

Sex, Carceralism, Capitalism

A black professor I know likes to tell his students they should have a plan for what to do if they win. What should feminists do if they win? The question will strike many as extravagantly hypothetical. Feminists do not have power, they will say; instead, they ‘speak truth to power’, from a place of relative powerlessness. Except that some feminists, like it or not, have quite a lot of power. This is true, for example, of the feminists who have been instrumental in the shaping of university and workplace sexual harassment policies, the priorities of global NGOs, and the treatment of women in domestic and international law. It is true of the self-styled feminists who have slotted into existing systems of power as political leaders and CEOs. It is true of the feminists whose aims converge, however unintentionally, with those of the political right: for example, the anti-porn and anti-prostitution feminists of the 1970s and 1980s, and the trans-exclusionary feminists of today. And it is increasingly true of the feminists who, through social media, have been able to direct public attention towards the behaviour of

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sexually abusive men. To be sure, these feminists with power are almost all wealthy, and usually white and from western countries. In that sense, feminism has reproduced the world's inequalities within its own ranks. But the fact that most women – working-class and immigrant women of the global north, the poor brown and black women of the global south – remain relatively disempowered is no reason to deny that some feminists wield considerable power. What should they do with it?

In September 2019, the *Guardian* reported on the emergence of government-sponsored 'drive-thru brothels' in Cologne, Germany:

Located on the edge of town, the result is a kind of sex drive-through. Customers drive down a one-way street, into a roughly two-acre open-air space where sex workers can offer their services. Once hired, the sex worker accompanies the customer into a semi-private parking stall. For safety, each stall allows sex workers to easily flee if necessary – the stall is designed so that the driver's door can't be opened, but the passenger one can – and there's an emergency button to call for help. Social workers are present on site and offer a space to rest, stay warm and access services.¹

Karen Ingala Smith, the CEO of *nia*, a London-based charity set up 'to end violence against women and children', tweeted the article with the comment: 'For me, images of these drive-in brothels, looking so much like live-stock sheds, or garages, exemplify the dehumanisation of prostituted women.'² Making Herstory, another British charity that works to end violence against women, tweeted: 'Anything to safeguard easy access to abused, impoverished and trafficked-in victims, right?'³ The image accompanying the article – a large wooden shed, divided into car-sized lots by coloured metal dividers – is a provocation to feminist sensibilities. The

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semiotics of the building make its function explicit: the anonymous and routinised sexual servicing of men by women. Its panic buttons and escape routes are a frank acknowledgement that a proportion of the clients will be violent. The building is expressive of everything feminists loathe about the state of relations between men and women: a built testament to men's physical, sexual and economic dominance.

Yet if we read the image differently – not as a symbol of the state of relations between men and women, but as a pragmatic response to it – we can perceive an impulse to make the world more liveable for a particular group of women. Once we take it as given that under current economic conditions many women will be compelled to sell sex, and that under current ideological conditions many men will buy it, the most important question remaining is: what can we do to strengthen the hand of women in this bargain? Nicole Schulze, a sex worker in Cologne, told the *Guardian*: 'I think every city should have a secure space for sex workers to work, to rest. Every city should have that because there's prostitution in every city.'

The feminist debate about sex work very often involves a tension between these two levels of analysis: between the symbolic force of sex work and its reality. At the level of the symbol, prostitution is seen as a distillation of women's condition under patriarchy. The prostitute is the perfected figure of women's subordinate status, just as the john is the perfected figure of male domination. Their sexual transaction, defined by inequality and often accompanied by violence, stands in for the state of sexual relations between women and men more generally. Seen this way, the prostitute calls out to be saved, the john to be punished, and their transactional sex to be stopped – for the good of all women.

Anti-prostitution feminists propose to answer this call through the criminalisation of sex work: making the buying, and sometimes also the selling, of sex illegal. But the criminalisation of sex work does not, on the whole, help sex workers, much less 'save' them. Indeed we know, because sex workers have long been telling us, that

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legal restrictions on sex work make their lives harder, more dangerous, more violent and more precarious.⁴ When prostitution is criminalised, as in most of the US, sex workers are raped by johns, and by the police, with impunity. When prostitution is partly legalised, as in the UK, women who work together for safety are arrested for ‘brothel-keeping’, and – if they are immigrants – deported. When prostitution is legalised but heavily state-regulated, as in Germany and the Netherlands, male managers and brothel-keepers grow rich, while women who are unable to meet licensing requirements join a shadowy criminal class, susceptible to trafficking and forced prostitution. When buying but not selling sex is illegal, as in the ‘Nordic model’, johns demand increased privacy for their transactions with sex workers, forcing women to take greater risks to make the same money.⁵ Under none of these criminalising regimes are sex workers, as a class, better off.

I am not suggesting that anti-prostitution feminists – Catharine MacKinnon, Andrea Dworkin, Susan Brownmiller, Kathleen Barry, Julie Bindel, Sheila Jeffreys – think of themselves as engaging in a symbolic politics. Far from it: most anti-prostitution feminists are clearly conscious of, and exercised by, the grim reality of much sex work. (I say ‘most’ anti-prostitution feminists because some are by their own admission indifferent to the welfare of sex workers; Julie Burchill, for example, has said that when ‘the sex war is won prostitutes should be shot as collaborators for their terrible betrayal of all women’.⁶) At the same time, sex workers insist that anti-prostitution efforts make their lives worse, not better. What are we to make of this?

What affective investment do anti-prostitution feminists have in the criminalisation of sex work, such that their genuine concern for sex workers ends, paradoxically, in a refusal to hear what they have to say? When Molly Smith and Juno Mac began writing *Revolted Prostitutes* (2018), a formidable defence of sex workers’ rights, they formed a reading group with other sex workers on the history of anti-prostitution writing, much of it by feminists. ‘For feminist women,’ they write,

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the figure of the prostitute often comes to represent the trauma that is inflicted on all women within patriarchy – the ultimate symbol of women’s pain, of the violence that women suffer. The client thus becomes the symbol of all violent men: he is the avatar of unadulterated violence against women, the archetypal predator. We deeply sympathise with this perspective. Our lives too have been shaped by gendered violence, and we understand the political impulse to punish the man who has come to symbolise this trauma ... And, of course, proponents of the Nordic model are right in identifying prostitution as a deeply unequal transaction – one scarred by patriarchy as well as by white supremacy, poverty, and colonialism. It seems intuitively right to criminalise the men who *are*, in many ways, the living embodiments of these huge power differentials.⁷

For Smith and Mac, it is the desire to punish the men who buy sex – as individuals, but also as stand-ins for all violent men – which explains the contradictions of a feminism that makes life worse for sex workers. Smith and Mac understand that desire. They don’t deny that johns are ‘in many ways’ apt symbols of patriarchy. But they do insist that a choice must be made between satisfying the desire to punish men and empowering the women who sell sex in order to live. Put another way, the psychic, and perhaps moral, satisfactions of punishing men can be had only at the cost of women – and often the women whose lives are most precarious. Anti-prostitution feminists, who are as a rule not themselves sex workers, maintain the fantasy that there is no choice to be made here: that there is a satisfying convergence between the punishment of men who indulge their patriarchal entitlement and the welfare of the worst-off women. In so doing, they forget Max Weber’s warning that to do politics is to enter ‘into relations with the satanic powers that lurk in every act of violence’.⁸ For sex workers themselves, the choice between men’s punishment and their own survival is all too clear.

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Symbolism, of course, matters: patriarchy establishes itself at the level of words and signs, not just bodies. But the demands of the symbolic can stand in tension with those of the real women who must pay their bills, feed their children, and sometimes are assaulted by the men to whom they sell sex. When these women are assaulted, will they have any recourse – or will they be trapped in a closed space with a violent man, a quiet sacrifice in a war of symbols?

Perhaps I am oversimplifying. It is undeniable, I think, that anti-prostitution feminists are symbolically invested in the punishment of sexually entitled men, and that this prevents them from acknowledging the choice between punishing the men who buy sex and improving conditions for women who sell it. But these feminists might counter that they are responding to another, equally real choice, which proponents of sex workers' rights ignore: the choice between making life better for the women who sell sex now, and bringing into existence a world in which sex is no longer bought and sold. A few years ago, French anti-prostitution activists successfully campaigned to implement a law that punishes the purchase of sex. Asked whether the criminalisation of clients makes prostitutes more vulnerable, one of the campaigners said: 'Of course it will! I am not scared to say it. But think of the abolition of slavery, it also made life bad for some former slaves. We need to think about the future!'⁹

In calling themselves 'abolitionists', anti-prostitution feminists deliberately invoke the historical campaign against slavery. Sex workers object not only to the assimilation of sex work to the condition of chattel slavery, but also to the idea that outlawing sex work, like outlawing slavery, is genuinely a step towards its eradication. The criminalisation – in part or in full – of sex work has never, in practice, got rid of prostitution. Sex work has thrived under every legal regime; what has varied are the conditions under which sex is bought and sold, and in particular whether clients and workers are subject

to the coercive power of the state. So long as women need money to pay their bills and feed their children, so long as sex work is better than the available alternatives, and so long as women's subordination is eroticised, there will be prostitution. The criminalisation of sex work is in this sense a symbolic abolition: a striking out of prostitution in the law, but not in reality. In 2018, a Spanish court voided the by-laws of a sex workers' labour union, under intense pressure from anti-prostitution feminists, on the grounds that sex work is not work. The ruling does not apply to those women who work in 'gentlemen's clubs' – brothels, that is, almost always operated by men. Spanish sex workers who want to work for themselves, and not for men, enjoy no labour protections, cannot receive state pensions or social security, and are routinely fined by the police under vague public safety laws. Now they cannot unionise. The motto of the Spanish anti-prostitution feminists who led the campaign is *#SoyAbolicionista*. But what exactly have they abolished?

There is a striking parallel to this dialectic, between those who are invested in a symbolic abolition of sex work and those who work to improve the immediate lives of sex workers, in the debate about an issue on which sex workers and most anti-prostitution feminists adamantly agree: abortion. Feminists have long tried to explain to opponents of abortion that criminalising it doesn't reduce the number of abortions carried out, but does increase the number of women who die from them.¹⁰ A real movement to abolish abortion would presumably involve massive investment in (non-abstinence-based) sex education; effective, safe and freely available contraception; state-guaranteed parental leave; and universal childcare and maternal healthcare. Of course, some opponents of abortion actually do want women who seek abortions to die; the former *Atlantic* writer Kevin Williamson commented that he 'would totally go with treating it like any other crime, up to and including hanging'.¹¹ But, if most opponents of abortion are to be taken at their word, they are concerned not with the punishment of women, but the protection of the unborn. Whatever one thinks of the idea that the 'unborn'

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represent a class in need of protection, it is fairly clear that the criminalisation of abortion does not serve this end. If so, then we can say that anti-abortionists too are engaged in a symbolic politics whose aim, however unconscious, isn't so much to end abortion as to have it denounced in the law.

Would the decriminalisation of sex work fare any better? Not in improving the conditions for current sex workers – there the case for decriminalisation is clear – but in achieving the outright abolition of sex work? After all, in countries where prostitution has been decriminalised, the size of the sex work industry has not substantially decreased, even as conditions for workers in the industry have improved.¹²

Smith and Mac argue that the title of 'abolitionist' properly belongs to the proponents of decriminalisation because, they say, it is only through the political recognition of sex workers as workers – in need of legal protection rather than censure or salvation – that they will be empowered to refuse the sex they don't want to have.¹³ Here Smith and Mac invoke the Marxist feminist Silvia Federici, who claimed in the context of the Wages for Housework campaign, begun in the early 1970s by Selma James and Mariarosa Dalla Costa, that calling something 'work' was the first step towards refusing to do it.¹⁴ By forcing the recognition that women's unwaged reproductive labour is a necessary precondition of capitalist production, Federici argued, wages for housework would allow women to '*refuse that work as the expression of our nature, and therefore . . . refuse precisely the female role that capital has invented for us*'.¹⁵ The demand for wages disrupts the illusion that domestic labour is the natural task of women – an expression of their innate femininity – and, in so doing, 'forces capital to restructure social relations in terms more favorable to us and consequently more favorable to the unity of the [working] class'.¹⁶ In *Women, Race & Class* (1981) Angela Davis countered Federici and other Wages for Housework feminists by arguing that a housework wage might marginally improve the lot of working-class women, but only at the cost of further entrenching their role as domestic labourers.¹⁷ 'Cleaning

women, domestic workers, maids,' Davis wrote, 'these are the women who know better than anyone else what it means to receive wages for housework.'¹⁸ Wages for housework would not improve working-class women's social standing, Davis said, nor offer them 'psychological liberation'.¹⁹ It would instead 'further legitimize this domestic slavery'.²⁰ Could wages for housework, Davis asked, really be 'a concrete strategy for women's liberation?'²¹

The debate between Federici and Davis, viewed through a wider political lens, is over which demands are truly revolutionary and which merely reformist – that is, which demands set the groundwork for the undoing of a system of domination, and which only secure the grip of that system by relieving its most egregious symptoms. Federici sees wages for housework as a revolutionary demand because, she says, it would strengthen the hand of women in their struggle against both capitalism and sexism, in turn giving them more collective control over the processes of social production and reproduction. It is a demand, she says, not just for a 'thing' (money) but moreover for the power to remake social relations. Here Federici alludes to André Gorz, who wrote in his essay 'Reform and Revolution' (1967) that for the reformist

at stake in the reforming action is merely 'things' – wages, public amenities, pensions, etc. – which the state is to dispense from on high to individuals maintained in their dispersion and impotent with respect to the process of production.

By contrast, for revolutionary socialists, 'each partial improvement, each reform demanded should be articulated into a general project aiming at producing global change'.²² Davis, in Gorz's terms, thinks the Wages for Housework campaign is essentially, and merely, reformist: by making the oppressive life of the housewife slightly more bearable, she says, paying her a wage would buttress both sexism and capitalism. The truly revolutionary demand, in Davis's view, would be for the 'abolition of housework as the private responsibility

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of individual women': that is, the socialisation of childcare, cooking and cleaning.²³

There is an analogous dialectic in the debate over sex work. Both anti-prostitution and pro-decriminalisation feminists claim that their aim is to overthrow the system that produces sex work: hence the wrangling over which side is entitled to call itself 'abolitionist'. Proponents of decriminalisation like Smith and Mac argue that strengthening the labour power of sex workers wouldn't just make their lives more liveable; it would give them more power to demand a restructuring of economic and social relations such that they will no longer have to sell sex to live. Seen this way, theirs is a revolutionary politics. As anti-prostitution feminists might see it, though, decriminalisation is at best a reformist measure, which marginally improves the lives of sex workers while shoring up both patriarchy and the neoliberal commodification of sex.

Who is right? To be honest, it's hard to know. As Gorz writes, 'any reform whatsoever . . . may be emptied of its revolutionary significance and re-absorbed by capitalism.'²⁴ Perhaps the decriminalisation of sex work would in the long run, despite the intentions of its radical proponents, stabilise the place of sex work within capitalist societies. And perhaps, by turning sex workers into workers like any other, decriminalisation would vitiate rather than strengthen their insurrectionary potential.²⁵ Perhaps. Meanwhile, there isn't much reason to think that throwing sex workers and their clients in jail will eventually lead to the end of sex work. (It certainly hasn't done so yet.) There is, though, every reason to think that decriminalisation makes life better for the women who sell sex. From this perspective, to choose criminalisation is to choose the certain immiseration of actual women as a putative means to the notional liberation of all women. It is a choice that again reveals, deep in the logic of anti-prostitution feminism, an investment in symbolic politics.

But let's suppose, just for the sake of argument, that we knew for a fact a tragic choice had to be made between improving the conditions of the women who sell sex today, and accelerating a future in

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which there will be no prostitution. If we really did know this, as feminists, how should we proceed? The Combahee River Collective, a black lesbian feminist group, explained its political methodology in its April 1977 manifesto as follows:

In the practice of our politics, we do not believe that the end always justifies the means. Many reactionary and destructive acts have been done in the name of achieving “correct” political goals. As feminists we do not want to mess over people in the name of politics.²⁶

This basic principle – of not ‘messing over’ people as a means to a political end – implies that any choice between improving the lives of existing people and holding the line for a better future must be settled in favour of the former. Many, perhaps most, anti-prostitution feminists simply deny that they face such a choice – insisting, fantastically, that criminalisation can secure abolition and help sex workers at the same time. But some anti-prostitution feminists no doubt think there is a choice to be made, and are prepared to live with the immiseration of sex workers if it means gaining the psychic satisfaction of punishing men, the symbolic erasure of prostitution in the law, and the hastening, or so they imagine, of a world without patriarchy. These feminists might not wish to shoot prostitutes as patriarchal collaborators. But they are happy, one way or another, to mess them over.

In 2007, the sociologist Elizabeth Bernstein coined the term ‘carceral feminism’ to describe a politics that looks to the coercive power of the state – police, criminal courts, prisons – to achieve gender justice.²⁷ Over the last fifty years, a carceral response to prostitution, domestic violence and rape has become increasingly accepted as common sense in most countries. The problem, as the particular case of sex work shows, is that carceral ‘solutions’ tend to make things worse for the women who are already worst off. This is because carceral feminism invites the wielding of the state’s

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coercive power against the women who suffer most from gendered violence – poor women, immigrant women, women of colour, low-caste women – as well as the men with whom their lives are fatefully entwined. At the same time, the carceral approach fails to address those social realities – poverty, racism, caste – that lie at the root of most crime, and which make certain groups of women particularly susceptible to gendered violence.

In 2006, Brazil passed the Maria da Penha law, named after a woman who had survived repeated beatings and two murder attempts by her husband, one of which left her paralysed from the waist down; it took twenty years for da Penha to get her husband tried and convicted by a Brazilian court. The new law, passed in large part because of the campaigning efforts of feminist organisations, introduced mandatory prison sentences for perpetrators of domestic violence, and special courts for the adjudication of domestic violence cases. Some Brazilian academics have pointed out that the Maria da Penha law has resulted in a drop in the reporting of domestic violence. This is not because the new law has decreased the incidence of domestic violence. It is because the poor Brazilian women who disproportionately suffer from domestic violence no longer feel that they can turn to the police for help: they fear their partners will be imprisoned under terrible conditions, and worry about their ability to run a household alone, in the absence of state economic support.²⁸

Starting in the 1980s, some US feminists successfully campaigned for states to adopt ‘mandatory arrest’ policies, which require the police to make an arrest whenever they are called out on a domestic violence complaint. As many black and Latina feminists predicted, these policies increased the incidence of domestic violence against women of colour.²⁹ Numerous studies have shown that retaliatory violence after arrest is linked with poverty, unemployment and drug and alcohol use – factors that disproportionately afflict black and Latino communities.³⁰ One 1992 study in Milwaukee found that

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the mandatory arrest policy reduced the amount of violence perpetrated by employed white men while increasing the amount of violence perpetrated by unemployed black men: 'If three times as many blacks as whites are arrested in a city like Milwaukee, which is a fair approximation, then an across-the-board policy of mandatory arrests prevents 2,504 acts of violence against primarily white women at the price of 5,409 acts of violence against primarily black women.'³¹ Indeed, the world over, male joblessness is linked with domestic violence against women.³² But poor abused women cannot, as a rule, turn to the state to employ their husbands, or for the money they would need in order to be able to leave them. Instead, they can only ask that their husbands be locked up, which many are understandably reluctant to do. When these women do call on the carceral state for help, they are sometimes directly punished themselves. Under mandatory and 'dual-arrest' policies in the US, women of colour – instead of or as well as their abusers – frequently end up arrested.³³

In 1984, bell hooks wrote about the tendency of the women's liberation movement to focus solely on what women could be said to have in common:

Although the impulse towards unity and empathy that informed the notion of common oppression was directed at building solidarity, slogans like 'organize around your own oppression' provided the excuse many privileged women needed to ignore the differences between their social status and the status of masses of women. It was a mark of race and class privilege . . . that middle-class white women were able to make their interests the primary focus of the feminist movement and employ a rhetoric of commonality that made their condition synonymous with 'oppression.'³⁴

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On its face, the notion of ‘common oppression’ contains a promise of universal women’s solidarity. The rich woman and the poor woman, the citizen and the refugee, the white woman and the black and brown woman, the high-caste woman and the Dalit woman: all women are oppressed on the basis of their sex, and this will be the foundation of their empathetic and strategic alliance. But it is precisely those forms of harm that are not common to all women – those from which some women, by virtue of their wealth, race, citizenship status or caste, are insulated – that are the most grievous to the women who suffer them. A feminism that addresses only sexual oppression will pursue strategies that are of little use to women whose sex is just one cause of their political predicament. To make common oppression your rallying cry, bell hooks points out, isn’t just to ignore, but to guarantee, the oppression of the worst-off women.

Carceral approaches to gender justice tend to presuppose a subject who is a ‘pure’ case of women’s ‘common oppression’, uncomplicated by such factors as class and race. The belief that a sex worker will be helped by the criminalisation of her trade rests on the assumption that she has other choices available to her – that it is prostitution, rather than, say, poverty or immigration law, that is her fundamental problem. Likewise, the belief that incarceration is the way to deal with domestic violence does not take into account the women whose fates are bound up with the men who perpetrate it: the women who are financially dependent on the men who beat them, and who have a large stake in how the men in their community are treated by the police, courts or prisons.

The carceral approach also neglects the more than half a million women worldwide who are themselves incarcerated – and subject, in prison, to sexual abuse, violence, humiliation, forced sterilisation and the loss of their children. In the US, which holds 30 per cent of the world’s incarcerated women (by comparison, China has 15 per cent and Russia 7.5 per cent), the women’s incarceration rate has grown at twice the rate of men’s in recent decades.³⁵ The disproportionate

poverty of women means they are less able to bail themselves out of pre-trial custody, thus increasing the number of children who are separated from their primary caregivers: 80 per cent of women in jail in the US are mothers.³⁶ In Thailand, the only country whose rate of women's incarceration rivals the rate in the US, 80 per cent of women are imprisoned for non-violent, drug-related offences.³⁷ In the UK, detainees on hunger strike at Yarl's Wood, an immigration detention centre where women can be held indefinitely, were warned by the Home Office that their protest might accelerate their deportation.³⁸ The vast majority of incarcerated women the world over are poor, undereducated, and have backgrounds involving violence. That many mainstream feminists have little to say to these women comes as no surprise, implicated as they themselves are in the carceral system.

When feminists embrace carceral solutions – cops on the street, men sent to prison – it gives cover to the governing class in its refusal to tackle the deepest causes of most crime: poverty, racial domination, borders, caste.³⁹ These are also the deepest causes of women's inequality, in the sense that it is these forces and their corollaries – lack of housing, healthcare, education, childcare, decent jobs – that are responsible for the greater part of women's misery. Globally, most women are poor, and most poor people are women. This is why feminism understood as the fight against 'common oppression' comes apart from a feminism that fights for the equality and dignity of all women. A feminism focused on women's common oppression leaves untouched the forces that most immiserate most women, instead seeking gender-equal admission to existing structures of inequality.

The turn towards carceralism is part of a broader shift in emphasis within feminism since the 1970s, away from the transformation of socio-economic life towards securing women's equality in the pre-existing structures of capitalism. As Susan Watkins pointed out in

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New Left Review in 2018, the radical women's liberationists of the late 1960s and 1970s in the anglophone world, like their contemporaries in social democratic Europe and the decolonising Third World, were interested in transforming the social order that produced not only gender inequality but also racialised and class-based inequalities.⁴⁰ They demanded universal childcare, healthcare and education; the right to reproductive self-determination and the demise of the heteronormative nuclear family; wealth redistribution, union rights, wages for unwaged domestic work, and democratic ownership of the means of production. In 1974 the New York Radical Feminists published *Rape: The First Sourcebook for Women*. In it they wrote: 'It must be made clear that rape is not a law-and-order issue. Women are not demanding castration nor are women demanding capital punishment ... We do not want to make rape laws more punitive.'⁴¹ Rape could only be eliminated, they said, through 'a transformation of the family, of the economic system and the psychology of men and women so that sexual exploitation' becomes 'unimaginable'. Rape, they said, 'is not a reformist but a revolutionary issue'.⁴²

But such transformative demands soon gave way, in the US, to what Watkins calls the 'anti-discrimination' paradigm, according to which the real problem for women was that they did not exist on equal terms with men in the workforce – 'to bring women', as Betty Friedan's National Organisation for Women put it, 'into full participation in the mainstream of American society'.⁴³ This sort of feminism was, and remains, congenial to the women who were already beneficiaries of US capitalism: the rich, largely white women who were now freed from the tedium of domesticity to become doctors, lawyers, bankers and academics. It was also congenial, as Watkins observes, to the American right, who saw in the anti-discrimination paradigm a solution to the so-called 'Negro problem' – the public spectacle of an immiserated people clamouring for racial and economic equality. The 'problem', from the right's perspective, was not how to achieve this equality, but how to avoid international embarrassment during its fight against communism

and anti-colonial insurrection.⁴⁴ By securing access for some black men and women to the professional middle class, the Nixon administration set about bifurcating the black population. There would be one class, in Nixon's words, of 'black capitalists', and a second vast black underclass, to be disciplined in the decades ahead by means of a series of 'wars' – on drugs, on crime, on 'welfare queens'. (These wars – like the 'war on terrorism' to come – were also waged on immigrants, who were made to bear the blame for white poverty.) The strategy was explicitly carceral, and has helped the US achieve the largest prison population in the world.⁴⁵ At the same time, the pursuit of 'anti-discrimination' feminism from the mid-1970s onwards laid bare the division between a newly empowered class of largely white professional women, and the class of poor, largely non-white and immigrant women who took over the tasks of caring for their children and cleaning their houses.⁴⁶

The feminists of the early US women's liberation movement, like European and Third World feminists, had not, on the whole, looked to the state's coercive apparatus for a solution to gendered violence. Sceptical of state power, they created and ran their own grassroots rape crisis centres, domestic violence shelters and abortion networks.⁴⁷ But by the 1980s, mainstream feminists had fully embraced 'law and order' as the way to deal with domestic violence, prostitution, pornography and rape. Why the shift? In part it reflected broader changes in the US in this period: increasing anxiety about violent crime,⁴⁸ together with the taking hold of an individualist ideology which implied that crime was a personal failing rather than a social pathology. In 1984, Ronald Reagan complained that liberals had sold Americans the lie that 'individual wrongdoing . . . was always caused by a lack of material goods, and underprivileged background, or poor socio-economic conditions.' 'Is it any wonder,' he said, 'that a new privileged class emerged . . . of repeat offenders and career criminals who thought they had the right to victimize their fellow citizens with impunity.'⁴⁹ In 1989, Donald Trump, then a New York City playboy and real-estate mogul, took out full-size ads

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in four of the city's newspapers, including the *New York Times*, calling for the execution of the five teenage boys, four black and one Latino, falsely accused of raping a woman in Central Park. (These ads, while distinctively Trumpian in their bombast and orgiastic celebration of state violence, also serve as a reminder that Trump's politics were formed in the context of a broader history of US carceralism.)

The carceral turn of feminism was in keeping, then, with the shifting material and ideological conditions of the postwar US.⁵⁰ But US feminists in this period also actively facilitated the growth of the carceral state, whether or not this was their intention.⁵¹ Seeking mainstream legitimacy and access to funding, some feminists became professional 'anti-violence' experts – counsellors, victim advocates, project administrators – who, as Beth Richie puts it, began to function as apologists for the system rather than agents of its transformation.⁵² At the same time, feminist lawyers led the way in redefining gendered violence as a problem of law and law enforcement.⁵³ In 1976, it was argued in a class action lawsuit, *Bruno v. Codd*, that battered women had a right to police intervention. Two years later, feminists participated in the federal Commission on Civil Rights hearings on 'wife abuse', which laid the ground for government anti-battering initiatives, including mandatory arrest requirements. In the 1980s, feminists co-operated with Republicans to introduce civil legislation against pornographers;⁵⁴ participated in a child sex abuse moral panic that sent innocent day-care workers to prison;⁵⁵ supported the creation of sex offender registries that include juveniles;⁵⁶ and launched a campaign to 'abolish' prostitution and sex trafficking through intensified criminalisation.⁵⁷ In 1994, Bill Clinton signed into law the Violence Against Women Act (the bill had been co-sponsored by Senator Joe Biden), which provided \$1.6 billion for the investigation and prosecution of violent crimes against women. US feminists, who had played a crucial role in the creation and passage of VAWA, rejoiced. It was part of the bipartisan Violent Crime Control and Law Enforcement Act, which also created sixty new death-penalty offences and got rid of

federal funding for prison education programmes. Two years later, Clinton made good on his campaign promise to 'end welfare as we know it', leaving poor women and their children more susceptible to violence. 'Pro-arrest' laws for domestic violence increased the numbers of poor men and women in prison.

All this took place against a background in which the end of the Cold War and the spiralling of Third World debt had ushered in an era of US hegemony. 'Global' feminism took on a distinctively American character.⁵⁸ The ambitions of socialist and anti-colonial feminists to create a new world order, in which women's emancipation would go hand in hand with economic justice, gave way to a new priority: to bring the world's women into the global capitalist economy, with the US at its helm. Western governments, NGOs and private foundations invested in women's education and healthcare, but the most important tool in this assimilationist project was microfinance: the extension of credit to the poor women of the world. It didn't register that what poor women said they needed was more public provision – water, electricity and sanitation. (In 1984 the Indian feminist Devaki Jain warned that 'Economic development, that magic formula . . . has become women's worst enemy.') Instead, it was decided that women's empowerment would be achieved through the issuing of small loans at 20 per cent interest rates by foreign private-sector lenders. Together with access to credit, poor women were also given the 'protection' of the carceral state. The 1995 Beijing Platform, adopted by 189 countries at the Fourth United Nations World Conference on Women, listed violence against women as one of its twelve critical areas of concern. It called on states to enact 'penal, civil, labour and administrative sanctions . . . to punish and redress the wrongs done to women and girls who are subjected to any form of violence' and to legislate for 'the prevention of violence and the prosecution of offenders'.⁵⁹

While the Beijing Platform also encouraged states to take steps to eliminate sexist practices and equip women with the means of subsistence, global women's rights activists went on to focus largely on carceral solutions to gendered violence.⁶⁰ By framing gendered

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violence as an issue of international human rights, these activists also provided cover for western military intervention.⁶¹ In a radio address in November 2001, soon after her husband inaugurated the ‘war on terror’ by invading Afghanistan, Laura Bush explained that ‘the fight against terrorism is also a fight for the rights and dignity of women.’⁶² She did not mention the historical role of the US in making Afghanistan one of the world’s worst places to be a woman⁶³ – a distinction it retains to this day.⁶⁴ After decades of foreign military intervention, including the US’s longest ever war, economic devastation has left Afghans more hopeless about their lives than the people of any other country on record.⁶⁵ Women pay a disproportionate price: 90 per cent of Afghan women have experienced domestic abuse, and 80 per cent of suicides are by women.⁶⁶

It is an embarrassment to feminism that decades of improving conditions for some of the world’s women in some respects – greater legal rights; better representation in tertiary education, elite professions, electoral politics and the media; improved access to reproductive healthcare; widespread agreement in polite society that women are men’s equals; an increased willingness among men to question the strictures of gender; the growing acceptance of non-hegemonic sexualities – have coincided with an increase across the board in other forms of inequality, especially economic inequality. I am not suggesting that the improvements in women’s lives are not real or hard-won, or that they are a benefit only to rich women. They are not. A poor woman in India also needs her husband to know he is not entitled to beat her; she must be able to have her day in court. She should be able to send her daughter, if she can scrape together the fees, to university; and her daughter must be free to love whom she wants. But this woman must also have the means to ensure her own and her family’s survival: land, water, food, but also safety, solidarity, community. The history of US feminism, which for some time has been the most globally powerful form of feminism, is a history of women – some women – wielding, to great effect, state power, and ultimately supranational power. But it is also

a history of the capitalist state channelling the power of women in ways that are conducive to its own sustenance – ways, ultimately, that do little to threaten the ruling class.

The most recent inflection point of American feminism, the #MeToo campaign of 2017, gained its motive force from the simple fact that all working women, or near enough, have experienced sexual harassment: lewd remarks, humiliation, groping, sexual threats, sabotage. On social media platforms, first in the US and then beyond, women recognised their own stories in the testimonies of other women. ‘Women come into the movement from the unspecified frustration of their own private lives,’ as Juliet Mitchell put it in 1971, then ‘find that what they thought was an individual dilemma is a social predicament and hence a political problem.’⁶⁷ Many men looked on and were surprised by what they saw. But almost immediately, the limits of ‘Me Too’ as a universal rallying cry began to show. The slogan had been pioneered by Tarana Burke, a black anti-violence campaigner, more than ten years earlier. Black women resented being asked to stand in solidarity with white women when their own protests against sexual harassment had been ignored for so long. When the actress Rose McGowan had her Twitter account suspended for posting about her treatment by Harvey Weinstein, Alyssa Milano and other white women called for a women’s boycott of the platform with the hashtag #WomenBoycottTwitter. Many high-profile black women, including Ava DuVernay and Roxane Gay, accused white women of being selective in their concern.⁶⁸ April Reign, a media consultant and the woman behind the #OscarsSoWhite hashtag, told the *New York Times*: ‘If there is support for Rose McGowan – which is great – you need to be consistent across the board. All women stand with all women.’⁶⁹

But the problem with Me Too as a mass women’s movement isn’t just a lack of ‘consistent’ application of concern and outrage across racial lines. Its fundamental problem is the presupposition that any such movement must be grounded in what women have universally

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in common. Sexual harassment is a reality for working women. But for many women, being sexually harassed is not the worst thing about their jobs. There is a profound difference between the situation of a wealthy white woman like Rose McGowan, or well-off black women like Roxane Gay and Ava DuVernay, and the poor immigrant women who clean Hollywood's bathrooms. When these women are sexually harassed, it only underscores the misery of their low-waged, precarious work. Thanks to the Hollywood actresses of Me Too, these women can now appeal to the Time's Up Legal Defense Fund to sue if they are sexually harassed. But to whom should they turn when they need money to escape an abusive partner, or healthcare for a sick child, or when immigration comes to ask for their papers?⁷⁰ Few if any feminists believe that harassment should be tolerated, that employers shouldn't be sued, or that laws against sexual harassment haven't done much to help working women, poor women included.⁷¹ But a feminist politics which sees the punishment of bad men as its primary purpose will never be a feminism that liberates all women, for it obscures what makes most women unfree.

The feminists of Me Too appear, on the whole, to have a great deal of faith in the coercive powers of the state. They protested Brock Turner's comparatively light sentence for sexual assault, celebrated when the judge in Larry Nassar's trial seemed to express the hope that he might be raped in prison, and crowed when the verdict on Harvey Weinstein came in. They champion the move to stricter notions of sexual consent both in the law and on university campuses, and have denounced critics of these developments as rape apologists. It is hard to blame them. For centuries men haven't only assaulted and degraded women, but have used the state's coercive apparatus to enforce their right to do so. Is it not time women got to wield some of that same power – to express their outrage and to take revenge?

Except that once you have started up the carceral machine, you cannot pick and choose whom it will mow down. Feminism's

embrace of carceralism, like it or not, gives progressive cover to a system whose function is to prevent a political reckoning with material inequality.⁷² This is not to say that there are no difficult choices to be made. There are poor women who want to see their abusive partners in prison, just as there are sex workers who long for violent johns to be arrested. Some opponents of carceralism think that no one deserves to be punished, that violence must never be met with more violence. But feminists need not be saints. They must only, I am suggesting, be realists. Perhaps some men deserve to be punished. But feminists must ask what it is they set in motion, and against whom, when they demand more policing and more prisons.⁷³

The renewed media attention given to the Black Lives Matter movement, in the wake of George Floyd's murder by a Minneapolis police officer in May 2020, introduced to many people for the first time the idea that the police, and the broader carceral complex of which it forms a part, might be radically shrunk or abolished. Calls to 'defund the police' have met with bafflement from those, including feminists, who cannot imagine a society that isn't regulated by the violent power of the state. Who would enforce law and order, if not the police? The assumption here is that, broadly speaking, the police and prisons do serve law and order: that such things as extrajudicial executions, false imprisonment, forced hysterectomies and sexual violence are the exception and not, in the treatment of some people, the rule. And there are some, of course, who believe in any case that law and order properly consists in the unjust treatment of poor people, people of colour and immigrants — that these people either deserve no better, or that their mistreatment is a reasonable price to pay for an orderly society.

The question — 'If not the police, then who?' — also betrays a misunderstanding of the abolitionist tradition. For most abolitionist thinkers — most notably, among the feminists in this tradition, Angela Davis and Ruth Wilson Gilmore — the proposal is not, needless to say, that the angry energies of those who are made to exist

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on society's margins should be simply let loose. Abolitionists see that carceral practices substitute control for provision: that 'criminalisation and cages' serve as 'catchall solutions to social problems'.⁷⁴ As Davis wrote in June 1971, sitting in a Marin County jail awaiting trial on charges of helping to arm black activists, 'the necessity to resort to such repression is reflective of profound social crisis, of systemic disintegration.'⁷⁵ What if, rather than relying on police and prisons to manage the symptoms of social crisis, that crisis were met head-on? As the legal academic James Forman Jr. puts it, abolitionism asks us to 'imagine a world without prisons, and then . . . work to try to build that world'.⁷⁶ What would that take? It would involve the decriminalisation of activity, like drug use and sex work, whose criminalisation is known to exacerbate rather than reduce violence.⁷⁷ It would involve a restructuring of economic relations such that crimes of survival – food theft, border-crossing, homelessness – were unnecessary. (George Floyd was killed after using a counterfeit bill to buy cigarettes. He had recently lost his job.) It would involve putting in place the social and political arrangements to meet the needs that, when they go unfulfilled, produce interpersonal violence: public housing, healthcare, education and childcare; decent jobs in democratically organised workplaces; guaranteed basic income; local democratic control of community spending and priorities; spaces for leisure, play and social gathering; clean air and water. And it would involve creating a justice system that, wherever possible, sought repair and reconciliation. Abolition, Gilmore explains, 'isn't just absence . . . abolition is a fleshly and material presence of social life lived differently.'⁷⁸

The abolitionist tradition sees that carceralism works as a cover for the deprivations of racial capitalism, and that a transformation in our social and economic relations would at least partly undermine the rationale and need for the carceral state. Implicit in the call to 'defund the police', then, is the demand for a massive redistribution of wealth and power from the rich to the poor. Like the radical feminists of the early women's liberation movement, the activists and organisers of the Movement for Black Lives have little interest in finding a place

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in a system built on someone else's terms. (Though it is true that the same cannot be said of many of their 'allies'.) The movement's 2016 manifesto, 'A Vision for Black Lives', lists six demands, including divestment from carceral institutions and investment in education and health, together with 'economic justice for all and a reconstruction of the economy to ensure our communities have collective ownership, not merely access'. Here the manifesto echoes Fred Hampton, the Black Panther assassinated by the police and FBI in 1969: 'We don't think you fight fire with fire best, we think you fight fire with water best . . . We say we're not going to fight capitalism with black capitalism, but we are going to fight it with socialism.'⁷⁹

So the Movement for Black Lives is not, as some critics on the left – most notably the Marxist political theorist Adolph Reed – have claimed, a movement that simply seeks black people's inclusion in the reigning capitalist order, with its few lucky winners and outsized population of losers.⁸⁰ Reed rightly objects to an anti-discrimination approach to racism, which doesn't seek genuine equality but, as he and Walter Benn Michaels put it, 'proportional *inequality*':⁸¹ that is, the proportional representation of people of colour at every level of an unequal economic system. Reed isn't wrong that anti-racism, like feminism, can and often does come in a form that is congenial to capitalism. Capitalism, historically, has depended, in different ways, on the creation of hierarchies based on race, caste and gender – allowing, to take just one example, the exploited white male worker to be subdued with reassurances of his superiority to his wife and to his black fellow workers. But capitalism is also well served by the logic of anti-discrimination. Sexist, racist and anti-immigrant discrimination disrupt the smooth functioning of meritocracy, potentially depriving capital of the most talented workers. Anti-discrimination measures increase the efficiency of the labour market, leaving its underlying logic – that some people must sell their labour to survive – untouched. Following the murder of George Floyd, the CEOs of Google, Amazon, Twitter and Nike all called on their employees to honour 'Juneteenth': the

commemoration on 19 June of the end of US slavery. Jeff Bezos, the CEO of Amazon, encouraged his employees to cancel all their meetings for the day – which didn't do much for the Amazon warehouse workers who go without bathroom breaks and incur repetitive strain injuries as they labour under the constant threat of algorithmic censure.

Reed and other left critics of 'identity politics' tend to think that proportional inequality is the best that anti-racist politics can aspire to.⁸² If that's right, the US – and other racially stratified societies too – may be doomed. For the historical absence of a mass working-class movement in the US has plausibly much to do with white racism and nativism, themselves a historical product of class antagonism.⁸³ As W. E. B. Du Bois put it in *Black Reconstruction in America* (1935), white racial supremacy has served as a 'compensation' for the immiseration that capitalism brings on white workers, precluding the possibility of working-class solidarity across the colour line.⁸⁴ It is no doubt true that a working-class movement in the US cannot succeed by alienating poor white people, still less by treating them as objects of contempt. But it is truer still that such a movement cannot succeed without speaking to – indeed, unless it emerges from – the increasing proportion of the working class that is not white or native-born – the growing number of people, that is, whose lives are directly devastated by the entanglement of capitalism, racism and xenophobia.⁸⁵ This is not just because these people increasingly *are* the working class, and that for them the force of 'class' is experientially inseparable from the workings of 'race'.⁸⁶ It is because their lives, in their greater devastation, contain within them the demand for the most revolutionary change.

Theorists like Reed think this dilemma can be resolved, not by creating a multiracial and pro-immigrant working-class politics, but by focusing on the 'common oppression' of all poor Americans – namely, their exploitation under capitalism, narrowly understood. But, as bell hooks said of white feminism, this approach threatens not just to cover up but to perpetuate the oppression of the worst-off. What's more, to

the extent that a psychic investment in whiteness and ‘native’ status plays a role in the antipathy of poor whites towards immigrant workers and workers of colour – as recent events in the US and UK suggest it does – the delayed confrontation with racism and xenophobia guarantees misery for poor whites as well.⁸⁷ In a letter to Angela Davis as she sat in jail in 1970, James Baldwin lamented that

only a handful of the millions of people in this vast place are aware that the fate intended for you . . . is a fate which is about to engulf them, too. White lives, for the forces which rule in this country, are no more sacred than Black ones . . . the American delusion is not only that their brothers all are white but that the whites are all their brothers.⁸⁸

The question, therefore, is not: ‘Can the anti-racist movement ever be sufficiently anti-capitalist?’ Instead, we should ask: ‘Can a working-class movement afford not to be anti-racist?’

So too with the relationship between feminism and anti-capitalism. Marxist feminists of the 1970s pointed out that capitalism rested on the unwaged labour of women in the household. Working-class women, they observed, not only birthed, clothed and fed male workers, but also soothed their egos, absorbed their frustrations and created homes that offered them some respite from alienated labour.⁸⁹ Increasingly, in advanced capitalist countries, women’s work, the work of social care (cleaning, nursing, feeding, child-rearing, teaching the young, tending to the old), is now bought and sold. Low-waged women are becoming the face of the new working class, and they are at the heart of its most hopeful protests.⁹⁰ The Covid-19 pandemic has given a stark demonstration of how the patriarchal ideology of the self-sufficient nuclear family entraps not only women but men in lives that are deemed, in that contradiction of contemporary capitalism, at once ‘essential’ and disposable.⁹¹ It has made clear to many what certain feminists have long insisted: that the work of social reproduction must be the work

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of society. The question isn't whether feminism can be a working-class movement, but whether a working-class movement can afford to be anything but feminist.

To say that a working-class movement must be feminist and anti-racist is not to deny that capital is able to co-opt, and indeed has co-opted, feminist and anti-racist energies. It would be a mistake to underestimate the genius of capital: its ability to repurpose and reconstitute itself in accordance with cultural shifts. The same is true, after all, of even 'purely' anti-capitalist demands, like universal basic income: a proposal that has been advanced by many socialists but appeals to Silicon Valley billionaires who see it as a means of quieting resistance to the tech-abetted erosion of decently paid, middle-skilled jobs.⁹² In 1973, the Notting Hill Women's Liberation Workshop Group explained that a statement of demands delivered by Selma James the year before – including wages for housework, equal pay and community-controlled nurseries – was 'not a statement of what we want, finally, to have'. These demands, they said, did not constitute 'a plan for an ideal society', and a society that satisfied them would not thereby 'cease to be oppressive'. Rather, the demands were simply meant to act as 'a force against what capital wants and for what we want'. For 'ultimately the only demand which is not co-optable is the armed population demanding the end of capitalism.'⁹³ There is no settling in advance on a political programme that is immune to co-option, or that is guaranteed to be revolutionary rather than reformist. You can only see what happens, then plot your next move. This requires being prepared – strategically and emotionally – to abandon ways of thinking and acting to which you may have become deeply attached. In that sense, nostalgia is a barrier to any truly emancipatory politics. This is as true in feminism as anything else.

But what about the rapists?

This is the objection on which the critique of carceralism is supposed to crucially founder. Surely the example of the rapist shows us, if nothing else does, that abolitionism is unworkably

utopian. How can a feminist criticise patriarchal practices of punishment while demanding that the rapist be tried, convicted and locked up?

Some opponents of carceralism answer this challenge by insisting that sexual assault is a product of social problems that can be solved through the application of non-carceral forms of state power, most obviously the radical democratisation of the economy and political decision-making. But this makes the mistake of reducing patriarchal oppression to economic and political oppression. Sexual violence is indeed partly a function of those things: racial domination, economic inequality and deficits in democracy are all predictors for high rates of sexual assault.⁹⁴ In particular, crises of masculinity, precipitated by de-industrialisation and wage depression, make women particularly susceptible to sexual violence. But the reasons underemployed and hopeless men turn their aggression on women are not exhausted by economic forces: there are dimensions of gender relations that pre-exist our current economic arrangements. So long as the critique of capital is made in terms of economic relations alone, it will never fully account for, or remedy, sexual violence. A full critique of capital must see gendered subordination as an essential aspect of the broader capitalist system – economic, yes, but also social, ecological, psychic and so on – that is its proper object.⁹⁵ Otherwise, an anti-capitalist politics threatens to abandon women to civil society, which has for them, as Catharine MacKinnon aptly put it, ‘more closely resembled a state of nature’.⁹⁶

But what about the rapists? The question is sometimes played as a trump card. But in fact it’s a question about which abolitionist feminists have plenty to say. They begin by asking: which rapists? In the US, after excessive force, sexual misconduct is the most common complaint brought against cops. Between 2005 and 2013, 405 police officers were arrested for forcible rape, and 219 for forcible sodomy.⁹⁷ In England and Wales, there were 1,500 accusations of sexual misconduct against police officers between 2012 and 2018.⁹⁸ When, in March 2021, a police officer was charged with the kidnapping and

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murder of a young British woman, the UK government responded by announcing that plainclothes police officers would begin patrolling bars and clubs at closing time, as part of an initiative called 'Project Vigilance'. In India in 2014, a woman was gang-raped by four police officers; she had gone to the police station to seek her husband's release.⁹⁹ Theorists and practitioners of feminist abolitionism – often poor women of colour – are building, in various places, democratic, community-based institutions to manage interpersonal violence, including sexual violence, without turning to the coercive apparatus of the state. They seek new ways of holding men accountable, insisting at the same time that men not use their treatment at the hands of the state as an excuse for their own violence.¹⁰⁰ These projects, for their various successes, have proved gruelling, calling on precisely the women most susceptible to gendered violence to create the institutions that will be needed to end it. If they were supported by a different form of state power – not carceral, but socialist – such projects would no doubt be far easier. Guaranteed income, housing and childcare would free the world's poor women to think about how to make their communities safer and more just – how to teach their sons and brothers and partners what it means to live on equal terms with women and girls. But it would be gruelling work nonetheless, asking women to do what the law has not and, in my view, cannot: transform the most basic terms of engagement between women and men.

There is a paradox in powerlessness. Collectivised, articulated and represented, powerlessness can become powerful. This is not in itself a bad thing. But with new power comes new difficulties and new responsibilities. This is especially true for those whose acquisition of power rests on their ethical authority: on their promise to bring into being something new and better. Feminists need not abjure power – it is, in any case, too late for that – but they must make plans for what to do when they have it. Too often,

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feminists with power have denied their own entanglement with violence, acting as if there were no hard choices to be made: between helping some and harming others, between symbolism and efficacy, between punishment and liberation.

It is often the case that those with power are the ones least capable of seeing how it should be wielded. But this needn't be, for feminists at least, a cause for despair. Feminism is a movement. In it there have always been, always are, those for whom power remains elusive – those who have still not won, those for whom winning so far means surviving. It is these women, at the sharp end of power, to whom the rest of us must turn, and then, turning, follow.