was not entirely supportive of prostitution explained the difference between enforcing prostitution in the brothels versus on the streets:

And it's like anything else, once you're in law enforcement you sort of have to enforce the laws. And we come in and part of what we do is just make sure everything is going okay Because a lot of times you get patrons that go frequent other bars and get a little bit on the intoxicated side. They want to come into here. They want to raise hell at the last minute. So you know, I think we look at it more on that aspect. The girls are working just like anybody else The ones we look for are the lot lizards or the ones that are out soliciting over the CB at the truck stops. Those are the ones that are doing it illegally and those are the ones that we get mostly concerned with.

In actual practice, it seems the control exerted by managers works. Most brothels report that they very rarely need to involve the police to control customers. One policeman who was paying a check-up call to a brothel told us,

We don't get very many calls here at all. The last two or three years there's been next to nothing.

Like Sisters: Prostitutes' Interactions as Mechanisms of Safety and Danger

The other way in which brothels provide a safe environment is by having prostitutes of various experience levels in the same environment. Prostitutes generally watch out for each other. New brothel prostitutes, especially so-called TOs, or turn-outs, who have never prostituted before, typically receive on-the-job training from other, more experienced prostitutes. This mentorship ranges from more formal buddy systems to informal stories and advice shared among women in the house. One very experienced prostitute and self-appointed trainer talked about the advice she gives to women in this way:

You're not trained in how to protect yourself. That is why the mirrors are on the wall, so you can see what the hell's going on no matter what position you're in. Girls don't realize that. They think it is all for the trick's sake, you know, for the

sex. No baby, that's your security guard right there. You can see every move that Jock is making When I train TOs, I teach them how you keep something as a weapon an arms length away It doesn't have to be a hammer, it doesn't have to be a gun A whorehouse room is very, ah, there is a lot of stuff because we live in there and we're women, so there's stuff everywhere. An ashtray, a brass ashtray, is a weapon. All you got to do is take out their eyes If they can't see you they can't get you.

And when abuse or violence does happen, the women support one another, too. As one prostitute explained,

There's nothing worse in this world than getting beat up by a bunch of angry hookers . . . cause they use stiletto heels and anything they can get their hands on . . . and they will beat the dude all the way out to the gate.

This kind of camaraderie is not always apparent between the women working in a particular brothel, but when it comes to initiating turn-outs and protecting one another, the prostitutes typically have one another's backs.

Yet at the same time as women watch out for each other, another potential arena for violence in the brothels is violence among the women. Most of the owners we spoke to told us that they have strict rules against fighting and drugs, which beside being illegal, often lead to conflict. One owner described the dominant management mind-set well:

You can put ten guys in a three bedroom house in college and they're going to get along. You put two girls in a 20 room mansion, there's going to be a problem, okay? So we, we just said, it's very simple, here's how it works. You touch somebody, you're going to jail And uh, first time it happened, uh two girls got in the parlor, and one did this to the other one, with her finger. Cashier, called, 'There's an attack in the brothel.' Cops show up. 'She did this to her.' Cuffs on her, gone, that's it. Guess what, there've been no fights since. Now is there misunderstandings, is there verbal? Yes. As in any work place, but nobody's going to be fighting in my house. And because of it, it makes it nice, 'cause there's some tough girls out there. Some tough ass girls out there you know?

The very nature of the brothel system encourages this mix of friendship and tension because most often the women live and work in the house, so they are in close proximity for extended periods of time. This fosters what has repeatedly been described to us as a sorority house-like atmosphere, with all the attendant friendships, follies, spats, and support systems that contribute to the risk versus safety equation in the brothels. Of course, the women are also competing against one another for the interests, affection, and money of brothel customers. The process of being evaluated and picked over, or

rejected in favor of, the other girls makes it a structural impediment to developing close bonds of sisterhood.

Off-Premise Services: Leave at Your Own Risk

Most of the brothels do not admit to allowing outcalls, where prostitutes actually leave the building with a client. This is because out-dates are illegal in some counties. In the counties where it is legal, owners make it clear that they use discretion allowing these services and ultimately leave it up to the women to decide if they choose to negotiate a price to leave for a fixed amount of time on an out-date with a john. Most prostitutes said they have not done it or have done it rarely and only then with regular customers for a lot of money. As one prostitute said, "I don't go out of this house with anybody I don't know and I don't book anybody outside of the house." To do so is to lose one of the vital protections offered by legalized brothel prostitution: the security of the house and the people in it.

Restricting Movement: The Surveillance of Brothel Prostitutes

Most of the so-called cat houses closely monitor the movement of prostitutes. This is one of the most contentious issues in Nevada brothel prostitution. Brothel managers know when prostitutes are on shift, when they are expected to show up for customer line-ups, and when they are not. The vast majority of brothels do not allow women to leave the premises while they are on contract to work, even if they are not on shift. Only one of the tiniest and only the very largest brothels allow women to go home when they are working their shifts. Most brothels identify specific days when women can go to the store or run errands; some do not even allow that. Others just require that women log in their specific locations—where, exactly, they are going to run errands—at all times. Most all brothels have a system in place for women to order out for what they need from around town by paying a staff person to do their errands for them. There are few other professions where this kind of paternalistic supervision and lock down occurs.

Notably, there are no official laws in any of the brothel counties or incorporated cities that require this kind of restriction on prostitutes' movements. At one point in Nevada history, some of the local police or sheriff departments had additional rules beyond what was in county code, and these rules were governed mostly to restrict prostitutes' visibility in town. Few, if any, locales have these rules any more. Restrictions on prostitutes' mobility are entirely the purview of the individual brothel's rules.

Managers realize the contentious nature of this practice. However, they justify it squarely within the rhetoric of safety:

Our rules are there because we want to know where all the girls are all the time. And if we know where all the girls are, all the time, well then we don't have to worry about their health and safety because we know where they are at. And then of course, we have panic buttons and all that type of stuff. And so if they hit a . . . if they do have a problem or a situation in their room, of course we know where they're at, and then when.

Other managers told us that the rules that do not allow prostitutes out of the house were for health safety reasons. They told us that if women leave the brothel overnight, they have to take and pass health tests before they can start working again. This delay can take a couple of days or longer and is often incentive for the women to stay in the house and work longer between time off.

Despite the controlling nature of these policies and the fact that Nevada's legal prostitutes work as independent contractors, the prostitutes we interviewed accepted them as basically reasonable restrictions intended to protect both them and their clients. We heard few complaints from the women, and in fact, most of the women indicated on written surveys that they felt they were able to leave the brothel at any time. Many of the women, especially in the smaller towns, come from elsewhere and are content to reside at the brothel when they are off. At the same time, many brothel owners recognized the difficulty of hiring workers under these conditions. One large brothel owner who allowed women to go home when not on shift did so because he knew that they could not keep quality workers if they locked them down in the old-fashioned way. They also told us that they could get more workers in the brothel if their rooms could be used for entertaining 24 hours a day. Brothel profitability and a perceived shortage of workers does seem to be driving a slow liberalization of policies that restrict prostitutes' movement.

Health and Safety Policies

Although interpersonal violence was repeatedly mentioned as a major safety concern in brothels, the single most discussed risk was contagious disease. Given that STIs are mostly invisible and often professionally debilitating, if not life threatening, this is a grave concern for prostitutes and brothel owners. Nevada state law mandates that prostitutes be tested and verified as healthy prior to beginning work; they are then tested on a weekly basis for some STIs and on a monthly basis for others. In addition, condom use is mandatory for all forms of sexual encounters; this law is posted outside the

entrance of each brothel to inform potential customers of this rule and to advertise the implicit perception of safety it provides.

All of the women we interviewed were passionate about expressing their support for these laws. For example, they insisted that they always use condoms, whether the client prefers to or not. This is less a reflection of their strict adherence to the letter of Nevada law and more a reflection of their commitment to protecting their health, well-being, and occupation. As one prostitute explained,

I always use a condom, no exceptions no exceptions at all, ever. I don't care how much money you offer me, my life is worth more than that. That's it.

As another working woman told us,

There isn't to me a fucker that walks in here and pays enough money for you to take that chance. Apparently, us as hookers are doing it right since we haven't had a single girl in the history of legalized prostitution working in a house of prostitution come down positive.

In short, prostitutes intimately understand the life-threatening nature of some STIs; they also know that if they contract even a minor STI, they will test positive during their next exam and be forbidden to work until after they are cured and healthy again. Mandatory condom policies are enforced as a means of personal hygiene and safety as well as insurance that the women can continue to work. From the perspective of owners, this also helps attract the business of health-conscious customers who see brothel prostitutes as cleaner and safer alternatives to illegal sex workers. The rhetoric of health risk and the profitability of protection is powerful and ubiquitous.

There are also in-house, informal practices to ensure good health and safety. Prostitutes are required to do a dick check (DC) immediately after each negotiation and before any sexual services are offered or exchanged.

When cash is exchanged and an agreement is made, there's something called a DC, which is a 'dick check.' And that's an examination or a little genital exam. And if there is any reason for concern, the cash or the credit card is given back to them. And that's done before anything is written down on the books.

During the DC, the prostitute examines the client's genital area to make sure there are no sores or other visible indications of STIs. If there are any problems, prostitutes will return the client's money and send them out to either negotiate with another woman or ask them to leave. If everything looks normal, the exchange proceeds. Learning how to do a DC and when to

decline service are part of the informal mentoring that prostitutes provide one another. As explained by a more experienced prostitute,

I personally have never had a man that I've had to turn away. I've had clients of other girls that they've asked me to come in and I've had to explain. I saw one girl's client and I said sweetheart, these are genital warts. He said no they're not, and I said oh yes they are. You really . . . when was the last time you saw your physician? You really need to have these checked out. I kinda tried to steer step around it in a polite way. And she said you know, if he was your client would you party with him? And I said no, I'm sorry, I would have to decline. Even though you're going to practice safe sex with the condom covering it, what if the condom breaks? You don't want to take that chance, I know you don't.

In sum, formal and informal brothel policies are established, in large part, to protect all of the interested parties within the brothel system from the perceived risks of violence and disease. Importantly, profits to owners are based on the perception of safety. Safety is the primary rationale for this unique regulatory system to persist.

THE CULTURE OF RISK: LEGAL PROSTITUTES TALK ABOUT VIOLENCE

Is Prostitution Inherently Violent and Dangerous?

This is a widely debated question. Feminists and theorists disagree about whether prostitution, by its very nature, is violence against women. Our interviewees reported that they work in the brothels because they feel safe there. Of more than 40 prostitutes we interviewed, from large and small, suburban and rural brothels across Nevada, only one reported any personal experience with violence in the brothels.² The one person who told us about personal experience with violence said that she felt parties go bad less than 5% of the time, although this did not necessarily always result in violence. Within the brothels, 21 of 25 prostitute respondents to a survey agreed with the phrase "my job is safe." None of the owners or managers told us about any incidents involving violence carried out against the women in the brothels.

This said, the potential for violence was discussed by many of the brothel workers and managers. Prostitutes themselves talked about violence in several ways. Fear of violence is very much a part of the culture of prostitution. But the most frequent comment was that brothels are the safest of sex work alternatives in a very risky business. Many women said that safety was the

number one reason they worked in the brothels as opposed to other venues. For example, one prostitute concluded her interview with this:

I just think that if a female enjoys sex and you know, maybe she could give a thought to the industry. The industry is really good, it's not that bad. It's nothing disgusting. It's not horrible, you don't get hurt. I would probably recommend to a friend. I'd recommend it just because I like it, and I feel safe.

Another woman told us how her mother feels about her work:

She was kind of worried about the safety issue, and she knows that this is a lot safer.

There are two ways legal prostitutes talk about the safety of the brothel. One was in discussing personal experiences in other parts of the industry:

I worked on the streets of Hawaii, and this is, I mean it was beautiful in Hawaii and the girls were all beautiful and it was like nothing that you'd even picture in your head like of a street walker. But it was scary. It was every second you're like scared, you know. It's totally safe here, you know?

For one woman, even in comparison to independent work, she said,

Its' better money on the outside, but its safer here and less hustle, ya know?

Another woman who had worked in adult film felt the brothels were much safer than many expect or believe:

Well, I make more money doing this, and it's a lot safer. Like, in the pornos, a lot of times, you're working with a company that doesn't allow you to use condoms. And in here, you use condoms for anything Now that I've been here, if I go back into the porn industry, it's gonna mean everything is gonna be under my terms. I'm not gonna work noncondom Since I've been here, I feel much safer I don't have to worry about getting pregnant. I don't have to worry about a guy faking his test and me catching AIDS I'm scared. I go to the doctor all the time. 'Cause its just a scary thing you know?

The second way prostitutes discussed safety in the brothel was in abstract comparisons between the brothel industry and other forms of sex work. As a prostitute explained,

I would much rather see girls working in here, and doing it the healthy way and getting checked every week and using condoms, rather than being on the street,

having pimps, getting beat-up, raped, some end up dead. You know, there's a certain protection. The whole health thing is like so important because a lot of women that work the street don't use condoms.

So, is prostitution always violent and inherently dangerous? According to our informants in the brothels, the danger is real and always present, but brothels offer the safest environment available for women to sell consensual sex acts for money. So, for the majority of prostitutes we interviewed, violence is a backdrop against which they labor, but the risks are accentuated under certain circumstances and minimized in the brothels. That said, the persistent fears associated with disease and violence clearly can take their toll.

Thinking Like a Victim

Part of the way brothel prostitutes talked about violence was by describing their need to constantly think like a victim. This is likely much more a part of street prostitute culture. For the one individual we interviewed who did report a personal experience with violence, thinking like a potential victim and being constantly on guard was now a part of her daily life. She had just recently turned out, or started working as a prostitute, and had decided to start working without her training partner. In her view, she took a customer she should not have because he was too drunk. Once they had negotiated the transaction, he cornered and choked her, fracturing her larynx. She clearly blamed herself for the violence, ignoring, in her view, the potential for violence that is endemic to the business:

Once you're turned loose on the floor and you don't have your buddy with you any more, and you have your first killer day, you know with money in your hand and you can see oh I made this much all by myself, I'm a hooker now. And so then you start to become careless, start to get a little wild because you've got it going on, you know . . . This guy was too drunk, I should have collared him quick, walked him. But I went ahead and took it because it was money.

She credited her life to another prostitute who had a sense that she was going in with the wrong guy and waited outside her door to make sure she was alright. When she heard scuffling she broke in to save her colleague:

But by the grace of God, another big hearted hooker . . . she got a gut feeling, took her drink, took her ashtray and sat outside my door with her cigarette . . . If it wasn't for her I'd be dead.

What is most clear from her lengthy discussion with us is that this fit very clearly with the perception that there is a potential for danger inherent in every interaction. This woman spoke at length about how she took this to heart and began to train other women to be constantly vigilant. She was both adamant and proud of her work. She highlighted ways in which women have to constantly think like a victim to avoid becoming one. She was, however, the only woman who spoke about their work in this way, and she explained it like this:

You have to take control of the party the minute you walk in the room . . . I've been assessing people very quickly my entire life. If you don't, you'll die, its that simple . . . Get out of your spin cycle of the whorehouse for a minute and just feel the people around you, because if you're the one in there pinned, you're god-damned going to want them to feel you.

Safe Johns: Fear is Good and Bad for Business

Talk of risks and violence in brothels centers on protecting prostitutes from physical attack; however, prostitutes also talked about dangers in ways that echo the dominant forms of discourse on prostitution. For example, prostitutes frequently talk about disease prevention and safety for their customers. They see brothels as safer for their customers than street prostitution or even than the dating scene. One prostitute explained it thus:

Yeah, if I was married, I would tell my husband if you're ever going to have an affair on me, I want you to go to a brothel. I'm serious. It's safest. Truly in my heart I believe men are not monogamous, ever. Somewhere down the line. I just think that's their makeup. I really do. You don't have to worry about STDs, pregnancy, stalking, community ridicule if you're found to be having an affair, all of that.

This rhetoric of safety for clients is of critical importance to prostitutes and brothel owners. On one hand, fear of violence and disease from encounters with women and illegal prostitutes is one motivator for customers to frequent brothels. This kind of fear of stranger sex outside the brothel is good for business. On the other hand, it is vitally important to prostitutes plying their wares and owners promoting their businesses that johns and potential clients perceive that the legalized brothel environment is clean and safe and a sane but exciting place to get intimate.

THE CULTURE OF RISK: BROTHEL OWNERS TALK ABOUT VIOLENCE

When talking with us as outsiders, owners and managers clearly felt that they needed to justify the existence of brothels. They did so by describing brothels as typical businesses concerned about the safety of their employees and customers and as venues for prostitution that are by all measures safer than the alternatives for customers and the community at large. They relied on all three rhetorical devices evident in prostitution policy, the threat of violence against women, violence to community order, and dangers associated with disease, to explain the benefits of Nevada's system of legalization and regulation.

As one manager explained,

I think that I would like to see it, um, legalized much more liberally to get the girls on the streets off the streets and into the safety of legalized brothels, a legal brothel where their health is taken care of and, and they get enough food and uh you know. There's no comparison between a brothel prostitute and one on the street, there's no comparison at all. Even though some of these girls do have pimps, they don't come here, to beat them up, believe me, they just don't. On the street they're um, they're in very bad shape, you know all that. So I think I would really like to see more brothels.

Another shared similar sentiments:

We don't allow drugs here. You know, on the street corners you have all that. And with that of course you're gonna have problems, disease, violence, robberies And if you have places like this, you'd probably stop a lot of that.

Surprisingly, another brothel owner favorably compared prostitution with marriage as a safer institution for women:

With legalized prostitution you don't have the problem that places like Salt Lake, Las Vegas, Reno have, street assaults on women and street assaults on prostitutes working the streets. You have 95% less, 98% less sexually transmitted diseases in these houses than any other profession in the world, including marriage. The girls keep themselves clean, the house keeps them clean, doctors keep them clean.

The question of pimps seemed an important one for owners and was one topic that would always get owners and managers angry. We have no evidence addressing actual frequency of pimps or relative danger to women from pimps. What is most interesting to us, however, is the way owners

brought up and talked about pimps. Several owners and managers chose to talk about pimps as a source of potential danger for women and spoke of them with anger and derision. Management seemed extra protective of, but also dumfounded by, women who worked with pimps. One manager talked as follows about a woman:

[She] called me a couple days ago. Got beat up down in Texas she said. I said I thought you got away from that pimp. It wasn't a pimp, she said, just some young guy. Whatever that means.

Many in management argued that brothels are a place where women can break free from pimps:

The legal brothel industry in Nevada can be an escape valve for those women who are forced into the business by a pimp in an illegal setting. Because by coming into a legal brothel and we have had a couple of these cases, she is now doing something which is legal so he cannot use that as a force over her, and he is the one that is illegal. So if a lady with an abusive pimp comes into the house, and he shows up, he's the one that goes to jail. She's perfectly legal. She's basically in the clear. So it is a way to peel that influence off, if and when it's necessary.

Owners and managers also talked about the brothels as an arena that protects the public from disease and violence:

The only important thing is public safety and health, and as long as the houses do not spread diseases, do not encourage drunkenness, do not deal in drugs, it should be treated like any other business. As long as the public is protected, that's essential. The girls must be protected and the public must be protected.

RHETORIC OF RISK AND SAFE SEX PRACTICES: EVALUATING NEVADA BROTHELS

The dominant rhetoric of risk evident in prostitution policy for well over a century is also embedded in the legalized system of brothel prostitution in Nevada. From state statutes to the culture of brothel life as explained by prostitutes and management, various kinds of risks and violence are invoked to defend legal, regulated prostitution and to explain the nature of the business. Interestingly, though, the lived experiences of risk and safety, of violence and its mitigation, go beyond the traditional dominant rhetoric. Two other prominent discourses address risk and threats of violence within the structure and culture of Nevada brothels: that of marketplace imperatives and profitability

for owners, and that of relative risk versus safety assessments for prostitute women.

What becomes clear from this brothel research is that economics is a powerful driving force behind various systems of keeping risk in check. Safety is a powerful advertising mechanism and a strategic way to legitimate legal prostitution. As demonstrated, formal and informal brothel policies to ensure safety are also strategic business practices that protect profit as much as the prostitutes. The intersection of capitalist interests and patriarchal mechanisms of control is evident in many brothel policies and practices.

Another important finding is the centrality of health issues in legalized brothels. The control of health exists as a regulatory practice to encourage safe sex and to minimize the risk of disease transmission, but it also exists as a dominant fear among prostitutes. Though prostitution-related violence has typically focused on more obvious forms of physical abuse, it is clear to us that one of the most prominent areas of concern for prostitutes is violence in the form of contagion. Fear of contamination by persons with STIs is, in and of itself, a powerful form of violence. This threat of violence against sex workers' bodies is a matter of good health, sometimes of life and death, and of the economics of their occupation. A contagious, disease-ridden prostitute is a prostitute who can not work legally; the only other options are to leave the business or turn to the much more dangerous realm of illegal prostitution. Because of these realities, STIs have to be reconceptualized as a form of violence when considering prostitution policy.

Although an answer to the question of whether or not violence is inherent in the sale of adult consensual sex remains elusive even after this research, the empirical evidence presented here offers some insights and a more grounded approach to examining the issue. There is strong indication from the interview, document analysis, and ethnographic data presented here that legal brothels generally offer a safer working environment than their illegal counterparts. Regulated brothels offer particular ways of dealing with pragmatic safety issues and minimizing actual violence, including violence passed from johns to prostitutes and back to johns through diseases, viruses, and infections. Nevada brothels offer specific mechanisms to protect workers via the ways transactions are organized, the ways technology is ordered, the visibility of customers, the bureaucratic relationships among customers, managers, and workers, and the cooperation with police based on the mere fact of their legality. All of these mechanisms work to eliminate systematic violence and to discourage an atmosphere of danger and risk that, as a mirror image of fact, is significant.

However, risk remains. The structure of the legal prostitution industry and the culture of work therein are not immune to violence in any of its forms.

Clearly, in a social world that is still characterized by patriarchal systems of sexism and gender-based oppression and that is market driven and capitalistic, various forms of social and economic exploitation persist for individuals and within social institutions. In sum, this work challenges assumptions that prostitution and violence necessarily and inevitably coexist in predictable ways. Safety, danger, risk, and violence are systems that operate in particular ways, to particular degrees, in particular socioeconomic and cultural contexts. Crafting good prostitution policies that minimize risk, combat violence, contain fear, empower women, and strengthen communities requires good data and a thorough understanding of the meaning of violence in particular situations and institutional contexts. Only when our analysis of violence becomes more sophisticated will we have the tools in place to revisit the larger urgent questions of whether prostitution itself is always inherently oppressive and to find a model of regulating commercial sex that is most efficacious to meet our collective concerns. Further work to examine the relationship between violence and prostitution generally and to examine the specific machinations of safety, danger, risk, and violence within legalized brothels, illegal prostitution, and decriminalized systems is essential for theory and praxis to progress.

NOTES

1. We gained access to the brothel industry through contacts with certain gatekeepers, including the head of the Nevada Brothel Association and attorneys who had worked with brothels, and through cold calls to brothels. Also, early on we organized a public forum on the sex industry and shortly after had the opportunity to testify before the state legislature on a matter that would have affected the legal outcall dance industry. This testimony brought our research interests to the attention of the media, which undoubtedly made it easier when we contacted members of the brothel community.

2. This is not to say violence never happens, and it is important to note that we just do not have the evidence to definitively state the exact incidence of violence. News stories in 2003 highlighted an alleged battery of a Moonlight Bunny prostitute by high-profile singer Vince Neil, of Motley Crue. But the prostitutes we interviewed did not report any incidents of violence.

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