

Challenging Gender Norms? Feminist institutionalism and the nonprofit sector

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Paper presented at the 2013 Meeting of the Western Political Science Association

(Panel 27. 09 - Gendered Social Policy in Comparative Perspective)

****DRAFT: Please do not cite or circulate without consulting the author****

The United States is the only Western industrialized country that almost universally criminalizes prostitution (Jolin 1994), and although the majority of state prostitution laws are written in gender-neutral language, prostitution law enforcement is gender-biased: national data indicates that women (particularly women of color) are arrested far more often than men for prostitution-related offenses (FBI 2011). But in the midst of this criminalization, even the most cursory scan of the major news media seems to indicate that women involved in prostitution (and other forms of sex work) are also, and almost universally, *victimized*. Here one only needs to look at *New York Times* columnist Nicholas Kristof's numerous columns on sex trafficking to learn the story of "a teenage girl, Long Pross," who was brutally beaten by a brothel owner in Cambodia (Kristof 2009), or *The New York Times Magazine's* story of Lucilla, a Brooklyn teenager who worked for a pimp who took all of her money after every "trick" (Lustig 2007).

This paper's goal is not to determine whether persons engaged in sex work-- which includes prostitution, but also a variety of other sexual services exchanged for cash or other trade-- are victims or criminals. Instead, it is to consider how particular institutional spaces and practices may challenge hegemonic, gendered conceptions of women--in this case, of female sex workers as "victim-criminals." At the outset, however, such a project may not seem possible, especially if we understand institutions as the "relatively *enduring* collection[s] of rules and organized practices ... that create capabilities for acting" (March and Olsen 2006a, 3, italics mine). Given their assumedly "path dependent" nature, then, social movement scholars have long argued that institutional challenges are only possible (and successful) when they are *extra-institutional* (Katzenstein 1998b).

In the case of prostitution, such extra-institutional activity emerged in the 1970s with Call Off Your Old Tired Ethics (COYOTE), the nation's first prostitutes' rights group, which sought

to re-construct societal understandings of prostitution from a gendered, victimizing crime to a form of work through protests and demonstrations. While the AIDs epidemic in the 1980s, combined with their lack of moral, material and human resources, impeded COYOTE's achievement of any significant legal reforms (Weitzer 1991; Mathieu 2003; West 2000), today a number of organizations continue COYOTE's work, such as the Sex Workers Outreach Project, and the Desiree Alliance.

As scholars have documented the efforts of these protest groups (Gall 2006; Jenness 1993), this paper shifts to consider how other more formalized efforts may challenge hegemonic gender norms about prostitution, namely the St. James Infirmary (SJI), a nonprofit occupational health and safety clinic for sex workers in San Francisco. Drawing empirically from multi-method qualitative research between 2006 and 2010, and theoretically from feminist institutionalism (FI), this paper sketches how the broader formal and informal institutional context in San Francisco has long reproduced gendered conceptions of women in prostitution as "victim-criminals." Next, the paper turns to consider the SJI's emergence and operation within this context. Applying FI's insights regarding institutional change, I argue that by deploying particular spatial-discursive institutional practices and operational procedures, the SJI indicates how nonprofits may actually provide sites that *challenge* hegemonic gender norms (in this case, regarding prostitution) that mainstream institutions promote, even, paradoxically, as they may operate in partnership with them. Although single case studies like the SJI cannot establish broad theoretical generalizations and propositions, my goal in this paper is to use it to build knowledge and highlight important institutional dynamics and processes that may be tested in other settings.

Literature Review

Scholars concerned with institutions and gender have yet to consider nonprofit organizations to any significant extent. In the United States specifically, this omission is somewhat striking, since nonprofit organizations incorporated under Section 501c3 of the Internal Revenue Code are a major part of the American institutional landscape. Since the ascent of the New Deal and Keynesian economic policies, Americans' misgivings about excessive government power, and the nation's limited the scope of government social protections, left ample room for the charitable, voluntary non-profit sector to grow (Salamon 2003; Sokolowski and Salamon 1999). In the mid-1960s, Theda Skocpol (2004) writes, the federal government began to engage more in administration "by remote control," and amendments to the 1967 Social Security Act (Title IV-A) provided heavy inducements to encourage states to enter contracts with private agencies to provide services (Morgen 2002, Skocpol 2004). In turn, state and local governments often designated private nonprofits to run social programs, making the nonprofit sector the "theatre of operations for the enlarged welfare state" (Morgen 2002, 161). By 1975 government funding replaced private donors as the largest source of nonprofit revenue (Dobkin-Hall 1987, 143). In the 1980s, to the Reagan Administration and others on the Right who decried government involvement in the economy, nonprofit organizations' small budgets and dependence on contracts made them seem more efficient, accountable and flexible for offering and delivering new service ideas (Berry and Arons 2003a; Salamon 2003; Gilmore 2007). Consequently, between 1974 to 1995 federal support to all nonprofits increased from \$23 billion to \$175 billion (Marwell 2004, 269), and the nonprofit sector grew significantly.

Today, it is clear that nonprofits are effectively "co-producers" of government policy and programs (cited in Skocpol 2003, 149-152), forming what some have termed a "shadow state,"

which describes the contemporary growth of nonprofits involved in direct and indirect delivery of services previously provided by New Deal and Great Society Programs (Wolch 1990). In 2008, there were approximately 1.5 million tax-exempt nonprofit organizations, up from 1.16 million in 1998 (Wing, Roeger, and Thomas 2010, 2;), and the sector as a whole employs nearly 8.6 million paid persons full-time and 7.2 million volunteers (Sokolowski and Salamon 1999, 262-263). On average, 30.5 percent of nonprofits' revenue is from government (Sokolowski and Salamon 1999, 273), and as a result, the charitable nonprofit sector is a major player in the American social welfare system (Smith and Lipsky 2001, 1993), with 44 percent of organizations here delivering health and human services many Americans—particularly women—depend on (Wing, Roeger, and Thomas 2010, 4).

In addition to the nonprofit sector's size and connections to state institutions, the nonprofit sector is also, arguably, gendered: women form the majority (between 70 and 80 percent) of nonprofit managers and employees (Baines 2011; Gibelman 2000). But, as Nuno Themundo (2009) notes, nonprofit sector research currently lacks any significant examination of gender and the role of women. The research that does exist, though, indicates that the sector often reproduces traditional gendered relations and patterns of power. Since many nonprofits conduct "care work," which is often viewed as an extension of what women do "naturally" in the private sphere of the home and family (Baines 2011), women are over-represented in less visible areas of the nonprofit sector that emphasize empathy and emotional work, such as hospice care (Kosny and MacEachen 2010), while men are over represented in more visibly public areas of the nonprofit sector, such as volunteer fire and rescue squads (Einolf 2010). Consequently, women's gendered-as-feminine labor commands lower visibility, wages and prestige. As Margaret Gibelman demonstrates, even though women may be the majority of managers and

employees in the nonprofit human service organizations, “men are dis-proportionately represented in ... upper-level management, whereas women are disproportionately represented at the direct-service and lower management levels. Men earn higher salaries than women at all hierarchical levels of the organization. Women of minority status earn the lowest salaries...” (Gibelman 2000).

It thus appears that nonprofit organizations have limited potential for challenging gender norms and promoting equality, especially since they are so closely aligned with the state, which an otherwise extensive body feminist literature has evinced an almost categorical antipathy towards as a site (or, sites) that reproduces hegemonic, patriarchal social relations (Piven 1985; Morgen 1990). Moreover, many scholars and activists concerned with challenging inequality and promoting social change more broadly have questioned nonprofits’ capacity to empower their constituents and challenge status quo policies and societal values (see for example Kivel 2007). If one looks at the universe of nonprofits, most—such as local soup kitchens and Red Cross chapters—are “not really challenging the system; most are fairly conventional in their political orientation, and their general role in society is already embraced by political elites” (Berry and Arons 2003, 34). However, research also indicates that nonprofits may be inclined to or capable of challenging the status quo, especially as it pertains to gender. In fact, emerging empirical research shows that nonprofit leaders often navigate restrictions on their political activities to affect social change in various ways (Gronbjerg and Smith 2006; Marwell 2004; Chaves, Galaskiewicz, and Stephens 2004; Cress 1997; Majic 2011). And regarding gender specifically, research also indicates that women’s empowerment is directly associated with their increased participation in the nonprofit sector (Themudo 2009).

Therefore, if we envision nonprofits as potentially active and dynamic sites for challenging the status quo and promoting women's empowerment, how may they do this, specifically? Feminist institutionalism (FI), which is centrally concerned with how institutions shape and redistribute power relations for and between men and women, provides a useful starting point for such a project. Drawing from "new institutionalism," which holds broadly that formal and informal institutional structures matter for shaping political attitudes, events and behavior over time, work in this field shows how political conduct is shaped by the institutional landscape it occurs in, by historical legacies bequeathed from past to present, and by the diverse range of strategic orientations to the institutional contexts that actors find themselves in (Schmidt 2006).¹ To new institutionalism, FI incorporates feminist political science, which has also, from its earliest days, been concerned with state and societal institutions, examining issues ranging from the chronic minority of women in public office, to institutional developments that have had significant consequences for women, such as welfare state restructuring. To name just some examples, FPS has shown how parliamentary procedures and cultures constrain female legislator's ability to represent women (Hawkesworth 2005) how large institutions like the military and Catholic church constrain and facilitate feminist goals and activism (Katzenstein 1998b); and how powerful institutional norms proscribe "acceptable" male and female behaviors (Franceschet 2011; Katzenstein 1998a).

FI therefore highlights the "gendered aspects of the norms, rules, and practices at work within institutions and the concomitant effect these have on political outcomes, ...provid[ing] important insights for the core preoccupations of the new institutionalisms (Mackay, Kenny, and Chappell 2010). For the purpose of this paper, I highlight three conceptual areas of FI that I will draw from in my analysis of the SJI as a nonprofit institutional space. The first is FI's integration

of gender into understandings of institutions—namely that “constructions of masculinity and femininity are intertwined in the daily life or logic of political institutions” in ways that are crosscutting, in different types of institutions and on various institutional levels (Mackay, Kenny, and Chappell 2010, 580). The second area I draw from is FI’s conception of power, which exposes how gendered ideologies operate in and through institutions (Kenny and Mackay 2009). As Georgia Duerst-Lahti (2008) writes, gender ideologies are political ideologies that involve structured beliefs about human males and females, and the ways power should be arranged and enacted according to the social constructs associated with sexed bodies.²

The third and most central FI concept I draw on is that of institutional change. Here, institutions—and the gendered, power relations they often embody and promote—are not fixed and monolithic; they can be broken down into various arenas/spaces, and they are also historically variable in composition and effects (Mackay et al. 2010) In short, institutions reproduce gendered power relations, but they also can be changed (Mackay et al. 2010, 5-6; Kenny and Mackay 2009). FI scholars thus offer the concept of “nested newness” to understand institutional change (and this, as I will demonstrate later, is particularly important for understanding the SJI). Fiona Mackay, who originated the concept, writes that understanding institutional innovation this way draws attention to how structures constrain actors’ agency at so-called critical junctures, *and* through dynamic processes of daily enactment and contestation (Mackay 2009). The task, then, in studying institutional change, becomes to “to identify the configuration of institutional factors in a particular case; to set out the institutional context, to explore the elements that constrain or enable change; and the ways in which particular institutional constellations in a particular time and space open up certain reform trajectories, whilst foreclosing others” (Mackay 2009, 4). Analyzed this way, “new” (formal) institutions are

neither blank slates nor free floating; rather they are marked by their past legacies *and* their on-going interactions with their existing institutional context (Mackay 2009; Chappell 2011).

Nested newness identifies hegemonic gender norms in institutions, exposes them, and considers to what extent they are also carried forward into institutional design and operation (Mackay 2009; Chappell 2011). Mackay illustrates nested newness in her study of the Scottish Parliament, where she demonstrates that while feminist engagement with this institution has contributed to a more “feminized” politics in Scotland, politics-as-usual have also continued to reinforce traditional gendered political cultures and patterns of gendered relations (Mackay 2009). Louise Chappell also operationalizes nested newness in her study of the International Criminal Court, which indicates how past gendered norms are also carried forward into the new institution’s design and operation. She shows that gender equality concerns are progressing in some areas of the court (e.g. the appointment of women into professional positions), but only moderately in other areas (e.g. convincing other states to adhere to the Rome Statute). Taken together, Mackay and Chappell’s work illustrates that even the “newest” institutions will not offer an entirely clean slate for actors advancing gender equality (Chappell 2011, 179), meaning that they are “bounded change” within an existing system (Mackay, Monro, and Waylen 2009, 22; Chappell 2011).

But beyond these studies, scholars have yet to extensively apply FI to the practices of nonprofit institutions, especially in the American context at the local level, where many government programs and services are carried out. The following pages build on this scholarship by considering the SJI as a “nested” institutional innovation. By examining the SJI’s emergence and deployment of spatial-discursive practices and procedures that recognize sex work as legitimate work (and sex workers as individuals with agency), the SJI challenges the “victim-

criminal” understandings of women in prostitution that are institutionalized through laws and public discourses. In so doing, it indicates how nonprofits’ may use their own institutional practices to contest hegemonic gender norms.

Methods

The arguments presented in this paper are based on multi-method qualitative research in the San Francisco Bay Area from October 2006 to July 2010, which included semi-structured, open-ended interviews (SOEI) with the staff and sex workers who used the services at SJI, city government and other public officials, and activists engaged with sex-work issues from a variety of perspectives. I also conducted archival and participant-observation research with both organizations. In all interviews, I used SOEIs to probe respondents about the SJI’s history and institutional operations. SOEIs were recorded, when permitted, and later transcribed and analyzed for various themes related to the interview questions. In most cases throughout the article, actual names are used for all public figures where permission was granted (organizational directors, board members, managers, etc). Pseudonyms are used for all other interviewees.

Archival research at the SJI, and the city archives in San Francisco and Oakland involved reviewing documents these organizations have produced (cited below) and broader media coverage of these organizations and sex work issues in the region more generally. Participant-observation research at the SJI helped me to understand their organizational strategies and service delivery methods. For the participatory component, I volunteered with each organization. At the SJI, I completed an archiving project and helped them write a National Minority AIDS Coalition grant for a new computer. The observational component involved visiting and observing clinic nights at the SJI. Combining interviews with participant-observation and archival research techniques helped me the SJI’s history and operations in their broader political-

institutional context. I triangulated information obtained from the SJI's management and staff with sources (government, media, etc.) outside their organizations.

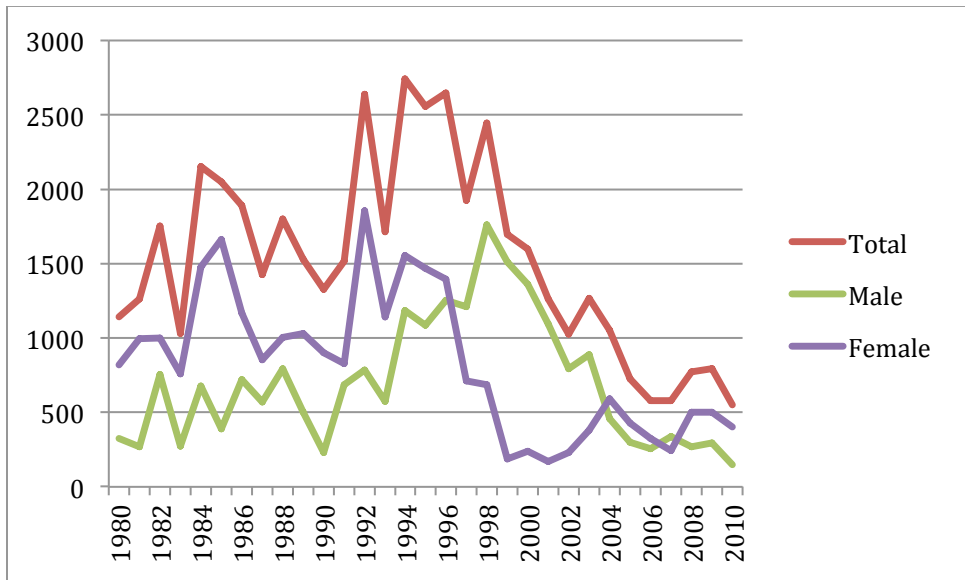
Nesting the SJI

To understand the gender norms that the SJI contests, it is important to first sketch out the institutional “nest” that the SJI emerged from and operates within, and how this has reinforced conceptions of women in prostitution as “victim-criminals.” Initially, however, this may not seem likely: after all, San Francisco has a reputation as the nation's vanguard progressive city (DeLeon 1992), and stimulated by the Gold Rush, prostitution has long been a part of their city's history. Yet reflecting broader anxieties about female morality, the city's first major institutional response to prostitution was a paternalistic/supervisory effort that designated special “red light” districts subject to revision by city officials³ (Leigh 1996). Later, the Board of Health opened a clinic in 1911, which effectively legalized prostitution in the city by forcing all prostitutes to confine themselves to a designated area and submit to regular medical exams. But this institutional tolerance was short-lived, and soon city leaders began implementing practices and procedures that began treating, and thus constructing, women in prostitution as criminals. The clinic system soon came under strong attack by doctors (who did not believe the clinics lessened the spread of venereal diseases), religious leaders, and businessmen eager to rebuild the city after the 1906 earthquake. Bowing to these pressures, the mayor removed the officers who detailed the clinic, which essentially ended its operation.

By 1961, the state of California officially criminalized prostitution under the rubric of disorderly conduct laws (Section 647 of the California Model Penal Code), and its gendered enforcement over time entrenched the notion that women in prostitution are criminals (Jennings 1976; Meil-Hobson 1987). Today the law (Section 764b, specifically) states that “anyone is

guilty of a misdemeanor who solicits or who agrees to engage in or who engages in any act of prostitution...As used in this subdivision, "prostitution" includes any lewd act between persons for money or other consideration.” But while its wording is gender-neutral, Figure 1, below, titled “Prostitution Arrests in San Francisco, 1980-2010,” indicates that the San Francisco police have arrested for more females than males under the law, particularly since the 1990s, when the police responded to growing public complaints about prostitution when the “tech boom” of the 1990s increased migration to the city, and residents and businesses became more vocal about the presence of street prostitutes, claiming they brought drugs, violence and other related crimes with them (Popp 1991).

FIGURE 1: Prostitution Arrests in San Francisco, 1980-2010



Source: Criminal Justice Statistics Center (California Department of Justice)

Although sex worker-rights activists such as Carol Leigh stated that the real issue driving street prostitution was female poverty, the city responded with more uniformed police officers on the streets, and by creating more space in the city’s already over-crowded jails (Winokur 1992). As Figure 1 shows, prostitution arrests peaked by the mid-1990s at an average of 2,500 per year.

By disproportionately arresting women over men, the city reinforced a traditional gender ideology that *punished* women working on the streets for their “deviant” sexual and economic behavior and reinforced traditional gendered and racialized anxieties about women alone on the street (Davis 1995). Clear evidence of this profiling came in the case of Yvonne Dotson, an African American female nurse with a Master’s degree in public health. She had dinner in February 1993 at a restaurant near the Tenderloin, and while waiting alone near the parking garage for her car was arrested by two San Francisco officers on suspicion of engaging in prostitution. The police denied her any information about her arrest and contact with friends who could post bail, and they verbally abused her. She was finally released, but suffered from post-traumatic stress disorder. She successfully sued the city for damages (Bernstein 2007b, , 62).

Public concern about street prostitution, combined with highly gendered law enforcement, created what new institutional scholars term a “critical juncture” that led the San Francisco Board of Supervisors to create the San Francisco Taskforce on Prostitution (hereafter referred to as the Taskforce) in 1994. This Taskforce was charged with seeking a new institutional approach to prostitution, which could include anything from the non-enforcement of prostitution laws to city-owned love barracks (McCormick 1993). The Taskforce involved feminists, law enforcement officials, and policymakers and sex workers, and it produced its final report in March 1996. The report’s major conclusion was that prostitution was not monolithic, but the city had institutionalized one approach—prosecution-- that was costly to the city (at approximately \$7.6 million per year in law enforcement-related expenditures) and did little to eradicate resident concerns *or* provide safety, security and services to prostitutes. It therefore recommended the city *stop* enforcing and prosecuting prostitution crimes and focus instead on

quality of life infractions, which in turn would free-up resources to provide services for needy constituencies.

Yet demonstrating path dependence, the city's governing institutions were reluctant to abandon the long-standing enforcement of Section 647b whole cloth, especially as they were increasingly receptive to advocates of the so-called "abolitionist" approach to prostitution, which rose to prominence with growing media attention to stories of Latin American and Asian women illegally trafficked to work in brothels in Western Europe, among other locations (Gozdziak and Collett 2005; Soderlund 2005). For abolitionists, prostitution embodies a universally violent and exploitative activity that primarily harms women (and, increasingly, young girls) and therefore must be "abolished."⁴ In San Francisco, abolitionist actors wanted city institutions to pursue this goal by targeting the "demand" side of prostitution (men), while providing services to women. These efforts were led by Standing Against Global Exploitation (SAGE), a nonprofit founded in 1992 by the late Norma Hotaling, a formerly homeless heroin addict and street prostitute, which provides trauma recovery services, substance abuse treatment, vocational training, housing assistance and legal advocacy to persons in the sex industry. Although SAGE does not require its clients to leave the sex industry in order to receive services, they do not support prostitution as a legitimate occupational choice.

In response to SAGE's advocacy, the city increased efforts to arrest men involved in prostitution by raiding massage parlors (Gordon 1998; May 2007), and by implementing a "john school" (the First Offender Prostitution Program) in partnership with SAGE, where men arrested for a first prostitution offense may pay a fine and attend a day of classes to learn about how patronizing prostitutes may lead to sexually transmitted infections, family breakup, and community disruptions (Lewis 2010, 289-290; Zaska 2004; Majic Forthcoming 2014). As Figure

1, above, indicates, since the late 1990s these practices have resulted in more equal enforcement of prostitution laws; in fact, arrests of males exceeded those of females for a time (although arrests of females have not subsided either).

Taken together, these institutional developments in San Francisco have simultaneously constructed sex workers as victims who must be rescued, and as criminals who must be punished. How, then, did the SJI emerge from this institutional nest to contest these gendered ideologies reinforced by mainstream (predominantly criminal justice) institutions? Recalling the new/feminist institutional insight that institutions are products of ongoing political contestation, the remainder of this section shows how sex worker-rights activists capitalized on particular opportunities to create *their own* institution that challenges the gendered (victim-criminal) understandings of women in prostitution.

The SJI: Institutional Emergence

By the late 1990s it became clear to sex worker-rights activists that the city would not stop enforcing prostitution laws, as the Taskforce recommended, and so COYOTE activists Margo St. James and Carol Stuart decided that the nonprofit public health avenue might be the better route to decriminalizing prostitution (Alexander 1995a). Together with Priscilla Alexander, a long-time ally of sex worker activists who worked with the World Health Organization, they conceived of a clinic that was based first and foremost on the idea that sex work was *work* that, like any other physical occupation, and thus posed certain health and safety hazards to participants. To counter gendered notions that sex workers were incapable of managing their own health needs, the clinic would be *peer-run*, mixing professional and administrative personnel, wherever possible, with sex work experience, to provide free and non-judgmental health services (Alexander 1995b).

The SJI's founders knew that to open this clinic they would have to negotiate with mainstream institutional actors, and they found support for their clinic at San Francisco Department of Public Health (SFDPH) through Dr. Jeffrey Klausner, the newly appointed head of the SFDPH's department of STD Prevention and Control. Klausner was open to new approaches to sex worker health and safety after learning from COYOTE activists that prostitutes in the city's jails were tested (illegally) for syphilis. At the same time, sex workers in the dancing sector were also making gains and becoming increasingly visible. Johanna Breyer and Dawn Passar, heads of the Exotic Dancers' Alliance had recently won a \$2.85 million settlement for dancers in 1998 against the Bjiou Group, which owned a number of dance clubs in the city, in reference to pending sexual harassment cases (Lutnick 2006; Akers 2005). In August 1998 Breyer and Passar were at an HIV Planning Council meeting, where they met Dr. Klausner, who they encouraged to meet the needs of sex workers more effectively. Soon after, the City donated the space and many of the supplies and medical staff needed for the clinic, and the St. James Infirmary opened on June 2, 1999, after hours in the San Francisco City Clinic offices.

But the SJI was also limited by dominant institutional understandings of prostitution. By refusing to view sex workers as victims, it limited its capacity to gather financial resources and establish itself as an independent clinic. Although City Clinic donated the space and many of the supplies and medical staff needed for the clinic, there was little else in terms of funding because, as SJI founder Carol Stuart noted (Interview, 20 November 2006), there was an aversion to funding something that did not focus on "saving fallen women."⁵ And so to maintain services, the SJI accepted money from the San Francisco Office of AIDS Administration, the only place offering funding to support sex worker health promotion. According to Johanna Breyer, the SJI's first executive director (Interview, 23 October 2006), this was unfortunate because they wanted

to get away from the idea that sex workers were vectors of disease, and now the institutions (public health agencies) that historically promoted that idea also funded them. These compromises continued when the SJI moved to its current Mission St. location, a city-owned building that formerly housed the SFDPH's Disease Control and Investigation division (Lutnick 2006).

Currently, according to Naomi Akers, the SJI's executive director (Interview, 5 December 2006), the SJI's budget is approximately \$400 thousand per year. Their largest contract is with SFDPH's STD Prevention and Control unit (through the AIDS Office) for HIV prevention work, which funds most of the SJI's payroll and almost all of their services. The SFDPH also pays their rent. They also rely heavily on the generosity of other agencies, namely the University of California San Francisco's AIDS Research Institute, Walden House (a drug treatment center), City Clinic, and the Acupuncture College. The remainder of the budget (approximately \$100 thousand) is from foundations such as the California Endowment, Ford Foundation and San Francisco Foundation, and fundraising events, such as Erotic Health Day, an event where much of San Francisco's adult entertainment community, local exotic dancers, club owners and sex workers raise money for the clinic by donating 10 percent of the day's proceeds to the Infirmary (Hathaway 2004). With this funding, the clinic offers free, non-judgmental health and social services to sex workers, including primary medical care; acupuncture and massage; transgender health care; peer counseling; substance use counseling; legal, housing and social assistance referrals; condom and lube distribution; a needle exchange; and a food and clothing bank.

The SJI as an institution: shifting gender norms and promoting gender equality

How, then, does the SJI challenge gender ideologies about sex workers as victim-criminals? In many ways, this may not be apparent, as the SJI arguably embodies the highly feminized nonprofit organization in its dependence (on government agencies)—62% of the SJI’s funding is from government sources (SJI 2009, 5)—and in its focus on health-related care work. Moreover, it primarily gathers women in vulnerable socio-economic positions. As the SJI indicates in their most recent report (SJI 2009), 50 percent of their clients are biological females, and 25 percent are transgender women, and for this community, “risk factors that play a part in their daily lives... over 50% are victims of domestic violence, 35% have been raped or assaulted while doing sex work, 29% need mental healthcare, nearly 50% have a history of arrest, and over one-third have no family or social network” (SJI, 2009, 2).

Spatial-discursive practices

Yet even as the SJI appears highly feminized, the following discussion indicates how it *challenges* hegemonic gender norms by enacting, on a daily basis, what I term spatial-discursive institutional practices. To understand how this is possible, Mary Fainsod Katzenstein’s (1998b, 1998a) work on feminist activism in the Catholic Church and US military is instructive. By conceptualizing the process of institutionalization in spatial terms, she indicates how activists may establish “habitats”—“spaces where advocates of equality can assemble, where discussion can occur, and where the organizing for institutional change can originate” (1998b, 197).

Although an individual nonprofit like the SJI is not on the same scale as the church or military, it indicates how it may also challenge and resist traditional gender norms and patterns of power (even in such close proximity to government institutions). In this case, the SJI employs discourse and creates space that challenges gendered understandings of sex workers as criminals and/or victims who require rescue.

The SJI's mission represents the most significant example of this discursive practice:

“The mission of The St. James Infirmary is to provide compassionate and non-judgmental health care and social services for all sex workers while preventing occupational illnesses and injuries through a comprehensive continuum of services. There are many factors which affect the working conditions and experiences for all sex workers including the political and economic climate, poverty and homelessness, stigmatization, violence, as well as the overwhelming intricacies of the legal, public and social systems. It is the philosophy of The St. James Infirmary to build upon existing skills and strengths in order to allow individuals to determine their own goals while providing culturally competent and non-judgmental services. (www.stjamesinfirmary.org/WhoWeAre.htm)

Although this mission does not explicitly mention gender equality or the promotion thereof, it challenges gendered ideas about sex workers as “victim-criminals” by instead re-casting them as workers. In so doing, it resists the mainstream tendency to punish and/or rescue women from the sex industry; instead, it acknowledges that many enter and stay in sex work as a result of multiple and intersecting factors. Moreover, it acknowledges that sex workers' subordination is not a function of sex work itself, but of its legal status and resulting stigma.

Therefore, the SJI implements this mission spatially, to create a “habitat” that does not aim to rescue or punish sex workers, but to *empower* them, even as this may not be immediately apparent to the casual observer. If one looks for the SJI, there is no sign on the building, and it is located in a neighborhood with a transient air where auto repair shops seem to outnumber all other businesses. Here, the clinic seems invisible, but for hundreds of America's sex workers, the SJI is very real, providing a rare space where they may receive vital health services without judgment for exchanging sexual services for cash or other trade. As I overheard one SJI client say to a woman in a wheelchair who stopped in front of the building, “you should come in here, you get food and clothes for free [and] if you ever sold yourself once they'll take you” (13 July 2010).

This woman's perception of the SJI as a non-judgmental institution is apparent inside the SJI where it deploys language emphasizing sex work as legitimate work, in contrast to its broader institutional nest that has long evinced competing ideologies of persons in prostitution as victim-criminals. This is evident in the documents that they produce and display, such as the SJI's resource guide for sex workers, "The Occupational Health and Safety Handbook" (SJI 2004, 2010). Now in its second edition and referred to as "the Bible" by many community members, it lists the SJI's hours and services, along with 260 other pages detailing where to access health, legal, housing, transportation, social assistance, and other related services. Heart icons next to the service locations indicated whether the organizations are sensitive and friendly to sex worker issues. An empowering aspect of the guide is a chart, on page two, listing "Attitudes to Change". Realizing that many sex workers come to the clinic ashamed of what they have done, it notes, for example, "Sex work is a moral and criminal issue" should be thought of instead as "sex work is an economic and social issue". Gender-empowering discourse is also deployed at the SJI through posters from COYOTE with captions like "if prohibition couldn't curb alcohol, how can it stop something like this?" (with picture is of a naked woman in heels shown from behind). And in the community room—an open space where those waiting for services can help themselves to hot meals, watch a movie, use the computer or take items from the food and clothing bank—a large banner on the wall makes the most empowering statement of all, reading "outlaw poverty, not prostitutes."

According to David (Interview, 10 November 2006), all of this makes "the waiting and community rooms at the SJI one of the most powerful things about the clinic." Here, states Alexandra, a long-time peer volunteer and staff member at the SJI (Interview, 18 July 2006), the SJI is providing a space where a marginalized population can come together and share

information in a protective environment, which brings a lot of self-efficacy and social capital development as a result of feeling and being part of a community.

This habitat's effect on sex workers' capacity to gather and be open about their work was apparent to me on any evening that I volunteered at the clinic, where I witnesses sex workers gathering and openly discussing their work. At 6 pm on a clinic night in January 2007, the doors open and community members streamed in—a mix of biological and transgendered men and women-- chatting, taking a number and a chart, and helping themselves to food that we laid out earlier in the community room. Some ventured to the community room to watch a movie or sign up for the reiki and acupuncture offered while they wait for their appointment. Pratima, the physician on duty (everyone is a on a first-name basis), came to the community room to hug a patient she has not seen in awhile. It was clear that many of the clients know each other well, and they did not hide their sex worker either. This was especially apparent on a clinic night in July 2010, when I was sitting in the community room where most of the clients were gathered that evening to wait for services and watch the movie “New Moon.” For the most part, everyone was silent, but occasionally some of the clients would chat amongst each other. At one point, the conversation among some transgendered women in the community room turned to clothing, with one women telling the group she “had all designer shoes” because she “had good (sex work) clients.”

Operational practices

Within this habitat, the SJI also shows how nonprofits institutional practices and operations may shift gender power—in this case, *from* more supervisory governmental health institutions *to* sex workers. Specifically, they do this by implementing a harm reduction-oriented “peer model” of service delivery, where instead of requiring or encouraging sex workers to leave

the industry, they support them in their current position and/or provide them with opportunities to gain employment skills in the health care field. As a result, at the SJI, while the licensed medical and holistic service providers (the medical director, on-staff doctor and nurses, and acupuncture and reiki practitioners) often do not have sex work histories, the remaining paid and volunteer staff-- including the executive director and her assistant, the fundraising director, registration staff, and the various harm reduction, transgender services, outreach and needle exchange coordinators-- are current, former or transitioning sex workers.

Through this peer hiring practice, the SJI shifts gender power to contest the paternalistic notion long-deployed by mainstream institutions that sex workers must be monitored and supervised because they are unable to respond to their own health and safety needs. In San Francisco, (mostly female) sex workers have more commonly been *subjects* of mainstream institutional health service provision, whereas at the SJI they have the option to instead be *active participants* in this. By completing trainings in a range of areas, such as phlebotomy and/or harm reduction counseling, they develop skills that they may take in to other work. As Alexandra explained (Interview, 18 July 2006), sex workers may use the SJI “as a way to get something (legal) on their resumes and gain other job skills”. She added that this is useful for sex workers who want to transition to other employment, as many are doing something that is illegal or carries a stigma, and this makes them reluctant to disclose their sex work (and any skills they gained from it) to a potential employer. As a result, the SJI’s mission declares (about sex worker hiring), “Putting ourselves in charge of health care delivery is a powerful revolution in the way American clinics are run” (SJI 2008, 2).

Gina (Interview, 17 October 2006), an African American woman in her thirties, illustrated how these peer-hiring practices often empower female sex workers. Originally from Chicago,

Gina has a college degree and was an avid burlesque performer who also worked as an escort and ran a phone sex business. After selling this business, she moved to Sacramento in the mid-1990s and became ill. Although she had private health insurance and was up-front with her doctor about her sex work, she found him dismissive because he assumed that her illness was the result of a sexually transmitted infection (this was not the case). Through friends, she heard about the SJI and went there, and within 24 hours was diagnosed properly. She returned to Sacramento and “told her friends about the place and how impressed I was and that I wanted to move here to San Francisco and volunteer with them. I was blown away by the comprehensive care and went there for it although I had private insurance” (Interview, 17 October 2006). Upon moving to San Francisco, Gina began to volunteer at the SJI and trained as a harm reduction counselor. She ran the Positive SHE program for women and transgender persons newly diagnosed with HIV/AIDS, and she facilitated various other groups at the infirmary. As she described it (Interview, 17 October 2006), “most sex workers come into the infirmary without any health skills to work in a hospital, and it was through the infirmary that I got such training”. Reflecting on her experience, Gina added, “I believe the founders [of the SJI] thought providing such training to sex workers would be a good way to show sex workers had brains and also have the skills to help other sex workers.”

By shifting power for and over health care to sex workers, the SJI’s institutional practices further challenge gendered notions of victim-criminals by also empowering sex workers as *recipients* of health services. Research indicates that sex workers often will not disclose their profession to their health care providers for fear of arrest or of receiving inadequate care, among other concerns (Alexander 1998, 1995a; Cohan et al. 2004; Cohan et al. 2006; Zalduondo, Hernandez-Avila, and Uribe-Zuniga 1991). And indeed, according to the SJI’s most recent

annual report, “The vast majority of our participants (70%) report that they had never discussed their sex work history in a healthcare setting before coming to St. James.” (SJI 2009). Therefore, a peer-run environment like the SJI is very empowering because, as Dr. Cohan, the SJI’s former medical director, explained to me (Interview, 19 December 2006), it minimizes sex workers’ fear of health service providers. By the time she sees the patient they have already gone through intake and met with a peer counselor, so they know they can trust the doctor, which means there is “no bullshit” and they can get to their health issues immediately.

To illustrate, Dr. Cohan told me about a patient she saw since 1997 in her private practice, who she thought she knew well.... Until she saw her at the SJI when it opened in 1999. Both of them were apologizing because they had no idea about this, and the patient’s disclosure about her sex work also helped her be more honest with Dr. Cohan who, in turn, could better meet her occupational health and safety needs. When this patient came to her recently with a shoulder injury from fisting, they joked about listing it as “repetitive stress” on the intake form. As Cohan notes, “You cannot replicate such honesty in a clinic, no matter how hip” (Interview, 19 December 2006). Here Ashly (Interview, July 30, 2010) reiterated how this honesty may empower sex workers. A woman in her late twenties who worked part time as an exotic dancer and a peer counselor at the SJI, Ashly described how she often saw a “shift” happen in people at the SJI when they have their first counseling session and talk about their sex work with a counselor “who is not delegitimizing or judging them” but instead “acknowledges to people at the SJI how capable they are of surviving.” She added that in counseling sessions she sees a shift in people after awhile where they say, “I’m strong! I’m tough” and “they let the shame go.”

Although the SJI’s institutional practices indicate how nonprofits may challenge hegemonic gender norms internally (in this case, regarding women in prostitution), questions

arise as to how they may externalize this to challenge and influence the gender norms promulgated by the wider institutional nest they are located in. After all, one may argue that nonprofit institutional practices will have limited impacts on re-shaping broader societal gender norms if they only exist within a private (in this case, clinical) space. But nonprofits' broader institutional environments also constrain their capacity to wage such broader challenges. Specifically, Section 501c3 of the Internal Revenue Code (IRC), which covers almost 50 percent of all registered nonprofit organizations, restricts how nonprofits organize, govern themselves and act politically, particularly via their participation in lobbying and election campaigns (Scrivener 2001; Block 2001).⁶ Nonprofits thus have limited options for how they wage political challenges institutionally, as nonprofit law specifies that approved election-related activities must be non-partisan (IRS 2006). While managers and leaders of 501c3 organizations can participate in campaign activity in their own private capacity, they must keep their private views out of their organizations' publications, statements, etc (IRS 2007).⁷

Yet as FI (and new institutionalism, by extension) propose, institutions are not monolithic; they are creations of human actors who also act strategically within them. As a result, even though IRC 501c3 may appear to preclude external political challenges, the SJI indicates how these may in fact be possible. Most recently, the SJI indicated how nonprofits intervene in and (discursively) challenge mainstream gender ideologies and patterns of power through "its first major media campaign featuring local sex workers to raise public awareness about sex workers' rights... [that] will appear on Muni [San Francisco Municipal Transit] buses throughout the month of October and will be featured in an art exhibit and launch party at Intersection for the Arts... on October 16, 2011" (Akers and Schreiber 2011, 1). Designed by SJI volunteer graphic designer Rachel Schreiber and photographer Barbara DeGenevieve, who

interviewed and photographed 27 adult sex workers, their family members, partners, and health and social service providers, the medial campaign involved a series of individual and group photos, some of which are displayed below.



Photo credit: Barbara DeGenevieve and Rachel Schreiber, "Someone You Know is a Sex Worker," bus ad for the St. James Infirmiry, 2011, 88 x 30 inches.



Photo credit: Barbara DeGenevieve and Rachel Schreiber, "Someone You Know is a Sex Worker," poster for the St. James Infirmiry, 2011, 18 x 24 inches.

The ads challenged gendered ideological notions of sex worker as necessarily exploited (female) victims in need of rescue by emphasizing instead that

social stigma contributes negatively to the health and wellness of sex workers. Our goals are to raise awareness of the important work of SJI, to increase

financial support of our work, and to educate the community that sex workers are equal members of society.”(Akers and Schreiber 2011, 2)

The ads therefore had a broadly political purpose: they countered dominant gendered discourses that sex workers are merely-and-always victims with no agency, and/or criminals or vectors of disease.

But the ad campaign also confronted mainstream media institutions’ more fixed gendered notions regarding sex work and the broader sex industry, even in the “liberal” Bay Area. As a variety of media sources reported when the campaign began, the SJI actually had difficulty finding places for the ads. Two major advertising firms, CBS Outdoor and Clear Channel Outdoor, rejected the ads for billboard placement earlier in the year. Invoking gendered language (that sex work is “anti-family”), CBS and Clear Channel noted that:

“Sex workers” is “not a family friendly term,” Barbara Haux, a CBS Outdoor senior account executive, wrote in a rejection e-mail to the clinic. The company said it would reconsider, but only if that phrase was not used...In a statement to *The Bay Citizen*, a representative of Clear Channel Outdoor defended its choice not to run the ads, saying that local managers review all content to make sure it meets “standards of the local community.” (Chong 2011)

At the time of writing, it was too early to determine the ads’ impact on how the public and policymakers perceive sex workers, but it was clear that they generated public discussion and debate that competing gendered notions of persons in prostitution. The *Bay Citizen* article immediately generated a stream of comments, where one commenter by the name of “Michael Smith” stated, “Prostitution, or ‘sex work’, is dehumanizing for the prostitute or ‘sex worker’”, while commenter “Matthew Bakker” replied, “I for one think it's great that some people are stepping out, owning it, and showing that they are deserving of respect, whether you want to give it or not.” By the time this paper is in print, a myriad of other images and advertisements will have replaced these ads; however, even if they do not fully convince the public that sex workers

are “just like us” (or lead to decriminalizing prostitution, for that matter), they indicate a nonprofit institutional practice that may challenge—if not change—gendered understandings of their community.

Concluding Discussion

By using the SJI to consider how nonprofits may provide sites that *challenge* hegemonic gender norms regarding prostitution)-- even, paradoxically, as they may operate in partnership with state agencies—this paper provides a number of important insights for scholars concerned with gender, the nonprofit sector, and institutional change. First, this paper expands research about gender and the nonprofit sector. By looking at a nonprofit’s discursive and operational practices, this paper highlights how these organizations may promote gender equality, and challenge hegemonic gender norms, even as they may depend on the state for support and engage in feminized care work. Additionally, by considering the SJI’s institutional practices through the lens of FI, this paper also applies this emerging body of theory beyond state institutions (such as legislatures and courts), which is important because nonprofits are a large and growing arm of the state that gathers and serves women to a large degree.

The SJI as a feminist institution?

To date, FI scholarship has provided institutional analyses that map the “manifold ways in which gender power and disadvantage are created and maintained not only through law but also through institutional processes, practices, images, ideologies, and distributional mechanisms”

(Hawkesworth 2005, 141). By examining how an organization may challenge (and even change) mainstream institutions’ gendered practices and patterns of power-- even if they are located within a broader institutional nest that does not favor and support these goals-- this paper

suggests a different application of FI. Here it has used FI to identify how an institution may in fact be *feminist*, even if it is closely aligned with and located in an institutional nest that illustrates tendencies to the contrary. Specifically, by recognizing sex work as legitimate work and empowering and involving sex workers in their own health care, this analysis indicates how the SJI challenges the long-standing practice of treating and constructing sex workers as victim-criminals. Arguably, then, the SJI indicates how nonprofits may be *feminist institutions* that are founded to promote women's engagement, empowerment, and equality, much like other similarly situated organizations such as rape crisis centers that not only engage and employ women, but also promote feminist/gender equality goals through service provision and public awareness activities (Campbell, Baker, and Mazurek 1998; Yancey-Martin 2009). In another example, the SJI is also similar to the women's health clinics developed and run by feminist health activists that challenged doctor-asserted control over women's bodies in the 1970s (Morgen 2002, 1995).

Yet even as the SJI is similar to these other feminist health and social service nonprofits, many may bristle at labeling it as "feminist." After all, the SJI exists within a broader institutional nest that largely resists supporting prostitution as work. Furthermore, prostitution and other forms of sex work have long divided feminists, particularly since the 1980s with the feminist "sex wars"-- the heated debates over feminist depictions of women's sexuality in pornography that consumed the attention of many theorists and activists through the mid-1980s (Abrams 1995). Currently, feminist scholars and advocates alike may be (crudely) divided between abolitionists and sex worker-rights supporters, with each offering their own particular conception of agency, choice, and victimization in prostitution.

Drawing on FI's insight that institutions are "nested," the SJI operates at the nexus of these debates; however, even the most cursory review of current events in the United States indicates that the SJI's gender ideologies and institutional practices are at odds with its broader institutional environment. The right-wing ascendancy of the Reagan and Bush I years created space for the abolitionist account of prostitution to become a "dominant cultural story" (Bamberg and Andrews 2004, 11). At this time, as Elizabeth Bernstein documents, a "coalition of strange bedfellows" (Bernstein 2010, 65) formed between feminists opposing prostitution and right-wing religious groups, despite their significant disagreements around the politics of sex and gender. Together, they have advocated for "harsher criminal and economic penalties against traffickers, prostitutes' customers, and nations deemed to be taking insufficient steps to stem the flow of trafficked women" (Bernstein, 2010, 46). As Bernstein trenchantly argues, these groups were not united simply by humanitarian concerns with individuals enslaved in sex work, but by a shared commitment to more carceral notions of social and gender justice-- what Bernstein terms "carceral feminism" and "militarized humanitarianism" (2010, 47).

Together, their combined opposition to prostitution and support for victims of crime has allowed them to rally their constituencies and dominate the debate over any policy and funding related to prostitution (Berman 2006). Most notably the *Trafficking Victims Protection Reauthorization Act* reflects abolitionist influence by refusing the notion that prostitution may be legitimate work. It requires all applicants for funding to state that they do not promote or support prostitution, and it expands financial support for local law enforcement's anti-trafficking efforts (*Trafficking Victims Protection Reauthorization Act* 2003). Although sex worker-rights advocates argued these measures would compromise sex workers' health and safety by limiting the range of service providers (Chapkis 2005), lacking powerful allies, their perspective was

minimized. Bernstein (2010) also provides further examples of these carceral feminist efforts, including feminist support for the Bush II Administration's anti-trafficking policies *and* military interventions in Afghanistan and Iraq, declaring that these efforts were helping to bring democracy and women's rights to women across the globe. And in another example, militarized humanism and carceral feminism is apparent in the "raid and rescue" campaigns that feminists have supported, most notably the International Justice Mission's "rescue and restore" campaigns, which are often conducted in partnership with such press outlets as Dateline, CNN, and FOX News. They typically involve male IJM employees who go under-cover as potential clients to investigate brothels in South and Southeast Asian brothels, partnering with local law enforcement to "rescue" underage and allegedly unwilling brothel occupants and deliver them to state-sponsored or faith-based rehabilitation (Chuang 2010).

These particular feminist engagements with the state have effectively conflated all prostitution with sex trafficking in public and political debates, and they have institutionalized efforts that further criminalize prostitution. Therefore, within this institutional nest, abolitionist feminists may argue that by supporting sex work as *work*, the SJI is *anti*-feminist because it refuses to acknowledge prostitution as violence and exploitation of women, even as the SJI explicitly opposes trafficking of any type (Akers and Schreiber 2011). However, on closer examination, the SJI actually counters abolitionist influence and *promotes* feminist values, particularly if one considers the outcomes of abolitionist feminist-oriented policies. Here a growing body of research indicates that most trafficking statistics are deeply flawed; that law enforcement efforts have uncovered relatively few cases of sex trafficking that fit the abolitionist paradigm of the female captured and entrapped by a male pimp or trafficker; and that resulting law enforcement efforts have resulted in unprecedented police crackdowns on people of color

who are engaged in the street-based economy (Weitzer 2005; Pinto 2011; Bernstein 2007a). Therefore, by gathering, serving and empowering sex workers in ways that acknowledges their vulnerabilities *and* their agency, and by promoting these ideas outside of their clinic (through their public awareness campaign, for example), the SJI actually *subverts* these broader state institutional trends influenced by carceral feminism and militarized humanism by promoting more affirmative, empowering feminist goals (albeit in a very small and highly localized way).

FI & Nonprofits: Beyond the SJI?

If we accept that a nonprofit like the SJI may promote feminist goals through its individual institutional practices, then there must be more scholarly consideration of how *other* nonprofit organizations (individually, and as a broader sector) may challenge (or reify) existing gendered relations and patterns of power. This paper provides the starting point for such a project, but it also recognizes that expanding FI analyses to a range of nonprofit organizations poses significant challenges. One of these is that the nonprofit sector is vast and varied, and this makes it difficult to select case studies and, more centrally, generalize an individual nonprofit's (gendered) institutional practices and procedures across a broader sector. As Louise Chappell (2011) discusses, institutions are always "nested," and certainly, the SJI exists in a very particular institutional nest. Feminists and sex worker rights activists created it in one of the most liberal regions of the nation, where institutional actors (in this case, in the local health department) were open to creating an organization whose mission challenges the gendered notions of sex work(ers) perpetuated by mainstream feminist and criminal justice institutional structures.

Therefore, to lessen the particularity promoted by nonprofit institutional analyses, scholars could study nonprofits working in particular issue areas. In fact, a wide array of nonprofits formed by current and/or former sex workers serve this community from a variety of

perspectives, with varying degrees of support from state agencies. Like the SJI, many of these reflect a sex worker-rights perspective that challenges gendered notions of sex workers as victim-criminals. These include (but are not limited to) organizations such as Helping Individual Prostitutes Survive in Washington, DC, which offers harm reduction services to men, women and transgendered individuals engaged in sex work; and Women With A Vision in New Orleans, which engages in advocacy, health education, supportive services, and community-based participatory research to improve the lives of marginalized women, particularly those engaged in the sex industry. And Project Safe, in Philadelphia, describes itself as “an organization dedicated to ensuring the health, safety and survival of women on the street by providing advocacy, education and support using a harm reduction model” in an effort to reduce the transmission of HIV, Hepatitis C, and other infections among working women. Of course, many nonprofits exist that were also formed by sex workers who oppose the rights-based perspective and instead adhere to the more mainstream institutional framework that understands sex workers as victims, such as SAGE, described above. Therefore, expanding and applying an FI analyses to the discourses and practices of a range of nonprofit organizations serving sex workers may reveal how a cluster of “like” nonprofits may challenge and/or reinforce gender norms in similar (and different) ways across a wider range of political-institutional contexts.

Nonprofits and Institutional Change

By considering nonprofits as organizations that are nested within larger, more mainstream institutional structures, this paper also highlights possibilities for institutional change more broadly. Even as mainstream/state institutions may promulgate certain gender norms and ideologies through their discourses and actions, FI (and new institutionalism, by extension) indicates that these are also open to change, even if this is often marginal and incremental. In the

case of prostitution, it is rare for lawmakers to advocate for institutional measures that challenge dominant victim-criminal understandings of individuals (women) who engage in it. In California, for example, although toleration policies were explored after World War II by San Francisco's incumbent mayor Elmer Robinson, he was defeated by a candidate appealing to female voters with an anti-prostitution stance (Leigh 1997). And at the state level, Assemblyman Leroy Greene of Sacramento initiated in 1971 the only known attempt to repeal section 647(b), which he introduced as a bill when a poll showed there was support for it (Jennings 1976, 1250).⁸ However, Greene's bill never passed, and there have not been any like it since. Instead, sex worker-rights groups have generally led these efforts, but to little effect. For example, in 2008, sex worker rights' groups spearheaded Proposition K, which would have barred San Francisco police officers from arresting, investigating, or prosecuting anyone for selling sex. Advocates (YesOnPropK.org 2009) claimed this would free up \$11 million per year in police resources and allow prostitutes to form collectives and defend their rights as workers; however, they were not able to overcome anti-prostitution sentiments in the region. Drawing on popular abolitionist discourses of female victimization, Mayor Newsom and District Attorney Kamala Harris waged a strong campaign against Proposition K, claiming it would limit law enforcement's ability to curb human trafficking and provide services for victims. They stated "We can not give a green light or a pass to predators of young women," (Harris, cited on NBC News 2008).

Yet even as legal institutions and actors—and the voting public-- have resisted non-criminalizing approaches to prostitution publicly, the SJI indicates how nonprofit organizations may (indirectly) challenge—and change—these institutional practices and discourses (in, arguably, less politically risky ways). In effect, by contracting services to nonprofit organizations like the SJI, the city is able to depart from “business as usual” because it does not appear to

directly “condone” prostitution (and, hence, the victimization of women). Instead, city institutions are acting in the interests of “public health,” as two officials at the San Francisco AIDS Office explained to me (Interview 27 February 2007). Here they stated that, “The job of the AIDS office is HIV prevention, no matter what people are doing... Sex workers are citizens and have rights to health services, and the SJI is a specific agency that provides services to them.”

As a result, the SJI indicates how nonprofit may change governmental institutional practices to promote women’s equality and empowerment in prostitution, even if these institutions (in this case, the City of San Francisco and the State of California) will not do this explicitly. Indeed, because they are also dependent on government funding, nonprofits like the SJI also occupy a precarious position, as their capacity to continue this promotion is always highly contingent on the political favor of city and state officials. Yet even with these limits, scholars concerned with gender, institutions, and feminism (particularly as it pertains to sex work) have much to learn from the SJI. As noted above, single case studies like the SJI cannot establish broad theoretical generalizations and propositions, but they do highlight important dynamics and institutional processes that may be tested in other settings. By further studying nonprofits’ institutional practices, we expand our understanding of how they may challenge hegemonic gender norms.

ENDNOTES

¹ See Ruschmeyer et al (1985) and March and Olsen (2006b) for a broad discussion of new institutionalism, which is roughly divided into rational choice, historical, sociological, and discursive “sub-schools” of thought.

² According to Georgia Duerst-Lahti (2008), these beliefs can be characterized as “feminalism”, an ideology that generally prefers that which is associated with human females, and

suggests female agency for self definition; and “masculinism”, which generally prefers that which is associated with human males, usually giving advantages to them.

³ As Asian immigration to the city increased through the mid-nineteenth century, these districts were often designated based on growing racism and fears about family morality. Therefore the first wave of legislation addressing prostitution came from a committee meeting to discuss the removal of Chinese prostitutes to uninhabited streets, resulting in Ordinance 546 “To Suppress Houses of Ill Fame Within City Limits” (1854), and later, in 1866, the “Order to Remove Chinese Women of Ill Fame from Certain Limits of the City” (Leigh 1996). Later, as more women moved to join their husbands in the city, these districts were more often located in so-called “zones of transition”—areas between where many men in the city lived and worked.

⁴ Although abolitionists acknowledge the relationship between economic hardship and entry into prostitution, they consider individual male pimps (a term used synonymously with traffickers) and clients as “predators” responsible for tricking and luring women into prostitution, and for causing the harms they experience here (Bernstein 2010).

⁵ Initially, Stuart paid (non-SFDPH) staff with her own money and also paid other fees, like incorporation expenses, etc.

⁶ This is specified in the Office of Management and Budget’s Circular A-122, which states federal government agencies will not reimburse direct lobbying expenses, and nonprofits may not spend any share of their overhead cost pool on lobbying activities, including advocacy for renewal of a federal grant. According to Nonprofit Action (2005), a leading nonprofit advocacy group, Circular A-122 does not restrict lobbying at the *local* level, but this must be consistent with the purposes of the grant. Some communications with legislators may be paid for with federal grant funds, such as responding to requests for information.

⁷ Nonprofits have some lobbying flexibility under Section 501c3 if they make the H-election through IRS Form 5768, which allows them to spend specific percentages of their budgets on lobbying activities without compromising their tax-exempt status⁷. As well, larger, well-funded 501c3 organizations may evade this lobbying restriction by registering under IRC section 501c4 and creating separate advocacy organizations.

⁸ In a representative sample of the state’s residents by the California Poll, 50 percent of respondents thought this proposal was a “good idea”, and in another poll (albeit one conducted by Greene), 69 percent said they favored his proposal.

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