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NEOLIBERALIZING SEX, NORMATIVIZING LOVE

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[S]ex is always political. But there are also historical periods in which sexuality is more sharply contested and more overtly politicized. In such periods, the domain of erotic life is, in effect, renegotiated.

(Rubin 1984: 267)

As jubilant crowds hail victories of freedom and equality in legalizing gay marriage (most recently in Ireland in May 2015), reproductive rights activists lament the intensifying campaigns to undercut the right to abortion. HIV/AIDS activists raise concerns about both the dangers of a subculture of ‘barebacking’, and the institutional pressure to oppose prostitution before receiving funding. Meanwhile, ‘sex trafficking’ has become the unequivocal embodiment of ‘bad sex’ that attracts not only surging waves of social and moral condemnation, but also the full force of the state apparatus of law enforcement. At first sight, these disparate concerns may have little to do with each other, or with broader political, economic, and cultural politics. I propose that they are part and parcel of what Gayle Rubin called the ‘renegotiation of the domain of erotic life’, pertinent to the making of neoliberalism, pertaining to the construction of a regime of truth about sexuality, and a new way in which people become subjects.

This chapter considers the relationship between neoliberalism and sexuality, manifest in national and transnational contexts, and its attendant paradoxes, from two interrelated operations of power: neoliberalism as a mode of governmentality and a mode of subject-making. After providing an overview of how sexuality is fundamental to the constructivist project of neoliberalism, I will examine the intimate effects of these processes from the vantage point of what I call the ‘sexual limits of neoliberalism’ (Cheng 2013): namely the moral panic, social and cultural anxieties, and political responses to what is popularly known as ‘sex trafficking’. To examine the relationship between neoliberalism and sexuality through the lens of ‘sex trafficking’ is to understand how a renegotiation of erotic life (Rubin 1984) has been taking place at this historical juncture to produce a ‘neoliberal sex hierarchy’ (ibid.; Cheng and Kim forthcoming).
Neoliberalism, heteronormativity, and homonormativity

Scholars have argued that neoliberalism is about the subsumption of capital into everyday life such that there is nothing outside capital (Read 2009). Thereby, individual interest and competition become the guiding principle not just in the economic sector, but also all aspects of social life. Furthermore, the fantasy of free trade (Dean 2008) comes to constitute the neoliberal actor as rational agents engaged in the market of everyday exchanges, celebrating the consumer as a political subject while banalizing the citizenry (ibid.: 54–63). Posing as a system of rationality and universality that fosters the continuous expansion of a free market inhabited by competitive and responsible individuals, neoliberalism constructs itself as a regime of truth about society and human nature. Neoliberal transformations thereby shape not only the world we live in, but also the idea of being human – and thereby, being sexual.

The privileging of heterosexuality as the unmarked assumption in a set of institutions, structures of understanding, and practical orientation has been identified by Michael Warner as ‘heteronormativity’ (Warner 1991). The good life offered by this vision of normative intimacy is premised on an ethos of privacy that effectively replaces ‘state mandates for social justice with a privatized ethics of responsibility, charity, atonement, and “values”’ and enforcing boundaries between ‘moral persons and economic ones’ (Berlant and Warner 1998: 554). Heteronormativity is not the same as heterosexuality nor heterosexual individuals. A perfect example is how the gay marriage movement has championed ideals of domesticity and privacy under narrowly defined ideas of equality and freedom, over other ways of organizing intimacy and sexuality, and sideling progressive politics of social and economic justice. As Lisa Duggan explained, this ‘new homonormativity’ upholds and sustains heteronormative assumptions and institutions, and continues to promote ‘privacy, domesticity, and family values in place of progressive politics of social and economic justice, depolitizing racial and class hierarchies’ (Duggan 2002: 182).

A ‘gay moralism’ championing monogamous marriage and condemning ‘promiscuity’ has therefore come to redefine meanings of ‘equality’ and ‘freedom’ accessible only to the privileged few who could exercise their right to privacy. Mario Pecheny and Rafael de la Dehesa discussed similar contradictions in Latin America, pointing out that, despite the growth of the sexual rights movement and a more inclusive politics, the governance of desires have continued to be ‘mapped onto broader ideologies of political and economic development’ (Pechey and de la Dehesa 2013: 111). Specifically, the integration of sexual and reproductive health paradigms into ‘narrow sector-specific policy demands’ (ibid.: 103) have the effect of medicalizing and depoliticizing the issues, contributing to new forms of competition and reinforcing various forms of social exclusion. For example, HIV/AIDS activists have lobbied for state support to increase healthcare access for men who have sex with men and travesti, while lesbians remain largely invisible to policy-makers and funders in most countries, ‘to a certain extent reinforcing the historic gendering of the public/private divide’ (ibid.:104).

As we will see in the discussion of ‘sex trafficking’, these forms of normativity that privilege particular identity groups and proffer a middle-class standard of respectability and propriety have repercussions transnationally through both formal diplomatic manoeuvres and humanitarianism. Significantly, couched in the universalistic language of human rights and civil liberties, this reconfiguration of moral values and the moral self assume the guise of ‘amorality’ by taking distance ‘from conventional moral discourse in its affirmation of a wholly instrumental rationality’ (Brown 2006: 711 fn5).
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The sexual subject: homo economicus and erotic capital

As a regime of truth, neoliberalism naturalizes the market logic in all of society and as part of human nature. (As Margaret Thatcher famously said, ‘There is no alternative.’) The neoliberal subject in this form of governmentality is aptly described by Foucault as homo economicus: an ‘entrepreneur of himself’ (Foucault 2008: 226). The human is no longer just a creature of exchange but a creature of competition. Individuals governed by self-interest and competition do not represent an ideology but ‘an intimate part of how our lives and subjectivity are structured’ (Read 2009: 35). In this system of knowledge production, the market becomes part of human nature (Jameson 1991: 263), and ‘capital’ comes to mark one’s capacity to compete. The worker is no longer ‘labour’ but ‘human capital’.

In this context, becoming a ‘sexual subject’ is part of modernization and democratization – processes that are never homogeneous and generate ‘a plurality of subjects’ (Laclau and Mouffe 2001: 181). Yet the ‘deployment of sexuality’ (Foucault 1979[1976]) operates in very different ways across context: Amuchastegui and Parrini (2012) state that sexual behaviours do not necessarily become a central marker of identity in the global South, unlike that in the global North. Nevertheless, sexual desires and identities have become an increasingly important basis for making claims within the frameworks of human rights and citizenship.

One of the attempts to understand how the market logic penetrates sexual interactions is the concept of ‘sexual/erotic capital’ (Hakim 2010; Green 2013), extending Bourdieu’s idea of the different forms of economic, social, and cultural capital that is convertible to other forms of capital and institutionalized powers (Bourdieu 1986). In this perspective, the structures of desire shape the currency of desirability – sexual capital is derived from both social attributes such as race, class, gender, age and physical attributes, and also acquired through consumer practices such as plastic surgery, fashion, and makeover. The configuration of sexual capital varies across contexts – cultural, social, and spatial settings known as ‘sexual fields’ (Hakim 2010; Farrer 2010, Green 2013). This theory draws on ideas of market value, self-interest, and competition to analyse intimate interactions between individuals who subscribe to the same brand of rationality (a kind of neoliberal model on neoliberal sexualities). However, in actual practices, the neoliberal logic may work in very different ways to produce ‘irrational’ behaviours.

These ‘irrational’ behaviours include those that violate the expectation of ‘self-care’ that has been an important part of neoliberal ethics. In his account of Foucault’s analysis of neoliberal governmentality, Thomas Lemke stated that neoliberalism aspires to produce ‘responsible subjects whose moral quality is based on the fact that they rationally assess the costs and benefits of a certain act as opposed to other alternative acts’ (Lemke 2001: 59). By this logic, HIV/AIDS campaigns in North America in the 1990s achieved success in reducing infection rates by ‘responsibilizing and normalizing’ sexual regulation through self-governance as well as through criminal law and public health policing (Kinsman 1996). Yet a ‘barebacker microculture’ – gay and bisexual men who no longer practised safer sex, especially those who are HIV-positive – has emerged in the new millennium, raising concerns that such irrational behaviours are undermining HIV/AIDS prevention efforts. Rather than any intention to transmit HIV, Barry Adam (2005) found that the neoliberal rhetoric of personal responsibility and consent have constructed HIV-negative men as the main target of ‘safer sex’ – using condoms is to take responsibility for themselves ‘in a marketplace of risks’ (ibid.: 340), allowing HIV-positive men to find themselves exempted from the practice, fostering a subculture of ‘barebacking’.

Therefore, neoliberal transformations may generate structures, processes, and language that have cross-cultural reverberations, yet their impact on individual subjectivities and experiences...
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may be diverse. Following Zizek’s understanding of ideology, Jodi Dean argues that we need to look at ‘actual practices; these practices, what people actually do, are the location of ideological beliefs’ (Dean 2008: 55). In the following, I give an account of my research on migrant Korean women working in the intimate sector in the USA, specifically how one woman sees her sexual labour and state efforts to criminalize her through the rhetoric of ‘sex trafficking’.

**Sexual commerce, sex trafficking, and paradoxes of neoliberalism**

Elizabeth Bernstein (2007) argued powerfully in her study of contemporary sex markets in San Francisco, Amsterdam, and Stockholm that the boundaries between intimacy and commerce have been radically reworked. Forms and meanings of sexual labour have fundamentally transformed in postindustrial economic and cultural formations. Changes in the labour economy, family and kinship, residential patterns, as well as technological, spatial, and social developments have led to a rapid diversification of sexual commerce. In particular, she identified the form of sexual labour, known as ‘Girlfriend Experience’ (GFE), as emblematic of the sexual ethic of late capitalism. In contrast to commercial sex that focuses on sexual release in modern capitalist societies, relational meaning within the prescribed time and space of the market transaction is at the centre of the postindustrial context. This ‘bounded authenticity’ allows cost-efficient intimate relations that are entanglement-free, flexible, and detachable, compatible with the ideal of the autonomous, unfettered, and mobile individual (ibid.: 175).

Yet Bernstein also found a proliferation of state efforts to police sexual commerce under the rubric of ‘sex trafficking’, and showed that the formally distinct policy frameworks (criminalization of clients in Sweden, legalization of sex work in Amsterdam, and criminalization of all aspects of sex work in San Francisco) in the three sites have disturbingly similar effects of delegitimizing and marginalizing sex workers, particular migrant women sex workers. A whole gamut of law enforcement powers have been mobilized in the name of trafficking to police the mobility and sexuality of women (Agustín 2007). For example, in April 2015, the US Senate passed the Justice for Victims of Trafficking Act with abortions restrictions (Siddiqui 2015). The deployment of anti-abortion language to address victims of ‘sex trafficking’ is not only part of a larger political project to curb women’s reproductive rights in the new millennium, but also a rearticulation of the public/private divide in the neoliberal context (Grewal 2006).

Therefore, I propose to see how ‘sex trafficking’ operates as a discursive device anchored in a particular way of thinking about and managing licit/illicit sex and lawful/unlawful migration with specific gender/class/racial effects (Cheng and Kim 2014). My research on sex work and migrant women in South Korea and the USA since 1997 has further illuminated some of paradoxes of neoliberalism. While global discourses of ‘sex trafficking’ have adamantly identified these migrant women in sex work as ‘victims of trafficking’ (rather than the more silenced category of ‘criminals’ that many of them end up in), my research showed these women to be migrant and sexual subjects who make the often unsafe journey overseas to pursue their projects of aspiration, unwilling to align themselves with the anti-trafficking agenda of NGOs and the state that are often focused on criminal justice and immigration control (Cheng 2010).

**‘Sex trafficking’: between the technologies of subjection and subjectivity**

It is within the neoliberal paradigm of deregulation and risk-taking that Eunjung Kim and I (2014) explore the subjectivity of South Korean women migrating into the US intimate services sector and examine the burgeoning initiatives to combat ‘sex trafficking’. Both are products
of neoliberal state practices and techniques that span the Pacific. Starting with the 2000 UN Protocol to Prevent, Suppress, and Punish Trafficking in Persons, Especially Women and Children, and the 2000 US Victims of Trafficking and Violence Protection Act, there has been an expansion at both global and local levels to introduce legislation, strengthen law enforcement, and offer victims protection and rehabilitation in order to combat the ‘traffic in women’. In South Korea, the Act on the Punishment of Procuring Prostitution and Associated Acts (or the Punishment Act) and the Act on the Prevention of Prostitution and Protection of Victims Thereof (or the Protection Act) were passed by the National Assembly in March 2004. The new laws claimed to protect the human rights of women in prostitution. Yet the crackdowns and arrests that followed spurred a dramatic response in late 2004. For the first time in South Korea’s history, thousands of women in prostitution rallied in mass protests, held sit-ins, and picketed in the capital city of Seoul. A dozen or so staged a two-month hunger strike in front of the National Assembly, demanding recognition of their right to live and to work.

From the perspective of the South Korean and the US governments, as well as concerned groups in Korean civil society, women in sex work are potential ‘victims of sex trafficking’. The high-profile crackdowns every year since 2004 have reaffirmed the state’s commitment to curb ‘violations of women’s human rights’ and restore social and moral order. Yet the laws fall far short of their goal of protecting the human rights of women in prostitution. Those who do not satisfy the conditions that make them victims – such as women who are employed in brothels and room salons despite having no debts, or work independently outside brothels, or manage other sex workers and sell sex at the same time – are considered criminals. Reinforcing the stigma of prostitutes, the new laws offer protection only for ‘authentic’ victims – those whose sexual purity has been violated.

Nevertheless, the new laws gained South Korea an enviable position in the global competition to combat trafficking. After a one-year spell as a ‘Tier 3’ country in the first Trafficking in Persons Report issued by the US Department of State (2001), indicating its failure to comply ‘with the minimum standards of combating trafficking in human beings’, South Korea has been a ‘Tier 1’ country ever since 2002. In fact, in 2005 South Korea was named an example of ‘international best practices’, as the 2004 laws were cited as a global model for combating trafficking in women and children.

It is therefore interesting to see in the same period a mounting number of reports about Korean women in the USA who either had been trafficked into sexual exploitation or were spa and brothel owners sexually exploiting their compatriots. Since 2005, a few high-profile successful raids against ‘sex trafficking’ have targeted Korean-run spas and massage parlours. The best known of them was Operation Gilded Cage, which first identified more than 100 Korean women in San Francisco in July 2005, with 27 arrests, and then led to the arrests of 42 Korean women in Dallas (Gambacorta 2007). Many wondered how South Korea, one of the biggest economies in the world, could be among the countries exporting female ‘sex slaves’ (in the mounting conflation of sex work with sex trafficking and sex slavery in media, NGO, and state responses). In 2007, a Korean NGO with private funding commissioned a global research project on these Korean victims of trafficking. I was part of this project and had to interview Korean women in the sex trade on the East Coast.

Jin was the first woman I interviewed for the project. She was working in a massage parlour in Queen’s. She came to the USA after Korean police arrested her in her own home just outside Seoul and charged her for prostitution under the new 2004 anti-prostitution laws, since she was not considered a victim of trafficking and was fined 600 dollars for prostitution. Jin realized that the heavier penalty and police crackdowns meant that she had to look for a way out. She talked about her work in the USA:
Jin: Some people only come in for table showers, massage, and chats.
Interviewer: Are they the good clients?
Jin: No, they are not.
Interviewer: So who are the good clients?
Jin: Those people who finish quickly, they are the good ones. Those who have shower and then have sex and go. They are the best.

This response exploded the entire premise of the project and its assumptions about the inherently victimizing nature of sexual labour for women. Those who demand sex rather than conversations are the good clients – if they finish quickly, get themselves cleaned before having sex, and leave immediately after sex. Jin situated sex squarely within a repertoire of labour performance, along with other physical and emotional work, and identified sex as more efficient (‘quick’) in providing return to her labour. She made between $11,000 and $22,000 per month. Together with the other 58 interviewees from the USA, Australia, Japan and Korea interviewed for the project, Jin refused to identify as a victim of trafficking. Furthermore, she was critical of the anti-trafficking law enforcement efforts and humanitarian interventions that claimed to protect their ‘human rights’. Jin said,

I am working hard and making money for myself... I am not dependent on the government or my family. I am not harming anyone even though this is not a job to boast about. I don’t understand these women’s human rights. These activists don’t understand us. They are people from good background. I am not saying the anti-prostitution laws are wrong. But do they have to go so far?

In light of stories like Jin’s that I have repeatedly encountered in my research on migrant sex workers since 1997, I have come to see the global anti-trafficking initiatives as they have taken shape in the twenty-first century as part of neoliberal governance, and ‘sex trafficking’ as a discursive device for managing illicit sex and unlawful migration with specific gender, class, and racial effects. I have proposed, with Eunjung Kim, to understand Jin’s struggles in terms of the effects of neoliberalism as a set of three paradoxes, specifically its a/morality, its de/politicization of risks, and its non/humanitarianism (Cheng and Kim 2014).

Paradox 1 is neoliberalism’s assumption of the guise of amorality by affirming an instrumental rationality and market competitiveness, while promoting a conservative sexual agenda that buttresses the family, the market, and the state. In Korea, with the 2004 laws, prostitution is no longer a problem of sexual morals and ‘fallen women’, but an issue of women’s human rights and ‘prostituted women’. To protect the ‘rights’ of women in prostitution, the state supports a network of women’s NGOs to help ‘prostituted women’ through ‘self-sufficiency’ programmes like access to formal education (mostly for young women) and vocational training to clean, cook, drive, and be hairdressers etc. The neoliberal regime presents them with the opportunities to become ‘honest workers’ who need not depend on the state (through detention or welfare). Yet the discourse of victimization reinforces the moral values of female chastity and the heterosexual family unit, buttressing the moral hierarchy that marginalizes sex workers in the first place.

Paradox 2 involves the depoliticization of social risks and the hyperpoliticization of national security in neoliberal governance. As an ethic of risk-taking is promoted, the social risks of poverty, illness, and unemployment are displaced onto the individual. These Korean women’s migration to the USA embodies the neoliberal ethic of risk-taking that justifies the retrenchment of the state from the social sphere, but they then confront the increased state surveillance...
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through border control and criminalization. Activists continue to call for stricter law enforcement to stop trafficking. The emphasis on policing over welfare could be seen in the fact that five times the amount of money was spent on policing than on welfare provision for ‘prostituted women’ with the introduction of the new anti-prostitution laws 2005 (Women’s Development Fund 2006: 6).

Paradox 3 addresses how neoliberal developments create vulnerable populations by increasing disparities in resources and wealth, while at the same time supporting a set of humanitarian responses from the state and the NGO sector. As a result of the structural realignments that began with Korea’s financial crisis in 1997, policies of deregulation, privatization, and labour flexibilization were implemented with significant gender and age effects. According to OECD statistics, Korea has the highest gender wage gap in OECD countries at 40 per cent (OECD 2011). Unemployment is highly gendered: in the 2008 economic crisis, 98 per cent of the jobs cut were held by women, most of them in their 30s. Unemployment disproportionately affects the young: the 20–9 age group made up 40 per cent of the total unemployed population in 2006 (National Statistics Office 2007). Some of these younger women have chosen to work overseas, often unsafely. Anti-trafficking policies and advocacy promote a racialized and sexual agenda that reproduces the social, moral, and global divide between Western, middle-class female advocates and the ‘third world women’ for whom they advocate (Agustín 2007; Dozema 2001), without addressing the exacerbation of structural inequalities that is compelling certain groups of women and men to opt for risky migration. In other words, these anti-trafficking measures, like many other humanitarian ‘solutions’ we see around the world today, symbiotically nourish the problems they are putatively addressing.

It is my observation that these migrant sex workers both embody and contest neoliberal discourses. Even though they are self-sufficient, self-enterprising women who strategize their immigration and labour as sex workers and refuse to depend on state welfare, they violate the neoliberal ideals of relational sexuality, domesticity, and middle-class femininity. As sexual subjects, they need to be restored through rehabilitation programme (‘victims’) or penalized by criminal law (‘criminals’). Even though the anti-trafficking movement hails women’s human rights, justice, and protection, it operates predominantly through the crime frame and reinforces gender, class, and racial inequalities. Migrant sex workers therefore embody the sexual limits of neoliberalism.

A polarization of worlds is thereby created. In South Korea, where prostitution has strong echoes with Japanese colonialism (during which prostitution was legalized) and American occupation (when R&R camps were set up near US military bases), commercial sex has come to signify all that is wrong with gender inequalities, capitalism, and foreign intrusions, while non-commercial sex now bears the mark of freedom, independence, and self-determination. The sovereignty of the zone of privacy – in distinction from the public and commercial sphere – now serves as ‘a model for freedom or liberty’ (Berlant 2002: 117).

The sanctity of the private realm has been constructed in two decades of challenges to a range of sexuality-related criminal laws in Korea, leading to the recognition of rape (including marital rape) in place of ‘crime against chastity’, and the decriminalization of seduction as well as adultery. These legal changes attest to a liberalization of sexuality that bespoke increasing gender equality, recognition of sexuality as a private matter, and the withdrawal of state intervention from private lives. Both women and men are considered capable of exercising their sexual self-determination right – that is, except for women in sex work.

Sex for money has come to capture the legal imagination of what Gayle Rubin called ‘bad sex’ regardless of consent. Consent is impossible in prostitution because it’s about sex for money, and ‘debauched’ women’s consent does not count. Gayle Rubin has pointed out that ‘Within
the law, consent is a privilege enjoyed only by those who engage in the highest-status sexual behaviour. Those who enjoy low status sexual behaviour do not have the legal right to engage in it (Rubin 1984: 168). In the neoliberal sex hierarchy, sex between consensual partners means sex free from monetary exchange, and therefore private and an expression of the self-determination. Sex for money violates the ideal of free will and love, immediately qualifying it as a public issue because it is the epitome of unfreedom.

Gayle Rubin’s seminal idea of the sex hierarchy ‘grants virtue to the dominant groups, and relegates vice to the underprivileged’ (ibid.: 153). The historically shifting divide between good and bad sex has been shaped by ongoing debates about ‘where to draw the line’. And the line now lies with explicit economic transaction for sex. Previously criminalized sexual transgressions outside the marital context such as seduction and adultery have moved out of the purvview of criminal law, while prostitution has moved front and centre to embody ‘bad sex’. Cheng and Kim (forthcoming) emphasize that it is the explicit transfer of money that marks sex work because intimate relations have always been embedded in different forms of economic transactions, as Zelizer has eloquently argued (2005). The law thus comes to embody the ‘hostile worlds and separate spheres’ (ibid.) understanding of the rigid boundaries of intimate social relations and economic transactions. Sex work thereby becomes what Gayle Rubin called the ‘erotic DMZ’ [demilitarized zone] (Rubin 1984: 152): the barricade against sexual chaos, family ruins, national demise and other unknown tragedies.

Conclusion

The right for same-sex couples to get married and have families like ‘everyone else’ has been celebrated as a measure of sexual progressiveness in the twenty-first century. For some, however, such jubilation was premature and, in fact, reproduces some of the fundamental inequalities in neoliberal structures. On the one hand, such celebration neglects the heteronormativity and the system of privileges that remain embedded in the institution of marriage (Warner 1999; Health 2013), in ways that continue to marginalize same-sex couples and alternative intimacies. On the other, the jubilation endorses the expansion of state powers in both conferring legitimacy and criminalizing forms of sexual beings and sexual practices, such as abortion and sex work as profoundly antithetical to ideals of equality and freedom.

This short chapter demonstrates that neoliberal transformations reshape ideas and ideals about the self and erotic life, marriage and the family, that are fundamental to changing regimes of governance including citizenship, national security, and global order. While neoliberalism variously presents itself as nonpolitical (Duggan 2002) and amoral (Brown 2006), it is necessary to understand the heteronormative and homonormative currents in neoliberal sexual politics. I further invoke the concept of the ‘sexual limits of neoliberalism’ as a way to expose the moral and sexual prescriptions of this new sexual order, through a case study of ‘sex trafficking’ between South Korea and the USA. In doing so, this chapter raises questions about the making of a ‘neoliberal sex hierarchy’, the notion of consent and free will, and the structures of inequalities and unfreedom that it sustains.

References


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