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## Sexual pleasure as a human right: Harmful or helpful to women in the context of HIV/AIDS?

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### Synopsis

Sexual rights advocates recommend that sexual pleasure should be recognised as a human right. However, the construction of sexuality as gender-neutral in sexual rights literature conceals how men's demand for sexual pleasure often reinforces the subordination of women. In the context of HIV/AIDS, men's belief that they have a right to use women for sexual pleasure is a recognised and cross-cultural barrier to effective HIV prevention. Research on sexuality from the fields of feminism, political science, public health, and HIV/AIDS reveals that violence against women is fundamental to the construction of masculinity. This violence is manifested through rape, sexual coercion, sexual objectification, and prostitution. By challenging the forms of sexuality and sexual pleasure that reinforce masculinity, it may be possible to imagine sexual rights that are based on sexual equality. In this article, I suggest that a new model for sexual rights that simultaneously provides women with greater sexual pleasure and lessens the risk of HIV transmission is possible.

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### Introduction

Within the growing international discourse of sexual rights, it is increasingly recommended that sexual pleasure should be recognised as a human right. Since 1983, sexologists have worked with the World Health Organization (WHO) to define sexuality and sexual health (PAHO and WHO, 2000, pp. 1–2, 49; WHO, 1987, pp. 1, 21). Their work culminated at a meeting with the WHO and the Pan American Health Organisation (PAHO) in 2000, during which the WHO agreed to endorse the World Association for Sexology's "Declaration of Sexual Rights" (PAHO and WHO, 2000, pp. 2, 37–38). Within this Declaration, it is recommended that sexual rights are fundamental to

human rights. The right to sexual pleasure is listed as one of eleven core principles. There are five major sexual rights declarations or bills in global circulation and four of them propose that sexual pleasure should be recognised as a right. The authors of these declarations use gender-neutral language in principles and definitions of terms. Thus, they do not explain how the right to sexual pleasure, or any sexual right, may affect women and men differently. The omission of a feminist analysis of gender from sexual rights principles means that they are difficult to apply to political reality. However, the fact that one set of these principles has now been endorsed by the WHO demands that feminists test the application of each principle to women's lives in a variety of economic, cultural, and sexual contexts. I am

interested in exploring whether a right to sexual pleasure will enhance progress towards sexual equality and whether it will help efforts to prevent HIV transmission from men to women. Sexual equality has been included as a theoretical goal because it is essential to the meaningful expression of human rights. I have selected HIV as a political context because each day, 8800 women are newly infected with HIV (UNIFEM, 2000, p. 11). Women account for 55% of new infections and 70% of all new infections are spread by sexual intercourse (Sandrasagra, 2001, p. 5; UNIFEM, 2000, p. 11). In this sense, the spread of HIV from men to women directly involves the pursuit of sexual pleasure and therefore, the proposed transformation of sexual pleasure into a human right.

Feminists and sexologists have attempted to define the concept of sexual rights during the past decade. According to political scientist, Rosalind Pollack Petchesky (2000), sexual rights became a part of international discourse in the platform for women's reproductive rights during the 1994 International Conference on Population and Development (ICPD) and at the 1995 Fourth World Conference on Women in Beijing (FWCW). She explains that the term "sexual rights" appeared in the draft Platform for Action arising from the Beijing conference, but was deleted from the final version. Petchesky believes that the phrase was deleted because "underneath the aversion to sexual rights lurk taboos against homosexuality, bisexuality, and alternative family forms" (Petchesky, 2000, p. 86). She reveals that the sexual rights discourse at Cairo and Beijing was suppressed by Vatican-led fundamentalists who began a media campaign against reproductive and sexual rights on the basis that they were associated with "individualism", "Western feminism" and "lesbianism" (Petchesky, 2000, pp. 86–87). Petchesky is concerned that the human rights discourses of feminists focus solely on sexual violence against women rather than asserting women's right to sexual pleasure. She believes that this is a "victimizing tendency" and that feminist human rights campaigns "capitalize on the image of women as victims" (Petchesky, 2000, p. 90). Her aim is to create sexual rights in which there is a positive acceptance for relationships and family forms beyond heterosexuality in a new paradigm that she labels sexual diversity and "multisexualism" (Petchesky, 2000, p. 91).

Petchesky's emphasis on "multisexualism" intersects with Barbara Klugman's criticism of the European interpretation of sexual rights. According to Klugman, director of the Women's Health Project at the University of Witwatersand in Johannesburg, the phrase is interpreted differently by South Africans than Europeans. She contends that in South Africa, sexual rights are understood as "the right of women to control their sexuality" (Klugman, 2000, p. 1). She criticises the European delegates' interpretation of sexual rights at the 1995 Beijing conference because, as she claims, they were "unable to conceptualize sexual rights beyond the limited aspect of discrimination on the basis of sexual orientation" (Klugman, 2000, p. 6). Thus, there are strong differences underlying the interpretation of sexual rights, even among feminist advocates. While Petchesky concentrates on how the suppression of sexual minority politics impedes the possibility of sexual rights for lesbians and homosexual men, Klugman focuses on how male dominance obstructs all women's sexual rights.

### **Feminist sexual rights**

There are two sexual rights documents that have been drafted by feminist activists. The first is found in the "Action Sheets" of the North American based organisation Health, Empowerment, Rights and Accountability (HERA). The second is "South Africa's Sexual Rights Charter", drafted by the Women's Health Project (WHP), of which Barbara Klugman is a member. The Charter is a part of "The Sexual Rights Campaign" in South Africa, which includes seven major non-governmental organisations and additional community based organisations. Both HERA and WHP's versions of sexual rights include non-discrimination on the basis of sexual orientation as well as emphasising the need for women's sexual autonomy. Members of HERA created an Action Sheet that they claim defines "the central concepts of the agreements reached" at the 1994 ICPD and 1995 FWCW. They write:

Sexual rights are a fundamental element of human rights. They encompass the right to experience pleasurable sexuality, which is essential in and of itself

and, at the same time, is a fundamental vehicle of communication and love between people. Sexual rights include the right to liberty and autonomy in the responsible exercise of sexuality (HERA, 2004, p. 27).

Thus, the right to “pleasurable sexuality”, or sexual pleasure, is deemed “essential” and a fundamental element of human rights by HERA. Their version of sexual rights include non-discrimination about the choice of sexual partners as well as the “right to choose to be sexually active or not” (HERA, 2004, p. 28). They also emphasise that gender equality “cannot be achieved without sexual rights”, a statement that places sexual rights firmly within the scope of international feminist and human rights activism (HERA, 2004, p. 29). HERA recommends that human rights workers and advocates should be trained in the promotion of sexual rights as human rights (HERA, 2004, pp. 30–31). However, HERA does not define the terms that they use, which leaves them open to interpretation, including misinterpretation. Consistent with all other sexual rights documents, HERA’s definitions do not include gender-specific language. The use of gender-neutral language in sexual rights conceals how gender and sexuality are interrelated. For example, while HERA recommends the promotion of gender equality and the elimination of violence against women, they do not discuss the role of male dominance and individual men in maintaining sexual inequality through violence against women (HERA, 2004, pp. 27–31).

In “South Africa’s Sexual Rights Charter”, there is a relatively direct approach to addressing the difficulties that women encounter in sexual relations with men. It opens with a paragraph stating that in South Africa, women have a constitutional right to equality and fairness. It states that there is an inequality of rights, as proven by high levels of “rape . . . domestic violence . . . HIV and AIDS [and] teenage pregnancy” (WHP, 2004, n.p.). While this Charter also uses gender-neutral language, its preamble and examples of sexual inequality are clearly aimed towards ending violence against women and girls, who suffer the burden of rape, domestic violence, teenage pregnancy and, in South Africa, HIV. Its rights include the right to enjoy sex, to safer sex, to say “NO” to sex, to non-discrimination, to employment alternatives to prosti-

tution, and the right to well-trained professional and caring services. Many of these rights encompass a feminist understanding of women’s experiences of sexuality. Yet the Charter falls short of identifying and addressing the perpetrators of sexual violence against women. For example, there is no (?) right to recourse against men who commit sexual violence against women and children. Perhaps more importantly, there is no recognition in sexual rights documents that by making sex a right, inequality in sexual relations may be exacerbated. For example, a right to sexual pleasure which is exercised by men may increase the violation of women’s right to say “NO” to male initiated sexual activity.

### The ideological origin of sexual rights

I suggest that one reason why sexual rights discourse may not begin with an analysis of male sexual dominance or the goal of sexual equality is that the very concept of sex as a right is derived from sexology rather than feminism. As discussed, the “Declaration of Sexual Rights” endorsed by the World Health Organization was created by members of the World Association for Sexology in 1999 (PAHO and WHO, 2000, pp. 37–38). The very first “Bill of Sexual Rights” was drafted in 1976 by Lester Kirkendall. At the time, he was working as a sexologist and a Professor of Family Life at the University of Oregon (Kirkendall, 2004, n.p.). Throughout the Bill, Kirkendall condemns any legislation or belief systems that curtail sexuality in any form, with the exception of laws which “protect the young from exploitation”. On a positive note, there is a strong recommendation against sexual harm found under Principle 9 which reads, “No person’s sexual behaviour should hurt or disadvantage another. This principle applies to all sexual encounters” (Kirkendall, 2004, n.p.).

In 2004, an updated version of Kirkendall’s Bill was created by sexologist Vern L. Bullough. It is titled “The Bill of Sexual Rights and Responsibilities” and has been signed by 54 sexologists, sex therapists and psychologists. In it, the original Principle 9 has been altered so that it now reads, “No person’s sexual behaviour should hurt or disadvantage another without their willing consent” [emphasis mine] (Bullough, 2004, n.p.). Thus, the principle of no sexual harm in

Kirkendall's original document has been diluted to ensure that some forms of sexual harm are now considered permissible and consensual. The forms of sexual harm that Bullough seeks to protect are conspicuous by their omission from the 2004 Bill. Under Principle 6 in the 1976 Bill, Kirkendall states that "prostitution, sadomasochism, [and] fetishism" are "limiting and confining" forms of sexual expression which should be challenged (Kirkendall, 2004, n.p.). The 2004 Bill deletes that section and replaces it with a statement that while prostitution may be regarded as "demeaning or confining by many", it is only soliciting in the vicinity of children that should be prohibited. Thus, Kirkendall's belief that prostitution, sadomasochism and fetishism are unhealthy sexual practices is censored in the revision of his work, which includes an additional clause that those who are caught "soliciting" should be subject to legal regulation (Bullough, 2004, n.p.). There is no equivalent recommendation to regulate male buyers of women in prostitution. Kirkendall's 1976 Bill contained some sexual rights principles that could have been used to impede sexual violence against women. However, the latter Bill has altered them to the extent that the burden for proving sexual violence now lies with its victims, who must prove that they did not consent to sexual harm, and with street prostituted women caught "soliciting", rather than the men who buy them.

In the 2004 "Bill of Sexual Rights and Responsibilities", sexual harm is no longer considered negative per se. Rather, some forms of sexual harm are acceptable if they are seen to be consensual. Clive Hamilton, the Executive Director of The Australia Institute, explains the ideological origin of using consent as a barometer for morality when he writes:

The dominant principle of moral behaviour in a 'post-modern' society is the ethic of consent. According to this ethic, when third parties are not affected, informed consent is the only ground for judging the moral value of someone's behaviour . . . This radical individualism is the ethic explicit in libertarianism (Hamilton, 2004, p. vii).

By applying Hamilton's theory to the 1976 and 2004 sexual rights bills, it becomes apparent that they

are strongly ideological. The movement from a principle of no sexual harm to the acceptance of sexual harm with consent indicates an ideological shift from sexual liberalism to sexual libertarianism (Jeffreys, 1990, p. 15; Rice, 2002, pp. 7–24). Sheila Jeffreys illustrates the distinction between sexual liberalism and sexual libertarianism when she writes, 'Sexual liberals are those who subscribe to the 1960s' agenda of sexual tolerance, to the idea that sex is necessarily good and positive, and that censorship is a bad thing. Sexual libertarians have a more modern agenda and actively advocate the 'outer fringes' of sexuality, such as sadomasochism, with the belief that 'sexual minorities' are at the forefront of creating the sexual revolution' (Jeffreys, 1990, p. 15).

### The problem with consensual sexual violence

Sexologists' support for harm with consent poses significant problems for people who work against sexual violence on the basis that no harm committed against women is justifiable. Authors and signatories to the 2004 "Bill of Sexual Rights and Responsibilities" recommend sexual harm with consent as a part of sexual rights. However, in the feminist context, the idea of consent becomes far more than the sexual libertarian measure of morality employed by Bullough and criticised by Hamilton. Rather, it is an idea that conceals political structures of sexual inequality. Judith Rowland, an English lawyer, decided to defend victims rather than act for the prosecution, after she had seen how consent was used in court to protect rapists instead of the women they rape. Like many feminists, she knew that consent was deeply problematic for women who, in cases of domestic violence and sexual assault, sometimes appear to give it simply because they are too afraid for their lives to say "no" (Rowland, 1985, p. 295). Helena Kennedy wrote the introduction to Rowland's book and she explains that

The very nature of rape tends to locate the crime in the privacy of closed rooms . . . The concept of consent that is debated by lawyers and juries often hinges on whether or not the victim offered sufficient resistance to the attack . . . this is despite clear evidence in the 1976 Sexual Offences Act that the crucial element is lack of consent, not force (Kennedy, 1985, pp. v–vi).

This sort of consent by omission, or the construction of women's silence as consent, has been adopted as the definition of consent by courts around the world. Its major effect on women seems to be the protection of men's right to commit sexual violence against women if they define it as sex and pleasure rather than rape. During 2002–2003 in South Australia, the conviction rate for reported rape and attempted rape fell to under 1.8%. Sandra Knack, a Parliamentary spokesperson for the Democrats revealed that

Nearly double the number of charges were dropped for sexual offences as compared with all other offences against the person in South Australia in 2002 . . . Rates of acquittal were nearly triple those for non sexual offences and sexual offences have the lowest rate of guilty pleas for any major offence (*Australian Associated Press*, 2003, n.p.).

If women cannot even use consent to stop sexually violent men through the legal system, it seems unlikely that uttering the word 'no' behind closed doors will stop their violence. At the very least, the idea that the tool of consent can stop male sexual harm/violence presumes that all people are equally free as individuals to say 'no' and to control sex behind closed doors. Later in this article, I will discuss whether the presumption that women freely choose to consent to sexual activity reflects reality. Consent seems to be an inadequate measure to prevent male sexual violence because, most obviously, it fails to prevent it. The idea that women can give and withdraw sexual consent with good effect is also used to protect the perpetrators of violence against women in rape trials and in some sexual rights literature. The hypothesis that consent can prevent sexual harm to women depends upon the belief that women and men already possess and can exercise equal rights in sexuality.

### **Constructing sexual rights as women's rights**

If sexual rights are to encompass women's rights, it is important to consider whether there is a relationship between gender, power and sexuality. Without such consideration, sexual rights advocates risk being unable to respond to the differences between women and men's experiences of sexuality and thus unable to recommend rights that are equally liberating to both

sexes. As discussed, this problem is already apparent in the 2004 Bill and the use of consent as a barometer of sexual freedom.

### **The role of male sexual pleasure in reinforcing masculinity**

Some pro-feminist men are addressing how the pursuit and exercise of male sexual pleasure are related to gender and sexuality. According to academic Robert Jensen, men are taught that their sexual pleasure depends upon acquiring people to use as objects. He writes:

Perhaps the most important rule of patriarchy is: you gotta get it. You have to fuck something at some point in your life. If you don't get it, there's something wrong with you. You aren't normal. You aren't really alive. You certainly aren't a man (*Jensen*, 1998, p. 151).

Jensen contends that manhood is proven most effectively when men use another person as an object to satisfy male sexual pleasure. He adds that this is true for heterosexual and homosexual men. In this sense, the construction of male sexual pleasure is intimately connected with the construction of masculinity through penile penetration of another person. The research of Luoluo Hong, a kinesiologist at Louisiana State University, supports Jensen's theory. In his study "Toward a Transformed Approach to Prevention: Breaking the Link Between Masculinity and Violence", Hong asserts that

. . . predominant conceptions of American masculinity assign men the role of 'aggressor' and women the role of 'gatekeeper' in sexual situations. Contrary to women's experiences, most men are taught to regard sexuality as a realm of danger and to view sexual intercourse as an act of conquest (*Hong*, 2000, p. 273).

Hong explains that masculinity requires male sexual aggression and that this encourages men to use sexual intercourse as a way to achieve domination or "conquest". According to him, men become masculine during sexual intercourse only to the extent that they can dominate women. He distinguishes between the way women and men view sexual intercourse. Sexuality is revealed as different for women and men because it enables men to "conquest", or gain power.



In a heterosexual setting, this process logically requires the complementary action of women being the objects of conquest and losing power. Martin Foreman, a researcher with the Panos Institute also describes how masculinity is established through sexual intercourse. In his 1999 book *AIDS and Men* he writes, “The sexual component of masculinity is virility, defined by man’s ability to penetrate” (Foreman, 1999, p. 16).

According to men’s own research, male sexual pleasure demands the use of women as objects for male sexual dominance. They contend that male sexual dominance, or masculine gender, is achieved primarily through penile penetration. Wili Quintero Castillo, the Co-ordinator of the Masculinities and Sexual and Reproductive Health Project of Taller Abierto in Colombia supports the findings of Jensen, Hong and Foreman. He states that, “The dominant conception of masculinity insists above all that men should be the material provider, protector (by means of force) and sexual penetrator . . . men must separate themselves from and oppose all that is considered feminine” (Castillo, 2003, pp. 62–63). Castillo observes that masculinity is proven by sexual penetration of women. The act of penetration enables men to be the opposite of feminine, which is recognised by Jensen, Hong, Foreman and Castillo as the “something” that is “fucked”, the object of conquest, and the object of penile penetration. However, the differences between the construction of male and female sexuality are not considered in sexual rights literature because it does not analyse the relationship between gender and sexuality. This enables sexual rights advocates to present the right to sexual pleasure as gender-free and therefore power-free and unproblematic.

### **Men’s pursuit of sexual pleasure: does it subordinate women’s sexual autonomy?**

Susan Maushart, a journalist with the *Weekend Australian Magazine*, writes about how the appearance and behaviour of difference generated by gender has become the fundamental stimulus of sexual pleasure. In her book *Wifework*, she explains that

. . . it’s the differences between lovers that kindle their appetites . . . But it’s not just difference that matters. If

it were, we would be reading trashy novels about tall, greying female CEOs who spot a ‘certain something’ about their under-educated but plucky accounting clerks. No the kind of difference that we (sic) find sexy has the man securely positioned ‘on top’ (Maushart, 2001, pp. 171–172).

Maushart observes that the differences that stimulate heterosexual “appetites” or sexual pleasure are those which connect biological maleness with masculinity, the power of which is proven by sexual dominance over women. According to her research, in a heterosexual setting, gender and sexuality are made inseparable by the fact that men experience male dominance of women as sexually pleasurable. She notes that women’s primary pleasure is derived from pleasing men, rather than themselves. The subordination of women’s sexual pleasure to men’s sexual demands is demonstrated by the fact that very few studies found by Maushart are based on what women want in sexuality. For example, she notes that she has “never heard or read a study that set out to solve male ‘sexual pushiness’ in marriage, or heard of a sex therapist who strives to dampen down a man’s libido to harmonise more naturally with his wife’s” (Maushart, 2001, p. 180). Drawing on her own empirical research, Shere Hite had already observed in the late 1970s that women rarely experienced orgasm during sexual intercourse, but nevertheless endured it on a regular basis to fulfil their womanly role, which required sexually servicing male partners (Hite, 1981, pp. 421–429). After compiling her research, Hite compared heterosexual intercourse to traditional sex roles in which women are always “watching and nurturing, always acting as help-mates to the lives of others’ rather than prioritising their own sexual pleasure” (Hite, 1981, pp. 137, 138).

Hite and Maushart’s findings that heterosexual women’s sexuality is a response to male sexual dominance is supported by more recent research into sexual coercion in heterosexual settings. The work of psychologists Emily A. Impett and Letitia A. Peplau shows that sexual coercion is commonly used by men to elicit sexual compliance in women. They use the term ‘sexual compliance’ to describe situations in which one partner does not cause but actually avoids a ‘troubled’ interaction by putting the other partner’s sexual desires ahead of his or her own and willingly engaging in unwanted sex (Impett and Peplau, 2003, p.

87). By reviewing all the recent literature on sexual coercion in heterosexual relationships, Impett and Peplau found that many more women in the US are enduring “unwanted sex” frequently. In one study, 50% of women recorded that they had been submitted to “unwanted sex” at least once in the preceding fortnight (Impett and Peplau, 2003, p. 88). Impett and Peplau’s work demonstrates that male dominance may operate more commonly through coercive rather than forced heterosexual intercourse. As previously discussed, it is very difficult to punish rapists with the use of consent and rape laws. It is not difficult to imagine how hard it would be to prove sexual coercion to a legal system that does not even punish outright violence when this violence provides men with sexual pleasure.

### **HIV and men’s right to sexual pleasure: a lethal combination**

There is mounting evidence that men’s demand for sexual pleasure is problematic politically and in terms of health, especially in the context of HIV/AIDS. The 2003 WHO report “Integrating Gender Into HIV/AIDS Programmes” states that there is “an unequal balance of power in sexual relations in which the satisfaction of male pleasure is more likely to supersede that of female pleasure, and where men have greater control over their sexuality” (WHO, 2003, p. 10). In the 2003 report “Working with men, responding to AIDS”, the Men As Partners Programme of EngenderHealth describes how men’s sense of sexual entitlement to women is obstructing HIV prevention efforts. Researchers explain that

... men exercise power and control over the women in their lives, backed by fear or actual violence. Gender norms reinforce men’s attitudes towards women as sexual objects, from whom they are entitled to sex. Both the reality and the fear of sexual violence strengthen male control over female sexuality and increase women’s vulnerability to HIV/AIDS (International HIV/AIDS Alliance, 2003, p. 31).

In this excerpt, women’s vulnerability to HIV/AIDS is related directly to male sexual dominance and the construction of gender. Men’s belief that they are “entitled” or have a right to sex creates the demand

for women who they can use as “sexual objects”. In turn, this sexual objectification of women manifests through male sexual dominance of women during intercourse, which exposes women to HIV.

In HIV literature, male control over women’s sexuality is often measured by their refusal to wear condoms during sexual intercourse. The role of men’s right to sexual pleasure in threatening women’s health is evident in a 2000 UNAIDS report titled “Men and AIDS—a gendered approach”. The report reveals that, “In a study in 14 countries, the most common reason men reported for not using condoms was reduced sexual pleasure” (UNAIDS, 2000, p. 16).

Men’s established right to sexual pleasure and their refusal to use condoms is connected to the maintenance of masculinity. In an anthology of papers from the 6th Asia-Pacific Social Sciences and Medicine Conference, a study of teenage males in Indonesia found that in fraternal groups, non-use of condoms is associated with masculinity. In this context, sexually transmitted diseases (STDs) are a “source of pride, masculinity” and sexual prowess (Moeliono, 2004, pp. 86–87). However, the notion that condoms reduce male sexual pleasure is also cited as a reason that boys and men will not wear them (Moeliono, 2004, p. 83). The idea that condoms challenge masculinity reinforces the idea that penetrative sex is essential to establishing gender. However, it indicates that it is male ejaculation inside women that is the fundamental proof of masculinity. Anti-pornography theorist John Stoltenberg discussed the connection between male ejaculation in coitus and masculinity when he wrote:

Men as a class are devoted to the sex act that deposits their semen in a vagina—‘in situ’ as men have so tellingly named their target. And men as a class are firmly attached to the idea that any issue resulting is proof positive that they are manly (Stoltenberg, 1989, p. 96).

Thus, according to Stoltenberg, it is coitus that leaves ejaculate inside women which demonstrates masculinity most clearly. As discussed, men contend that male sexual pleasure is connected with coitus, the act which is used to establish masculinity. This demonstrates that gender and sexuality are fused through the manifestation of male sexual pleasure.

In her 1994 book *Loving To Survive*, feminist psychologist Dee Graham uses numerous studies to

show that most women experience the exercise of male pleasure through coitus neither as a power-free nor pleasurable event, but as the most repetitive and defining element of female sexuality. She writes that:

There are numerous examples of the ways that heterosexual practice establishes male domination ... 'normal' sex is carried out in the missionary position, in which the man is on top. The erotic stimulation from which women derive the greatest pleasure and are likely to achieve orgasm is trivialized as 'foreplay'. Only 30 percent of women achieve orgasm through sex involving penile penetration alone, but this is what is defined as 'having sex'. As a result, most women are defined as sexually deficient. Sex is defined from men's perspective and is what gives men pleasure (Graham, 1994, p. 111).

Graham notes that the definition of sex as male penetration of women benefits men at the expense of the 70% of women who do not gain equivalent pleasure from it. The success of sexual inequality as an ideology is demonstrated by the fact that men's sexual pleasure is not only understood as the meaning of sex, but as women's sexual pleasure also.

When writing about heterosexual transmission of HIV, Willeke Bezemer also questions the presumption that coitus is the meaning of sex. She criticises the focus on condoms in HIV safer sex campaigns, claiming that it reinforces coitus as the "social norm of 'real' sex" (Bezemer, 1992, p. 34). The common understanding that coitus is real or desirable sex is challenged by three studies reviewed by Bezemer. These studies interviewed hundreds of heterosexual couples. They revealed that 50% of women prefer to have sex without penile penetration, while 30% expressed "no strong opinions" about it. Only 20% of women preferred penile penetration in sex (Bezemer, 1992, pp. 34–35). These findings offer support to Graham, Maushart and Hite's theory that sex is constructed to be whatever gives men pleasure.

The link between male sexual pleasure, gender and coitus is highlighted in a 2002 report by the English organisation Healthlink Worldwide titled "Combat AIDS: HIV And The World's Armed Forces". In it, soldiers claim that they will not use condoms because they are a "restriction on masculinity [and] they reduce sensation" (Foreman, 2002, p. 42). Thus, the restriction on male ejaculation into women is viewed

as a "restriction on masculinity". As demonstrated, men's right to masculinity and sexual pleasure is given precedence over women's sexual pleasure and protection from HIV. When men refuse to wear condoms and still succeed in gaining sexual intercourse, it indicates that male sexual pleasure is in direct violation of a range of women's human rights, including the rights to health, bodily integrity and even women's right to life. It is reasonable to presume that a woman whose bodily safety is being violated by intercourse with a man who refuses to use a condom is not benefitting from his right to sexual pleasure.

The most recent wave of HIV prevention targets men for behavioural change. However, it seems unlikely to impede HIV transmission because it avoids challenging the sexual politics that render women vulnerable to HIV: male sexual dominance exercised through compulsory coitus. Janet Bujra, of the Department of Peace Studies at the University of Bradford UK and Carolyn Baylies of the Department of Sociology and Social Policy at the University of Leeds UK analysed the shift towards targeting men for involvement in HIV prevention. In 2004, they described:

A recent global shift towards the recognition that men are driving the AIDS epidemic ... there are indications of minor shifts in male behaviour born out of self-preservation, that are nevertheless beneficial to women ... Some changes are evident, however [m]en ... have begun talking about how to protect themselves from AIDS while still asserting male prerogatives ... AIDS campaigns are now beginning to target men, but they are often confined to condom promotion and personal risk awareness ... They appeal to men's self-interest rather than challenging their power over women or promoting mutuality between the sexes (Bujra and Baylies, 2004, n.p.).

Bujra and Baylies recognise that protecting masculinity is one of the ways in which HIV prevention programmes appeal to men's "self-interest". The "self-preservation" described by them involves preserving men's health and masculinity simultaneously. An example of such a programme is the "condom choice trials" run by Family Health International in 2003. Men in Ghana, Kenya and South Africa were offered four different brands of condoms called Inspiral, USAID-issued, Rough Rider and the country's



“socially marketed condom” (Smith, 2003, p. 7). Researchers found that men were selecting Rough Rider as their first choice. In their analysis, they question whether the men like the bumps and ridges, the colour of the packaging, or the way the condom is promoted. Nowhere do they suggest that Rough Rider is the men’s first choice because it is a term that means male dominance and aggression in sexual intercourse. There is no discussion of how masculinity is manifested through the sexual domination of women, or the effect that promoting rough-riding penetrative sex may have on women’s health, well-being and vulnerability to HIV (Smith, 2003, pp. 5–8). However, in 2003, The Africa News Service did make some of the necessary connections between sex, gender, coitus and HIV prevention. According to their research:

The last decade has seen an explosion of interventions around HIV/AIDS centred on women and girls. There is a greater understanding of the gender dimensions of the epidemic. But many interventions fail because they do not[t] take into account the identity constructions of the men who interact with women and girls as partners, husbands, fathers and relatives. Among these core elements [of male identity] are the notions of a biologically rooted male sex drive, males as risk-takers, sex as penetration, and masculinity as conquest and domination (Africa News Service, 2003, n.p.).

Three of the four core elements of masculinity described in this excerpt are: belief in a biological male sex drive, sex as penetration, and masculinity as conquest and domination. In her book *The Sexual Contract*, political scientist Carole Pateman identifies these three elements of masculinity as the basis of what she calls “the law of the male sex right” (Pateman, 1988, p. 199).

### **Male dominance, prostitution and HIV transmission: men’s sexual rights in action?**

Carole Pateman labels men’s entitlement to use women as bodies the “male sex-right”. She contends that

[T]he general display of women’s bodies and sexual parts, either in representation or as live bodies, is central to the sex industry and continually reminds

men—and women—that men exercise the law of the male sex-right, that they have patriarchal right of access to women’s bodies ... Whether or not a man is able and willing to find release in other ways, he can exhibit his masculinity by contracting for use of a woman’s body ... The exemplary display of masculinity is to engage in ‘the sex act’ (Pateman, 1988, p. 199).

Pateman defines the male sex-right as the “patriarchal right of access to women’s bodies”. Prostitution and pornography offer men unlimited access to women’s bodies and confirm that men have a right to this access which, in the West, is protected by the law to various degrees. Men’s ability to buy women as body parts into which they ejaculate shows how masculinity is used to establish women’s subordination as a sexual right of men.

In *The Observer* newspaper in September 2004, Sebastian Horsley, a man who claims to have prostituted 1000 women, describes his preference for the sex of prostitution in a language that exposes the workings of the male sex right. He writes:

I like to give, never to receive ... I know I am going to score and I know they don’t really want me ... The problem is that the modern woman is a prostitute who doesn’t deliver the goods ... they greedily accept presents to seal a contract and then break it. At least the whore pays the flesh that’s haggled for (Horsley, 2004, n.p.).

Horsley uses the language of the male sex right to describe what he sees as the difference between prostituted and non-prostituted women. While prostituted women are required to fulfil the sexual contract of the male sex right by providing, in Horsley’s words, “the flesh that’s haggled for”, non-prostituted women can refuse to respond to men’s demand for their flesh. His revelations lend support to Pateman’s theory; that the law of the male sex right is exercised through patriarchal access to women’s bodies, and that men will contract for this use of women in prostitution if it is otherwise unavailable. When prostitution was criminalised in South Korea in 2004, an organisation called the Korean Men’s Association complained that the law violates “men’s rights” to buy women (Back-il, 2004, n.p.). A more comprehensive argument to protect men’s sexual

right to prostitute women is found in the book *Sexual Rights in America*, in which Paul R. Abramson, Steven D. Pinkerton and Mark Huppín, argue repeatedly that men's constitutional right to the pursuit of happiness includes their right to use women in prostitution and pornography (Abramson et al., 2003). These findings indicate that the right to prostitute women is the foundation of men's sexual rights.

The belief that men have a right to prostitute women is very different to sexual rights based on feminist principles, such as those found in "South Africa's Sexual Rights Charter". As previously discussed, the principles enshrined in the Charter include the need for "employment alternatives to prostitution" (WHP, 2004, n.p.). Thus, the WHP illustrates an understanding that women should not be used in prostitution, but rather offered alternatives so that they can leave it. From this feminist perspective, men's demand for women to prostitute is highly problematic and contrary to women's sexual rights because it fuels the supply of women into the sex industry.

Men's right to sexual pleasure competes with—and violates—women's right to health and life in the context of prostitution. In 2000, Luke Harding a reporter with *The Guardian*, wrote that "[HIV] rates are rising steadily in Malaysia, Vietnam and Bangladesh, where half of all sex workers are also infected with syphilis because clients refuse to use condoms" (Harding, 2000, n.p.). In the 2004 report "AIDS in Asia: Face the Facts", women in prostitution reported that even where condoms are broadly available, men still refuse to wear them. According to the data, 62% of prostituted women in Sichuan, China and 87% of women prostituted in Indian brothels could not be protected from HIV or other STDs because male buyers refuse to wear condoms. 90% of prostituted women in Hong Kong reported that they did not use condoms because male buyers would not allow them to do so (Pisani, 2004, pp. 35–36).

According to a study organised by the Macfarlane Burnett Institute for Medical Research in 1998, 27% of men never use condoms in anal sex with prostituted women in Victoria, where prostitution is legalised. A further 10% only 'sometimes' use them (Human Services Victoria, 1999, p. 30). A 2001

study of 890 male buyers in Sydney, New South Wales, found that almost one-third never used condoms. The researchers noted that, 'It is of concern that almost one-third of [male buyers] in our sample never use condoms, as penetrative vaginal sex appears to be a highly popular service' (Coughlan et al., 2001, p. 667). This research suggests that legalising prostitution does not increase condom use within the sex industry to an acceptable level. However, UNAIDS has not changed its recommendation that legalising prostitution is international best practice for HIV prevention in the sex industry (UNAIDS, 1998, p. 18). Sadly, it seems that even where men do have knowledge about HIV transmission and access to condoms within legal brothels, they are still often refusing to use them.

A 2003 study on male buyers' use of condoms in Bangladeshi brothels provides further evidence to suggest that the male right to sexual pleasure violates women's rights to health, bodily integrity and potentially, life. The study shows that gender and sexuality are fused to produce male dominance in prostitution. Khan, Hasan, Bhuiya, Hudson-Rodd, and Saggars (2003) found that men report using condoms even when it is, in fact, "partial" use. Many male buyers put on the condom only just before ejaculation, so that their pre-ejaculate is still deposited inside the women they use. The researchers found that the men will only wear condoms when it reinforces their masculinity. Thus, Carole Pateman's (1998) idea that men prostitute women to reinforce masculinity is supported by the findings of this study. Almost all of the men expressed either no regard for prostituted women's health, or an active disregard for it. One man said:

I begin intercourse with a condom ... Just before ejaculating, I love to discharge my semen inside her vagina ... I know ejaculation inside a vagina is safe for men, but not good for her. However, that is not my concern. They are already diseased. Ejaculation inside the vagina is real sex for a birjoban purus [a 'real man'] (Khan et al., 2003, pp. 174–175).

This excerpt supports John Stoltenberg's (1989) observation that masculinity is directly connected with the action of men ejaculating semen into

women. It also exposes the connection between men's demand for sexual pleasure, the supply of women to service the male sex right through prostitution, and the violation of women's rights to health and bodily integrity. However, [Khan et al.'s \(2003\)](#) recommendations do not challenge men's demand for prostitution, men's violation of women's rights to health, bodily integrity and life when they ejaculate into them, or men's demand to penetrate women as a way of reinforcing masculinity. Rather, they recommend that masculinity should be promoted to encourage men to use condoms. This is because the only men who agree to wear them are those who find that condoms prolong their erection and allow them to penetrate the women in prostitution for a longer period of time. As one male buyer said:

Condom use can increase my performance and pleasure, and I feel like a really powerful man. To tell you the truth, I do not bother that my semen may infect sex workers . . . Condoms help to prolong sex, and that's why I use them. That's all ([Khan et al., 2003 p. 173](#)).

Thus, the determining factor in condom use is whether it reinforces men's use of coitus to achieve the sexual pleasure of masculinity. The research into male prostitution behaviour supports the theory that men's right to sexual pleasure already exists and that in the context of prostitution, it directly violates women's rights to bodily integrity and health. In the context of HIV/AIDS, the violation increasingly extends to threaten and destroy women's lives.

## Conclusion

The idea of sexual rights originated in sexology. It is therefore unsurprising to find that in much of the contemporary sexual rights literature the relationship between male sexual pleasure, sexual intercourse, male dominance and HIV transmission is minimised or ignored. While sexual pleasure is presented as a gender-neutral right in sexual rights literature, the application of feminist research and theory to it reveals it as a deeply political right that

opposes a range of women's human rights. The use of sexual pleasure to oppress women is evident in research demonstrating that male sexual pleasure reinforces male sexual dominance over women in the forms of compulsory coitus, coercive sex, rape, and prostitution. In this sense, the male demand for sexual pleasure produces an attendant demand for women to participate in the types of sexual activity that place them at high risk of HIV infection. While the authors of the five major sexual rights documents stipulate that violence, coercion and exploitation are unacceptable (in the absence of "consent"), they do not address the fact that masculinity requires the sexual subordination and exploitation of women as a male right and as a form of male pleasure. If such a point were considered, it would become clear that sexual rights must be gender-specific and include definitions of terms that challenge masculinity and the types of sexual activity that are used to reinforce it. If sexual rights are to contribute in a meaningful way to women's human rights, they might begin with the acknowledgement that in its current form, men's right to sexual pleasure demands women's oppression. At the very least, formalising this right to sexual pleasure will entrench the competition between women's human rights and men's entitlement to use women as sexual objects. At worst, it will deepen the sexual subordination of women to men. If men are given a right to sexual pleasure that is protected by international law and women only have consent as a tool of defence against it, progress towards sexual equality and HIV prevention may be further impeded. An alternative declaration of sexual rights with sexual equality at its core is necessary ([Oriel, 2004](#)).

## Uncited references

[Bailey, 2002](#)  
[Sullivan et al., 2001](#)

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