

VICTIMS, CRIMINALS OR WORKERS? : CONTESTED IDENTITIES OF WOMEN  
IN THE INDOOR SEX TRADE

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## **ABSTRACT**

Women's participation in the sex trade industry has always been a subject of contention, with conflicting representations. In this study, drawing on in-depth, face-to-face interviews with ten independent in-call and/or out-call sex workers, I seek to understand the distinctive names and meanings attributed to the identities of sex workers. Drawing on divergent analytical concepts such as legal consciousness, respectability, self creation and the intersection between gender, race, class and sexuality I chart participants' perceptions and interpretations of the classifications inscribed to them by legal, political, and the civil society. Moving beyond existing languages and discourses that are particularly used to define, name and characterize women's involvement in the sex industry, in this study I highlight the fluidity and complexities of personal, social and political identities of the ten sex workers.

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## 1. INTRODUCTION

Identity is about belonging, about what you have in common with some people and what differentiates you from others. At its most basic it gives you a sense of personal location, the stable core to your individuality. But it is also about your social relationships, your complex involvement with others. (J. Weeks, 1990, p.88)

So inside workers will always be generally underrepresented group, because they don't want to be seen ... [it's] very hard group to represent [laughing] it's, it's next to impossible to represent a group that says no, no, I'd rather you don't see me [laughing]. Yeah that's, that's you know marketing for the group that does not exist. ... it's like having a ghost rider ... they just really do not want to be seen, you know, there is, there is no average user basically, they, you can't get a feel for them, it's tough. – Robin, 2009

Robin is a “thirty something” year-old career woman in the field of business development. She is also an independent out-call sex worker.

In this study, I describe how ten women who are involved in the independent in-call and/or out-call service sector of sex trade form their personal, political and social identities. This process of identity formation includes rejecting certain normative characterizations attributed to the women involved in the sex trade in general and embracing a variety of identities that are fluid. I choose to focus on the indoor sector of the sex trade because very little about their lived experiences have been documented academically or otherwise. Such limitations and ignorance, I show, is partly due to the fact that participants of this particular sector (including clients) highly value individual anonymity and specific desires over collective public or political representations. The lack of legal, political and public attention to this particular sector of the sex trade inadvertently makes all participants of this sector seem like “ghost riders.” Subsequently this particular group's needs, experiences and opinions tend to get submerged under the

needs and experiences of sex workers in general. Throughout this study, I will argue that it is not only impossible, but also inappropriate to develop a “standard” or an “average” identity of the women involved in the sex trade. The individual stories of the women presented here stress the fact that their day-to-day experiences and various encounters within and outside the sex trade are central to the development of their identities which are complex, continuous and conflicting. Even though the experiences and encounters presented in this study are only part of their lived experiences, I have the privilege of offering a glimpse into the lives of these “ghost riders.” Representing their multifaceted identities will show how each individual’s experiences shapes her personality, her sense of individuality and most importantly, her social relationships and complex involvement with others.

For the most part, mainstream definitions, names and characterizations in the past and present commonly represent the women who engage in the sex trade dualistically: as “victims” who are unwillingly exploited and objectified by heterosexual desires of a patriarchal society and, on the other hand, as fit “workers” with agency. Within mainstream social discussions the “victim” is deemed to be a person who is often incapable of internally forming a coherent and intelligible self-identity. On the other hand even though the “worker” could be understood through notions of personhood and agency, mainstream discourses often claim the sex “worker” to also be incoherent and unintelligible, since they fail to conform to the gendered norms and culturally intelligible definitions of “sexuality,” “womanhood” and “work” (See MacKinon, 1982; Pateman, 1988). In addition, assumptions that classify women’s involvement in the sex trade outside conventional notions of family and work leads to explanations of belonging to a

criminal subculture. Perceptions of female criminality coupled with incoherent and unintelligible self-hood, constitutes the woman in the sex trade to be a special kind of a person – an immoral and unrespectable class of woman and an undesirable sexual citizen. Without a doubt these identities of “victims” and “workers” spark versatile dialogues. However, in this study I take the stand that such perceptions of “victims” and “workers,” which are often derived from normative assumptions, grand narratives and generalized perceptions, tend to fix identities by ignoring the fluidity, the complexity, and reciprocal relationship of power in developing common and different identities.

Several scholars have contributed to discrediting the practices that have the tendency to fix sex workers’ identities in essential notions of “victims” and “workers.” Carpenter (2000) and Bell (1994) argue that this dichotomy of “victims” and “workers” gains its meaning through the public/private split and is organized through the modern liberal democracies in which the “worker” and notions of “agency” are positioned with the mind and masculinity, whereas the twinning of sex and “victim” is foremost associated with the body and femininity. These scholars also note that this polarized view of “victims” and “workers” cannot easily challenge the organization of public and private spheres, or the association between the private sphere and appropriate “womanly” roles, attributes and practices (Carpenter, 2000; Bell, 1994). Furthermore, Agustin (2005a) and Wahap (2002) claim that this divide only illustrates how organized societies distinguish between activities considered normatively “social” and activities denounced as morally wrong, as such this divide is primarily intended to protect the competing class values and maintain social control. Phoenix (1999) and Shaver (2005) claim that this divide also frames the choices, practices and gestures of the women engaged in the sex trade, and



plots them as normalized others, their communities as fixed, and their actions as habitual, thus homogenizing all those engaged in the sex trade into a collective term of “They.” Other scholars have also argued that the “victim” “worker” divide has neither contributed towards drastically altering public opinions, winning major concessions or lasting acceptance from authority, nor has it been successful in eradicating the sex trade industry (Weitzer, 1991; Weitzer, 2000; Karras, 1999). Instead, the “victim” “worker” divide sustains its meanings and characterizations by ignoring the fact that the identities of sex workers depends on the discourses, the time, and space in which they exist. More importantly, in order to attain an organized society, this divide also contributes to the strategy of governing women’s sexuality from a distance, by classifying the practice of soliciting money for sex as a status offence and by moving to arrest and criminalize the women for engaging in it (Bittle, 2006; Karras 1999). Last but not least, studies show that in the face of post-industrial economic currents, such as globalization and the fusion of private and public spheres in general, the “victim” “worker” divide tends to alter the forms and meanings of the sexual encounters, such that the perceptions of “victim” normalizes trafficking women for the purpose of sex trade, while ignoring the possibilities that some migrant women may have consented to their involvement in the sex industry (Bernstein, 2007; Outshoorn 2005; Agustin 2005b).

In the recent years, however, a small body of literature has challenged the dualistic and essential ideas of the sex trade by taking the view that the sex industry is far more complex than most believe, involving a number of sex occupations, venues and locations other than just the street sex work (Benoit & Millar 2001; Shaver, 2005). Yet, there still remains a significant gap in the research on the indoor sex industry. One such gap is the

limited research that examines in detail the lived experiences of indoor sex workers (Lucas, 2005). Another gap identified by Hallgrimsdottir, Phillips, & Benoit (2001) points to the omission of historical and spatial variability of dominant understandings of the sex industry as a “social problem”. This study will address both of these gaps.

I believe that my commitment to document the participant’s individual experiences and encounters within the context in which they exist, which aid in the development of their complex identities, personalities and individuality will allow for immanent contestations of the dualistic and the normative assumptions of “victims” and “workers.” Moreover, representing the multifaceted voices of these participants will illustrate the historical variability of the sex trade being the “social problem” and the dominant understandings of the “sex worker” identity. More importantly, I believe that the focus on multifaceted identities and individual voices allows for demystifying and destabilizing relations of power. At the same time it will also deconstruct and decolonize stable existences, false presumptions, and the ready-made subjectivity of sex workers. It is important to note that by deconstructing the identities of sex workers, I do not mean deconstruction of identity politics. Rather, I believe deconstructing stable, essential and fixed identities creates greater awareness, establishes hidden or subdued voices and opens up new spaces and possibilities for discovering existing identities and communities.

In order to address participant’s historic invisibility, I first document their specific biographies. Second, charting the ways in which each participant locates her individual identities within the society will show that their personality and individuality are shaped by their social relationships and complex involvement with others. The overarching theme within these two tasks draws upon Bradley’s (1996) definitions of personal, social

and political identities. With these definitions, I examine how the participants' personal identities are connected to their experience as sex workers; how their social identities are derived from the various sets of lived relationships in which they have engaged; and how they use their political identity to defend or affirm political actions through a collective identity.

The final task and the key objective of this study is to move beyond existing languages and discourses that are particularly used to identify the woman involved in the sex industry. For this, I draw on divergent analytical concepts such as intersectionality, respectability, legal consciousness, race and class stratification, the reciprocal relationship of power and self-identities to illustrate the complexities of personal, social and political identities. This analysis will ensure that the identities of the women involved in the sex trade are part of, and operate in, a system of immense- yet continuous network, which may be termed politics, ideology, economics, history, sexuality, language and so on. This final exercise also involves critiquing normative ideas, assumptions and meanings that constitute the character and identities of women who engage in the sex industry. It will bring out some of the specific contexts, histories, discourses, precepts, cultures and languages that are implicated in the defining, naming and characterizing the personal, social and political identities of the women in the sex trade.

It is noteworthy that in this study I do not wish to provide a singular "truth" about identity constitution, nor intend to resolve the current controversies that characterize the sex industry or the persons involved in it. Also my work here is not about reconciling the reservations of subjectivity or objectivity debates that inundate contemporary social, political, and legal climates which politicize women's involvement in the sex industry.

Furthermore, while there has not been a consensual agreement on what constitutes the sex industry, the independent in-call and out-call sector of the sex trade industry, in broad terms and for the purpose of this study, is classified as the indoor sex industry. Women involved in the indoor sex industry operate in a variety of settings including escort agencies, massage parlours, brothels, dungeons, out of their own homes, their client's homes, and out of hotel rooms. The practice of out-call service broadly refers to women choosing to provide sexual service in locations such as clients' hotel rooms or clients' homes. Out-call services also includes accompanying clients on holidays and other social events. The practice of in-call refers to women choosing to work from their own homes or apartments. The term independent in-call and out-call in the context of the sex trade implies that these service providers are self employed, as such the businesses are owned and operated by each individual, not by organized cooperation(s).

### **Research Design**

There is no distinct "feminist" research method. Borrowing from Elizabeth Comack (1996) I call the approach used in this study "feminist research practice". This approach is based on, and driven by the questions and aims of this study. In order to challenge the dualistic identities of "victims" and "workers," I rely on both primary and secondary data sources. The secondary data source consists of Parliamentary reports, sex worker activist publications, academic books and peer reviewed journal articles. These secondary sources have been instrumental in both the preliminary planning and designing of this project and in providing contextual background for this study.

The primary data source, which forms the basis of this study, is the participant interviews. The participants are all adults, who are over 18 years of age and who self-identify as woman. All these women voluntarily agreed to participate in an in-depth one-on-one interview with me. Some women indicated that they are actively involved in the sex trade on a fulltime basis, and others considered them to be semi- active, engaging on a part-time basis. In addition, some women exclusively engaged in either in-call or out-call services, while others did not believe that there could be a clear distinction between in-call and out-call, as such simultaneously engaged in both in-call and out-call services. It is important to note that these are individual opinions and experience, thus may not be generalized to the overall population of the sex worker community.

Using the purposive snow ball sampling technique, between November 2008 and March 2009, ten participants were recruited from three different cities- Toronto, Ottawa, and Montreal. Most of these women responded to an advertisement circulated through various networks of sex worker's rights groups, other non-profit women's organizations and online peer review forums. Others learned about this study through word of mouth. The above organizations were utilized solely for advertising purpose, such that they did not influence the participant selection or recruitment. Interested women contacted me directly via e-mail or phone call. I met with each participant in person at a neutral, mutually agreed upon location, one that was convenient and comfortable for the participants.

Initially, I intended to include all willing participants who identify themselves as women engaged in the massage parlours and escort agencies or independent in-call and out-call service providers. The initial plan was to collect data for a 6 month period

between October 2008 and April 2009. Due to unforeseen delays in the ethics review process that is not related to this study, this project was not cleared until the November of 2008. Despite this delay, between November 2008 and April 2009, a total of twenty-seven women expressed interest in participating in this study. The majority of them were independent service providers. Due to the overwhelming interest and a high response rate from independent service providers, I met my sampling target of ten participants in March 2009 – a month earlier than anticipated. Among the women who expressed interest in participating in this study, one street based sex worker was excluded because she did not meet the scope of this study. Two other women were excluded because they were unable to participate in an English interview. Two other women were excluded after several failed attempts to schedule interviews at mutually agreeable times and locations. Twelve women contacted me during the month of April after I had reached my target sample size a reason owing to which, they had to be excluded from this study as well.

The interviews were in-depth, semi-structured, face-to-face, and conducted in English. Voluntary participation involved declining to answer any questions that they did not feel comfortable with for any reason. Voluntary participation also meant that participants were free to withdraw from the interview and/or the study at anytime. The duration of interviews varied from 40 minutes to one hour. The interview questions were open-ended and specifically focused on the ways in which these women constituted their individual identities; and how they locate themselves within their respective environments as individuals involved in the sex trade. With participants' consent interviews were audio recorded. Recorded interviews were later transcribed verbatim and the audio recordings were deleted permanently. Real names and any identifying

information were not included in the transcript. Participants were given pseudonyms to protect their confidentiality. Participants were also given the opportunity to review the verbatim interview transcripts and make any changes or corrections, as they felt necessary. Participants received a cash honorarium of fifty dollars each at the end of the interview.

This study was reviewed and received clearance from the Carleton University's Ethics Committee. The research associated with this study was conducted in accordance with the principles of the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* and the *Carleton University Policies and Procedures for the Ethical Conduct of Research*. In addition, three sex worker's rights organizations conducted their own ethical reviews, and concluded that this study will potentially benefit the sex worker community.

### **Fragmentation and Interlocking Identities**

My approach in this study draws on divergent analytical concepts. Unlike grand narratives and/or generalized political assumptions using different, yet interrelated analytical concepts will allow me to challenge the idea of "pure" or "essential" marginalized identities. This alternative practice to research will become clear, throughout this text, as an appropriate and prudent way to re-tell the stories of these ten marginalized identities. I use the term "marginalized identities", because women involved in the sex trade have historically been defined, named and characterized as beyond normal in several ways. Both formal and informal power relations, immersed with the idea of preserving an organized society, inadvertently and deliberately created discursive

spaces for the articulation of such identities to be excluded as “other,” and subduing their individual voices. In chapter 2, I provide a quick overview of selective discursive spaces that are historically implicated in marginalizing and othering the identities of the women involved in the sex trade. In such circumstances Gayathri Spivak (1990) claims that grand narratives and political group’s assumption that there is a “pure” or “essential” form of marginalized identities, in retrospect, compounds the problem. This Spivak (1987) points out, is because the idea of “pure” or “essential” marginalized identity used to promote the strands of “truth” about all marginalized experiences and needs are in fact reached independently of the colonial discourse and practices that constructed the subject-position of the subordinate social category in the first place. Spivak (1987) thus rejects all definitions of identity which are fixed in essentialist conceptions of origin or belonging and argues that attempts to plot a subject-effect must start from the consideration that a subject may operate from and within a discontinuous network of strands that may be termed politics, ideology, economics, history, sexuality, language, etc.

A framework that incorporates a set of divergent analytical concepts also illuminates the spatial variability in dominant perceptions and understandings of the sex industry and women’s involvement in it. Furthermore Sherene Razack (1998) notes that any attempt to deconstruct, or destabilize preconceived, normative and ideal notions of identity should also attempt to decolonize these identities. In chapter 3, I emphasize the importance of Razack’s (1998) claim to decolonize identity by drawing parallels between the colonial formation of the sex worker identity and the contemporary constitution of the sex worker identity. This resemblance becomes clear through each participant’s views



and opinions as to how social perceptions typically classify and name women's participation in the sex trade.

In order to achieve the goal of moving beyond accounts of "originality" and "initial subjectivities" of the victim and worker identities, I draw on divergent analytical concepts that will open the door to "in-between spaces." In this study I wish to establish that alternative approaches produce new signs of identity, innovative sites of collaboration, and contestation, in the act of defining the idea of legitimacy, work or culture. The emphasis of chapter 4 is to illustrate that law is not an all-powerful discourse or social structure. The commitment and struggle for social/legal change therefore does not necessarily have to come through law reform. Here I am contesting the strategic use of law to advance sex worker's causes. Drawing from Smart (1992), I problematize the instrumentalist approach to strategic legal reform. I argue that such an approach will not constitute a counter-narrative or decentralize relations of power. Instead, I argue that the use of strategic legal reform to advance the cause of women further constitutes law to be the ideal resolution for social problems. I believe that, giving law such a special place in the efforts to effect social change in many ways disregards the potential of alternate meanings of law circulating in social relations. Smart (1992) notes that the strategic use of law "fails to challenge not only law's inflated vision of itself and thus empowers law, but it also enhances law's imperialist reach" (p30). Subsequently, the legal reform approach at the "top end results in the collaboration of nation state, legal singularity and cultural and sexual homogeneity; On the ground, the result is empowerment and disempowerment of legal subjects, determined in part by their relationship to the matrix of law/state/culture" (Davies, 2006, par.3). Smart (1992) also suggests that instead of

initiating a social dialogue of the contested culture of the sex industry and the dominant ideology of law, sex, work and personhood, strategic legal reform mobilizes and classifies a legal subject who are detached from everyday realities, with a blind eye to gender as a meaningful social difference, as idealized white, heterosexual, masculine types.

Therefore in chapter 4, using the analytical concept of legal consciousness I also explore the relationships between different legal/criminal identities within the sex trade industry and the role of law in inscribing, constituting, and regulating various participants. Legal consciousness is an analytical concept, used to name and understand the meanings of law circulating in social relations (Ewick & Silbey, 1998). Ewick and Silbey (1998) also note that legal consciousness recognizes that just as law has the power to institutionalize limits that constrain future meaning, what everyday people do and say about law can also be patterned, stabilized and objectified. In this sense identities never operate in isolation. Rather the gaps and inconsistencies between legal doctrine, its action and regulatory practices create spaces for resistance against and opposed to legal and cultural hegemony (Stychin, 1995). Furthermore, despite its hegemony, institutional power and repressive force, there is no common interpretation of law. In fact ordinary people's interpretations vary considerably based on their engagement, avoidance or interactions with law on an everyday basis. Legal consciousness also recognizes that identities are interlinked and repeated through social logics, local cultural categories, legal actions and other formal and informal regulatory practices (Silby, 2005). For these reasons, legal consciousness is a useful analytical concept to examine the legal identities of the women who participated in this study. As a group these women's everyday lived

experiences and the ways in which they organize their social and political lives are seriously impacted by law and its actions.

In addition to the fact that identities can be formed in part through the exercise of power in oppressive ways (like law and varying historical and social practices), drawing from Stychin (1995), I also argue that identities can be articulated and consolidated through acts of individual and political contestation which resists hegemonic order. However, Stychin (1995) cautions that political efforts to deconstruct hegemonic identities are not immune to partiality which leads to contingency and exclusion. This tension between assertion and deconstruction of identities has become particularly acute in identity politics and theory about women's involvement in the sex trade. For instance, early feminist moral reformers, sex worker's rights activists, and other feminist advocates have always aspired to the notion of 'unity' based on assumed solidarity. Without a doubt, the idea of unity and solidarity is an asset for political action. However, Spivak (1987) argues that notions of coalitions do not usually consider within their actions either their own positionality or the circumstances of transcultural encounters, resulting in at least two conflicting outcomes: 1) any attempt that leads to a singular essential 'truth' about identity is too simplistic; and 2) any attempt at coalition and unity in some sense relapses into liberal notions of cultural norms.

Additionally, Butler (2006) notes that collective "unity" also assumes that speaking agents occupy equal positions of power and speak with the same presuppositions about what constitutes "agreement" and "unity" and, indeed, that those are the goals to be sought. Furthermore, this notion of 'unity' is intended to invoke a social dialogue with the aim of strengthening alternative practices, knowledges, and

subjectivities. Yet, Butler (2006) points out that “[t]he very notion of ‘dialogue’ is culturally specific and historically bound, and while one speaker may feel secure that a conversation is happening, another may be sure it is not” (p20). In chapter 5, I locate each participant’s position within the dichotomous debates of “victim” and “workers” consolidated by grassroots political activists.

In the final chapter, I locate each participant’s self-identity within the claim of otherness in order to problematize the practice of normative identity concepts within available cultural terms. These tend to solidify definitions and foreclose in advance the emergence of new identity concepts. The focus on each participant’s self-identity challenges the limits of clear boundaries. Using Butler (2006) in this chapter I emphasize the point that the multifaceted self-identities described by the participants establishes a deconstructionist approach that disrupts and denaturalizes sexual and gender categories in ways that recognize the fluidity, instability, fragmentation and the plurality of gendered subject positions. Most importantly the descriptive presentation of each participant’s self-identities critiques notions, identities and practises that fails to conform to gendered cultural norms and subjects that are deemed incoherent and unintelligible and celebrates marginal forms of identities and social practices such as sex work.

## **2. FORMATION OF POLARIZED SOCIAL CATEGORIES**

Drawing on a non-exhaustive review of social science literature, in this chapter, I provide a brief overview of how the sex trade industry came to be perceived as a “social problem” and women’s involvement in it as the “social evil.” In order to understand the formation of “sex workers” identities, I examine purposefully selected historical events, against the backdrop of social, political, legal and economic development of this country that were implicated in this process. The focus on these strands will illustrate Spivak’s (1987) claim that subjects may operate from within discontinuous networks determined by heterogenous determinations that are dependent upon numerous circumstances. Furthermore, my interpretations of social values, attitudes and social institutions discussed in this chapter are consciously selected to fit the themes of this study. I am mindful of diverse interpretations of the historical events and the varying role of social institutions. Even though I prefer the terms “sex trade worker,” “sex worker,” “sex trade industry” and “sex industry,” in this chapter (and perhaps occasionally in other chapters) I will use the terms “prostitute” and “prostitution.”

### **Colonial Formation of Identities**

Inconsistently, dominant social and cultural understandings have historically defined, named and characterized the sex industry to be a “social problem” and the “prostitute” as the “social evil” (Sangster, 2001; Valverde, 1991; Strange, 1995; Brock, 1998). While the sex trade itself generally carries a very low status, the subject-position of some women in this trade have come to be known as “unrespectable” and “immoral,” yet some others, depending on their race, class and stratum, are deemed “respectable”.

Eighteenth and nineteenth century Western societies categorized women's sexual involvement outside of marriage as dangerous to the moral fabric of society. When it came to women's sexual involvement, society's prescription of what is right and wrong and how women should behave was a significant element within the continuum of the sexual double standards (Manhood, 1990). Punishments for transgressing the sexual standard (i.e, involvement in so-called dangerous sexual activities) resulted in fines and torture, and such punishments were based on the woman's social rank (Manhood, 1990). Within this historical context, prostitution was characterized as an act of female sexual deviance, immorality and characteristic of the lower classes (Whab, 2002). Sangster (2001) suggests that early literature on prostitution sympathetically portrays prostitution as a "choice among limited choices" for working-class women (p86). With immorality being a pivotal concern, virtually all of the organized efforts to rehabilitate the "prostitute" targeted individual women from the lower and working-class (Whab, 2002; Manhood, 1990). All organized rehabilitative efforts were intended as a mechanism for getting the fallen women to conform to middle-class notions of femininity and for redirecting the threat of working-class women (Whab, 2002; Manhood, 1990). Even though prostitution was a legally punishable offence, the authorities were more concerned with recognizing, controlling and segregating the prostitutes from the general population than abolishing prostitution. The introduction of hospitals and female penitentiaries during this time not only embodied the economic and political climate (i.e, prosperity of industrialization) but these institutions also served as agencies of control and surveillance and as a rationalized method to censor women who were deemed sexually deviant (Manhood, 1990; Sangster, 2001). Confining prostitutes in penitentiaries also

conveniently isolated them from “respectable communities” (Manhood, 1990). In addition to redirecting the threat of working-class women, hospitalization also aided in defining prostitution as an individualized problem (Manhood, 1990). Thus it is arguable that these structural perceptions of “prostitution” and “prostitutes” were influenced by the Christian social order and industrial capitalistic notion of female sexual propriety and were also directed towards women and the working-classes.

### **Gendering Prostitution**

Prostitution has been a continual source of irritation for preserving social orderliness and a common culture. Phoenix (1999) notes that early representations were submerged with the fundamental question of “in what ways are prostitute women like or unlike other women?”(p35). This question of difference primarily rendered a gendered identity of the “prostitute.” Nineteenth century prostitutes were perceived as essentially sexualized females (Gilman, 1986). To be a prostitute is to have a whole identity. The physiognomy and descriptive appearance of the prostitute was believed to provide an adequate representation of her. Gilman (1986) notes that it was believed that prostitutes could be easily identified by their facial features, the colour of their hair and eyes, by their character and temperament, the nature of their voice, particular body types, their sexual profile in relation to child bearing and diseases. For example the *Canadian British Contagious Diseases Act* of the 1860’s presupposed that any policeman could spot prostitutes without necessarily witnessing activities such as solicitation (Valverde, 1991; Strange, 1995; also see Levine, 2003 for a similar situation in Colonial India). These early perceptions of biological and/or psychological differences were intended to create

the perception that prostitutes are “neither the same as nor similar to non-prostitute women” (Phoenix, 1999, p35). Gilman (1986) notes that Lambroso’s depiction of the prostitute as an atavistic constituted them a subclass of woman and of humanity, whose irregular physiognomy signified their primitive nature. Additionally, Gilman (1986) notes that Ferrero’s description of the prostitute places her with the Bushman, at the bottom of the scale of primitive desires of sex and by extension prostitution was perceived to be the rule in primitive societies.

Despite the factual errors, Lambroso and Ferrero’s views took deep hold within colonial structural perceptions, such that social relations consistently and continuously categorized prostitution to be a whole identity and as a rule in primitive societies (Gilman, 1986; Levine, 2000). Colonial formation of the prostitute’s identity believed prostitutes to be different types of women- not feminine, rather as women who are infatuated with unreasonable sexual desires. Faith-based categorizations defined overt “sexual desire as an unreasoned force differently possessed by women, which threatens the reason of man and the inherent moral supremacy of men” (Barman, 1998, p212). In addition, women’s active role in sexuality and commerce through prostitution was seen as a challenge to the public realm (See Valverde, 1991; Strange, 1995; Brock, 1998). In addition the perceived “moral panic” of the nineteenth century classified prostitution as the most dangerous form of social evil. Efforts to regulate prostitution showed commitment to the values of Victorian sexuality – “as the successful promotion of a version of women’s sexuality, an ideal of purity and sexual innocence well fitted to the separation of spheres that underpinned the patriarchal power of the new ruling class” (Barman, 1998, p212). This colonial formation of the prostitute identity and the



commitments to transform this particular class of women partly resulted in the stigmatization and policing that affected all participants in “public sex” unequally (Valverde, 1991). For example, the Morality Department at the police branch in Toronto, upheld “men’s rights and abilities to contract, both as producers and consumers,” while settling on enacting protective and punitive measures on the countless young women the constables encounter at night on downtown streets (Strange, 1995, p56). This ambivalence in cultural practice also gave rise to racialized law enforcement practices.

### **Racialization of Prostitution**

In the colonial context, white people of European descent were seen as having more character than the aboriginal peoples or people of colour, thereby character was an important part of the nation building project (Valverde, 1991). Sexual morality and uncontrolled sexual desire was perceived to be uncharacteristic within European societies. As such the civilization project profoundly sexualized aboriginal women and their agency so that they were rarely permitted any other form of identity and, by default, aboriginal women were portrayed as prostitutes or, at best, potential concubines (Barman, 2005; Henderson, 2003). In extreme case, aboriginal women’s every act became perceived as an invitation for sex, thereby constantly portraying their sexuality as wild and out of control (Barman, 2005). As a result North American colonial policies, in their efforts to tame aboriginal sexuality reproduced campaigns that targeted aboriginal women’s bodies (See Lawrence, 2004). Aboriginal women on the streets of Victoria were portrayed almost always as either “prostitutes” or “crones”: their appearance, manner of dress, the way they behaved, and the “presence or absence of physical desire in men that

determined their identities” (Berman, 2005, p205). As a result, the popular media reconstructed the image of the common aboriginal woman as a prostitute and further ensured that its discourse represented whole outskirts of towns as perfect brothels and “the squaws” in a dance hall might all be considered as prostitutes (Berman, 2005, p205; Henderson, 2003). Such generalized perceptions ensured aboriginal women’s “unrespectable” status, along with their gendered and racialized subordination.

Even though there is evidence that some aboriginal women worked as prostitutes, it did not bear resemblances to the lives of the vast majority of aboriginal women (Carter, 2000). There is no evidence to suggest that prostitution was any more prevalent within indigenous societies than within European societies. The evidence also suggests that extreme poverty was a significant contributing factor for young aboriginal women’s prostitution, yet, formal and informal regulation such as the overlapping assimilative projects of the missions and schools did not attribute prostitution to economic conditions. Instead it was assumed that prostitution was a form of personal disposition or inherent immorality of aboriginal women (Carter, 2000; Sangster, 2001). Levine (2000) suggests that prostitution represents a crucial artefact of colonial authority, such that prostitution was central in maintaining a masculinized colonial rule. With race constituting the different human body, aboriginal peoples are the objects of the process of racialization, and their social, cultural characteristics and sexuality, particularly female sexuality are the subjects of racialization (McCalla & Satzewich, 2002). Levine (2000) also notes that, with prostitution classified as disturbing the moral universe of Victorian establishment, race-based ideas of sexual behaviour and sexual order served to separate the respectable and the unrespectable women. Moreover, the racialized body politics, based on ideas,

stereotypes, and demographic knowledge, constituted the making and the creation of the sexualities which defined and labelled the colonized, such that prostitution by white women in a colonial setting was regarded as superior to their native counterparts (Levine, 2000). This urge to define and distinguish “colonial” and “native” values, practices, sexual habits, preferences, boundaries, and understandings were always in the taxonomy of language serving the needs for certain kinds of authority in the colonial setting. More importantly, colonial regimes used these classifications and claimed to know what prostitution looks like, quite literally, even while its definition remained an elusive category. In addition prostitution as a racialized activity was a weapon wielded in the colonial context as if it were proof of the need for civilizing mission.

### **Legal Formation**

Even though several activities related to the sex trade are illegal, the sex trade itself has never been illegal in Canada. Yet, Canada’s first *Criminal Code* introduced in 1892 had a significant impact on the sex trade industry and its participants. First, it provided for both men and women to be prosecuted for keeping a common bawdy house or disorderly houses such as illegal gaming and drinking (Sangster, 2001). Second, the vagrancy statute- the streetwalking law- equated only females with the category of prostitute, made prostitution a status offence, and in general criminalized suspected women whom the authorities had wide latitude to harass or arrest (Sangster, 2001). For example if a woman was “found in public place and when required does not, give a good account of herself,” then she was deemed a “common prostitute or night walker” (Sangster 2001, p92). The vagrancy provision was also enacted at the provincial level in

order to control streetwalkers- for example Ontario's 1897 *Female Refugees Act*, made provision for a woman thirty-five or younger to be incarcerated for up to two years if she was out at night and could not give a satisfactory account of her intentions, or was seen as a "habitual" drunkard or by reasons of other vices as leading an idle and dissolute life (Keshen, 2004, p135).

In order to sustain institutional powers across variable performances, the federal government also made several amendments to the *Indian Act* with respect to prostitution related activities. In 1880, an act was introduced to prohibit the keepers of bawdy houses from allowing aboriginal women prostitutes on the premises (McLaren, 1996). Again in 1884 the *Indian Act* was amended to state specifically those keepers of "tents and wigwams" and houses fell within the bawdy house provisions, which ensured that aboriginal people were convicted of being brothel keepers (McLaren, 1996). In 1886, this *Act* was further amended to ensure that every Indian frequenting a disorderly house, tent or wigwam used for such purpose was also held liable (McLaren, 1996). The federal government repealed this provision in 1887, and added an amendment which separately targeted Indian women prostituting themselves (McLaren, 1996). Classified as prostitutes, aboriginal women were subjected to further restrictions by legal disciplinary regime that questioned their morality in a number of sanctions – a separate legislation under the *Indian Act* enacted in 1886 and refined in 1889; and the 1880 provision against the prostitution of Indian women which was incorporated into the *Criminal Code* in 1892, made it easier to convict aboriginal women than their non aboriginal counterparts (Carter, 2000; Moss & Gardner-O'Tool, 1991). It is clear that in order to sustain a common

culture and a particular structure of power and inequality, Canadian law played a significant role in constituting and reproducing gendered and racist ideologies.

### **Social Activist's Role in Constituting Identities**

During the late nineteenth and early twentieth century English Canada was inundated with an amalgam of several issues including temperance, the panic of the White slave trade, concern about immigration, racial purity, and the perceived threats of urbanization (Valverde, 1991). These concerns were linked to the rapid degeneration of this country's moral fabric. In order to preserve the morality and prosperity of this nation, moral reform movements actively engaged in endorsing the norms, ideals, and values of this society. These moral reformers actions deemed the sex industry as a "social evil," as the most horrific vice that threatened the moral fabric of English Canada (Valverde, 1991). Their actions also involved defining and maintaining middle class power and authority and the determination to change the directions of both the social and legal arrangements (Valverde, 1991). For the moral reformers, the fundamental traits of a strong moral society depended on strong families and women. McLaren (1996) notes that moral reformers were convinced that protecting the women from all forms of social vices would aid in preserving a common culture and represent the community's moral conscience.

Feminist grassroots groups such as the Women's Christian Temperance Union (WCTU), the Young Women's Christian Association (YWCA), and the National Council of Women (NCW) shared the concerns of social vices with their moral reformers. These feminist groups were mostly made up of white middle class Christian feminist's who also

actively engaged in endorsing the Victorian norms, ideals, and values about sexuality and gender roles (McLaran, 1996; Valverde, 1991; Sangster, 2001). As a result they focussed on issues of sexuality, addressing such matters as the sex industry, sex education, venereal disease control and eradication of obscene literature (Valverde, 1991). The combination of moral instructions and criminal sanctions were seen as appropriate measures to deal with any anti-social activities that had the potential to threaten the family and by extension the society (McLaren, 1996). These early feminists pioneered two major political actions: in the first one, they encouraged and attempted to adopt a unitary “female” political identity to advocate for the rights of all women (Valverde, 1991). In the second, they critiqued the law for regulating a sexual double standard for the sexual activity of men and women. Through this action they stressed the fact that heterosexual women were being subjected to stricter policing and harsher stigmatization for sexual activity outside of marriage (Sangster, 2001). Yet, the WCTU with its prominent campaign, *The White Life For Two*, advocated for the sexual “equal standard” for men and women as opposed to against the sexual double standard (Valverde, 1991, p59). In many ways, these political actions paradoxically endorsed the legal doctrine and legal discourse by fully acknowledging that “a woman’s unrestrained or pecuniary sexual activity outside of marriage was a social problem, and that the law was an appropriate instrument to regulate sexual activity and familial roles for men and women” (Sangster, 2001, p85). As a result, the laws that were created to address the moral concerns during this period branded women’s overt sexual expressions and women’s involvement in the sex industry to signify sexual deviancy (Sangster, 2001; McLaren, 1996; Shaver, 1994; Valverde, 1991). Ultimately, Sangster (2001) notes that such legal branding crossed

various boundaries, whereby the nuclear family, the religious precepts and medical experts began to play a role in regulating women's sexuality and socially denouncing the women involved in the sex industry

The legal branding, social governance, and sexual regulations of women's involvement in the sex industry have several other unintended, but related consequences. First, these actions polarized the identity of these women as "victims" and "victimizers," as "good" and "innocent" girls, and as loose, promiscuous, and deviant others (Sangster, 2001). Second, the political actions also ignored the complexities of race, and class in the process of social identification (Sangster, 2001). The third outcome, which is mutually dependent on the other two outcomes, had severe implications on the identity of aboriginal women. Sangster (2001) notes that the prevalent discourse that polarized women into "victims" and "victimizers," also symbolically characterized the image of woman's sexuality as either "reformable" or "unsalvageable"- with of course, white women as "reformable" and aboriginal women as an "unsalvageable" class of women.

The ongoing nation-building efforts of the moral reform movements that focused on sexual purity, marital monogamy, and distinct gender roles of the female homemaker and male breadwinner implicitly portrayed aboriginal traditions as less civilized than white/Anglo traditions (Valverde, 1991). Aboriginal women's sexual consciousness was perceived as less moral than non-Aboriginal women (Sangster, 2001; Berman, 1998; Perry, 2005). The image of the dissolute aboriginal women was so popular that aboriginal women's involvement in the sex industry was perceived as a common practice: "all the Indian men are a horde of thieves and cut-throats, and the women a community of prostitutes" (Barman, 2005, p205). Aboriginal women on the streets were portrayed

almost always as either “prostitutes” or “crones,” all “the squaws” in dance halls are prostitutes and the outskirts of towns as perfect brothels (Berman, 2005, p205). Classified as the common sex worker, aboriginal women were subjected to harsher restrictions under the *Indian Act* in addition to the Canadian *Criminal Code* provisions that criminalized women’s activities in the sex industry (Carter, 2000; Moss & Gardner-O’Tool, 1991). These regulatory regimes, Carter (2000) notes, used the generalized identities of sex workers to informally marginalize aboriginal women’s presence in towns and settlements, thereby narrowing their options and opportunities to a regular life.

## **Conclusion**

It is implicit within specific historical contexts, politics, discourses, precepts, cultures and languages that white women involved in the sex trade were portrayed as victims of racialized economic forces (hence the panic of the white slave trade) while aboriginal women were portrayed as morally inferior. As such aboriginal women were not classified as victims, but as a threat to white social order. Such generalized categories and polarized identities, founded on imaginations and assumptions are problematic. In the following chapters, as I begin to present the participant interviews, it will become clear that distinctive notions of “victims” or “workers” will neither capture these women’s experiences and encounters in the sex trade, nor will it adequately represent complex personal, social and political identity.



### **3. SEX TRADE, SEX WORK AND SOCIAL RELATIONS**

Common perceptions that define, name and characterize women's involvement in the sex trade have evolved through various political and social climates to fit with broader political ideas and moral values. Notwithstanding the varying perceptions, the sex trade and women's involvement in it has always been seen as a "social problem" and a "social evil," as such the aim has also remained the same – to separate sex workers from other respectable members of society. In this chapter, I examine how the participants of this study interpret these existing perceptions that are used to define, name and characterize the women involved in the sex trade. It is important to be mindful that the sex trade industry is made up of many different strata and the participants of this study do not consider sex workers to be a homogenous group.

From the position that ideology and hegemony are pivotal elements involved in the process of classification, in this chapter I argue that normative classifications such as sexual deviance, beyond normality, unacceptable sexual citizen and unrespectable class of women have several significances. First, it is a way to maintain an apparent social orderliness; it is a means to preserve a common culture; a way to ensure institutional legitimacy and the power of the middle class. Second, classification such as the unacceptable sexual citizen and the unrespectable class of women makes it easy to justify their subordinate position and deny them their right to articulate a public and political identity. Finally, all this leads to a continuum in which women in the sex trade are inadvertently stigmatized and discriminated through everyday social, legal and political practices. Spivak (1987) argues that such continuum usually are founded on the idea of

“pure” or “essential” form of marginalized identities and is often used to promote the “truth” about all marginalized experiences and needs, as such it is problematic.

The objective, in this chapter is to chart each participant’s interpretations and ways of engaging with normative claims of the unacceptable sexual citizen and unrespectable class of women. This will illustrate how these individuals locate themselves within these normative claims. Here, I engage with the Skeggs (1997) notion of female “respectability.” According to Skeggs (1997) respectability is organized around a complex set of practices and representations which define appropriate and acceptable modes of behaviour, language and appearance. Skeggs (1997) also notes that respectability, as social rules and moral codes, operates in ways to bring domesticity and sexuality in opposition to each other. In colonial contexts, efforts to establish the national social order and attempts to create middle-class hegemony saw conformity to the feminine domestic ideal as the solution to get young working class women to relinquish paid employment (Skeggs, 1997). Of course, this notion of domestic ideal was based on the structure and organization of Victorian upper and middle classes moral precepts, which allocated a moral superiority to all women who naturally aspired to this particular feminine role and functions (Skeggs, 1997). In this respect, the domestic ideology and the proper propagation of home and family values became part of the wider formation that defined female respectability (Skeggs, 1997). The moral standards of women were seen as the symbol of the nation: Virtuous women were believed to protect the nation, while non-virtuous women are presented as subversive, thus not worthy of respect (Skeggs, 1997). With respectability becoming the locus of class identity, the upper and middle-class women differentiated themselves against the “rough” working class women’s

excess passion and sexual deviancy (Skeggs, 1997). Skeggs (1997) notes that this resulted in establishing two different types of unrespectable women: the first is the “prostitute”- the immoral and seditious women; and second is the fallen woman, the victimized, powerless and dependent women who preserves her femininity because she is from the respectable classes.

### **Living Through Social Positions and Cultural Representation**

The sex trade itself, historically, carries a very low status. However, while the “essential” identity of the “prostitute” usually inscribes the subject-position of an “unrespectable,” “immoral” and subordinate category, the subject-position of some women involved in the sex trade, depending on their race, class and stratum, are deemed “respectable.” Drawing on the interviews with the ten women the following descriptive recitation addresses this contradiction.

All the women I interviewed believe that society generally perceives all the women involved in the sex trade to be lazy, drug addicts and alcoholics who are looking for an easy way to make money. Some women think that society perceives sex work to be a deviant activity, such that sex workers are all man-haters and that they steal men’s money. These women also stress that society sometimes perceives the women who engage in the sex trade to be victims of sexual and/or physical violence. Furthermore, these participants also note that the society is convinced that most women engaging in this trade are forced by their abusers into being a sex worker. Such assumption and generalized views of the sex trade, they argue are drawn from, the most visible and

commonly known form of sex trade – the street based sex trade. For example, Roxan and

Freeda note that:

the only identification we have as a society with prostitution is with street hookers... unlike porn actress and strippers, escorts are not visible so society identifies with prostitutes... – Roxan

society sends me the image that you know, being a sex worker is bad but being a street worker is even worse, so, because they think that the street workers are all using drugs. – Freeda

Roxan and Freeda's views correspond to existing literature. Lucas (2005) and Benoit & Millar (2001) note that the increased visibility of women, who are involved in the street level sex trade, invariably has become the source of complaints by residents in the neighbourhoods. Lucas (2005) and Benoit & Millar (2001) also point out that street based sex workers typically draw the attention of policing policies, media accounts and scholarly works, hence their image plays an immense role in informing the stereotypical depictions of the "sex worker" identity.

Maxi, a young queer, independent in-call worker, whom I met in Toronto, argues that languages and concepts of sexual deviance and/or victimization have influenced society's perceptions for so long that they simplistically define and classify the lived experiences of all sex workers within the boundaries of unrespectable class and unacceptable sexuality. Maxi says,

[these perceptions] are very simplistic and totally undermines every single thing about everything that anyone in the sex trade have ever said about what sex work actually is to an individual... I don't think that a certain class of sex worker should be deemed exploited and should be deemed victims... where as another class of sex workers should be deemed workers. – Maxi

In addition to the simplistic view, Amethyst, an undergraduate university student, thinks that the languages and perceptions that promote the various groups of sex workers needs

and experiences through contradicting classifications contributes to society's ignorance about sex workers as well. Amethyst, explains that, people in her class at the university are often taken by surprise when she reveals the fact that she engages in sex for money. Amethyst notes that people are often surprised because she not only defies the stereotypical representation of the sex worker, but also because she challenges their common assumptions. Here is Amethyst explaining one particular incident:

...but I am pretty open about it, like at school we were having a discussion in a women's studies class once and this girl is like "I don't understand how this is liberating ...." and I have a hard time keeping my mouth shut, so I tell the class that I am a sex worker and the class ... every one is like ah...!! ... yeah, and then they come and ask questions after. And I don't mind educating people. Just putting a face to it, because people, they think a sex worker and they don't know what to think. I am really in a university class right beside you and not using drugs and I am just like a regular student... –Amethyst

The message within this particular testimony is unequivocal. Amethyst's identity and character as a university student contradicts both the classifications of an unrespectable woman and the fallen victim. Considering the extent of contradiction, it is not a surprise that it takes historically powerful institutions to inscribe the normative perceptions within social practices.

### ***Media's Role***

Many women in this study also highlighted the media's role in informing and inscribing the public's general perceptions about the sexually deviant sex worker, and the powerless dependent fallen victim. Here is Greenly, another undergraduate student, explaining her take on media's role:

what we see in our media is like two versions – the poor, victimized drug addict, street worker and then there is the high class prostitute who does not care about the people she sees, she only wants money, money, money, money. —Greenly

Greenly’s frustration is echoed by many others in this study. However, it is important here to note that none of the women in this study deny the fact that some women engage in the sex trade to foster their drug habits, while others engage for its lucrative nature. Participants also acknowledge that, as sex workers, their work can potentially be dangerous compared to other “square” jobs where workers have access to minimum government imposed rights, as well as access to police protection under the circumstances of duress. However, all these women seem to believe that the media in particular exaggerates sex workers vulnerability. Furthermore, all the respondents of this study also point out several other reasons why women choose to engage in this particular industry. The following are some of the reasons:

- For the money;
- Higher standard of life;
- For the independence;
- For the flexibility;
- “Its fun”;
- “I like sex”/ “I enjoy sex” ;
- “I am good at it”;
- “I can have tattoos and body piercings”;
- “I like the company of human beings”;
- “I like to travel”;
- “I can’t fit into a square job/straight job”;
- “Working with people from all strata’s of society that I will never come across in my personal life”;
- “The opportunity to meet other women with various experience that allows me to have a very open mind”

In addition to these considerably varying reasons, all the women in this study identified that they made a choice to engage in the sex trade and they perceive this as a job of choice. Participants of this study also stressed that they do not think they are being

victimized in any sense, or that they feel like a “victim” in any way. In a sense, all the women in this study argue that the prominent media representations of the dichotomous identity are absolute misrepresentations. Here is Amethyst again, this time explaining the media’s role:

And I am delighted that the way that I work is extremely autonomous and safe and well compensated and every thing like that... Well I know that there are people who don’t have the choice but I think the media misrepresentation is totally over exaggerated and people that I have met in the industry are all in very autonomous position and want to be a sex worker... – Amethyst

Greenly and Amethyst’s reactions to the media’s role appear to be consistent with the views of other sex workers documented elsewhere. For example, Hallgrimsdotter, Phillips & Benoit (2005) compare media portrayals with self-reported experiences of sex industry workers in Victoria, B.C., from 1980 to 2005 and found that the media narratives of the sex industry offer very little insight about the complexities of what sex workers do for a living. From this study Hallgrimsdotter, Phillips & Benoit (2005) learned that the media narratives offer a voyeuristic and consumerist interpretation of the sex industry, through which a mainstream audience is incited with stories of blameworthy and wicked females or the entrapment and seduction of innocent girls. Hallgrimsdotter, Phillips & Benoit (2005) also point out that these narratives reproduce social stigma, suggesting sex workers are morally, mentally and psychologically damaged. With the increased focus on individual pathologies and risk behaviour, Hallgrimsdotter, Phillips & Benoit (2005) argue that the media obscures related and unrelated forces that shape both entry into sex industry and the ordinary and mundane experience within it.

Furthermore, the media representation of gender, class, race and sexuality are important loci of self and personal identity constructions. The fictive characters and relationships created by the media narratives in this context become relatively unquestionable at least to the extent that the media audience lack empirical experience to challenge. Essentially, in the absence of any lived interaction with the sex industry, the media becomes the key cultural sites where stigmas of sex work are produced and consumed by large segments of society (Hallgrimsdóttir, Phillips & Benoit 2005). The media's obscure representations, in addition to sustaining the boundaries between the respectable and unrespectable class of women, forecloses any possibility for accommodating the various reasons why women choose to engage in the sex trade.

### *Client's Role*

Although, the media is a key cultural site in which normative knowledge of sex work is produced and consumed by the public, some women in this study point to their client's role (or the lack there of) in inscribing the sex worker identity. In other words, the women in this study believe that the normative knowledge and negative perceptions cannot be generalized to the entire society. In line with Hallgrimsdóttir, Phillips & Benoit's (2005) claim, many women in this study also suggest that the lack of, or limited interaction with, the sex industry is a primary reason for the co-occurrence of labelling, stereotyping, segregation, discriminations, and so on. For example Angela is a part time independent out-call service provider who started working in this industry in the past year. She says:



It depends on what part of society we are talking about, because I think that people who are sex worker positive will often see me as a worker and I think ... a very non progressive way of looking at sex work is as a victim ... –Angela.

Almost all the women in this study emphasized the fact that clients are a particular group who have varying observation about the sex industry. During the interviews, all the women described their clients' generally view sex workers and how their clients perceive each individual woman. Overall, participants indicated that their clients in general have a more positive perception about women's involvement in the sex industry; especially independent service providers were highly regarded. Many women note that most of their clients do not see sex workers to be "victims." With confidence these women point that majority of their clients perceive independent sex workers to be autonomous individuals who have made an informed choice to engage in sex for money.

Robin and Roxan comments articulates that

...clients themselves who find that notion [the notion of "victim"] very uncomfortable... Most of them would not be able to see you if they thought that you were victimized in it. Well most of them will be uncomfortable in seeing you if they thought you were forced into it ... so they need to feel that you are empowered into, in doing this. That it is an act of choice. – Robin

... a guy who is paying good money to see an escort expects the girl to be some one like me, they expect a girl to be educated and not have children to do it. They don't want to go see a girl that is doing it out of a drug [habit] you know, like attracts like and if they are ... not into it [drugs] they don't like it any more than anybody else. – Roxan

Some women, however, point that clients are also not willing to view these women as "sex workers." According to Amethyst, who at times classifies and refers to herself as a "high class" escort, her clients usually do not perceive their companionship to be a business contract.

Once I was talking about these prostitutes and sex workers and clients and stuff like that and one of my clients was like “but you are not a sex worker.” And ok!!! – he doesn’t, they don’t like thinking of me in that term, they avoid the word escort, they avoid the word prostitute. In my working life they don’t see me as that. I don’t know what they see me as and the money never touches my hands, they put it in my purse or something like that to sort of keep the fantasy that we are just hanging out together. And they don’t like when I label myself as a sex worker so I stopped doing that, like I used to do that. They looked very uncomfortable, so now I tell them that I volunteer at a women’s shelter because they don’t like seeing me in those terms because they see sex workers as street workers or like without much autonomy or choice. –Amethyst

Amethyst also went on to say that, even though her clients sometimes do not wish to acknowledge their business relationship, she has never experienced her clients transgressing the boundaries of their business contract. Amethyst seems to think that the reason most of her clients want to overlook their business contract is because this way they can improvise their relationship in ways to meet all their expectations and fantasies of a traditional hetero-normative relationship. According to Amethyst, the thought of a “paid date” splinters this fantasy. Amethyst also emphasizes that many of her clients neither wishes to, nor wants to, learn about her personal identity or other details, such as her sexuality, her business and so on. For example, Amethyst said that when she told a couple of her frequent clients - who over time have become her friends - that she is in a polyamorous relationship, it shattered their model image of her and their illusion of their time together. Subsequently she said that she never mentioned such details again to any of her clients instead, thereafter she always adhered to a professional code and attitude when she is with her clients.

Yeah! So I don’t actually say like that I am actually in a polyamorous relationship with someone. I say like I have gone on couple of dates with a girl and it was fun, just sort of fuelling their hetero standards .... I am not going to be [telling them that]

they had a shaved head ...[laughing] That's not what they want to hear [laughing]. But I think they are .... Yeah! ... I play the role of a classy girl... hiding the name and like I wear my designer clothes when I go out and I look really different ... that sort of, it's like acting in costumes. Part of me does come through, especially if it is a regular who I have had for a while, I see often. But the fact that I call myself something different really lets me act... I am totally perpetuating the model of women but at the same time they know that I am sexually liberated or whatever that I obviously am comfortable with my sexuality to be doing this job. But yeah I am playing the hetero girl who lives for cocks [laughing] –Amethyst

Individual stories presented thus far highlight the dynamic relationships between participants of this study and their clients. Samy, an in-call worker, further expresses these dynamics between women and their clients. Here is how she describes her experience with clients who seek her services to fulfill their traditional hetero-normative fantasies:

They also have this attitude, you know like this know-it-all father type, they call you honey and sweetie, and I want to smack them in their face every time just like, seriously, like don't be condescending to me. This is totally because I am a woman and totally because they are paying me. They think you know she is a dumb whore, you know, she can't handle a conversation, she is stupid, she needs me to tell her everything ...  
-- Samy

In addition to the complex dynamics, it is interesting to note that all ten women in this study could not confirm that their clients generally had a positive perception about women's involvement in the sex industry. Particularly, with regards to street sex workers, most of the women in this study suspected that their clients could likely subscribe to a negative, stereotypical view, and in turn ostracizing them. Likewise, these women also believe that their clients would never publicly endorse any and all aspects of the sex industry, nor publicly admit to their direct involvement with the sex industry or with the women involved in it. For instance, Robin notes that, although clients need to feel they

are engaging with autonomous women, who are capable of making independent choices, they likely will never challenge society's negative stereotypes about women's involvement in the sex trade. She says,

... I suspect that ... they don't go home to, the client does not go home to his wife and go no, no, no, these women are empowered by making this choice. They go home and go yes, yes, it's horrible what these women are forced into doing. You know they are probably living this double life. –Robin

The above mentioned accounts and incidents with clients, implies that patriarchy is a powerful structural force with tremendous power to influence and inscribe generalized social perceptions and practices.

### *Other Perceptions*

In addition to clients, social activists, policy makers and academics also interact with sex workers at various levels and capacities. As such, their perception about women's involvement in the sex industry further fosters the formation of the generalized version of the sex worker identity. Other studies have reported that several sex workers feel used by politicians, feminist and the media (Fawkes, 2005). Sex workers argue that they are overlooked during the decision-making processes regarding juridical changes and some academics and anti-sex work feminists only seek to rewrite sex workers experience and history to suite an abolitionist agenda, i.e., they only listen to them if they say the correct things about the sex trade, such as sex work is appalling, sex workers are victims and sex workers are grateful to current prostitution policy and to policy makers (Fawkes, 2005). Women in this study also expressed similar frustrations. For instance, Ruby and Freeda note that,

... the feminist abolitionists ... they see us as a traitor for other women and like they call us allies of patriarchal system by being a sex worker ... if we don't see ourselves as victims it is because we are way too much ... brain washed to see how victim we are... the feminist abolitionists who pretend to be better experts on my reality than I am myself [laughing]. And they as experts, they don't want me analyzing my own reality, they will do the analysis ... And they pretend to know better than me what is right for myself ... like what I should do, what I should not be doing ...— Ruby .

I think the first thing they should do is meet up with sex workers to know how do you want your rights defended, which rights you want defended. Because there are ... organizations that just ... reinforce all the stigma and the prejudices around sex workers. ... so if you want to talk about sex work you have to be open to all the realities and you have to not just take your point of view and try to do a research that kind of proves your point. Then you are going to specific sex workers and just the ones that fit with your opinion. – Freeda

Ruby, Freeda and the other participants in this study expressed their frustrations about feminist abolitionist and their proponents, especially for speaking on behalf of people that they haven't consulted with. In chapter five, I discuss in detail, how these women think social activists inscribe and maintain normative perceptions and identities of the women engaged in the sex trade industry.

### **The Matter of Choice**

Participants of this study believe that the concept of “choice” also plays a key role in defining, naming and characterizing women's involvement in the sex trade. More specifically, these women believe that the ideas and assumptions of who really is in the position to make informed and free choices dictate the “unacceptable” and “unrespectable” classifications. As mentioned earlier, within the colonial context “character” and “respectability” were the locus of class identity, such that prostitution

was categorized as a choice among limited choices for working class women (Sangster, 2001). The intersection of gender, race and class with ideas of “character,” “respectability” and “choice” continues to resonate in the neo-colonial context as well. This led feminists and several others to question the notion of free choice and consent in relation to women’s engagement in the in the sex trade (Kesler, 2002). Such concerns within the neo-colonial context were also influenced by the values of Christianity and moral purity, thereby submitting to the belief that virtuous women would never choose to engage in sex for money and those who do so are non-virtuous women who are not worthy of respect. However, the studies that have examined the lived experiences of sex workers indicate that overwhelmingly large number of sex workers view sex work as a job of choice (Benoit & Millar, 2001; Bruckert, Parent & Robitaille, 2003; Bruckert & Parent, 2006). Consistent with existing literature, participants of this study also emphasized that they all made an informed choice to be an independent off street sex worker. More importantly, these women’s accounts of their lived experiences and their interpretations and understandings of the concept of “choice” shows how gender, race, class and sexuality intersect to constitute the “respectable” class of sex worker. The following testimonies by Ruby, Amethyst and Angela illustrate this:

I think society sees me primarily as a worker, specifically because of the type of sex work I do ... because I am very part time, because I don’t rely on this for my income, because I haven’t been forced into it, because... .. I think probably because of my social position and if they ... if they could discern between this kind of sex and this kind of sex work, I think they would see me as a worker rather than the victim, yeah .... I am an escort and also a ... there is like other parts of my social position I guess is like, if they talk to me and saw me they’d be like oh! She looks like she’d probably be middle class and she looks like you know, she doesn’t look like she is addicted to heroin and this kind of thing. –Angela

I come from just middle class, but I can pass .... as high class pretty much anywhere we want to and my family, where we are from low, middle, middle to high class – Ruby

...I understand that I come from a position of privilege... totally we are, totally. And like, even the way society in general if you look at the whole like the incident in New York [with the politician and sex worker] she is still like above ... – she is a sex worker, she is still not degraded as much as a street worker because people associate street worker with drugs and disease and everything like that. And just the term escort and the part that I am being paid for my companionship and not just my body ...is more preferable for me and makes my job more enjoyable, but it also not, like it is in on different tier and a structure and a hierarchy, which is stupid because we are basically doing the same thing but that's the way people, unlike the fact that I am marketed as classy, quotation mark [laughing] I think changes that a lot and because I am also a student and have another job and I am able to like still be a productive member of society. – Amethyst

These three women's accounts also challenges the assumption of the powerless and dependent fallen women who are perceived to be incapable of informed choices. In this sense, these three women, by occupying their class position, not only reclaim their respectability status but they are also resisting and rejecting the assumptions of powerless dependent victim.

All ten participants of this study unanimously recognized and addressed their privileged position as white, middle-class women. This recognition stresses the fact that class matters in the intersection of race and respectability. The advantages of race and class that informs today's social perceptions about women's involvement in the sex industry clearly extends from the colonial racialization practice which defined and labelled prostitution by white women in a colonial setting as superior to and more "respectable" than their native counterparts (Levine, 2000). On the other hand, participants of this study did not deny the fact that some women who are involved in the

sex trade, whether on the streets or off the streets, may be victims of drug and/or alcohol abuse and/or victims of exploitation. At the same time they also strongly highlight the point that “victimized” sex workers make up a very small portion of the entire sex industry. The following are the reflections of Freeda, Amethyst, Sammy and Alex.

...there are some women in the industry that may have suffered violence in their work and may have suffered some exploitation...—Freeda

...there are people who don't have the choice but I think the media representation is totally over exaggerated and people that I have met in the industry are all in very autonomous position and want to be a sex worker. – Amethyst

I mean, I am sure that there, who are victims just by their own circumstances, well like say for what ever reason you end up homeless and you need to do that to get by on the street. I wouldn't say that, that's a personal choice, I mean, you might choose to do it but you are driven by something other than, sort of your own ... –Samy

The majority of independents, like me or whatever, we don't drink, we don't do drugs, we don't do anything and I also feel sorry for the girls on the street, because they are there and that if it weren't for their own drugs ... they need help...—Alex

All the women in this study note that, despite the fact that few women in sex industry could be classified as “victims,” they have never experienced any form of victimization nor do they believe that the classification of “victim” adequately represents their experience. For example Ruby said that when she started in the escort business at the age of 20, she did not work “in the greatest condition .... but I was happy,” because, making 60 dollars an hour was more than what she has ever made in any job that she worked before she started working in the sex industry. Ruby also points out that over the years in this business she has had the opportunity to improve her work conditions. Ruby notes that

...there are things that I would tell other people not to put up with or maybe it could be considered slight exploitation, but not as



much ... . I have never felt as a victim even if I look back ... well  
I remember I was happy.... –Ruby

The opinions and views expressed here are consistent with Benoit and Millar's (2001) study, in which many sex workers struggle to resist popular depictions that portray them as mere victims. Despite the hardship, they describe themselves as active agents with varying degrees of control over their work and health. Furthermore, Robin from Toronto points out society's misguided perception about the matter of choice. Robin's observation draws attention to hasty generalizations about informed choice and the notion of respectability. According to Robin, such generalization can overlook any victimization and exploitation that some women in the indoor sector of the sex industry may endure. For example, the generalized views of informed choice often ignore research that suggests many individuals knowingly and willingly migrate to work in the sex industry, despite varying degrees of deception and exploitation involved in the process (Agustin, 2005b). Robin elaborates on the effects of normative assumptions about the matter of choice. She says,

I mean the street level worker is physically more vulnerable ... however, I mean, that being said, I recently came across a women that was human trafficked here in this city and, and she was an indoor worker and I was shocked, because you don't come across it as often with indoor workers and you know its, its not something that, yeah it doesn't happen very often with the indoor worker. So yeah and I was shocked, because you don't think of this as happening, not the same way as street level worker and that kind of victimization which I know happens frequently on the streets and more so. So I think the perception is that it only happens frequently on the streets but not, not the same with the inside workers. But I suppose it does happen, we just don't see it... –Robin

Another example of the effects of this normative assumption as explained by Ruby-

...the girls who... [are] illegal immigrants, or especially, also the students who are not supposed to work in here in this country,

who come here with like student visa that wants to stick around this is what they do... So those feel they don't have the right to, any illegal migrants in general, don't have this privilege, and hence they get harassed on the phone, they get threat, saying you're going to give me 500 bucks by week, or I am gonna tell the police or the immigration you are here. I see that happening in Montreal.—Ruby

### **Effects of Generalized Identities**

The ways in which the participants of this study interpret society's normative perceptions of the unacceptable sexual citizen and unrespectable class of women highlights the dynamics of identity formation and social relations. Within these dynamic identity formations, the ten women in this study describe their lived experiences as individuals and as women involved in the sex trade, often using words such as stigmatization, isolation, double life, lying and hiding. Benoit et al (2005) notes that social labelling as "outcast" and the whore stigma typically permeates all aspects of a sex worker's life. Like any other stigmatized individuals, these individuals who sell sex services are subject to direct discrimination and rejection by others. Moreover, the women I interviewed also argue that society's negative and generalized view of the sex workers, which mainly rises from the crude stereotypical depiction of the often visible street worker who is commonly known as bad and/or dirty, leads to labelling all sex workers as socially unacceptable and disreputable. The assumed unacceptable and unrespectable categories seem to have a deep effect in the ways these women organize their every day lives. Alex here reflects on some of the effects.

... it does, it does effect you, let say, because that's what you hear on the news and anything else and people are reading exactly what they are hearing, they have.... Once you tell them what you do, they ...oh ! you are a hooker. No, I do not work on

the streets, I do not work, like at hotel lobbies, I am doing this ...  
 it does have a little bit of an effect, yeah for sure, unless people  
 really know you know, they are different and there is a  
 difference ... –Alex

All the informants of this study also reported that the stigmatization was the main reason why many of them choose to work independently and many more decide to remain invisible to the public's eyes. Participants also suggest that the primary effect of stigmatization and labelling is isolation. Freeda expressed her frustration over having to live an isolated, secretive life. Freeda notes that, because of stigma "I can't organize; I can't speak about it like, come out about it or speak out loud about it." This invisibility and isolation can also be associated with the gap in research that focuses in detail on the lived experiences of women working in the indoor sector of the sex trade. Shaver (2005) notes that penetrating local networks of stigmatized population and including them as research sample is not an easy task, as such targeted sampling tends to over-sample the most visible participants such as the street worker and under-sample or exclude the least visible like those who work indoors.

Stigmatization, the outcast label and the resulting isolation also affects and persists over personal identity formation. Many women referred to living double lives, such that they keep their working life secret from their partners, family members, friends and other loved ones. Some take on a second job to cover up their involvement in the sex industry. According to these women living a double life takes a lot of effort. This is Robin and Amethyst explaining their efforts.

Because you are constantly lying and hiding it doesn't matter  
 what you say you know to your friends, to your family. I mean,  
 no matter what it is there is a lie involved in it. I can't tell my  
 friends, the ones even who know what I do, I can't tell them who  
 I am seeing, you know, because that privacy still comes into

play, you know, I can't go and tell them well CEO of X corporation, because his privacy matters, so they, no matter what it is I am still lying, I am still hiding, I am still cheating, so there is always something and it doesn't matter what it is, I am living in a lie, whether I am lying for my own benefit or for theirs, it's still a lie. And whether I am lying to my family or to my friends or to my client because, you know, they may not want to know whether I am seeing just them or someone else or what's going on. There is, there is an awful lot of shame and lies and, you know, what do they say, what a terrible web you weave – Robin

I occupy these different roles, like every one does, I guess. ... except for mine are a little bit more dramatic... Because they involve like acting and pretending ... That's what probably the most stressful part of this job having to juggle that. Like my sister doesn't know what I do, having to lie about when I am travelling, why I have this nice apartment and stuff like that. Managing my identity and remembering who I told what to and keeping everything straight... yeah. My sister, I used to keep web cameras. My sister thinks that I still do that and another friend thinks I am a dominatrix, so juggling all of that... but I am pretty open about it, ...! yeah. I usually do in an environment that I know, like I won't say anything in my biology class or anything like that ... –Amethyst

Some women who have come out to their partners, families and close friends feel that they continuously have to justify the work they do. They believe this is the direct result of the generalized, stereotypical media accounts that depict all sex workers as drug and alcohol abusers and victims. Freeda and Maxi explain,

Because of all this discourse of sex work, my family hears about that, you know, and it is really hard to tell them about my work... I had to explain it from the start every detail so they would not go on their own and just think by themselves... I had to take really a lot of time to make them understand that I am doing this with dignity, I am doing this in a secure way, ... I want to do that, its my choice – Freeda

... it is frustrating, having to constantly validate my profession and my sex life as well, which is sometimes a part of it, but most often not – Maxi

The respondents of this study also emphasized that stigmatization affects relationships among sex workers from one stratum to another. They argue that

stigmatization splinters relationships between the different strata of the sex industry, which in turn leads to systems of divisions, exclusions, and hierarchies. While the sex work itself carries a low social status, jobs within the industry can be arrayed in a hierarchy. In this hierarchy escorts are located at the top, with their work considered safer, more lucrative and easier to hide from public view and street-based sex workers, particularly those who work in the bad areas of town or the low stroll, make the least amount of money and have the lowest status in this hierarchy (Lewis et al., 2005). Freeda and Ruby further highlight these effects of stigmatization.

...everything that society tells about sex work it does affect relationships between sex workers you know. Because everybody... everybody wants to be better than the other and that's another effect of the stigmatization. So, so reliability... within the business is difficult to build just because of the impact of the stigma also .... – Freeda

...street-based sex workers to strippers to... there is a hierarchy out there like a social hierarchy the way, even in the sex trade. The escorts are not treated the same way than a .... but yeah... there is a difference. According to the way we see, like who is worse or not. –Ruby

Furthermore, stigmatization and the outcast label appear to be universal to all participants in the sex trade. Here is Robin explaining the effects of stigmatization on all participants of the sex trade, including clients.

...the perception of the victim, it definitely does have an impact. I mean, it's what brings you the shame, it is, no matter what they [clients] are persecuted for it, the modern media persecutes him and if they persecuted for just seeing you, then where does that put you, you know, that puts you even lower than them. So you know you're, you're bottom of that barrel in society and that's, that's a pretty low place to be and ... So, that's where the victimization comes in. There is a lot of shame that is kept in it you know, where as in history the, you know the mistresses, the cote zones, everything else used to be all out in the open. They were popular, they were, they were high court, they were this and that and people accepted it. Now, you know we rig people

through the mud for it and they loose their jobs, they loose their careers, they loose everything. So that puts the girls in a lower and lower place and that's really where the, you know comes into place and that's where your shame comes in and that's how it impacts you.—Robin

These recitations describe how the participants of this study locate themselves within continuous processes of stigmatization.

### **Conclusion**

The stigmatization and its effects these participants experience on a regular basis cannot be trivialized or dismissed. Despite the long standing social disapproval of women's involvement in the sex industry as a social problem, women have continued to participate in this trade. It is also remarkable that contrary to popular social belief the women in this study are committed to maintain their respectability and self-dignity while they continue to live and engage through imagined and assumed stereotypical perceptions. Even though I only had the privilege to talk to ten women from a very particular group of sex workers over a short period of time, it is important to recognize the constitution of their personal identities and social identities, resulting from the various sets of lived relationships in which they have engaged. For the ten women in this study, society's negative perceptions, society's doubts about sex worker's ability to make informed choices, or the social stigmatization and censoring seemed less important than effectively accruing their desires. As such, these interviews stresses the importance of resisting heterogeneous determinations that uses the idea of 'pure' or 'essential' identity to promote the stands of 'truth' about all sex workers experiences and needs.

#### 4. CRIMINAL-LEGAL SUBJECT POSITION

With the continued focus on representation, in this chapter I retell the ten women's experience with the spotlight on law and legal actions. The ways in which the participants of this study interpret the law as they engage, avoid, or resist the legal meanings, names and characters that are attributed to them is a pivotal aspect of this study. Sexual behaviour has a long history of legal intervention and regulation, mostly targeting perceptions of moral deviance. Implicit within these initiatives are justifications, predicated on the idea of preserving a common, moral and prosperous society. Such measures partly involve preserving and promoting apparently women's "proper" sexuality based on Victorian sexual values. In addition, these legal initiatives have also been coupled with preserving Canadian constitutional values of individual rights and free choice, so long as these do not hurt anyone else. In this sense, the unique legal initiatives related to the sex trade, to a great extent is paradoxical. Hence documenting the interpretations from the margins, I believe will stress the complexities of identity formations and the matrices of power relations that are involved in such process.

Stychin (1995) argues that legal discourse is an important site for the constitution, consolidation and regulation of sexual identities/practices. Based on this argument I will first review the reciprocal process between social logics and legal initiatives that patterned, stabilized and institutionalized the idea of women's proper sexuality. Within this discussion I will also show how such legal initiatives intentionally and inadvertently create discursive spaces for theories of sexual hegemony and objectification which are implicated in articulating the identity of the excluded 'other' in a field of legal and political contest. Given that identities never operate in isolation, the analysis of the

interviews presented here recognizes that law is not an ‘all-powerful’ discourse. Stychin (1995) and other socio-legal scholars argue that despite its repressive and unequal regulatory practices both law and regulations has never been entirely successful in constituting and maintaining coherent categories. In fact, the gaps and inconsistencies between law on books and law in action and all the failed promises of equal treatment opens up spaces for resistance against the legal and cultural hegemony such that there is no one common perception of law (Stychin, 1995). The participant interviews presented in this chapter highlights this pivotal point by outlining the strategies of resistance that allows them to engage or avoid the legal meanings altogether.

It is important to note that this research is not intended to establish the effectiveness or ineffectiveness of law as a tool. Instead, the aim is to illustrate that in order to sustain its institutional power and legal hegemony, specific laws are made to work better for particular groups, particular interests and according to mainstream social logics, local cultural categories, norms etc. As a result, despite the aspirations of due process and equality, legal actions and legislations continue to make contributions towards sustaining a common culture, historical institutions, and particular structures of power and inequality (Silbey, 2005). The important aspect of this exercise is to emphasize the fact that legal identities are based on a complex web of processes and practices between social logics, local cultural categories, legal provisions, legal actions and other informal and formal regulations. Even though law is a central and constant feature of these women’s lives, women’s everyday experience with law as they engage, avoid or resist illustrates that there is no one common view of law.



### **The Reciprocal Process: Law as a System Enacting Norms and Rules**

Before I delve into the individual accounts of how participants locate themselves within the complex web of social and legal interaction, I will first briefly outline the formation of their legal subjectivity. Here I will establish the conditions that influenced the *Criminal Code* provisions that govern sex trade related activities and the legal and regulatory actions that sustain their legal subjectivity along with their criminalized representations. Drawing from Silbey (2005) I argue that in order to sustain its institutional power across wide spans of time, space, and variable performances, law relies on ordinary social logics, local cultural categories and norms to reflect and reproduce other features and institutions of social life where power and prejudice are not controlled by the techniques of legal procedure. In fact, Carol Smart (1985) notes that it is the legislation and legal practices informed by specific ideologies of female sexualities that serve to construct the woman involved in the sex trade as mere “sexual objects.” This sexual objectification, Smart (1985) argues, reinforces sex workers special status as degraded legal subjects and helps preserve legislation which, by moral standards, are often unusually harsh and repressive. In this sense, the laws that were created during the colonial period to address the moral concerns also branded women’s involvement in the sex industry to be a form of deviant sexual conduct. This branding was also about clearly establishing the consequences for failing to conform to gendered and culturally intelligible norms. Smart (1985) argues that within the colonial context the development of specific laws and legislations, founded on the basis of patriarchal and hegemonic ideologies of female sexuality, identified a special class of women to be unacceptable sexual citizens. Consequently, this constituted some women as “legal subjects” with

fewer rights than other citizens (Smart, 1985). The Canadian *Criminal Code*, established in 1892, which effectively rendered women's involvement in the sex trade into sex objects, remained intact for almost a century. The first significant amendment to the *Criminal Code*, as a result of increased pressure from feminist and civil liberty organizations voicing their concern, repealed the vagrancy law in 1972 to shift the focus from status offence to one prohibiting a specific behaviour, namely the act of soliciting for the purpose of prostitution in a public place (Shaver, 1994). In 1985 this provision was replaced by a communication offence. Such revisions illustrates that laws are not simply made at the Supreme Court by judges and lawyers through complex legal doctrine. Rather ordinary people may also try to change laws through a variety of social strategies to achieve a tactical goal. Such production of legal meanings, Silbey (2008) notes, cannot be understood independent of its role in the collective construction of legality or the rule of law. This process extends the power and prejudice to other institutions and features of social life which may or may not be governed by techniques of legal procedures.

Despite the legal initiatives, the relationship between law and sexuality is complex and dynamic (Stychin, 1995). The historical social condemnation, dislocation and criminal branding of the women engaged in the sex trade is arguably aimed at regulating female sexuality, such that informal and formal regulatory measures have always segregated and zoned sex workers to informal "red light" districts, thereby implicitly tolerating them. In Canada, the sex trade industry and the exchange of sex for money between two consenting adults has never been illegal. However, four sections of the *Criminal Code*, namely sections 210 to 213, prohibits the exchange of sex for money

in almost every conceivable public place, making it difficult to engage in sex trade without breaking any law. Sections 210 and 211 respectively make it illegal for a person to keep a “bawdy-house” or to transport a person to such a place. Section 212 makes it illegal to encourage or force people to participate in the sex trade (also known as “procuring”) or to live on the money earned from sex work by someone else (also known as “living on the avails of prostitution”). Section 213 makes the communication between sex workers and customers in public illegal, this includes enclosed places open to the public, such as bars, adult entertainment clubs, massage parlors, saunas, and automobiles are all considered public places. In sum, even though it is not illegal to be a sex worker, these *Criminal Code* provisions makes it very difficult to engage in sex for money without transgressing criminal boundaries.

Interpreting and enacting these *Criminal Code* provisions especially to the indoor sex trade magnifies another level of complexity. Even though legal provisions define the make up of public places and where sex trade related activities cannot take place, there are no explicit indications as to what constitutes a private space or where sex trade related activities can take place. I believe that it is safe to say that the vagueness of Canadian jurisprudence begins here – at the point where it fails to set out a legal space for licit sex work. This vagueness has implications for women in the practice of independent in-calls. Women who choose to work from their homes risk being charged under the s.210 - bawdy house laws - even though individual’s homes are not a public space. Yet, massage parlours are legal in certain localities throughout North America under the ordinance of municipalities. In Canada, massage parlours are regulated through by-laws pertaining to the body-rub industry in several municipalities (Lewis et al., 2005; Bruckert & Parent,

2006). Moreover, escort agencies, which are in the business of providing out-call services, are often scrutinized with the risk of criminalization for third party involvement in advertising and profit sharing. On the other hand, the practice of independent out-call whereby self-employed women choose to work in locations such as clients hotel rooms or homes are most likely to avoid the risk of criminal prosecution under the sex trade related laws. In addition to the difficult interpretations, enforcement of *Criminal Code* sections pertaining to the sex trade varies widely as well. The quasi-criminal nature of the sex trade industry in general and the discrete nature of independent in-call and out-call business establishments, makes this sector of the sex trade industry difficult to detect, apprehend and convict. In a sense, this socially deviant and marginally legitimate industry challenges the boundaries of law by spinning off a unique service industry and occupational speciality.

### **Law's Disciplinary Power and Legal Meanings of Character**

Smart (1989) argues that the law, combined with specific ideologies, normalized assumption of proper female sexuality and its arbitrary, unreliable and unusually repressive ways of enacting these ideas and assumption embodies disciplinary power. In fact, Smart (1989) notes that as soon as we look beyond a narrow stereotype of law as a system of rules backed up by sanctions it becomes evident that one of law's functions is precisely to distribute its subjects with disciplinary precision around a mean or norm. During interviews, several women discussed their encounters with law's disciplinary functions. Angela is a part-time independent worker who recently started to work as an out-call service provider and she describes law's disciplinary functions.

I think law sees me primarily as a criminal, but I think that they would see me in terms like the victim worker thing, I think they would see me as a worker, because I am engaging in criminal work yeah –Angela

This notion of a criminal work that Angela refers to, Bruckert (unpublished) argues, is drawn from specific ideas and imagined assumption that typically focuses on careers in deviance, rather than in “deviantized careers.” Bruckert (unpublished) further argues that such a focus does not do anything to blur the lines between “legitimate” and “illegitimate” occupations and workers. Instead, in practice such a discourse, originated within academia, in addition to establishing the essentially biological and/or psychological difference between sex workers and non-sex workers, also highlights the presence of a criminal subculture (Phoenix, 1999). Assumptions of sex workers involvement in illicit relationships and institutions, tends to focus on their perceived lack of participation in normal, legitimate or acceptable social relationships and institutions, such as family and work respectively. Such assumptions and perceptions, Phoenix (1999) claims ensures the criminal subculture explanatory model which characterizes sex workers as belonging to and committed to a normative system that makes their engagement in the sex trade virtually inevitable. Legal meanings, based on the explanatory model of criminal subculture, inadvertently create discursive spaces to sustain the historical power of academic discourses and legitimate legal institutions. Dominant perception that makes some women’s involvement in the sex trade inevitable constrains new definitions, names and characterizations of sex workers.

### *Policing Policies*

Policing policies that often adheres to the criminal subculture explanatory model is a good example of how law uses its disciplinary functions to create a normalizing effect. Participants in this study clearly articulate laws disciplinary functions that ripple through policing policies and pervasive practices. All the women in this study were unanimous in suggesting that policing policies often adhere to the position that, for some women, involvement in the sex trade is either inherent or inevitable. These women claim that such imaginations and assumptions leads to discriminatory and pervasive enforcement practices. The following comments were somewhat typical among the participants.

...they [law enforcement] would perceive me as just like trash, that's like the general public – big time – they would want to know who I worked for – but I am independent – I would feel like just like trash and treated like nothing. – Amethyst

.... if ever there was a bust or what ever it is, which would be very hard to happen, but if ever was something, I think the police officers would probably confiscate my money, confiscate my, the goods that I have and they would probably put me in prison. They would probably, even if what I am doing is not illegal at all ... – Greenly

We are major, we are consented, so it's kind of weird, because I have always felt like my work was rewarding and the society and the laws would make me feel like a criminal... –Freedra

Participants also claim that discriminatory, arbitrary, pervasive policies and enforcement practices that are centered on gendered and culturally coherent norms tend to systematically reproduce structured inequalities in order to maintain the legal and cultural hegemony. Several women signified this perception by discussing the policing policies and enforcement that pertains to the sex trade as it stands today. These women basically

point out that law enforcement typically tends to target certain groups of sex workers more. With street level sex workers perceived as social and economical outcasts, combined with being deemed a public nuisance and annoyance, these women are often targets of arbitrary law enforcement. Such practices infuriate many of the participants.

The following thoughts by Samy and Maxi articulate this.

... just that the law does not view me in a good way. In their view all prostitutes are like any other street workers. Actually, no, that's not true, I take that back. Because I was just thinking, the law becomes true to the most visible, they are the ones who get the blunt of law and I think [the law] leave escorts to their business as long as they are not, like if I was sticking out in hotel lobbies as it were, you know or on a street or whatever, so the fact is if you know, if you were out in communities, so if you are out visible, you know it's ok to happen as long as *nobody knows about it* [my emphasis]. You know, maybe that's the reason they have all these side laws, because then we have to be on the down low all the time, like with clients and stuff like that, screen the clients, you know, you don't want to get busted or get caught on a sting or anything like that. So I mean you have to go through caution when you are seeing clients, because you don't know who it's going to be, a psycho or cop, so ... – Samy

And people don't want it, they don't want it in their back yards. People who, they just don't want to see it...because they are classist, that's why... – Maxi

Here, I feel that some background about Samy and Maxi may be useful to understand their views. Samy, claims that in her personal life she is not monogamous – she has a boyfriend and a (separate sexual) partner. Similarly, Maxi indicates that “I am a big queer, I am fem, a feminine queer woman and ... I tend to date polyamorously, people along all sexes and genders...” In a sense, based on generalized identities and normative assumptions these two women would qualify to be classified as “beyond normal” in their personal relations and their labour relations. Most importantly these two women appear to constantly renegotiate their sexual citizenship and their right to public and political

identities. The constant renegotiation frustrates these women. The following quote by Samy emphasizes her frustration

On the whole ... just the whole patriarchy in general, the women shouldn't be, you know ... I think sexually we have the most power. .... [but] They [men] don't, and they don't want to admit that. And they don't want to give women power and so, the best way to take away their powers, because ...simple – they are bad, and by association we are bad for doing it so for that *we should be arrested and locked up in jail* [my emphasis] ... yeah. That's where everyone thinks that we should go. So locking up the prostitutes who aren't doing anyone any harm, ridiculous. –Samy

Overall, all the women I interviewed for this study believe that the law treated independent workers differently. They all claim that the law enforcement did not look to arrest indoor workers in general. All the participants unanimously believe that the law did not care about them, or was concerned for them. These women also suggest that the law particularly looks for the street level workers because they are visible and because they are seen as annoying and a nuisance to society. The following accounts by Freeda and Maxi exemplifies how women involved in the indoor sex usually interpret the gaps and inconsistencies of the law and its action.

...escort agency is still criminalized, but it's the most easiest way to work, so why would laws allow me work as an escort, go to hotels and not as someone working on the street. You know. Because I have clients who are judges, I have clients who are lawyers and they don't, they don't want to quit our relationships you know...—Freeda

It is very, well it is the same type of work but it is very different, different risks right and different perceptions. Like what I do is considered escorting and somebody who does a very same thing on the street is considered a prostitute. I am not considered a prostitute, even though I do a very similar, similar thing right... I think the way that the people are criminalized, it's like, the cops, the only way a cop would show up at my doors is because he is using my services, it has happened. In a cops brain it is not even considered the same thing, from my perspective. ... yeah, like same with johns, they [law enforcement] usually go after johns



who are at the street level. Like for once, I am actually happy for that, because like I don't think any of them, my johns deserve to be criminalised, because most of them, they are all very respectful people who are like anybody else who pays for a massage, or somebody who pays to do a pedicure for them... . – Maxi

Importantly all participants appear to be confident that as long as independent workers stayed out of public's sight and kept a low profile the law would not bother them. The following accounts illustrate how these women interpret the arbitrary regulatory practices that look to consolidate a "normal" through an excluded "other."

[...the police have a much more different reaction to] street based sex workers to stripper to, there is a hierarchy out there like a social hierarchy ... even in the sex trade. The escorts are not treated the same way than a [street worker] ...according the way we see, like who is worse or not. Maybe it's like a moral thing about the sexual, just. It is easier to attack someone who does not have the money and the contacts to defend themselves. The more vulnerable you are the more people hit on you – Ruby

More or less yes, yeah, the police don't, they don't really bother us, as long as, you know we do what we do, and as long as we are not disturbing the peace in anyways we are cool. I feel good. I just feel better that way that they are not going to come after me, they are not coming after me. Maybe probably because I am not really, to me I am not breaking the law right. –Alex

Here Ruby and Alex emphasize the role of law in inscribing the identities of the excluded "other." Ruby and Alex point out how these legal provisions are also implicated in demanding a modality of sexual citizenship by granting some legal subjects fewer rights than the others. Bell & Bonnie (2000) argue that such arbitrary rights claims grants sexual rights only on the understanding that these claims to right will be kept private, such that they are mere tactic to enable the claim to privacy and to secure a private space. This is opposite to what the women I interviewed are looking for – the right to public and political sexual citizenship and identity.

Policing policies and practices that are inconsistent are fundamentally governed by the techniques of legal discourse/procedure. Jiwani (2002) notes that the emphasis on policing certain groups of people and certain type of crimes, such as crimes associated with poor and racial minority groups, reflects the systemic social stratification inherent in elite institutions. Furthermore, Bruckert and Parent (2006), Carter (2000) and Moss & Gardner-O'Tool (1991) all argue that the unusually harsh and often repressive policing policies that are used to regulate the sex trade industry are also conditioned by the intersection of race, class and gender underpinning Canadian societies. For instance, as mentioned earlier, Canadian legal procedure in the past systematically subjected aboriginal women's real and perceived involvement in the sex trade to harsh and arbitrary restrictions which made it easier to convict this group of women compared to their non-aboriginal counterparts (Carter, 2000; Moss & Gardner-O'Tool, 1991).

Although systemic social stratifications are inherent part of policing policies and practices, the women I interviewed alluded that the racism and classism inherent in elite institutions (including law), does not get in the way they organize and live their lives on an everyday basis. Rather, they all believe that the harsh and arbitrary policing practices have a particular effect on the women who are involved in the street-sex trade. All ten participants appear to believe that policing practices are committed to dominant ideas of morality and their efforts to reinforce powerful social practices are an attempt to regulate the apparent proper sexuality for women. In this sense, these participants are convinced that policing policies are not generally concerned with the indoor sex trade. Such intricate perceptions highlight the complex web of iteration between social logics, cultural categories, legal actions and other informal regulatory practices. More importantly, these

perceptions not only challenge normative notions of logic, order, rationality, but also the idea of a centralized source of power and knowledge. Foucault (1980) calls such relations of power, the “matrices of transformation” – that is the possibility for individuals or groups to act through power relations in order to support or resist dominant ideology.

### **The Common Place Definition of Law**

Laws arbitrary disciplinary powers, in addition to sustaining a systematic social stratification practice, also spans across wide frames of time, space and variable performances. Yet, Ewick & Silbey (1998) note that the commonplace experience and images of law vary. For most people the law generally sits on a distant horizon, remote and often irrelevant to the matters before them, and for others it is a constant feature of their lives, seriously impacting the ways in which their lives are organized and lived (Ewick & Silbey, 1998). Sex workers, as a group fall within the later group. Thus, establishing the varying interpretations of law and images of law constituted by each participant will highlight how these women interpret the legal definitions, names and characterizations that are attributed to them. Overall, based on their views and opinions, it appears that each participant’s interpretation of law and its disciplinary functions partly originate from the tensions between the quasi-criminal nature of the sex industry and their criminal legal position as independent service providers. Ultimately, these women’s definitions of law and the images of law that they generate depends heavily on their individual legal position and their position within the two tiers of the sex trade – the indoor and the outdoor trade. This position appears to be in a gray zone. This is Samy’s view:

...the law is kind of hypocritical ... so basically, well you can do it, but you know we don't really want you to do it, so we are going to be a jerk and make a couple of these side laws, which makes it illegal to work no matter how you work it, you just are breaking the law somehow.... – Samy

The following is Ruby's interpretation of the legal gray zone.

First I was an out-call escort. I tried in-call like twice in my life and it wasn't for me. So, I guess I am in the grey zone, where everything I do was legal. I wasn't under criminal pressure for that part personally in my work. I know it is pretty much the only way to work in Canada not being criminal... So, but being here at this sex workers organization, I see a different reality. So, there are lots of problems made by the law to the girls. If I think about just the escort, who does in-call, I mean this law is ridiculous. I mean, working inside with either by yourself in a place you know, you control or working with friends together in a brothel is what, is the safest way to do this job. If you are going to do this job then like, and, and this bawdy house law makes it unsafe. And those who do it anyway because it is safer, they live with the fear of being busted – Ruby

Ruby's views are noteworthy, because she not only has been working as an out-call service provider since she was about 20 years old, but she also at one time operated an out-call service agency for about five years and now she also works for a sex worker's rights organization. Furthermore, both Samy and Ruby's interpretations are pivotal as they provide valuable insight to understanding the ways in which these women engage with the law and its actions.

### ***Engaging with the Law***

Not all the women in this study have had first hand experience with the law. However the experiences of those who have had direct encounters with law varies considerably from individual to individual. This difference in experiences lays the ground work to understand the way these women perceive law and engage with the law despite

its promise of equal treatment. Among the five women who had direct encounters with the law, Roxan is the only one who was arrested under the bawdy house charges. Her arrest in the 90's has had a very negative and devastating impact on her life. Roxan was exposed by a co-worker from her "regular profession," which also resulted in losing her straight professional job and she says: "I just buried my head in the sand you know...." Roxan, not only disagrees with the arrest, but she also believes that the legal procedure that criminalized her business practice is unjustifiable. Discussing the matter, she notes:

...for me that was a witch hunt, because I wasn't bothering anybody, I don't see young kids, I don't do drugs, in fact there were people in my [straight] profession who were doing drugs regularly at parties and that's illegal you know, so if you are going to start pointing fingers at people and start throwing stones, go after that... You know they had stupidly like five cops come in and you know during their investigation, as far as I know, I was off sick for a month, so they were monitoring me for a month, that's taxpayers money being wasted on an enterprising individual who is not bothering anybody. My neighbours didn't know what I did, I was just seeing gentlemen of 18 and above, there were no children involved, there were no drugs involved, so that to me is a waste of taxpayers money and it ruined my life for a little while, you know, not because I made a bad choice, but because someone took a vendetta out against me and they should mind their own business so... –Roxan

On the other hand, although Freeda also has experienced law negatively, her experience is very different from Roxan's experience. First and foremost, Freeda did not experience the Canadian legal procedures and secondly, the harsh and repressive regimes that she was subjected to did not pertain directly to sex trade related activities. Freeda was once refused entry into US, while she was visiting one of her US clients in Las Vegas. Freeda believes that the customs officer who denied her entry to the US came to the realization that the purpose of her visit was to engaging in the sex trade, hence subjected her to

harsher security checks and ultimately rejected her entry to the US that time. In recalling the encounter, she comments:

Once I had a Las Vegas appointment and [I was] just crossing the border at the guy [customs agent] stopped me and they went through my luggage [laughing] I am just like going crazy and the thing is, I got to bring with me lingerie, but I knew that you know I bring the less I can, so if they go through my stuff, because they go through my stuff all the time, but they ask me, they are really, really severe they ask me ok! what hotel are you staying? Whose paying for the hotel?.... That time I suggest that yes I paid for the room and they did verify it. And I did not have a room under my name. So they said you are a liar, we won't let you in... Oh! He was totally disgusted at me. The way he looked at me. When he called the hotel and they told him there is no reservation in my name, he came back and the way he looked at myself like a little piece of shit. And I know, he knew, and ... -  
Freedra

Three other women, Ruby, Alex and Robin, also had direct contact with the police. However, these three women's stories considerably vary from Freedra and Roxan's experience. In fact, Ruby, Alex and Robin's encounter with law and its enforcement policies/practices symbolizes a non-discriminatory aspect. More importantly, these three women's stories first highlight the arbitrary nature of law and legal actions. Second, their stories stress the fact that even within common experiences individuals constitute considerably varying images of law. To exemplify this varying construction of law's image, I will begin with Ruby's story. I met Ruby in Montreal, where she has been working as an independent service provider for about fifteen years. Ruby also wears a second hat: in her experience as a sex worker activist, she has had the privilege to learn about several other sex workers experiences with law. In this sense, I think the way Ruby constructs the image of law, informs a particular element of this study. According to Ruby, she once had to accompany her friend, an out-call escort to the

police to report a client who was stalking her and making death threats. According to Ruby, her friend “got treated like a queen.” She went on to say:

She is like me, we come from the same city – like a small town girls, now in Montreal and I come from just middle class, but I can pass, same as her, high class pretty much anywhere we want to and my family, where we are from low, middle, middle to high class. So, surprisingly the police, you know don’t try to, they are not mean at all with us. They actually try to fight with each other to have the privilege to work with the two girls.—  
Ruby

On the other hand Ruby also suggests that not all independent service providers are treated this way. Some women are not comfortable reaching out to law enforcement, especially if they are engaged in providing in-call services. According to Ruby, these women fear the legal ramifications of revealing their sex worker identity. Ruby stated:

...the escort, who does in-call... they live with the fear of being busted and they feel that... if they got a bad client and [if] they [release the information of this client] for the bad trick list [published by sex workers organization], they don’t want the police, having police attention to their brothel, so they don’t pursue cases—Ruby

Ruby further emphasizes Jiwani’s (2002) point that classism is inherent in elite institutions, such that policing certain groups of people and types of crimes reflect the social stratification system. More important, Ruby’s experience highlights two important elements: first, the fact that “...identities come to be formed in part through the exercise of power (including law) in oppressive ways” (Stychin, 1995, p7). Second, Ruby highlights two claims by Razack (1998). First Ruby’s account stresses Razack’s point that (1998) relations of domination and subordination are stubbornly regulated within policing policies. Second, Ruby’s comments also underscore Razack’s (1998) claim that “we are each implicated in systems of oppression that profoundly structures our

understanding of one another” (p10). That is, for example, the way Ruby has come to know the law and her encounters with the law influences the ways in which she engages with law. Her performance, in many ways reproduces social hierarchies and hierarchies within the sex trade, unintentionally.

Furthermore, Alex’s business is primarily based in Halifax. I met with Alex in Ottawa while she was on a business tour. Like Ruby, Alex also seems to have encountered law through a stalking incident. This experience also appears to have influenced the way Alex constructs law’s image and actions. More importantly, Alex’s experience suggests that law’s disciplinary power and the insidious discriminatory practices may considerably vary from region to region.

That depends on where you are. Let’s see, because, like where I am from, my home base, I know the police there right. They have come to see me, I remember the time they came to see me and I was like oh! I must be in trouble [laughing] but they were there to protect me. Yes, because I had a stalker and that’s why they came over and they said now we are here to let you know that we are on to this. Got the guy’s phone number and all the information. I think it just really depends on where you’re in, what part of Canada you’re in, how they view you. The guys from my home base were great, they helped me, I helped them out a few times when they were looking for another girl that was missing, and I did my best to help them find her. So there is you know, you can work together with them –Alex

Finally, Robin’s encounter with the Toronto Police Services also coincides with the other two women’s positive experiences. In general, Robin views the sex crime unit of the Toronto police services as an advocate for indoor sex workers.

Actually in Toronto, actually I am a big fan of the Toronto police. I am, which is shocking. Most people are surprised by that, but the sex crimes unit group here really focuses on reaching out to the Toronto inside workers, so they meet with, they will meet with the girls, if they can. They make themselves accessible. They don’t prosecute girls which is shocking [laughing] which is very shocking. You know they actually will,



they take out ad's to help the girls. They advertise in different languages to do outreach on, you know date safety and things like that... They do, they take everything very seriously... – Robin.

In addition to Robin's general perception of law and legal actions which are based on the services provided by Toronto's sex crimes unit, her direct encounter with this unit further magnifies her image of law enforcement. In Robin's case, she was once videotaped by one of her clients without her consent and she approached the Toronto police sex crimes unit to report this particular incident. She describes the incident:

... I've even had a client that video taped me and, we took the camera, took it down to them [the police]. They took the camera, took his info and gave us all the information back, wiped it, here we go thank you very much. Didn't take my info at all, but took his and said we appreciate you letting us know about this, you know, this GENTLEMAN [her emphasis] [laughing] -the term used loosely and they didn't ask me for my information. They said ... we appreciate that you would let us know and that it is high time to do this. And you know that's the way they approach things. They said [the police said]..., if they required all of our [sex worker's] information, we [sex workers] wouldn't be willing to go down [to the police for help]... So they said, ... what they wanted to know first and foremost is who is out there, you know doing this and uploading illegal videos on line and things like that. They said they wanted to know who is committing sex crime, so that's what they do. Yeah and they are very sex positive in a way. –Robin.

Based on this encounter, it is clear that Robin is satisfied with policing practices of Toronto Police Services. In addition, based on her experience Robin seems to think that the disciplinary powers of Toronto police unit is only aimed at “sex crimes” and not at sex workers. Here again, implicit within this discussion is that the way Robin constructs her image of law provides her with the possibility of acting through power relations in order to support or resist dominant ideologies.

Even though the issue of race did not emerge in these interviews, I will draw on Frankenberg (1993) to explain the varying constitutions of law constructed by these women based on their encounters. Frankenberg (1993, p1) argues that “any system of differentiations shapes those on whom it bestows privilege as well as it oppresses.” The structural advantage experienced by Ruby, Alex, and Robin, I believe is associated with their privilege of “whiteness.” Although, white people and people of colour live racially structured lives and experience structural advantages, the privilege of whiteness Frankenberg (1993) argues, is a position from which white people look at themselves, at others, and at society. Whiteness also refers to a set of cultural practices that are usually unmarked and unnamed (Frankenberg, 1993). These women’s interpretations and personal experience with the law and legal action plays a significant role in influencing the way they use law. Their experience with popular understandings, interpretations, and enactments of law also plays a role in the way they engage, avoid and resist the laws relating to sex trade activities.

Although these three women experienced a positive aspect of law in action, the way they interpret and define the law and its disciplinary power, considerably varies depending on the leading circumstances. More important, these testimonies emphasize the discretionary powers of police officers in enforcing the laws that criminalizes several aspects of the sex trade. In this sense when region, class, race or any other potential variables are coupled with flexibility in policing practices it is almost guaranteed to result in inconsistent actions and unequal treatment of social constituents. Thus, whether police officers opt to criminalize women or not, the result is that sex workers, as a group, are

further alienated from any form of predicable legal protections and have to depend on the goodwill or sympathy of police officers.

### **The Common Place Use of Law**

For sex workers, the legal rules pertaining to the sex trade is a constant feature of their lives. In the following discussion I examine the bearing of law on the participant's everyday lives. Given that each participant's encounter with law varies considerably from the other, here I will map ways each participant uses the gaps and inconsistencies in law and its legal actions to shape their views of the same. The images of law formed by the women in this study, I believe, provides a basis for understanding their reason for engaging, avoiding or resisting the legal meanings and characters that are attributed to them.

Bruckert and Parent (2006), argue that the sex trade presents a unique configuration of challenges, problems and difficulties for law. With social, moral, and criminal regulation, Bruckert & Parent (2006) note that independent in-call and/or out-call workers' precarious labour market situation subjects them to a paradoxical position which excludes them from social security protection, non-statutory benefits and statutory legal recourse traditionally associated with other marginalized employment in the service industry. The vagueness, inconsistent enforcement practices combined with the paradoxical labour relations inadvertently leads to a two-tier sex trade – the indoor and the street-based service sector. As a result, the street-based sex workers try to completely avoid the law by conducting their business discretely, in darker and in remote areas away from the public's eye and the attention of police. Likewise, since the law does not clearly

define what constitutes a private space, and where sex trade can take place, many sex workers in Canada have developed creative methods to discretely conduct their business indoors. I think the strategies sex workers use to avoid the law is integral to their strategies of resisting the legal meaning attributed to them. All the women who participated in this study were fully aware of the fact that if they work from their homes, they risk being charged under the bawdy house laws. However, some of these women continue to see customers in their own homes, and some maintained business apartments or houses. Samy, who is involved in providing in-call sexual services address this strategy of resistance.

I don't think of that kind of stuff at all, I am like, yeah, whomever I talk to, I am an escort. I shouldn't be doing that, because if I tell it to the wrong person, they could be like yeah I am reporting to the police, you know, like I know you work out of your apartment and that's illegal you know and I know your boyfriend lives with you and that's illegal for him too, that's technically living off of your money, so you know, I would be arrested for that. What's so illegal about it, like what's the big deal, I am not hurting anyone else, I am a mature adult, you know. It's a job just like anything else and should be treated like that. I deserve the same labour rights as any other women working, so, this is me, the law is hypocritical – Samy

Samy, in the above passage, highlights resistance in two ways. First, she stresses the importance of extending the same legal legitimacy that is given to others working in any other service sector employment, despite the predictability in social marginalization. Second she rejects the legitimacy of law by recognizing the hypocrisy of law by its classist, patriarchal and discriminatory actions.

Bruckert, Parent & Robitaille (2003) note that, despite the restricted legal parameters, several sex workers choose to work in the indoor sector of the trade to ensure their anonymity, while a few get involved in this particular sector with the initial

impression that all aspects of the indoor sex trade is legal. The ten women in this study concur with the anonymity aspect of their business. Regardless of their initial beliefs all participants appear to fully understand the legal ramifications of engaging in the indoor sex trade. As such, they were certain that they are not engaging in any illegal enterprise or doing anything to violate the laws pertaining to the sex trade.

I really, really think that because I am completely independent, there are no drugs involved, there is no crime ... first of all no one's ever going to find out, I am pretty sure no one's ever going to find out, unless someone tells on me and that I don't think they would care because, unless it comes onto Revenue Canada that's when they might try to come and get money, because what I am is not illegal at all... – Greenly

I really haven't, and to be honest it doesn't even concern me, really because of the fact that, I mean the way that the laws are defined, I really don't worry about it, partially because as an inside worker, you know it's the solicitation itself doesn't actually concern me and then with the inside a private residence, inside a, its just not a, its not a big issue for, I think lot of the girls. Depending on how you work, yeah. – Robin

The confidence in these women's voices, I argue, stands for resistance - resisting the institutionalized meanings attributed to the women involved in sex trade activities. Respondents of this study mostly appeared less concerned about the legitimacy of legal procedures than about their effectiveness for achieving their desires. This image of law allows the women to resist the process of ideology and hegemony. Robin notes that:

Yeah. I mean, they wouldn't have grounds for a case against me. They don't have grounds to arrest me so yeah. I am not concerned about that, no. From a moral, ethical standpoint, do I think that any one of them would have a, do I think somebody would discriminate against me, some will some won't, you know, that's just a but that's the nature of people you know. Some people will be harder on you just because they like you, but you know what I am female, some men are going to be tougher on me just because I am a women, some men are going to be like easier on me because I am a women you know the same way that some people will be tougher on you because

you're a woman of colour and some people won't, that is just the nature of people so, yeah, I don't, I don't concern myself with people's ethical dilemmas, that's their own [laughing]. That's their own ethics, yeah and if they are going to judge me based on what I do then they need to worry about that, I don't really need to, they don't have a case against me so what I do is within the, within the confines of the law and if, if it is within the confines of the law that's all I need to concern myself with [laughing] that's all I am concerning myself with really though [laughing] – Robin

Robin's view highlights how identities can be articulated and consolidated through acts of resistance. More important, Robin points out, that effective articulation of coherent and oppositional legal identities are not, and should not, look within monolithic notions of ethics or morality. The following passage by Amethyst, I believe compliments, Robin's claim.

... [I am not worried about the law at all] like the way I work requires me to be very discrete. Actually where I am [concerned is] for a different purpose... recently I have gotten a straight job, waitressing, just to sort of deal with the whole tax – like I haven't paid taxes in a while because nothing I have been making has been claimed... its more of that aspect that I am stressed out about, well I don't fully understand the way the tax system works on a business like this, so that's the only [concern]... if we could pay taxes and like get benefits and not have to be worried, like, I have money saved but it is not under my name because I don't want a huge chunk of cash under my name and so, if I like wanted to buy a property or something I wouldn't be able to and that's what's difficult for me.... I would not have to worry about like, plan for taxes, having security. Having benefits, if like my breast falls off [laughing] and I can't work. Having unemployment like any other job. If I break my leg obviously I can't work. – Amethyst

In this particular account, Amethyst, who relies on her independent out-call sex work to pay for her university education and to achieve a better standard of living, ensures that she is less concerned about the legitimacy of legal procedures. Moreover, she also

emphasizes the importance of effectively achieving her desires by using her waitress job to address some of the dilemmas of her work as an independent sex worker.

Furthermore, Ewick & Silbey (1998) note that within the image of law as game, individuals and groups accept formal legal constructions and procedures only for specified objectives and limited situations. This was implied by the participants of this study in many instances. Although, the legal ramifications of many aspects of their work are still repressive, the independent in-call and out-call sector uniquely embodies elements of resistance. In order for in-call workers to avoid section 213 – the bawdy house charges - they become more and more invisible to the public's eye and police attention by conducting their business discretely. Studies show that law enforcement officials admit that the discrete nature and invisibility of these businesses makes it difficult and problematic for detection, apprehension and convictions (Lewis et. al., 2005). For sex workers, conducting their business discretely also facilitates the anonymity of their business practice. Furthermore, although the laws pertaining to the sex trade do not clearly define "private space," there is legal precedence to establish the meaning of "private" in many circumstances. For instance, the Canadian Supreme Court has ruled that a land-based telephone is a private communication, such that when an individual places a phone call, they have a reasonable expectation of privacy (Bakan & Elliot, 2003). The Supreme Court also ruled that the same should extend to cellular phone communication (Bakan & Elliot, 2003). As such, an independent out-call worker has the right to discuss specific acts of sex for money in private using a land-based telephone or cell phones. In addition, advertising in public print is protected as a right of free speech which has been upheld by the Canadian Supreme Court as well (Bakan & Elliot, 2003).

Women in this study did not exclusively identify as independent in-call or independent out-call service providers. Drawing from their conversation however, there seems to be a higher degree of convergence in the type of services that they provide. Thus women engaging in in-call services simply adopt the independent out-call business practice and approaches. Almost everyone with whom I spoke claimed that they use private communication methods such as telephone, e-mail, and the internet to advertise and make initial contacts and the women who had regular customers, rarely advertised at all. Maxi describes her practices:

...well I work indoors and I am not who the law goes after. And I also don't break the law in any way; nothing I do in my work is illegal... yeah. The only, the charges are around solicitation and living off the avails and bawdy house and I don't, I don't, I live where I work, so its my home, so I have sexual partners enter my home. I don't solicit, I solicit myself very carefully, so I don't break the law, and I could never be charged for it and also, I don't have anyone living with me so nobody can get charged. There is no way I can possibly get charged in anyway for what I do because I don't fall into that. Like, it's usually women that who are working in the public eye are at risk for criminalization.... —Maxi

The experiences of these participants also display another image of law as a game image. According to Ewick & Silbey (1998) the image of law as a game image involves an arena of competitive tactical maneuvers whereby in the pursuit of self-interest, skillful and resourceful individuals are expected to make strategic gains. Using modern technologies makes it easy for independent in-call and out-call sex workers to conduct their business discreetly, away from the public's eye, making them more and more invisible. In addition, this also describes these women's world of competitive struggles, such that they seem less concerned about law's power than about the power of self or others to successfully deploy and engage with law.



Among the respondents of this study, some women constructed legality in the second form of legal consciousness, which described law as a formally ordered, rational and hierarchical system of known rules and procedures. This image of law, Ewick & Silbey (1998, p47) note “tell the law’s story of its own awesome grandeur, something that transcends by its history and processes the person and conflicts of the moment.” Often in these situations people express loyalty and acceptance of legal constructions; they believe in the appropriateness and justness provided through formal legal procedures, although the outcomes are not always fair (Ewick & Silbey, 1998). Almost all the women I interviewed have gone through great lengths to avoid and resist the laws that govern the sex trade related activities. Several of them not only endorsed the enforcement practices that targeted the street-based workers, but they also felt that the specific laws that restrict the exchange of sex for money in public place and the related provisions are completely justifiable. Greenly and Maxi capture the general impressions.

I know, I think often times johns who come to seek out at the street level, they know they can get away with more and there is lot more violence that happens to women in the street level so... I do agree that if anyone’s going after anyone at the street level it should be the johns not the women. But I ... yeah there is definitely more risk involved for the women who work on the streets. – Maxi

...and the things [aspects of the sex trade] that are illegal ... they are abusive. When you look at street work, its abusive, there is someone controlling somewhere, there is drugs involved and I mean they are, I don’t believe that it should be legalized on that perspective. Things should be done, interventions should be put in place to be able to not arrest these women and fine them, what I mean is I am not for the legalization of street solicitation, and I am not for the legalization of brothels either and of pimping either and I actually think there should be more things done to arrest the pimp. Stop arresting the women that are in this... – Greenly

Within this particular vision of legality, in my view, the respondents of this study evaluate their legal experience in terms of the processes and forms of interaction rather than outcomes of those interactions. Greenly and Maxi's opinions, in the above paragraphs, overlaps with hegemonic culture, customs, opinions and ways of thinking and doing things that expresses acceptance of legal constructions, while believing in the appropriateness and justness provided through formal legal procedures.

Finally, Ewick & Silbey (1998) claim that, some people, for whom law is a constant feature of their life, may feel a sense of being caught within the law, or being up against the law. Some may also feel that law's schemas and resources override their own capacity either to maintain its distance from their everyday lives or to play by its rules (Ewick & Silbey, 1998). People who find themselves up against the law typically resist law to seek diverse goals (Ewick & Silbey, 1998). Some women in this study felt that the specific laws that govern sex trade related activities were in many ways redundant and only served to reproduce structural inequality and as such must be avoided at all cost. Amethyst explains the redundant aspects of law.

Well there is already laws against violence against women to get them out of trouble. That's great. There is laws against theft. If you steal someone's money, it's illegal and like kidnapping and coercion things like that. I don't know exactly all the laws about that. So the pimping laws are not necessary because everything they are trying to prevent is already covered and, like I used to work in escort agency and the women answering the phone and sending me on appointments would be my pimp and *she is just like a business women. And if she did not exist I wouldn't be able to make my money* [my emphasis]. Because I got contacts through her and because I kind of have my own ... I don't know ... no... I think the pimping laws should not exist because it just makes it more difficult. And people have this image of the pimp on the street ... they are beating and that does happen and those women should be protected against in the violence against women laws that are currently available. –Amethyst

For others, the law and its disciplinary attempts to maintain the denigrated status of the women involved in the sex trade through assumed criminal legal identity leads to social practices and relations that continue to stigmatize and marginalize their position in society. Therefore, in order to retain a sense of dignity and honour, they feel the need to resist the laws. Greenly explains:

I would say the law does not affect me more than the stigma affects me. Because, it's not something I am open about, where as every one in my life, my friends, very, very good friends know about it. Some of them still don't know about it because, my fear is that, I don't want my parents to know about it, I don't want my family to know what I do. Because there is this really bad stigma about it and good girls don't you know [laughing] and it would just break their heart, because of the stigma. Because, really that... that is stronger, a stronger fear for me than the law, because *I am not doing anything illegal, apart from not declaring all my money, but then who does* [my emphasis]. – Greenly

Participants also note that the complex intersection between their socially stigmatized, marginalized, and sometimes criminalized position within society leaves them with a tremendous amount of stress that they have to handle on a regular basis. As a result, many of them live a double life- they keep the sex work part of their life hidden from family and friends. Subsequently they are sometimes forced to live an isolated life.

Freeda explains:

...so for the first 5 years working as an escort I isolate myself from my friends, from my family from, I was working in other places before and I would just, I couldn't talk to the people anymore, I would just, the only contact I had was almost were other escorts or other clients and it was pretty hard. Because I was really ... it was because of them I would feel like, I would feel like telling people about my work because I would feel so good about it, but then I would stress out about how people are going to react, like if I tell, if I tell it to some one and that person tells it to someone and if that person calls the police on me... always you got to manage this lot more stress just because of the law. –Freeda

Ultimately, for women like Freeda and Greenly resisting the law is an inherent and integral part of their life. In fact these two women believe that by telling their stories and passing on the message of their identities, generalized legality can be opposed.

## **Conclusion**

Although the laws pertaining to the sex trade are oppressive in many ways, the stories I retell in this chapter clearly indicates that legal actions and regulatory practices have never been entirely successful in deterring women from engaging in the sex trade. Participants varying interpretations of law and the strategies of counter-hegemonic resistance that they have developed demonstrate that law is not an “all-powerful” discourse. Rather, ordinary people even from the margins can and do articulate coherent and oppositional legal identities that represent their complex and diverse individual lives and experiences. The strategies of resistance identified by the participants in this chapter include engaging with the law effectively to achieve their desires and conversely avoid the legal meanings all together. The stories presented in this chapter highlights the fact that sex workers do not necessarily represent a homogenous group, as such current laws pertaining to the sex trade can not be used to regulate all participants of the sex trade equally. On the contrary, the current laws inadvertently promote inequality within the sex industry and among all participants of this trade.

## 5. POLITICAL ACTIONS AND THE “SEX” “WORK” DUALISM

In this chapter I focus on grassroots activists' and advocates' role in inscribing the “victim” “worker” classifications. Until now I have discussed the opinions, views and interpretations of my study group as they locate themselves within historical and modern social and political structural representations of the women engaging in the sex trade. Shifting the focus slightly, in this chapter I examine how each individual woman politically locates herself and organizes her life within grassroots political activists' classifications and in turn the effects of such classifications.

Social organizations, social workers, grassroots activists, and political pressure groups of various kinds have historically played a role in shaping social categories and cultural norms. Stychin (1995) argues that with sexual representations being the pivotal element of constituting identities, social activists' efforts to reform institutionalized assumptions, standardized practices and cultural disputes of sexuality have shaped and inscribed particular identities by invoking a unity of speech, politics and practices. However, Stychin (1995) also notes that despite good intentions, political activist's efforts are often embedded in their own partiality which could lead to contingency and exclusion. Likewise Butler (2006) claims that the notion of collective ‘unity,’ assumes that speaking agents occupy equal positions of power and speak with the same presuppositions about what constitutes “agreement” and “unity” and, indeed, that those are the goals to be sought. According to Butler (2006) while the notion of ‘unity’ is intended to invoke a social dialogue with the aim of strengthening alternative practices, knowledges and subjectivities, “[t]he very notion of ‘dialogue’ is culturally specific and historically bound, and while one speaker may feel secure that a conversation is

happening, another maybe sure it is not” (p20). Spivak (1990) claims that political activist exercising power in this way at times fail to consider within their actions either their own positionality or the circumstances of transcultural encounters.

In the following descriptive analysis, I capture each participant’s interpretations of the various political actions. In particular, I am interested in charting how these women interpret activists’ efforts to promote sex workers’ right to public sexual expression and conversely campaigns to abolish the sex trade through formal and informal regulatory social practices. Within this discussion, I will show how cultural disputes about the distinctions between “sex” and “work” is not invented and communicated in a unidirectional process. Rather, just as legal actions, media accounts, academic discourse and so on, have the power to constitute and ascertain meanings through politics of sexual disputes, grassroots political actions also have the power to constitute every day relations and meanings through the same cultural disputes about sexuality. For example, the camp of political contenders who campaign for abolishing the sex trade subscribe to ideals that tend to serve culturally conservative aims – that is, these contenders hold that certain kinds of identities and subjectivities, particularly those which do not follow culturally intelligible gender norms and practices of desire cannot exist. This camp also adopts a structuralist discourse which tends to refer to the law in the singular, as a universal structure appropriate to regulate practices and relationships that characterize common culture. On the other hand the camps of contenders who promote sex workers’ right to public sexual expression hold the position that sex work is a legitimate occupational choice for women, and thus treating it simply as a social problem results in silencing, marginalizing and controlling the women involved in the sex trade.

### **Everyday Interpretations of Political Initiatives and Political Identities**

There remains an unequal distribution of power among the political activist efforts to coherently define, name and characterize women's involvement in the sex trade. Nonetheless, all the women in this study, during the interview clearly articulated the social movement's and political activist's power to renegotiate the cultural disputes of sexuality and to define and redefine the identity and sexual politics in the public domain. The respondents of this study also stressed the challenges of the opposing positions and the divided discourse that inundates grassroots activism. These women argue that the source of such challenges are the definitional questions of what constitutes "sex" and "work" and the relative significance of consent versus coercion in determining women's engagement in the sex trade. The feminist movement in general has been a prominent political pressure group that has always been part of the waves of controversies and panics about sexual representations. Here is Greenly's reading of the major divide within the feminist movement.

...there is like two clans, well there is lot of different feminist movements. But like there is two ideologies about prostitution, one ... that women are being objectified and we have to save them and there is the women that fight for the rights of prostitutes and who are like, hey! its work, and its being going on forever, and lets give them good working conditions, lets make something so that there is less violence, less drug use and that it is liberating sexually... –Greenly

This particular interpretation of the feminist movement, to a great extent was echoed by other participants of this study. The following are Samy and Maxi's comments:

There is this whole sect of feminist who think that I am a victim of patriarchy, and I cannot make my own choices, because I have been oppressed I cannot make my own choice, *I think that it is bullshit, absolute bullshit* [my emphasis]. It's sad, it's not the same thing. I mean I am totally feminist and feminism is about

being able to choose - to be able to choose what you want to do with your body – so I am. I choose to make a living selling sex, you know that doesn't, you know it's my body, I can do whatever I want with it. It is the same argument that people make for abortion. It's body, I should choose what to do with it—so on the one hand, well I can do whatever I want with it for abortion, but now all of a sudden I can't use it for sex, so, it's just, it's a flawed argument in my mind. And many of these anti-prostitution feminists have never even met a sex worker. [anti porn feminist] think I am a victim right. They think I can't make a choice and that I am not informed. –Samy

I mean something interesting, ... one of the arguments that I have heard from a lot of like anti-violence feminist groups about sex work being exploitive is that, you are lucky that your privileged, you don't work in Thailand, you are not working where ever right, and all these women are being so exploited and, I don't know, I have never been to Thailand so ... I am not going to shoot my mouth off about what goes on in Thailand. One of my friend actually decided, "I am going to go to Thailand for sex worker activism" and she got there and all of these women who are sex workers in Thailand have their own organization, their own groups, they have their own businesses, they have like, they have so much high end sex work in Thailand and there is low end sex work in Thailand as well. There is high end and low end everywhere and all sex workers in Thailand, that's just a racist, classist bullshit assumption, just like what I have gone through in Canada, and so, so its interesting, because even as a sex worker, my perception of the global south was false, because its not like that. There is exploitation everywhere in the world and there is empowerment everywhere in the world. –Maxi

Furthermore, Amethyst argues that abolition feminists efforts to define the legal response to abolish the perceived “modern day female sexual slavery” and to combat coerced sex work and human trafficking for the purpose of sex work, in fact reproduces ideologies of sexual objectification, which in turn reinforces the sex worker's special status as denigrated cultural and legal subjects. She says:

...because they are taking about, like they are trying to police women's bodies. They are doing the same things that the misogynists are doing ... Women should be able to choose, if, like if I am a, again a mechanic, I can't think if anything else – I use my hands that is part of the body and I can't, why can't I use my breast or whatever to make money, as long as I am not



hurting my self and as long as I can, ... I just think they are, they are retreating a set of repressions that they are trying to fight by trying to imply this morel code on other women's bodies. – Amethyst

Ruby notes that sex workers' rights groups and many individual sex workers consider themselves feminist as well – “We are feminist in the way that, we do gender difference analysis and we believe in the equality of rights and some inequality that we see, still see happening” – however, she notes:

...feminist abolitionists... are very loud in the women's movement. They want to push us out or they have tried to prevent our entry in the women's movement because they see us as a traitor for other women and like they call us allies of patriarchal system by being a sex worker... – we have been brain washed, and invaded, you might have seen that kind of talk... apparently from their view is that if we don't see ourselves as victims it is because we are way too much deep into our mental [laughing] brain washed to see how victim we are. So [pause... sigh] it is very emotional... having women trying to prevent other women to talk for them selves or trying to prevent other women from organizing themselves and speaking for themselves, their community. So yes, those feminist abolitionists have been the greatest barrier... feminist abolitionist who pretend to be better experts on my reality than I am my self [laughing]. And they as experts they don't want me to analyzing my own reality, they will do the analysis ... And they pretend to know better than me what is right for myself, for me, for me. Yes ...like what I should do, what I should not be doing. For me is like you should not be intruding [laughing] like that. You know. If you are going to harm what sex workers want for themselves, stay away... the women's group who want to put words in my mouth... they say that what I do is violence, is like a violence act against myself you know when my clients treat me like a princess... –Ruby

While radical feminists criticize the sex trade for the perceived institutionalization of patriarchy and heterosexuality, Brock (1998) claims that “by speaking for themselves, sex workers are asserting that they are not mere victims of a patriarchal society, who must be protected from their work (and from themselves) by feminists and social workers” (p23). Brock (1998) notes that the victim analysis not only disempowers the

women involved in the sex trade, but when feminists label these women as victims, it also means that these feminist cannot deal with the sex workers on equal footing. Thus, by claiming a political voice and forming political organizations, sex workers challenge the victim analysis and defend their right to work and to improve their working conditions (Brock, 1998). Furthermore, these sex workers reach out to empathetic feminists and other social justice advocates as potential allies in the struggle for sex workers' rights and in their efforts to reform institutionalized assumptions and cultural disputes of sexuality. Their political actions invoke a unity of speech and politics by asserting that the women's movement and other grassroots activists must be broad enough to include the perspectives of sex trade workers themselves. Such interventions have proven to be prolific. For example, in 2007 the Canadian HIV/AIDS Legal Network, together with Maggie's and Stella published a briefing paper critiquing the report of the House of Commons Subcommittee on Solicitation Laws (2006). The centrality of this critique is that the Subcommittee failed to meet the challenge of recommending legislative changes that are urgently needed to protect and fulfill the health, safety and human rights of adult sex workers in Canada (Canadian HIV/AIDS Legal Network, Stella & Maggie's, 2007).

Furthermore Ruby notes that religious groups often make generalized claims that every sex worker is a victim. However, according to Ruby, in her experience she has not been victimized as a sex worker- "which has never really happened to me. I have never been raped; I have never been beaten up ... 13 years in this business." Ruby's testimony, I think is very powerful, because she clearly emphasizes her feeling about the political identity communicated and promoted by the advocates for abolishing the sex industry.

Ruby affirms that conservative political pressure groups, such as religious activists predominantly advocate for, and reproduce, the manifestations of women's sexual subordination. Most importantly, Ruby is also voicing her strong rejection towards the representation of sexual subservience, while emphasizing her individual agency as a "sex worker" and her united coalition as a "feminist." Despite her tenacity, Ruby notes that given that many contemporary debates, discourses and approaches to women involved in the sex industry adheres to the sexual subservience view, she fears that she can never come out as a sex worker and hold straight jobs at the same time.

Ruby notes that other advocates such as the HIV/AIDS movements, on the other hand, consider sex workers as sexual minorities. She explains that, even though AIDS-prevention programs and safe sex campaigns focus more on harm reduction, in regards to the political representation these advocates see sex workers as sexual minorities. Moreover, Ruby claims that sex workers' rights organizations coalition with HIV/AIDS prevention advocates, work better for sex workers because they let sex workers talk for themselves in their "own reality." In this sense, HIV/AIDS movements and sex workers' rights organizations work to defy restrictions, regulations, and political suppression of public sexual expression. They challenge the sexual double standard of morality as a means to destigmatize the sex trade (Miller & Jayasundera, 2002). Ruby notes that these joint efforts by sex worker's rights organizations and HIV/AIDS movements are not only intended to reduce the stigma, but also to promote awareness about violence against women and the risk of STDs. Such efforts also facilitate peer support programs to cope with issue like social marginalization and isolation. Ruby's position was further echoed by Angela.

I think... social movements, depending on what they are, like religious groups will often be against sex workers, just based on moral grounds, just based on the fact that they shouldn't be work and that it should exist within marriage and that is kind of sinful thing to engage in. I think with women's movements, more progressive ones ...generally sex positive [groups] would see sex worker as a job as well. But I think there are still kind of like part of the women's movement who are anti porn and anti sex work and I think [that they will think] its just some thing that the patriarchy forces women into and in terms of HIV/AIDS movement, I think [they] often recognize sex workers are agents of safe sex so they [sex workers] are more likely to be practicing safe sex than people who are in personal relationships, I think. – Angela

These participants clearly assert that political activists who subscribe to the central premise that sex work is a legitimate occupational choice for women see sex work as a potentially liberating act, in which the woman caste off the shackles of patriarchy that would see sex work as degrading, and finally take control of her own body (Thomas, 2006). Interventions and political actions to promote sex worker's rights and equality were to a great extent acknowledged and endorsed by all participants of this study. Conversely, some of the participants felt strongly that the contenders of the abolitionist position were fighting a losing battle. According to these participants, the practice of engaging in sex for money is so deeply embedded in societies, that abolishing such a practice is inconceivable, if not impossible. Here is Alex and Roxan expressing their views about the loosing battle:

Two years ago, when I came back from a trip, there was this thing on the internet, and they had my name up there and everything, telling me, go back to where you belong, they are saying all these stuff. They were associated with a Christian group, and they were trying to scare me away, and yeah I thought that was freaky at first, but, and then that's when I called my cop friends too and they came over and checked my computer to see if they can track them down, yeah, but I didn't like that at all, like, trying to get rid of it. This [the sex trade] has been around for thousands of years and it is going to be here no

matter what. ...They e-mailed me a letter, but they also had a posting on one of the websites right, you know so everybody can read it, they had my name and telling me that you don't belong here, we are a church group and we are going to get rid of you and girls like you ... –Alex

Well they are all in denial to begin with, because if you don't admit that sex can be paid for and it will always be paid for, you can't really deal with the problem. ... If you don't deal with the root problem you know, they think, they can actually, they, they are so blind that they think they can actually get rid of paid sex, well in order to do that you will have to have a-sexual people. You can't get rid of paid [sex] if people need to have sex. Like, again going back to the hair cut, well we think hair dressers are bad, you should be cutting your own hair or letting it grow to the ground, what are you going to do, are you going to start saying to outlaw hair dressers, like its just as ridiculous to me. –Roxan

Roxan and Alex's views are consistent with academic literature. Some scholars argue that advocating for the radical position of “victim” or “sexual subservience” and making specific laws to invalidate the sex trade will not eradicate the sex industry, rather such efforts thus far have generally considered the trade of sex as a matter of habitual behaviour, instead of a “modern-day slavery” (Karras, 1999; Thomans, 2006). While others like Wahap (2002) and Bernstein (2007) argue that the historical assumptions and imaginations of the “fallen” women who needs to be saved for their own good and the greater good, cannot prevail in post-industrial societies. Furthermore, the competing class values and social order of colonialism, Wahap (2002) and Bernstein (2007) argue cannot be sustained in the new economic currents of globalization, given that the fusion of private and public sphere in general has altered the forms and meanings of the sexual encounters for women in the sex industry.

Most notably, all the women in this study felt that, considering the diversity in the types of sex trade, unifying representations and rudimentary definitions of “victims” and “sexual slaves” do not adequately represent the political, social and individual identities

of all sex workers. Greenly and Amethyst, in the following passages explains how such rudimentary definitions fail to represent independent in-call and/or out-call workers identities and experiences:

When you look at the women's rights [activists for abolishing prostitution], they usually, it seems like they talk about the street prostitution. We always hear about street prostitution and making it, and it is always related to drugs and violence and abuse, which I don't believe is representative at all of me. I don't get represented [laughing out loud] I represent myself [laughing]. Then again you must understand that I am not looking to be represented. –Greenly

..true sex work phobia comes out when it is going to personally affect [them] and so I wonder how they will feel... if it were their daughters going to do it...How can you properly address sex workers rights when you are seeing them as walking time-bombs that are in danger all the time. Of course it is great that there are a lot of the sex worker's [advocates] but I think, like any sort of issue, it is probably best understood by someone who has experienced it or had exposure and at the same time I have not experienced a lot of issues faced by street based sex workers stuff like that, of course ... But I think people may be have a little bit of judgment even though... --Amethyst

Participants of this study also argue that the identity of “victims” which is assumed based on the outward and visible experiences of street-level sex workers is used to magnify all sex workers’ position as social subordinates and heterosexual objects. More importantly, these imagined life experiences of street-based sex workers are used to systematically reproduce all sex workers position as sexual subordinate/objects. For example, Freeda notes that she does not agree with the groups who take on the role of decision-making for sex workers, on behalf of sex workers, especially without sex workers consultation. She notes that, “for me that’s twisted, that’s totally twisted” for someone to decide what is right and wrong for someone else. Freeda argues that such actions are tremendously invalidating, they imply that “sex workers are not smart enough to be in control of their

own lives. It is also sad to see those feminist are also involved in invalidating sex workers.”

Some participants strongly expressed their views on abolitionist’s efforts, particularly their legal response to emancipate the women in the sex trade. These women believe that such approaches further marginalized and excluded sex workers. On the other hand, some participants note that the “bad girl” image advocated by abolitionists has its own advantages, such that these negative images usually entice publicity, resulting in new clients. Conversely, several women believe that abolitionists are not interested in the indoor or the independent sectors of the sex trade, rather their efforts are intended to target the real “victims” who are coerced, exploited and subjected to violence by third parties. These women also emphasized that contenders of abolitionist camp are more interested in liberating the street-based sex workers. Here is Roxan and Alex describing their views:

... the Christian group trying to get rid of me ... they e-mailed me a letter, but they also had a posting on one of the web sites right, you know so every body can read it, they had my name and telling me that you don’t belong here, we are a church group and we are going to get rid of you and girls like you.. it scared me at first... but after awhile you kind of laugh at it... It help me get few more clients [laughing out loud] they want to see this little bad girl, you know, the Christians want to get rid of – Alex

...because of those misconceptions. Here, people, get angry or judgemental whenever they are afraid of something, right... I mean okay, yes if they [social organizations and social workers] are going to... I don’t think my work is going to change ... but I don’t think that they are going to affect me one way or another. Because they are not looking at me, they are looking at the street workers you know ... it doesn’t come into my daily ... that’s not how I focus my time. Like anybody who is fighting for anything, is not in my, they are not in my radar. Because that’s not the way to solve anything ... I wouldn’t be marching for instance – Roxan

Of course, Roxan and Alex do not represent or speak for the entire sex worker community, but indeed their opinions were echoed by the eight other women I interviewed for this study. The women in this study strongly reject abolitionist's interpretations and their political representations of the "fallen" sex worker. These participants argue that abolitionist's imagined identities of "victim" and "sexual servant" does not represent their lived experience as independent sex workers. These participants also claim that abolitionist's debates, discourses, approaches to understating women's involvement in the sex industry and their role in influencing the legal response falls short of adequately representing the sex worker's community, since they are not a homogenous group.

In line with the discussions of adequate representation, almost all the women in this study appear to approve the political representations and the definitions promoted by activists and advocates who are aiming to decriminalize sex trade activities by promoting the "pro-work" position. Greenly notes that:

And the organizations by sex workers, especially the one in this city, I think is doing, I mean I don't know much about that organization, but I keep hearing really good things about it ...The difference [between anti-porn and pro sex activist] I think is that organization like the one that is in this city [pro sex activists], really knows what is like, they really understand that, there are many different types of workers and they work with high class prostitutes to street workers to strippers to massage parlour girls and they understand that each woman decides for herself what she feels comfortable with, and her conditions, and her pay and where she is going to work and how she is going to work, what services she will offer and that's what this organization is good for. – Greenly

Participants in this study strongly believe that sex worker's rights movements and other pro-work advocates are well suited to challenge dualistic perceptions that define the



women involved in the sex trade as “victims” and “victimizers” alongside “good” and “bad,” “whore” and “Madonna.” Moreover, several women support sex worker’s rights movements and pro-work advocate’s position in defending sex workers human rights and labour rights. These participants also support the demands for safer working conditions and decriminalizing the activities of the sex industry.

Furthermore, the women in this study also appear to concur with the political identity and the meaning of “expert.” Participants passionately emphasized the value of sex worker’s opinions and experiences, as such claim that they should be the primary sources of knowledge with respect to the content and validity of sex trade. In this sense, all the participants see sex worker’s rights organizations being in the position to adequately represent the lived experiences and social relations of sex workers. Samy argues that only sex workers rights organizations are capable of representing her needs or her identity adequately. She says,

I mean if you are not a sex worker how could you adequately represent me, straight up. If you are not an escort you don’t know, you just don’t know what its like. So I mean it’s just like you know if I was going to say well, you know advocate for the, you know neuro surgeons association, I don’t know nothing about neuro surgery you know [laughing] what good I’d be you know, it’s the same, the same idea. Unless you have experience, I don’t know if you will be much help in sort of making decisions. –Samy

Some other women also suggest that social workers and other activist who are genuinely interested in advocating for sex worker’s rights should first and foremost accept and acknowledge the leadership of sex workers as experts. Freeda and Samy comment,

I think the first thing they should do is meet up with sex workers to know how do you want your rights defended, which rights you want defended. Because there are amazing organizations defending sex workers rights and there are the bad organizations

that just the way they talk they reinforce all the stigma and the prejudices around sex workers. ... They just take their bad experience [of sex workers] and they are going to present it to the people in three years.... so if you want to talk about sex work you have to be open to all the realities and you have to not just take your point of view and try to do a research that kind of proves your point. Then you are going to specific sex workers and just the ones that fits with your opinion. So, I ... I am thankful to all the organizations, that are good organizations but they don't think about their position they think about the people, what the people need. –Freedra

...support is good but I think that as far as decision-making goes it has to be done by people who are current or former sex workers, because we are the ones who know, we are in the trenches so to speak, I mean, we are the best persons to decide that kind of thing, but I don't [think] its necessarily bad to have support from other avenues. I don't think it is necessarily a good idea to have non sex worker groups advocating for the sex workers if their ultimate goal is to sort of subvert the mission by and turn it toward more of a, to make it into like a [saving mission] ... kind of like a crusade or something. ... I mean if they want to help, you know volunteer, do stuff, donate money, or start whatever, then yeah that's awesome, that's fine but as far as direct involvement, I don't know if they necessarily need to be there –Samy

Moreover, Maxi in the following paragraph argues that social workers and other activist who are interested in advocating for sex worker's rights should focus on the best for sex workers, rather than only on the best interest of society or the activist's needs.

I don't like the term allies, but to be like a supporter as long as you are able to listen and ... not form like serve judgemental opinions. I think that religious groups, even though I am not religious, like they should because there is lot of sex workers who are religious and they would like a religious group to understand what they go through and like we live in a very diverse world so it's important like diverse groups of people support each other I think. ... if you are imposing your own agenda then that's not ... that's not advocating for the rights of sex workers, that's taking an issue, called violence against women and lumping one type of woman into that category and saying that they need to be saved.... That's like an agenda of it's own. I want to feel better about myself so I am going to do this, this is how I view these people, these poor people. So I don't think that's advocating for anyone other than yourself. –Maxi

Several participants also describe the liberating aspect of their work, upon which the pro-work campers place strong emphasis. Here is Greenly and Amethyst articulating the liberating potential of sex work while, at the same time refusing the degrading ideas.

...because all this negative, all this negative perception and ideas we have about sex work affect the ideas we have about women's sexuality in general and if you live in the society where first of all women's sexuality is still not seen as something positive, then of course prostitution won't be either. And I think that's where [sex positive groups and activist] they start from to defend properties of sex workers. They are from the idea of women's sexuality having to be liberated, having to truly be accepted and I mean a lot of women don't even, have never seen their vergina , you know [laughing] and they don't want to see it, to me it's very sad ... --Greenly

I identify as a sex worker, as a feminist sex worker...yeah I guess I would be like the "sex-positive," "sex radical feminist," I don't like labels [laughing] I am doing a lot of quotation marks and you can't see that in the tape recorder... but also its like what I study at school. And just that perfect idea of this is my body and I can do what I choose with it. I can empower myself as a woman by using my womanly wild to benefit myself..., people think sex work is exploitation but if I pick up a guy at a bar and bring him home I am being exploited just as much, and even working as a waitresses I felt honestly more exploited for a lot less money... --Amethyst

Each participant, by supporting and rejecting activists and advocate's efforts to advance the political identities of sex workers are engaging in the process of negotiating and deploying their power relations. In this sense, both grassroots activists and individuals are acting through power relations to resist dominant ideology. Such exercise of power not only highlights the point that power is a complex reciprocal relationship, but it also simultaneously attributes specific meanings to women's involvement in the sex trade, which tends to have a normalizing effect. Ultimately, such meaning-making processes at the grassroots level are significant for establishing the ways in which the sex workers themselves construct their individualized identities.

### **Interacting with Specific Social Relations and Specific Meanings**

It appears that the issue of adequate representation, according to participant's interpretations, seems to be fundamentally premised on the dualism of "sex" and "work." This dualism and its effects of inadequate political representation by the two opposing camps also seems to be a pivotal source of these women's frustrations. I will draw upon Smart (1996) and Spivak (1997) to locate and conceptualize their frustrations. Drawing from Smart (1996), I argue that enhancing the notion of sexual subordination and its manifestation as a means to understand women's involvement in the sex trade, first emphasizes heterosexuality as a defining element of women's oppression. Smart (1996b) notes that condemning heterosexual practices and excess sexual desires as the cause of all the harm that may be done to women as women, "whether in terms of the trade in prostitution, multiple pregnancies or the spread of venereal diseases to the innocent wife," paradoxically confirms the male power (p222). Participants of this study note that abolitionist's position that defines sex workers as sexual subservient, simply assumes that all sex workers inherently engage only in heterosexual acts and that all sex workers are women who only serve men's needs. Such essential assumptions not only unifies all sex workers experience, but also invalidates individual identities, especially given that some women in this study identify as queer women, and as providing services to women.

Moreover, drawing upon Spivak (1997), I argue that narratives of subject experts, sexual liberation and empowerment advanced by political groups in retrospect compounds the issue of political representation, as these identities to some extent assume a "pure" or "essential" form of marginalized constituents. Despite the support for pro-sex work advocates and sex worker's rights movement, participants of this study do not feel

collective marginalized experiences and needs, based on street based sex work, fully and adequately represent the lived experiences of independent in-call and/or out-call sex workers. More importantly, most participants suggest that they feel left out in pro-sex work advocates claim for equality for all marginalized constituents. For instance, Ruby argues that she has been in the business of independent service providing since 1995 and during this time she has only engaged in safe sex acts. However, some of the contenders of the pro-sex work view, such as the HIV/AIDS movements approach to law and policy reform usually focuses on harm reduction. The strategic objective of this approach is to recognize the human rights of all marginalized constituents, in order to reduce the risk of spreading harmful disease through unsafe sex acts and unsafe use of drugs paraphernalia. However, Ruby in the following paragraph claims that this approach does not particularly reflect independent sex workers needs.

But me I am an old one so I have only practiced safe sex. I say harm reduction is more around reducing the risk of drugs normally. But ... some people want this to apply this approach for sex workers. But I say it does not apply very well. Because it is not enough to reduce the harm possible, such as the risk of rape, the risk of violence. It's not helpful. We have to do more than that. We have to improve, what could, be better. We have to have better work condition; we have to better manage our business and do better marketing and do all that. So this has nothing to do with harm reduction. It comes in the end, because if you have good marketing and you have enough big selection of clients you can always say no to a bad offer. But ... when you have a limited access to clients or just not enough, you will take more risk for yourself, either for your health or for your life. – Ruby

Angela, Greenly and Samy's views about safe- sex campaigns proceeds.

generally not – there is so much diversity between sex workers ... well especially with HIV/AIDS stuff I think there is a lot of out reach to sex worker communities like giving them condoms and stuff and I think that is great and I think that, but I don't feel that I am adequately represented in that because, I am not working on

the street and out reach programs wouldn't reach me as a sex worker for example. –Angela

I know that, that comes out a lot, the HIV, the AIDS. When ever you talk about HIV and AIDS you think about, right now Africa, homosexuals and prostitutes. And I think that's really not a good representation. I actually believe, I actually think that women who work in this industry, in CANADA [her emphasis], because it's a different story when you're abroad. It's very different. But in Canada, I believe that women who work in this industry, especially as an independent we are conscious about what we do with our body, we are safe. I think we are even safer than the normal, regular girls that you will meet in a bar. We protect ourselves, we go get checked every, well not every one does, but I think a big majority does, compared to girls in the population. So I don't like, it makes me cringe whenever prostitution is associated with HIV/AIDS. Like that makes me cringe, especially in Canada. –Greenly

I think it depends ... I mean ultimately you don't want to spread diseases, you don't want to be a health risk but at the same time you don't want to tell people, give people the impression that prostitutes are a health risk. ... I mean, you want their help, but at the same time you don't want them to necessarily represent you in a way that you don't want to put out there... –Samy

However, Maxi argues that the coalition between sex workers and AIDS movements is not about individual representation, instead the AIDS- prevention programs and safe-sex campaigns must be seen as a strategic initiative to curb waves of sex panic and cultural disputes about sexuality. Maxi explains that:

Unfortunately AIDS groups have a lot more funding than sex worker groups do, so I see why a lot of sex workers groups work with AIDS groups and it isn't an issue of health and sexuality like sex work isn't, I don't think sex workers are more at risk, but I think that sex workers jobs are to promote health and sexuality. Part of my job is to promote safe sex and have safe sex ... So I do see that there is like some cross over between what an AIDS group would do and, HIV, STD group they also have a lot of funding so ... it's strategic use, definitely ... working together, and like collaborating is different from this group who is going to take over my cause ... I think as long as they are skills sharing, any, any two groups could work together, if there is skills sharing, like totally, like that's how we learn from each other, and that's how we get out of boxed heads that we were put in when we were little by our parents or whoever right ...—Maxi

Many other participants also expressed that they did not feel the notion of unity and solidarity based on assumed unifying experience and needs adequately represent independent sex worker's political identity. While such notions has the potential to tarnish systematic reproductions of sex workers structural degradation, it also assumes that sex workers are a homogenous group and "agreement" and "unity" are the goals to be sought by all in the community. In fact, in the following passage, Amethyst points out that, sex workers are anything but a homogenous community with much diversity and complexity.

Just the whole sex positive atmosphere, like this organization, there is like the wall of boobs- like the paper mache boobs [laughing] stuff like that is great. ... They are supporting sex workers and allowing them to continue in their work, preventing STDs and providing condoms and support. ...when I first started working for this organization, I thought it was for street workers and I did not identify with it. I think that's one of the problems. Lot of the people I work with on their website will have this is my favourite charity – they just view it as a charity for street level workers. So lots of escorts and like higher class escorts don't feel like a service they need because they don't feel they are in danger or at risk or anything. But then I started volunteering here and I realized that I can benefit from these services as well. Just being in this atmosphere is beneficial. But I think that's one thing about who I am in the industry but my colleagues don't feel it necessarily applies for them, because, I guess a lot of them don't have the sex worker identity either... For sure [a group name] like that are great .... I guess it like, ... the work they do, the prevention on the street and stuff like that, but just the education ... because all the sex workers I know are the safest anyway.... [laughing] compared to all the college girls anyway –Amethyst

Given the distinctions and complexities within the sex industry, Amethyst and Robin claim that sex worker's rights organization represent neither their personal experiences nor needs, but they represent the work they do – sex work.

... because I am like a "happy hooker" so I remain invisible for my own safety. So I am not going for counselling or public

services there is no record of my existence. And I think that is the case there is a huge over-representation of abuse and violence against sex workers. Because people who are contained and happy generally remain, choose to remain invisible. We don't need to be visible. – Amethyst

... they just, and like I said though, its just because they really represent the outside workers more, and it's, you know, it's just tough though. It's I think they do a good job for what, with what they are given, but you, you just, you know they don't have the resources nor the people to represent the inside workers. – Robin

On the other hand Robin along with Greenly claim that they are not looking to be represented by either camps of views.

No. I think, I think the difference is, the majority of them focus on outside workers. On the other hand, I also don't think they can adequately represent inside workers. Inside workers like to keep to them selves. That's the whole point to inside workers. Inside workers tend to prefer, like they work inside because they do not want to be visible you know... So inside workers will always be generally underrepresented group, because they don't want to be seen ... very hard group to represent [laughing] its, its next to impossible to represent a group that says no, no, I'd rather you don't see me [laughing].yeah that's, that's you know marketing for the group that does not exists. ... its like having a ghost rider ... I wouldn't say that I am the average inside worker anymore. I probably used to be. I did this before and I was, I was very much the person who you know was no, no, no, I am just doing this, hide my face, don't ever want to be seen and I started back up a few years ago and realized that I don't care, I'd rather have a voice and be known and not be the victim you know. Because I think it is lot more important that some body know that these girls exists... –Robin

...it seems like they talk about the street prostitution and making it, and it is always related to drugs and violence and abuse, which I don't believe is representative at all of me. I don't get represented. I represent my self. Then again you must understand that I am not looking to be represented ... I am not looking for that... – Greenly

The paragraphs by Greenly and Robin emphasize a key point of identity politics: the fixing of identity. In fact, according to Hekman (1999) fixing of identity seems to be the unavoidable by product of identity politics, as the tendency to enter the political arena



embracing a particular collective identity necessarily fixes that identity in both political and legal terms.

### **Conclusion**

This chapter highlights the point that power is a complex reciprocal relationship. While there is still an imbalance of power between historically elite institutions (e.g. law) and grassroots social activists and advocates, it is clear that joint efforts of individuals and groups can exercise their power to both assert and challenge normative notions of logic, order and rationality. Such possibilities also inadvertently lead to specific meanings and particular characteristics of women's involvement in the sex trade. However, as the participants note, assumptions of solidarity and unity, which are prime sources of political power for grassroots activism, does not adequately represent the highly complex individual identities of sex workers. Rather the issue raised in this chapter is that political groups, regardless of their position in substantiating their arguments for identity politics, have paradoxically led to the fixing of identities within generalized notions.

## 6. FLUIDITY OF IDENTITIES

Identities are not neutral. Behind the quest for identity are different and often conflicting values. By saying who we are, we are also striving to express what we are, what we believe and what we desire. The problem is that these beliefs, needs and desires are often patently in conflict, not only between different communities but within individuals themselves.—(Weeks, 1990, p89).

I don't think that my story represents all the majority, I really don't think it represents the majority of them but ... but it represents more than what we are ... putting out in the media ... it represents more than our ideologies that we have, or preconceived notions .... – Greenly, 2009

I began this study to understand the classifications used to characterize the women involved in the sex industry. It appears to me that the identities of the women I interviewed for this study are not only socially inscribed in oppressive ways but are also derived from lived relationships that are diverse, complex and usually contradicting. Having listened to their stories, analyzed and synthesized their lived experiences and everyday accounts, I have discovered that there is no one image of “authenticity,” and there is no one “truth” to individuality that can be used to legitimize individual participant’s decisions and choices to engage in the sex trade industry.

In this final chapter, my aim is to focus on how the participants of this study constitute and represent their own identities in the face of the claim of otherness. Drawing from Butler (2006), I suggest that these participant’s efforts to refute the claim of “other” takes place through various discursive routes that signifies a fit worker, but at the same time these paths also symbolizes subjectivity that are heterosexually desirable and normative. Butler (2006) argues that the coexistence or convergence of such subject positions produces the possibility of a complex reconfiguration and redeployment of self-

hood. I believe that the multiplicity of such complex reconfiguration and redeployment of self-hood emphasizes the fluidity and continuity of personal, political and social identities. The emphasis on fluidity draws out ways in which the social, legal, and political classifications of normalcy and deviancy interlock with each woman's fragmented identities to produce and secure their self-identified meaning and configurations. Importantly, incoherent and conflicting identities also highlight the existence of subversive identities and the possibilities of immanent challenges to notions of gendered norms and culturally intelligible subjects. By foregrounding fluidity, this analysis attempts to deconstruct the hegemonic narratives that reify identity and naturalize heterosexuality.

### **Subject Constitution of Self-hood**

The focus on self-representation, I believe, broadens the voices of the ten participants. In addition strategies of singular and collective self-hood draws out the innovative sites of collaboration and contestation involved in the process of legitimizing the ten women's individual choices and decisions to engage in the sex trade industry. The proceeding recitations are the stories and accounts of the ten women constructing their self-identities and representations. I will start with Ruby. I met Ruby in Montreal, started working in the sex trade at the age of 20, several years later, Ruby now works part-time in the sex industry. She is also involved with a sex worker's rights organization in Montreal. Ruby's experience as an active service provider and a proud activist influences the way she constitutes her identities.

I am a Quebecqa, I am a Canadian, I am an escort, I am a sex worker, I am a girlfriend. I play my roles. I am intellectual, I am a blonde with big breasts – it tends to define me a bit. ... I have never felt as a victim. I never used the term sex worker, especially not in French before becoming an activist. It was not something that I owned before, I was part of the sex industry, I was an escort, but I did not follow the sex worker [identity]. Because the sex part was such a small part of what I was doing with the clients, so for me I am an escort, I keep company... I guess me and my friends were more used to, we considered ourselves escorts not sex workers, not that we were not, but it was not how we would name it ourselves... was just not like a tag we would call our self, we would call our self courtesan more than sex worker, escort. Since my involvement with sex workers organization, the term “sex worker” is useful to use. It makes sense, it defines the work. And it has an intention to unify [all the different sectors of the sex trade]. If I take care of more than my little self or my friends around me then I am going to use that term, but, it does represent quite a lot of potential – sex worker is more like a group identity....I am a privileged one – to be able to experience first hand the community of sex workers [through the] xxx forum. – Ruby

Ruby’s testimony brings out several central themes addressed in this study. Most notably, she highlights the varying influences that lead to creating individualized identities and collective representations. In this sense, Ruby’s lived experience not only challenges the universal classifications, but it also stresses the fluidity of various identities and the possibility to overcome simplistic identity politics. Ruby’s story emphasizes the site of collaboration where the singular and the collective identities interlock to contest the process of ideology and dominant hegemony.

The proceeding testimony is by Amethyst, the undergraduate, also from Montreal. Amethyst’s self-construction also draws out the fluidity of identity classification. In order to emphasize her voice and enhance the fluidity of her identities, I will present her story in segments. Amethyst’s response in the following paragraph shows that classification

affects the sex workers and the affects on those people in turn changes their classifications.

I identify as a feminine. I guess I am a student..... I am also an activist ... I am part of a queer group on campus. So I guess I am more of a student. Like my friends are students, I talk about school and I do my home work and things. So I think my student identity sort of prevails at the end of the day... - Amethyst

In the following passage, Amethyst talks about how she established her self-identity as sex worker through time. Within this particular passage, it is implicit that the coherence and continuity of her identity is not only a logical and analytical feature of self-representation, but it is also as Butler (1990) would argue socially instituted and maintained norms of intelligibility.

...well it's changed like through out the while that I have been doing it. Like in the beginning I was just doing it, ... I didn't have an identity. And then it started in school and then I learned about like the feminist side of it and now oh! It makes sense to me, this is my identity and I am proud of it. And then I realized it kind of became a little bit too much and then I got involved with this sex workers advocacy organization and started identifying, I identify as a sex worker and I don't really identify as a high class escort anymore. Because I thought it sets us apart from other people, but it really doesn't. It is a bit of fact that shapes my experience, I can relate to lot of people... I really focused on the sex worker things, this is really who I am ... It sort of mellowed a little bit... because it wasn't suitable for all aspects of my life. Because I am not out to all my friends either, I guarantee you this is, it is not the main part of who I am. *It's not my essence. ... There is like a multi, like I occupy this different roles, like every one else does I guess* [my emphasis]. They have these different roles, except for mine are a little bit more dramatic I guess. Because they involve like acting and pretending part of my life to exists... – Amethyst

Although it legitimizes her individual choices and decisions in the face of the claim of otherness, Amethyst, further explains the effects of classifications.

That's what probably the most stressful part of this job having to juggle that. Like my sister doesn't know what I do, having to lie about when I am travelling, why I have this nice apartment and

stuff like that. Managing my identity and remembering who I told what to and keeping every thing straight... But that's one of the hardest parts of identification. Like I just choose to use the term queer [silence] not like obviously for my sex preferences but also just ... being a sex worker kind of puts me out of the umbrella term and deviates from the sexual norms. And because I didn't feel, even when I was dating a man I didn't feel heterosexual. Just like the hetero normative way of thinking because I was engaging in quote, unquote deviant activity and... I guess I would be like the positivist, sex radical feminist, I don't like labels... but also it's like what I study at school. And just that perfect idea of this is my body and I can do what I choose with it. I can empower my self as a woman by using my womanly wild to benefit my self ... I am a highly sexualized person. I think I have the right to choose and, I am out as a sex worker in certain context... [My colleagues] I guess a lot of them don't have the sex worker identity either ... Lot of them are not exposed to feminist ideologies and stuff like that. [so] I think [they identify as] a student, or just, like a escort vs. sex worker like they are not exposed to sex workers movement... –Amethyst

In addition to illustrating the complexity and importance of fluidity, Amethyst's constitution of self-hood seems to emphasize the significance of interaction – how social interactions change the identities and once the people change as the identities are formed through iterations of social interactions. In legitimizing her individual choices and decisions, Amethyst not only transcends the complexity of refusing the essentialist classifications embedded in morality claims by constituting her identity as a queer sex positivist, but she also engages with them in imaginative and vital way, despite the claim of otherness.

To a great extent, Freeda, Greenly, Samy, Alex, Robin, Maxi, Angela and Roxan all echoed the complexity and fluidity of individual identities raised by Ruby and Amethyst. In the following paragraph Freeda is explaining her self-constructed individual identities.

I am a woman, a really open minded [person] being in the industry has made me [like this]. So the business makes me so

much open minded.... For me I am always going to be an escort, because it brings me a lot of pleasure. I am like a super escort... [but] That doesn't define me all because, I mean my work doesn't define me, it is important.... I am a step mom and I am a sister, I am like any other woman... At the end of the day, I am my self, I am the loving, caring person who wants to take care of her man and her little boy...—Freeda

In highlighting the fluidity of her political and personal identities, Freeda's voices her firm refusal of the deviancy classification.

The responses by Greenly and Robin in the following paragraph correspond with Freeda's point that the sex work alone does not define their whole identity or their personhood.

I see my self like that, you know, down to earth but liking to explore more academic thoughts or scientific thoughts, just interested in many different things... *Sex work does not describe you as a person* [my emphasis]... You are always the same person ...I am a happy person, when I am around people, I make them happy also...I am a very honest person, I am honest with my self , with why I am doing this – I am honest with people around me... I see my self as a very enthusiastic, bubbly person. I am very smart [laughing]. And I am a very good speaker, Like that's, I know that represents me very well. I am able to put in words what other people cannot, I can easily go in front of people, address them, address an issue and make people understand the issue I am addressing. And I am very curious. I want to be perceived as very curious person, because I am interested in so many things, I like travelling, I like... I think the best thing to describe me would be, I am intelligent, girly girl, but hippy at heart you know. – Greenly

I am the girl in the middle, I am not a victim...I define my self by what makes me happy – and it has nothing to do with sex work...I am just one person chasing down you know a small dream, that's it, that's how I define my self – I am happy by what I, what I make the most impact to doing... I rarely define my self as, in gender role [either]...—Robin

These independent in- call and/or out-call sex workers categorically refuse the classification of “victim” that is rooted in moralist ideas. Rather they all seem to emphasize on happiness. Here is Maxi's exuberant response. Maxi appears to be a very

outgoing, high-spirited young woman with a great sense of humour. The proceeding passage by Maxi illustrates how she creates her self-identity in the face of the claim of otherness while engaging with them in imaginative and vital ways.

I am independent – I am in control of my own career, my own life and my own body and my own sexuality...I am really happy – I am a happy whore... I am a big queer, I am fem, a feminine queer woman. I tend to date poly amorously, people along all sexes and genders and I have a alright relationship with my family, my parents and my sister and brother and I go to school...I am a student, an artist, I am a musician and a writer. – Maxi

Like Maxi and Amethyst, Angela's identities also include a version of queer identity. Angela also points out to her privileged position of whiteness. I met Angela in Toronto, through Maxi. These two women, during their interviews stated that they are part of a queer sex worker community.

Whether I identify my self as a sex worker depends on what social situation I am in – so I guess sex worker is a big identifying factor for me, like it is part of my identity sure... I, guess my main identity thing is generally like very conscious of the fact that I am white, and that I am privileged in some cases in terms of my class. I am queer and queer is like a very big part of my identity... I am a woman... I guess as just as the multifaceted person like every one else...as the happy hooker. – Angela

This account by Angela weaves on several central themes together that have been raised by individual women. Engaging with the queer sex worker community indeed provides an alternative path to consolidate singular individualized identities and collective representations that are neither subjective nor essentially moralist. This particular account by Angela also highlights the site of identity formation where the collaboration of singular and the collective identities interlock to contest the process of ideology and dominant hegemony. Nevertheless, Maxi, Amethyst and Angela also stress the point that there is no one “authentic,” and there is no one “truth” to the queer identity.



Finally as I move on the stories of Samy, Alex and Roxan it is clear that identities are not neutral and the quest for identities is complex and often conflicting.

I am a feminist, a pro sex feminist... I am not a bad person, I am not ashamed [about sex work]...I think more people need to know that I am a regular person just like any one else – I have hobbies, interests, I have friends, and family and you know parents and sisters, just like every one else. –Samy

I am a mother, a sister, a friend, a lover, a daughter that's how I see me. I see me as a nice person, friendly you know. I think I like to get to know people, I am pretty strong...I am a funny girl... Before I was an escort my identity was the opposite of this – in some ways I think it [the sex work] made me a better person too you know ...just getting to know different people, different cultures, different things. I got to travel, I got to do all kind of things that I never got to do before [that are] just normal ... *Sex work does not define me*, [my emphasis] my family does – my friends see me and my clients see me through my stage name or my persona... we are, normal people. I guess this is our jobs and ... yeah, as normal people, this is what we do for a living. We have our families, we have every thing that they have and this is how we make money and this is what we are good at you know. We have a job that we love, hope fully they love and its all good, we are not out to hurt anybody, we are just out to make some money so that we can pay our bills too. –Alex

I am a happy person... Well I don't define my self by my job any more...I am a spiritual person, I am a singer, ... I am good at a lot of things, I am a handy person you know, I like to educate my self on so many things, I am a therapist to people, you know I am very gregarious person. My life is rich with friends and family and I do a lot of travelling and being and escort has really allowed me to do so many things that I wouldn't have otherwise done... I define my self professionally as an escort... I am a woman, I am a daughter, a sister... – Roxan

All ten women's stories and their version of self-construction contradict moralists' classifications. Moralists' values and ideas classify sex workers to have a whole identity: not just an identity associated with a particular job, rather, these women's activities are perceived to be making them a different type of women – a sex worker is deemed to be infatuated with the desire for sex at all times. The effects of such

normative, imagined classifications and the strength to refuse these classifications are implicit within all these interviews. More importantly, these interviews illustrate that in legitimizing their choices and decisions, these women appear less concerned about the legitimacy of moral perceptions than about their effectiveness for achieving their desires – which is to make enough money so that they can pay for school, pay their bills and live a higher standard of life. However, all the women expressed that in the face of law and social stigma, they continually struggle to achieve these desires.

### **Concluding Remarks**

With the focus on different representations, including self-representation, this study establishes that the normative and grand narratives about women's involvement in the sex trade are formed through the process of ideology, assumptions, imaginations and power relations which depend on the local and historical contexts within which they exist. I also use the voices of ten women to show that their identities are both formed by various social relationships and personal life experiences. These women's stories and accounts thus illustrate the immense and continuous network that plays a role in inscribing normative and generalized meanings, definitions and characterizations of the women engaged in the sex trade. Drawing on primary and secondary sources, through this study I have also established how specific contexts, histories, discourses, precepts, cultures and languages are all implicated in the process of naming, defining and characterizing the identities of the women who engage in the sex trade.

The cultural understandings, social practices and structural forces commitment to differentiate the sex worker from the respectable citizen clearly comes through the stories

presented here. In addition to highlighting the role of law in forming identities in oppressive ways and reinforcing sex workers systemic inequality through its arbitrary and inconsistent enforcement practices, the individual life stories presented in this study retells the effects of discrimination and classism that are inherent in elite institutional practices. Within these discussions, themes such as systemic social stratification, stigmatization, marginalization and criminalization emerged to illustrate certain laws are made for specific group of people and in the interest of particular people. Ultimately, along with the social logic of differentiating the sex worker from the respectable labourer, the laws pertaining to the sex trade inadvertently criminalizes the already stigmatized, marginalized social citizens. In doing so, despite its promise of, and attempts at, equal treatment these laws alienate sex workers who are visible to the public eye, from any form of predicable legal protections.

Furthermore, participants' individual experiences explicitly demonstrate that law is not an all powerful discourse in inscribing common sexual identities. Rather, given the gaps and inconsistencies between the law in books and law in action, ordinary people's everyday interpretation of law varies considerably. The ten women in this study describe their strategies for engaging, avoiding and resisting the legal meanings attributed to them, while forming their very own interpretations of law. More importantly, drawing on divergent theories and analytical concepts, in this study, I initiated a process to critique the normative ideas, assumptions and meanings that are usually used to define, name and characterize the women who engage in the sex industry. While this process is founded on the personal stories of very specific group of women and cannot be generalized to the entire population of sex workers, through these individual stories, lived experiences and

everyday accounts, I have learned that there is no consensus on what might constitute an ideal representation of a woman in the sex industry. However, by focusing on such personalized opinions and views, I have opened a path for the coming out of marginalized voices. Through these voices, more importantly, I was able to see the complex reciprocal relationship of power through each individual's action to resist or support dominant ideology. In exposing this aspect of individual power, in this study I have shed some light on the ghost like presence of these women and amplified their voices to clarify many of the misrepresentations.

Ultimately, while this study does not provide a complete understanding of all the classifications that characterizes the identities of the women involved in the sex trade industry. In this study, the ten women's stories have been working to breaking the silence and their ghost like presence. Each of the women's accounts provides insights. Taken together, they open up possibilities for meaningful analysis and ways of responding to their stigmatization, marginalization and criminalization. Most significantly, through this work I learned to recognize the moral strength of these women and their ability to legitimize their choice and decision to engage in the sex trade industry. Through this work, I also discovered that these women frequently grapple to defend their mode of employment, faith, self-esteem and their hope of being heard. It is these attributes that I have a high regard for. I conclude by giving the final words to some of the participants:

...reduction of stigma, for my life, because it is really harmful and awful. If society would understand me, that would make my life easier. That will ease a lot of problems that happen in my life. -Amethyst

I would like us to be accepted ... like I said, what we do, we are like actresses... I mean it would be nice if people like wow that's a cool job that you have instead of thinking like you are evil, your bad, you shouldn't be doing stuff like that ... I think a lot of the society is still put all of us in the same category... – Alex

...there is an art to like keeping clients, it's a very seductive art, definitely ... it is a business tactic but at the same time, there is a very fine, I mean it is one of those businesses where all of the ... so called boundaries of a relationship between a client and a business owner should be are like blatantly the opposite, because that's the point right ...[therefore] as an individual [I would like to be perceived] as somebody who has a interesting job ...I think that some jobs get lot more hype than others, I would just like my job to be seen as a job and I would like women who are actually expiring violence and exploitation, for them to be validated for what they are going through and it to be seen as a unique experience not necessarily jumping to the conclusion that its one way or the other. ... sex work is work and violence is violence and sometimes violence happens to sex workers and some time sex work happens to violence survivors, but it doesn't necessarily mean that its all the same thing. – Maxi

... its just a job, its just a job, I am a sex worker and I have every right to do it, yeah, its my choice and I would like to be able to openly talk about it, I would like to openly encourage other women you know, if they want to do it I would like to mentor them. That would be nice. But that would be considered illegal. – Roxan

... better representations of sex workers within the media, as diverse as we are, not just as like crack addicted, kind of like victimized women... I am a whore and this is what I am, this like my career or part of the way I make money within a community, it's a totally viable job and it is work and everybody uses it to some extent... for me it is a ... a blossoming job, it is a potential career and it is part of my work... sex workers are regular people so are johns [laughing] that's all I have to say. –Angela

...so I think the most important thing is to just get our voices out their and get heard as much as possible so people can understand what it's really like. – Samy.

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## APPENDIX A – LETTER OF INFORMATION AND CONSENT FORM



Dear Madame,

**Project Title: Multiple and Diverse Identities of Women Involved in the Sex Trade Industry: Beyond Preconceptions, Norms, and Ideologies**

I am inviting you to participate in a study that is part of my Master's degree program in the Department of Law at Carleton University under the supervision of Professor Dawn Moore.

Existing research on the topic of women and their association with the sex trade appears to be deeply divided by two positions: the sex trade oppresses women therefore all women associated with it are victims and the sex trade is a form of labour, thus all women in this trade are workers. The primary objective of this research project is to challenge this divide by mapping the different views, and perceptions that fall within and outside the continuum of "victims" and "workers".

Your participation in an in-depth interview regarding your involvement in the sex trade is voluntary and be assured that your identity will be kept confidential. The interview may take about 1.5 hours to 2 hours. During the interview you don't have to answer any questions that you don't feel like answering. You can take a break at anytime during the interview. You also have the right to stop the interview at any time. If you decide to withdraw from the research project, I will destroy the data from this interview immediately. You will receive a cash honorarium of \$50 at the end of the interview for your time and knowledge.

With your permission, the interview will be recorded. The recording will be transcribed by typing it into a document. The typed document will not have any names or other identifying information. If you wish, I can give you a copy of this document, so that you can review our conversation and make any corrections, changes, or edits that you like. Once the interview is typed the tape will be destroyed. Only my supervisor and I will have access to the typed interview.

I will keep the consent form and the typed interview in separate places. The consent form will be kept in a safe and secure location at my house. The typed interview will be stored in removable storage devices like CD or USB and stored in a locked filing cabinet. The contents of the interview, without your identifying details will be published in the form of thesis, academic articles, or conference presentations.

I would like to remind you that there are legal limits to confidentiality. If I had any knowledge of a child who is currently in an abusive situation or if you tell me that you are going to harm yourself or others I will have to report this information. I would

like to bring to your attention that there is a remote possibility that your identity may be assumed from the published documents. In addition, because this research deals with some personal experiences it may cause some emotional discomfort which may, at times, be difficult. I will do my best to minimize these occurrences.

Your participation in this research project is very important. By sharing your stories, experiences and perspectives you are contributing to the discussions about your political identities and the ways in which you are being represented. Your participation will demystify biases preconceptions, and ideas about women's involvement in the sex trade. Your stories and life experience will facilitate the formulation of alternative ways to understand the different identities of those who are involved in selling sexual services.

This project has been reviewed and received ethics clearance from the Carleton University Research Ethics Committee. If you have any questions or require more information about this study please contact me. If you have any questions or concerns with regards to the ethical conduct of this study or your involvement in it you may contact the ethics committee chair, Prof. Antonio Gualtieri at 613-520-2517, or via e-mail [ethics@carleton.ca](mailto:ethics@carleton.ca)

Thank you for your time and consideration.

Sincerely

Menaka Raguparan (Student Researcher)  
Tel: 613-697-6052  
e-mail: [mragupar@connect.carleton.ca](mailto:mragupar@connect.carleton.ca)

Dr. Dawn Moore (Research Supervisor)  
Tel: 613-520-2600 ext 3823  
e-mail: [dawn\\_moore@carleton.ca](mailto:dawn_moore@carleton.ca)

Department of Law,  
Carleton University  
1125 Colonel By Drive,  
Ottawa ON K1S5B6



## CONSENT FORM

The information presented in the above letter has been reviewed orally and I have had the opportunity to ask any questions related to this study, to receive satisfactory answers to my questions, and any additional details I wanted. I understand that this is a study being conducted by Menaka Raguparan of the Department of Law at Carleton University.

I am aware that I have the option of allowing my interview to be audio recorded to ensure an accurate recording of my responses.

I am also aware of the possible risks that may come from my participation in this research, with the understanding that Menaka Raguparan will take all the reasonable measure to minimize and manage such occurrences.

I am informed that I may withdraw my consent at any time.

I understand that this project has been reviewed and received ethics clearance from the Carleton University Research Ethics Committee. If I have any comments or concerns resulting from my participation in this study, I may contact the Chair, Carleton University Research Ethics Committee at 613-520-2517

With full knowledge of all preceding, I agree, of my own free will, to participate in this study.

YES     NO

I agree to have my interview audio recorded.

YES     NO

I agree to the use of anonymous quotations in any thesis or publication that comes of this research.

YES     NO

Participant Name: \_\_\_\_\_ (Please print)

Participant Signature: \_\_\_\_\_

Researcher Name: \_\_\_\_\_ (Please print)

Research Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**APPENDIX B – ORAL SCRIPT**

Hello, my name is Menaka Raguparan and I am MA student at Carleton University. I am conducting a research study under the supervision of Dr. Dawn Moore, from the Department of Law at Carleton University.

The purpose of this research is to challenge some of the common views, ideas and preconceptions about women's involvement in the sex trade. Existing research on the topic of women and their association with the sex trade appears to be deeply divided by two positions: the sex trade oppresses women therefore all women associated with it are victims and the sex trade is a form of labour, thus all women in this trade are workers. The primary objective of this research project is to challenge this divide by mapping the different views, and perceptions that fall within and out side the continuum of "victims" and "workers".

Do you understand the purpose of this study? Do you have any questions regarding this study?

This interview may take about 1.5 hours to 2 hours. During the interview I will ask you some questions about your views on the victim/worker identity. Like, how you feel about this classification? Whether you think it is an appropriate representation of women involved in the sex industry? Basically, I am interested in hearing your story about your identity as a woman who is involved in the sex industry and how you think others perceive your identity. I don't want to know about what type of work you do, who you work for, who you work with and where you work or how much money you make. I don't need to know about your personal life, like how many children you have, if you have any children, where you live, with whom you live and so on.

Your participation in this study is completely voluntary. Everything you say will be completely confidential. I will use code names to protect your true identity.

You don't have to answer any questions that you don't feel like answering: you can just say that you don't want to talk about it, and we won't talk about it.

You can take a break at anytime during the interview.

You also have the right to stop the interview at any time. If you decide to withdraw from the research project I will destroy the data from this interview immediately.

You will receive a cash honorarium of \$50.00 at the end of the interview for your time and knowledge

If it is alright with you, I would like to tape record this interview; I like to tape record interviews for two reasons – with a tape recorder I can listen to what your saying, rather than writing notes all the time and with a tape recorder I can accurately document what you say.

The recording will be transcribed by typing it into a document. When I am typing it I will delete any names or other identifying information. I will also give you a copy of this document, so that you can review our conversation and make any corrections, changes, or edits that you like. I will try my very best to reconnect with you to get you comments and feedback, but for whatever reasons I am unable to reconnect with you I will proceed to use the material that I have. Once the interview is typed the tape will be destroyed. Only my supervisor and I will have access to the typed interview.

I will keep the consent form and the typed interview in separate places. The consent form will be kept in a safe and secure location at my house. The typed interview will be stored in removable storage devices like CD or USB and stored in a locked filing cabinet.

Do you have any questions about the interview session or concerns about tape recording or the way the data is being stored?

Given that this research deals with some personal experiences, it may cause you some emotional discomfort which may, at times, be difficult. I can assure you that I will do my very best to minimize such occurrences. If you are feeling uncomfortable we can interrupt or stop the interview immediately. If you wish, I can also give you names and numbers to some local counseling services.

I want to let you know that, despite my efforts to protect your true identity, given the nature of the industry and the size of the population, there is small chance that your identity may be assumed once the research is published.

However, I will take reasonable measures to keep the information you share strictly confidential. I will protect your confidentiality by changing any personal and potentially identifiable information during transcription. I will alter any atypical speech patterns and/or distinctive use of words/phrases.

I want to remind you that there are legal limits to confidentiality, even though I don't see this being an issue. If I had any knowledge of a child who is currently in an abusive situation or if you tell me that you are going to harm yourself or others I will have to report this information the limits of confidentiality.

Do you have any questions? Would you like me to explain anything further?

Your participation in this research project is very important. By sharing your stories, experiences and perspectives you are contributing to the discussions about your political identities and the ways in which you are being represented. Your participation will demystify biases preconceptions, and ideas about women's involvement in the sex trade.

Your stories and life experience will facilitate the formulation of alternative ways to understand the different identities of those who are involved in selling sexual services.

Finally, I would like to inform you that this project has been reviewed and received clearance from the Carleton University Research Ethics Committee. If you have any questions or concerns with regards to the ethical conduct of this study or your involvement in it you may contact the ethics committee chair, Prof. Antonio Gualtieri at 613-520-2517, or via e-mail [ethics@carleton.ca](mailto:ethics@carleton.ca)

If you don't have any other questions you can read and sign the consent form so that we can begin the interview.



## APPENDIX C- SAMPLE INTERVIEW QUESTIONS

### Sample Questions for open ended interviews

#### Probe 1):

The sex industry and women's involvement in it has become a hot political issue. Yet something dramatic, like the missing women's case, Picton's arrest and trial, has to happen before you can get the attention of the media, the government, academics and even the public.

Also, there seems to be a major divide in the ways in which women's association in the sex trade is understood by the mainstream – that is women in the sex trade are generally represented or perceived as either women who are forced into the trade, exploited and manipulated or as women who make a choice to participate in this trade.

#### Question 1):

How do you feel about this divide? Do you think this divide adequately explains the political identity of women in the sex industry? Especially women who work in (or own and operate) the indoor side of the trade

#### Probe 2):

Sex trade in Canada has never been illegal but almost every other aspect of the trade is illegal, making it impossible to be a sex worker without breaking the law and risking arrest and criminal prosecution

#### Question 2)

Given the criminalized nature of your work, how do you think the legal system views you and your association in the industry? In your view how does this affect the women in the trade? Can you give me some examples?

#### Probe 3):

With the birth of Sex worker's rights advocacy groups, you see an increased trend in other advocacy groups becoming allies of sex worker, like women's rights groups, health and safety groups. All these groups play a significant role in pressuring the government to change the existing laws pertaining to the sex industry.

#### Question 3)

How do you feel about the way women's groups and/or sex worker's rights advocacy groups identify you and your political identity? In your view what effects does this have on women's identity and their life experience?

**Question 4)**

Do you think the law, women's groups, and/or sex worker's rights advocacy groups adequately represent your identity? How do they adequately (inadequately) represent your identity?

**Question 5)**

Can you tell me how you identify your self? How would you like to be identified and represented in society? Why?

**APPENDIX D – ADVERTISEMENT POSTER****Research Participants Needed**

I am conducting research about the political identity of women involved in the indoor sector of the sex industry. I will need to interview several women who are engaged in independent work or who work for escort agencies or Massage parlours. All interviews are confidential! I do not want your name or the names of the agencies that you work for. You will receive an honorarium of \$50.00 for your time and knowledge.

**For more information and to set up a time please contact**

**Menaka Raguparan at:**

**Phone 613-697-6052**

**Email [mragupar@connect.carleton.ca](mailto:mragupar@connect.carleton.ca)**

## APPENDIX E – ETHICS APPROVAL



Carleton University Research Office  
 5th Floor Tory Building  
 1125 Colonel By Drive  
 Ottawa, ON K1S 5B6 Canada  
 Tel: (613) 520-2516  
 Fax: (613) 520-2521  
[www.carleton.ca/cu/research/curo/](http://www.carleton.ca/cu/research/curo/)

### Ethics Clearance Form

This is to certify that the Carleton University Research Ethics Committee has examined the application for ethical clearance. The committee found the research project to meet appropriate ethical standards as outlined in the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* and, the *Carleton University Policies and Procedures for the Ethical Conduct of Research*.

**New approval**

**Renewal of original approval**

**Original date of approval:**

Date of approval	<b>18 November 2008</b>
Researcher	<b>Menaka Raguparan</b>
Status	<b>M.A. student</b>
Department	<b>Department of Law</b>
Supervisor	<b>Professor Dawn Moore</b>
Title of project	<b>Multiple and Diverse Identities of Women who are Involved in the Sex Trade Industry: Beyond Preconceptions, Norms and Ideologies</b>

Ethics approval expires on: **31 May 2009**

#### All researchers are governed by the following conditions:

**Annual Status Report:** You are required to submit an Annual Status Report to either renew clearance or close the file. Failure to submit the Annual Status Report will result in the immediate suspension of the project. Funded projects will have accounts suspended until the report is submitted and approved.

**Changes to the project:** Any changes to the project must be submitted to the Carleton University Research Ethics Committee for approval. All changes must be approved prior to the continuance of the research.

**Adverse events:** Should any participant suffer adversely from their participation in the project you are required to report the matter to the Carleton University Research Ethics Committee. You must submit a written record of the event and indicate what steps you have taken to resolve the situation.

**Suspension or termination of approval:** Failure to conduct the research in accordance with the principles of the *Tri-Council Policy Statement: Ethical Conduct for Research Involving Humans* and the *Carleton University Policies and Procedures for the Ethical Conduct of Research* may result in the suspension or termination of the research project.

Leslie J. MacDonald-Hicks  
 Research Ethics Committee Coordinator  
 For the Chair of the Carleton University Research Ethics Committee  
 Prof. Antonio Gualtieri