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# Understanding Exploitation in Consensual Sex Work to Inform Occupational Health & Safety Regulation

Edited by

Cecilia M. Benoit

Printed Edition of the Special Issue Published in *Social Sciences*

# **Understanding Exploitation in Consensual Sex Work to Inform Occupational Health & Safety Regulation**



# Understanding Exploitation in Consensual Sex Work to Inform Occupational Health & Safety Regulation

Editor

**Cecilia M. Benoit**

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This is a reprint of articles from the Special Issue published online in the open access journal *Social Sciences* (ISSN 2076-0760) (available at: <https://www.mdpi.com/journal/socsci/special-issues/sex-work>).

For citation purposes, cite each article independently as indicated on the article page online and as indicated below:

LastName, A.A.; LastName, B.B.; LastName, C.C. Article Title. <i>Journal Name</i> <b>Year</b> , <i>Volume Number</i> , Page Range.
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**ISBN 978-3-0365-1862-6 (Hbk)**

**ISBN 978-3-0365-1861-9 (PDF)**

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## About the Editor

**Cecilia M. Benoit** PhD, of Mi'kmaq and French ancestry, is currently a Scientist at the Canadian Institute for Substance Research and Professor Emeritus of Sociology at the University of Victoria, BC, Canada. Across her three-decade career, she has been instrumental in making known the Indigenous knowledge held by midwives and birthing women in pre-settler and settler communities, and worked diligently in changing medical practices so that Indigenous and non-Indigenous midwives can legally work and their services reimbursed by the public purse. Her other research has shed light on the forces that create social inequities for a variety of marginalized groups, all of who are overrepresented by Indigenous peoples, including: women in Vancouver's Downtown Eastside, street-involved youth in transition to adulthood, pregnant women and their families dealing with poverty, substance use, and other challenges, and people who sell sexual services. Her articles and books appear in health and social science journals and academic presses.





# **Preface to “Understanding Exploitation in Consensual Sex Work to Inform Occupational Health & Safety Regulation”**

The impetus behind this Special Issue emerged from a quest to move beyond binary thinking in the contemporary period about people who sell sexual services, including recent disputes about “sex trafficking v s. prostitution” and “criminalization v s. decriminalization”, to encourage theoretical and empirical scholarship by exploring how sex work actually operates under different regulatory regimes. The volume includes contributions from scholars of different social sciences backgrounds based in five countries—New Zealand, the United Kingdom, Brazil, the United States and Canada. The article topics range widely, and both quantitative and qualitative research methods are showcased. The empirical evidence presented adds to our current understanding of the complexity of this phenomenon of sex commerce/prostitution, which is found to be largely a problem of social inequality within and across capitalist societies. The authors call for policies to address occupational and societal wide inequities faced by sex workers across many countries.

**Cecilia M. Benoit**  
*Editor*





Editorial

# Editorial: Understanding Exploitation in Consensual Sex Work to Inform Occupational Health & Safety Regulation: Current Issues and Policy Implications

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**Citation:** Benoit, Cecilia. 2021. Editorial: Understanding Exploitation in Consensual Sex Work to Inform Occupational Health & Safety Regulation: Current Issues and Policy Implications. *Social Sciences* 10: 238. <https://doi.org/10.3390/socsci10070238>

Received: 21 April 2021  
Accepted: 10 June 2021  
Published: 22 June 2021

**Publisher's Note:** MDPI stays neutral with regard to jurisdictional claims in published maps and institutional affiliations.



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## 1. Introduction

The impetus behind this Special Issue emerged from a quest to move beyond binary thinking in the contemporary period about people who sell sexual services, including recent disputes about “sex trafficking vs. prostitution” and “criminalization vs. decriminalization”, to encourage theoretical and empirical scholarship by exploring how sex work actually operates under different regulatory regimes. By doing so, I assume that global capitalism is our current reality. However, capitalist societies do not treat sex work in a uniform manner, nor do they integrate and/or exclude them and other marginalized groups in the same way. In particular, the laws and regulations shaping the organization of sex work have a crucial impact on public policies that empower or disempower sex workers and create the conditions that improve or worsen their health, safety and social rights. Social science research that manages to capture the voices of sex workers about their working conditions, the extent of exploitation they experience in their economic contexts and what they want in regard to state protection, and social rights more generally, is both germane and timely. Additionally, studies that clarify the conditions of labor exploitation and willing participation in sex work, and studies of the intended and unintended effects of policy, are pertinent. This Special Issue invited submissions that report on these interrelated issues.

The call for papers yielded contributions from scholars of different social sciences backgrounds, based in five countries: New Zealand, the United Kingdom, Brazil, the United States and Canada. While the article topics range widely, and both quantitative and qualitative research methods are showcased, two core issues unite the scholarship included. I examine these matters briefly below before describing how the contributors extend our knowledge base to date.

## 2. Crosscutting Themes

### 2.1. Prostitution, Sexual Exploitation and Sex Trafficking

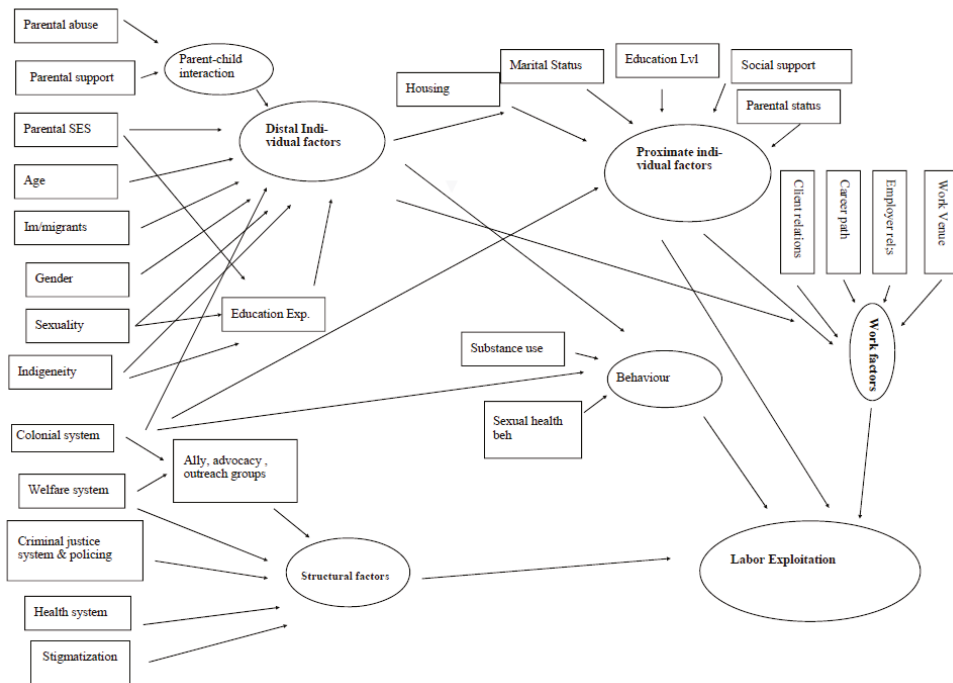
Across most countries today, the “prostitution problem” is viewed as an issue of “sexual exploitation” of women perpetrated by men (Coy 2012; Farley 2006). Kathleen Barry (1979) conceptualized the problem as “female sexual slavery”, which involves “controlling women through the sex-is-power ethic, either directly through enslavement or indirectly using enslavement as a threat that is held over all other women” (p. 194). As such, radical feminists do not distinguish between victims of sex trafficking and prostitution, as both are considered forms of enslavement. The argument understands prostitution as fundamentally based on unequal gender relations, therefore, there should be a “moral limit” to capitalist markets, so men are banned from purchasing women’s sexuality (Satz 2010). Even if in a minority of cases women do consent to engage in prostitution, most prostituted women experience overwhelming harm (Dempsey 2010). Most recently, the representation of this problem has focused on “sex trafficking” of prostituted women across borders, where they are forced into prostitution against their will (Miriam 2005). Sex trafficking

“sustain[s] and perpetuate[s] patriarchal structural inequalities” (Dempsey 2010, p. 1733). The assumption is that prostitution and sex trafficking are concurrent and, thus, permitting the purchase of sexual services undermines the principle of sexual consent itself (MacKinnon 2011).

In short, placing the terms prostitution, sexual exploitation and sex trafficking alongside one another suggests they are referring to the same phenomenon and have similar consequences for those involved. However, is this actually the case? Alternatively, can this “problem” be thought about otherwise (Bacchi 2009)? What silences are revealed if we place this moral reasoning to an empirical test (Benoit et al. 2019)? In addition, what if we ask sex workers themselves what they think?

If we conceptualize prostitution along a continuum of social-economic exchanges between the seller and buyer that range from more or less forced to free, we create the conditions for studying commercial sex as an income-generating activity where labor exploitation is possible, both within the work relationship and at the structural level. The latter is due to multiple intersecting forms of social inequality (including gender, class, race, sexuality, age, geography) that characterize contemporary capitalist societies (Benoit et al. 2019). I offer a conceptual framework—Figure 1: Determinants of Labor Exploitation in Sex Work—as a potentially useful tool for examining, comprehending and acting on the manner that gender overlaps with other relevant factors, resulting in unique incidents of oppression and privilege. This framework demonstrates how we approach the historical conditions of colonial domination (Kempadoo 2021), and interacting distal, proximate and structural factors linked to different degrees of labor exploitation in sex work (Benoit et al. 2020a). The framework shows that the diversity among sex workers is significant and cautions against regarding them as similarly exploited (Benoit et al. 2017).

**Conceptual Model: Determinants of Labor Exploitation in Sex Work**



**Figure 1.** Determinants of Labor Exploitation in Sex Work.

Emergent scholarship shows that commercial sex work involves several hierarchies of exclusion that increase vulnerability to labor exploitation, similar to the society-wide labor exploitation that disadvantaged workers face in precarious jobs that are on the rise across most capitalist societies (Benoit et al. 2020a; Campbell and Price 2016; McCarthy et al. 2018; Sallaz 2017). In this conceptualization, exploitation is normative for the majority of workers across capitalist markets (Halgrimsdottir and Benoit 2007; Hardt and Weeks 2021). The most prominent of these hierarchies are the following: childhood and adult economic vulnerability, inequities based on gender, race, sexuality and restrictive welfare, and educational, health and legal systems. Challenges to occupational health and safety have been identified across all forms of sex work found in global capitalism, although the specific concerns and their severity vary by historical conditions, work location, the degree of control over working conditions and, of particular focus for sex workers, legal contexts (Benoit et al. 2019; Bungay and Guta 2018; Constable 2009; Foley 2017; Fudge 2021; Kotiswaran 2011; O’Doherty 2011; Sanders et al. 2016; Shannon and Csete 2010).

## 2.2. Problematic Prostitution or Problematic Prostitution Policies?

A second principal issue uniting the scholarship included in this Special Issue book concerns policy approaches to the alleged “prostitution problem”. From this vantage point, the obstacle is less to do with prostitution than the problematic policies underway in many countries that severely limit sex workers’ occupational and wider social rights (Agustín 2008; Benoit et al. 2019). Much of recent government policy is based on the assumption that commercial sex relationships are, by nature, unequal: female sellers are forced to engage and male buyers are in control of the interaction. The Swedish repressive prostitution policy is a case in point, as it understands prostitution as patriarchal oppression (Östergren 2017), casting “sex selling females as victims of ‘men’s violence against women’” (Florin 2012, p. 217). The legislation bans sex workers from working together, and makes it harder for those without other options to earn a living, rendering their situation less secure and safe.

A number of other governments have followed this “end-demand” policy approach involving the banning of sexual purchase and most other prostitution related activities (sometimes referred to as the “Swedish model” or “Nordic model”). This includes Norway and Iceland in 2009, Northern Ireland in 2015, France in 2016 and the Republic of Ireland in 2017 (Harrington 2017). Canada is another recent example, whereby its 2014 Bill C-36 contends, “prostitution [is] a form of sexual exploitation that disproportionately and negatively impacts on women and girls” (Department of Justice Canada 2014). Under the Protection of Communities and Exploited Persons Act (PCEPA), enacted in 2014, sex workers are not criminalized for providing sexual services indoors, nor are they criminalized for advertising their own sexual services or paying third parties for related services, so long as the payment is commensurate with the services rendered. However, the PCEPA outlaws the purchasing of sexual services, receiving material benefits from another person’s sex work and procuring clients. The law makes it illegal for newspaper/magazine publishers, website administrators and web-hosting services to publish advertisements for sex work (Department of Justice Canada 2014). Further, the PCEPA makes it illegal for workers to communicate their services in a public place close to a school, playground or daycare center. The federal government also forbids foreign nationals from working for an employer offering striptease, erotic dance, escort services or erotic massage. Canadian studies show the PCEPA is having significant negative impacts on health, safety and access to services for people working in the sex industry—the very people these laws are designed to protect. Most of the violence against sex workers goes unreported to authorities, and many opportunities to provide supports are missed (Benoit et al. 2021; Kunimoto 2018; Lyons et al. 2017).

Integrative policy strategies are based on a view of consensual sex work as an economic activity that involves a continuum of choice exploitation, similar to the economic circumstances faced by other precarious workers in capitalist societies (Benoit et al. 2015;

Benoit et al. 2019). These employment conditions require multi-level government protection for sex workers through the engagement of occupational health and safety policies and labor laws that are enjoyed by the majority of workers in other sectors of capitalist economies (Östergren 2017). Deering et al. (2014) & Armstrong (2016) found that the decriminalization and regulation of sex work in New Zealand (NZ) in 2003 shifted the balance of power between sex workers and police by removing the risk of arrest, and by legislating specific sex worker rights. The result has been greater safety for sex workers, increased occupational options and a reduction of the debilitating stigma that currently keeps them misunderstood, marginalized and largely left out of social programs accessible to workers in standard jobs (Benoit et al. 2020b). In sum, as Judy Fudge (2021) argues, instead of anti-trafficking and prostitution criminal code laws, we need “to tackle the state policies, business practices, and labour market actors associated with the avoidance and violation of basic labour standards” (p. 12).

To sustain long-term change, given the widespread stigma attached to sex work that persists and the structural marginalization towards most sex workers, they also need access to other integrative policies, including enlightened migration policies, programs to combat stigma, guaranteed minimum income standards, educational and childcare supports, and long-term stable funding for sex workers organizations (Benoit and Unsworth 2021). I turn to this matter in my concluding remarks.

### 3. Contents of the Thematic Issue

Three papers examine the philosophical debate about sexual exploitation, objectification and consent in sex work. The first paper in this section, by Francine Tremblay located in Canada, argues that viewing voluntary prostitution as “sex work” is not merely to make an abstract claim, but to describe a viable option and everyday practice for people who earn a living selling sexual services. Tremblay maintains this stance is fundamental, given the structural inequities sex workers face that marginalize them as the social “other”, the people standing at “the edge of the social” (p. 8). She reviews philosophical and legal debates over the concepts of consent and exploitation, before examining their meaning from a lay perspective. Conversations with 14 Canadian sex workers revealed consent and exploitation in sex work vary dependent upon the work context and other factors, supporting a view that sex workers are not helpless victims of predatory clients. Some participants had more ambiguous relationships with consent, while others were empowered to bargain consent in their sex work, using both their words and actions. Most participants talked about labor exploitation in sex work, but at the same time noted they had chosen it among the other jobs within their reach and that they did not experience less or more labor exploitation in sex work than in their other jobs. Tremblay calls for the end of the “legal discrimination” embedded in Canada’s current PCEPA and other punitive laws, a topic some of our other authors take up in their articles.

A second article by Thaddeus Blanchette, Ana Paula Da Silva and Gustavo Camargo, authors based in Brazil, interrogates the concept of exploitation by zeroing in on the debate over “objectification”, or the understanding that sex workers sell their body in prostitution. While radical feminists draw upon the pre-Kantian concept of sexual objectification to argue a singular effect of sex work on women’s bodies, rendering it inherently exploitative, the authors draw on ethnographic data comparing sex work with other forms of service work in Rio de Janeiro, Brazil, and New Orleans, USA, to show that this notion of sex objectification has little relevance in 21st century capitalist societies. They argue sex workers are no more transformed into “objects” than other workers who exchange their physical and mental labor for a wage under capitalist relations and that, indeed, sex work under some conditions is not only productive but also comparatively more attractive than other service jobs within their grasp.

A third article that examines the philosophical debate about sexual exploitation, objectification and consent in sex work is by José Miguel Nieto Olivares and Natália Farias, authors also located in Brazil. It shows the disconnect between the campaign against

sexual exploitation championed by government bureaucrats and ‘rescue’ organizations, and the reality of disenfranchised young people selling sex for money or other goods. The article draws on anthropological and ethnographic research conducted in two cities along the Amazonian border between Brazil and Colombia. The authors argue the Brazilian government’s “institutional logic” of sexual exploitation as a moral, political and legal category is inherently linked to its parallel “logic of the street”. In fact, the former logic produces the latter logic, with state social workers and health providers acting as “guardian angels” involved in rescuing and saving the young people—imagined as female, vulnerable and Indigenous—from sexual exploitation/sex trafficking. The youth involved in sex markets reported that this top-down decontextualized view of themselves has little to do with their lived reality, one based on a struggle for existence in a hierarchal society based on gender, class, race, religion and other divisions.

Other papers bypass the debate about whether prostitution is regarded as sexual exploitation/sex trafficking by adopting a labor perspective and reporting on benefits and challenges for sex workers under different punitive policy regimes. Bill McCarthy, Mikael Jansson and Cecilia Benoit, located in the USA and Canada, analyze quantitative data they gathered over three points in time on selected job attributes and mental health for people in sex work and hairstyling in Victoria, Canada, and Sacramento, USA. The authors adopt the view that sex work, like precarious service jobs under capitalism, offers disadvantages and advantages, and all are open to labor exploitation, depending on job qualities, work context and worker characteristics, among other factors. The authors found that job insecurity and stigma are associated with poorer mental health in both sex work and hairstyling. They also report two occupation-specific relationships: mental health is positively associated with self-employment for hairstylists but not sex workers, and job insecurity and limited decision-making has negative effects for sex workers but not hairstylists. These results lend support to the perspective that sex work is not inherently exploitative, but rather experienced by sex workers in a range of ways dependent upon job attributes and other factors. This finding points to the importance of utilizing a labor perspective to understand the complexity of sex work as a form of labor, the importance of inter-occupational labor comparison for studying sex work in the capitalist economy and a longitudinal methodology for examining these changes across time.

The article by Belinda Brooks-Gordon and Euan Ebbitt, located in the United Kingdom (UK), sheds light on the situation of men in sex work and the challenges of drug dependency in a punitive policy regime, where the sexual exchange of sex for money is not criminalized, but most other aspects of the exchange are illegal and possession of many drugs is also criminalized. Sexualized substance use, or “chemsex”, is a key factor related to the high instances of sexually transmitted infections and interpersonal violence among a minority of gay, bisexual and other men who have sex with men, and between some male sex workers (MSW) and clients. The authors’ qualitative study, based on interviews with service providers and their clients, sex workers and customers, aimed to better understand the conditions of economic exploitation that can occur in consensual sex for pay, and identify new strategies to improve the health and safety of MSW. Results show a stepwise process of chemsex using in a “ladder of consent”, whereby the process starts with sex workers’ willing participation that is both gratifying and manageable, but sometimes descending to lower rungs, where sexual consent becomes dubious, leading to physical harm and economic exploitation. Participants also suggested ways for sex workers to become empowered and move back up the consent ladder. The study concurs with other studies recommending the decriminalization and regulation of both sex work and recreational drugs in the UK, which in turn could reduce prostitution and drug addict stigmas, increase the negotiating power of MSW in their commercial sex interactions and increase their access to sexual and other support services.

Sunny Jiao, Vicky Bungay and Emily Jenkins, located in Canada, take a different angle on the determinants of control in the commercial sex exchange by examining the role of information and communication technologies (ICTs), including mobile phones, email and



the Internet, in facilitating sex work negotiation between workers and clients. The authors examine the link between ICTs and the health and safety of indoor sex workers through analyzing qualitative interviews with 35 sex industry actors who were part of a national, mixed-methods study researching how sex workers, clients and third parties use ICTs to assist in commercial sex exchanges. The authors report on key factors of relevance, including screening, confidentiality, privacy, disclosure and malice. Due to the overarching sex work stigma and an absence of legal protections, because most aspects of sex work are presently criminalized in Canada, participants were left on their own to handle these avoidable occupational harms. The exploitation experienced by sex workers in this study was, thus, not inherent to commercial sex exchanges, but rather largely due to laws and policies currently in place that deprive workers of the occupational health and safety rights enjoyed by other workers.

Anna-Louise Crago, Chris Bruckert, Melissa Braschel and Kate Shannon, also situated in Canada, focus on a similar concern for sex workers working under the PCEPA law, specifically those accessing protective services when escaping violent situations and confinement. The authors investigated access to police and associated resources through surveys with 200 sex workers in five cities. While the majority of participants reported violence or confinement at work in the past 12 months, fewer than 20 percent had called 911 or made a police report. One-third of participants reported being unable to call 911 if they or another sex worker were experiencing an emergency due to the fear of police finding out about their own sex work status, or that of other sex workers or sex work managers. An assortment of structural issues linked to the criminal code law, including fear of harassment, arrest, being ticketed or fined by the police and being outed, were linked with higher odds of not calling 911 when escaping violent situations or confinement. In fact, police were one of the least likely groups for participants to contact. The authors' findings show that Canada's latest prostitution laws, premised on the notion that eliminating demand for purchasing sexual services and other restrictions on the exchange of sex for money will improve the health and safety of sex workers, has had the opposite effect, instead worsening access to protective services for people working in the sex industry, the very people these laws were designed to protect in the first place.

Treana Orchard, Katherine Salter, Mary Bunch and Cecilia Benoit, likewise located in Canada, examine concepts of money, agency and self-care from the viewpoints of cisgender and trans people in sex work in two medium-sized Canadian cities under the PCEPA. Their qualitative study aimed to better understand cis and transgender women's experiences relative to health challenges, occupational risks and the organization of sex work in their city, premised on the idea that even structurally marginalized people in sex work have constrained agency over how they make a living. Participants did not necessarily identify as sex workers, nor see themselves as victims/sexually exploited persons. Rather, they described moving in and out of various money-generating activities to meet their economic and other needs, calling attention to the situation they shared with other precarious workers in their geographical location. While aware of the public taint attached to sex work, participants were largely able to resist internalizing the stigma. The paper contributes to research on consensual sex work at the micro level, where people of different sexual identities, predominantly living in poverty and often coping with drug use challenges, maintain a positive sense of self in a social environment where economic hardship is a daily lived reality, and punitive laws criminalize their clients and most of their sex work activities.

A final article by Gillian Abel and Melissa Ludeke, situated in New Zealand, examines sex workers employment rights in a decriminalized and regulated policy regime. As noted above, New Zealand changed its prostitution laws nearly two decades ago by taking the crime out of consensual sex work and regulating it, similar to other personal service industries. In this paper, the authors take up the challenge posed by advocates of the sexual exploitation/sex trafficking position by asking whether brothels in their country are actually the site of third-party exploitation or are workplaces where workers have

negotiating power. Qualitative interviews were carried out with four brothel operators and seventeen brothel-based sex workers, with the aim of studying the dimensions of sex workers' employment status and agency within the country's "visible" (formal) brothels. The findings suggest there are both benefits and challenges with brothel work. While many participants enjoyed working independently, they noted that working in brothels helped them with time-consuming activities, such as advertising, and brothel work also gave them a workspace outside of their own home. Difficulties included that brothel operators treated sex workers as employees but without any of the rights of an employee, including standard shifts and wages for work rendered. Most sex workers understood their rights and limitations as independent contractors, but when operators impinged on their rights, the usual action was to leave the brothel for another one rather than make an official complaint, which would open them up to sex work stigma. In short, sex workers working as independent contractors are not completely free from labor exploitation by brothel owners in NZ where sex work is decriminalized and regulated. However, this is the case for independent contractors in other service industries where workers weigh the pros and cons of the viable options of independent and contractor work, and where full-time, ongoing employment with guaranteed rights to decency and fairness at work are elusive (Benoit et al. 2020a; Kalleberg 2012).

#### 4. Concluding Remarks

I hope this Special Issue book adds to our current understanding of the complexity of this phenomenon of sex commerce/prostitution, as shown in the conceptual framework displaying the determinants of labor exploitation in sex work presented above. Commercial sex/prostitution is largely a problem of social inequality within and across capitalist societies. Unless we address gender inequities alongside economic, race and other injustices, our efforts are impoverished and may even worsen the situation for the diversity of people in sex work.

As the articles in this volume have shown, the merging of the terms consensual sex commerce and sexual exploitation/sex trafficking, and the criminalization of sex work, gives police and other state actors, including social workers and health providers, the right to target people who sell sexual services. This disproportionately affects people who are structurally marginalized, including those of color and Indigenous people, disenfranchised youth, sexual minorities and people who use substances. Many of the issues facing sex workers, such as precarious working conditions and workplace vulnerability, are the same as those they face in other precarious jobs within their reach, but unique to sex work are negative impacts from criminalization and stigma. Rather than punitive laws, we need policies that create real choices for people in sex work, including access to occupational health and safety policies, access to a universal basic income, supports for education, childcare, housing and other essential needs, stable funding for sex worker' support organizations, as well as strategies to combat prostitution stigma (Benoit et al. 2020b).

In the final analysis, the best way to reduce exploitation experienced by people in sex work and other precarious jobs is to think about freedom and focus on fostering people's capabilities rather than constraining them (Sen 1985). In addition, their voices should be center in discussions about how to develop integrative polices to improve their labor and other human rights (Benoit et al. 2021; Fudge 2021). Tackling core social problems of poverty and inequality grounded in the lives of marginalized workers will create genuine opportunities, regardless of their demographic characteristics and where they were born (Nussbaum 1998, 2003). This will help ensure they are given the ability to thrive by being able to live the lives they hope for themselves and their children, with full human dignity.

**Funding:** The funding was provided by the Pierre Elliott Trudeau Foundation (Grant No. 5689).

**Conflicts of Interest:** The author declares no conflict of interest.

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Article

# Labouring in the Sex Industry: A Conversation with Sex Workers on Consent and Exploitation

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**Abstract:** Sex work in all its forms is an occupation that belongs to the service industry, and like any other work, sexual labour is open to exploitation. However, the reason why sex work is seen to be different from other forms of labour is that it betrays the socially accepted rules of love and intimacy and is exercised within a criminalised environment. As a cultural symbol, sex work remains steadfastly linked to aberration and dangerousness. This article juxtaposes the legal and lay definitions of consent and exploitation based on conversations with fourteen Canadian sex workers. The objective of this exploratory article is to delve within two ill-defined and highly contested notions related to the sex industry—consent and exploitation.

**Keywords:** labour; sex work; exploitation; vulnerability; consent

## 1. Introduction

Is that what they call a vocation, what you do with joy as if you had fire in your heart, the devil in your body?

Josephine Baker in James Hillman's *The Soul's Code* (Hillman 1996).

Writing about sex work and sex workers did not come naturally to me. In fact, it took a few years of soul searching to be comfortable with the idea of researching and writing about the industry. It is not because one has been in the industry that the rest of one's scholarly life should be spent writing about it. As Hammond and Kingston (2014) discovered, academics conducting research on sex work risk stigma by association, and for me, a retired sex worker, scholar, and activist, I am running the risk of being reduced to my biography. Then so be it! I will not resist my daemon, my path; I will grab the chance to conduct yet another research inquiry concerning the industry and join my voice with people labouring in it.

Sexual services are the newest form of work (Solé 1993), meaning that the sex industry, which is the term being used, is not ahistorical (Parent 1994, p. 392; Carpenter 1992, p. 48); in fact, referring to sexual services as the oldest profession makes it abstract. Yet, it is important to revisit this past. The birth of the sex industry, as Tremblay (2020) and Solé (1993) both observe, occurred within an environment created by war, sanitary conditions, and a moral panic. Beginning around the mid-1800s, amid the declaration of Britain's Contagious Disease Act and the subsequent Social Purity movement, what had originated as an informal, non-organised exchange gradually became an industry. Thus, born in a specific socio-sanitary political-legal environment, irregularly paid sexual exchanges shifted into a form of labour and, as with any other work, sexual labour is open to economic exploitation. However, sex work is different from other forms of paid human labour in that it betrays the social norms of love and intimacy. Often sex work generates reactions of disgust in some, as well as perceptions that such perversity and depravity must be controlled. Thus perceived, the result is that the exchange of sex for a fee must be restricted and thus far these restrictions have been exercised using criminal law. Even in places where the industry has been legalised, sex work is encased in a yoke of stigma and immorality that affects working conditions (Benoit et al. 2018a). As a cultural symbol, sex work remains steadfastly



**Citation:** Tremblay, Francine. 2021. Labouring in the Sex Industry: A Conversation with Sex Workers on Consent and Exploitation. *Social Sciences* 10: 86. <https://doi.org/10.3390/socsci10030086>

Received: 2 November 2020

Accepted: 22 February 2021

Published: 2 March 2021

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linked to aberration and dangerousness because it is associated with the tenacious representation of predator/victim (van der Meulen 2012). Since the mid-1800s, the sex industry has been connected with the criminal world that often victimises women for profit. This link continues to have significant ramifications for sex workers' working conditions.

As a teacher and activist, I am always asked the same questions: Why are sex workers denied protection? Why is sex work criminalised? I always give the same answer—sexuality. To this day, to paraphrase Colette Parent (2001), once everything has been decanted, what we are left with is women's sexuality; it is about controlling women's sexuality, what is considered acceptable/normal or not (Hallgrímisdóttir et al. 2008). Any further discussion on sexuality and women's bodies would take the present work in an entirely different direction; therefore, as Doezeema (1998), Agustín (2003), Peng (2005), Berg (2013, 2014) and Tremblay (2020, p. 156) have done, this exploratory research endeavour bypasses the sexual debate completely and enters the world of labour—the right to work as described in the Employment Policy Convention (1964, No. 122), adopted by the General Conference of the International Labour Organisation in 1964.

Beginning in 1979, guided by Carol Leigh's expression—sex work, sex workers' organisations struggled for recognition and demanded that all forms of sexual services be seen as work. After more than forty years of activism, Canadian sex workers' insistence on the right to work in a safe environment protected by labour laws is still denied. In 2014, the Canadian government adopted The Protection of Communities and Exploited Person's Act (PCEPA), a new bill that undeniably reinforced the predator/victim dichotomy and, by doing so, explicitly demonstrated how the last fragments of autonomy for sex workers vanished. As argued by sex worker organisations and even Kathleen Barry, a well-known prohibitionist (Valverde 2018, p. 248), the PCEPA is the latest attempt in Canada to ban buying sex and making sex work illegal for the first time in Canada. By refusing sex workers the choice to use bodyguards and trusted drivers, the PCEPA has further endangered sex workers, and added another level of uncertainty to their line of work.

Bill C-36, as it is known, was adopted on 6 November 2014 and treats all sexual services as a form of sexual exploitation that aims to protect women and communities by cutting off sex workers' client base. The new criminal law regime seeks to protect the dignity and equality of all Canadians by denouncing and prohibiting the purchase of sexual services, the exploitation of the prostitution of others, the development of economic interests in the sexual exploitation of others, and the institutionalisation of prostitution through commercial enterprises, such as strip clubs, massage parlours, and escort agencies that offer sexual services for sale. It also seeks to encourage victims to report incidents of violence to the police and to leave prostitution. Toward that end, CAD 20 million in new funding was dedicated to assisting individuals to exit prostitution.

Certainly, definitions of consent and exploitation are varied and, on occasion, even hotly contested. Although I have never examined these two concepts in-depth, I agree with Stebbins that these notions include "elements worth discovering" (Stebbins 2001, p. 6). Hence, this exploratory article concentrates on how sex workers define these terms and how their voices must inform labour rights, as well as the health and safety regulations regarding their work (Benoit and Unsworth 2020). The ensuing investigation offers an overview of the notion of exploitation within and outside the sex industry; it explores, what constitutes consent and, finally, what occupational health in the sex industry entails. Interviews conducted with fourteen sex workers shed some light on these neglected dimensions in sex work: consent and exploitation.

## 2. Literature Review

This section addresses the ongoing debate surrounding the legal definitions of consent, exploitation of labour, and occupational health.



### 2.1. Consent

To make sense of consent is like entering a dark tunnel with a small dim light at the end; that is, with a tentative definition: affirmative consent (Beres 2020; Alabi 2019). Sexual consent, although extensively discussed, is “often ill-defined” (Shumlich and Fisher 2018, p. 249), but one element that seems to recur is communication.

Shumlich and Fisher state that sexual consent includes “a combination of complex, indirect, direct, verbal, and non-verbal strategies.” These authors explore the psychological state of the individual and stress the willingness for an act, the agreement to something, and the behaviours that the other person will interpret as willingness (Shumlich and Fisher 2018, p. 249). This last point, which relies on interpretation, opens the proverbial can of worms. Regarding sexuality and consent, I would argue that Alabi’s definition (2019, p. 71) and Shumlich and Fisher’s interpretation would never guarantee permission. Defining consent is still a guessing game and reading Shumlich and Fisher confirms this position. Somewhere in that maze of definitions, one appears to be valid, that is, the notion of affirmative sexual consent. This definition of consent is direct, unambiguous, and demands a constant confirmation that one clearly agrees on and repeats during the ongoing sexual act; further, consent can be revoked at any time (Shumlich and Fisher 2018; Alabi 2019). However, consent may run into extremely grey areas when sexual services include physical and emotional pain—how can one consent to what is culturally considered abusive? Here lies a central area of contention.

### 2.2. Exploitation

The first illusion I would like to dispense with is freedom—most of us are not free to leave the negotiation table when the terms of employment do not suit our taste. As Nussbaum (1998) posits, choice is a luxury, and like so many other concepts, incorrectly defined (Burchardt et al. 2015). Some people may be able to quit a job they do not like and find a more suitable one. Yes, this counts as freedom. However, this freedom comes with having capital—economic, social, or cultural—or, as Pulliam (2019) calls it, bargaining power. The capacity to negotiate and choose rests on many variables, but it is the pervasive structurally unjust environment that weighs on marginalised people and restrains their options (Benoit 2020; Brodie 2018, p. 4; Fudge 2018, p. 74; Galbally 2016, p. 13; Burchardt et al. 2015; Gourevitch 2013, p. 602). In the sex industry, the exploitation concept becomes even more complicated according to MacKinnon and Dworkin (1985), due to its link to something that should never be commercialised: sexual relationships. It is at this point that the definition of exploitation becomes contested. According to Barry (1979), MacKinnon (1987), Geadah (2003), Listerborn (2003), Poulin (2003, 2004, 2006), and Banyard (2016), when it comes to the sex industry, people are always victims of violence and exploited, regardless of their education, race and economic capital. Consent is prearranged between equals, and women, under men’s laws, are not equal. Unequal to their clients, sex workers are treated as minors; hence, not legally able to consent. These transactions are, for MacKinnon, exploitative, and at worst, they constitute rape (Cawston 2019). Therefore, how can sex workers accept exploitation and abuse? The idea that this is possible is a contradiction in terms.

A Kantian analysis is central to MacKinnon’s argument (Nussbaum 1995; Tremblay 2020). According to Kant, sexual desire is a powerful force that prompts people to treat each other as “tools for the satisfaction of one’s own desire” (Kant 1963). MacKinnon argues that instrumentality, denial of autonomy, and subjectivity, which were Kant’s concerns, are intrinsic to the sex industry. Thus, retaining Nussbaum’s definition of objectification, it is not a stretch to imagine that for MacKinnon, instrumentality could lead to other conditions of objectification. For MacKinnon, the sex industry transforms women into things to be used, abused, and thrown away. To accuse someone of exploitation suggests a severe moral violation (Kim 2018); therefore, the use of this word must be precise. I also stress the importance of a proper definition before accusing someone of labour exploitation.



How should we define exploitation of labour? I fear that, like so many terms, its common usage confuses and distorts its meaning. I want to proceed as Mark Pulliam does from a society based on individual liberty, limited state intervention, and policies that safeguard private property (2019, p. 411). In this context, the ideal arrangement is a consensual economic exchange, free from threats of harm (Kim 2018; Corvino 2019), and not coerced (Müller 2019); one willingly accepts the transaction. Once this is established, Pulliam echoes Kim (2018, p. 34), stating that “no one has the ‘right’ to interfere with or prevent consensual exchanges by others on terms that are agreeable to them” (Pulliam 2019, p. 411); to intervene would be unfair. With this quote, we enter the murky waters of consent and exploitation of labour; that is, both a legal and a phenomenological world. What appears unpalatable and repugnant to some will be acceptable to others (Pulliam 2019). As we will see later, the legal definition of consent is far from being well-defined. Moreover, when researchers compare their descriptions of exploitation and consent with their respondent’s definitions, the philosophical or academic meanings often clash with people’s reality (Benoit and Unsworth 2020).

Exploitation involves some unfair benefits and rights violations (Corvino 2019; Pulliam 2019; Müller 2019; Kim 2018). A transaction becomes exploitative when the employer violates the employees’ rights, usually involving both micro and macro aspects. Müller (2019) distinguishes between two accounts of exploitation—transactional (micro) and structural (macro) accounts. Corvino (2019), further differentiates exploitation from interpersonal domination. Kim (2018) offers us the mere Means account—a Kantian test, while Miklos argues that employers can take advantage of an “underlying injustice” (2019, p. 59). Lastly, exploitation occurs when people take advantage of another person’s vulnerability (Müller 2019; Mo 2018; Cusick 2006). Even a brief perusal of the literature exposes the complexity of the term.

### 2.3. Levels of Exploitation: Transactional and Structural

In homes and brothels around the world, migrant women are selling a unique commodity: care (Gutiérrez Garza 2019, p. 3).

A transactional version of exploitation depends on the terms agreed by the persons involved in the transaction, and it becomes exploitative when there is a violation of the conditions. In a market economy, people exchange something they own; it can be a product, their labour-power, or a service. If the exchange is done freely, the transaction is as it should be under terms agreed on. On a microlevel, “the only relevant moral consideration is whether the way in which the parties interact violates some moral standard internal to the transaction” (Müller 2019, p. 843). Here lies the entry into a phenomenological world, one that creates confusion for the bystander. No one has the right to restrict or stop consensual exchanges, even if the terms appear unacceptable to observers (Pulliam 2019). Next, Müller attaches another dimension that shares the transaction elements, but she adds a structural dimension to the definition including a notion of power. This power dimension affects the ex-ante situation of negotiators, or what is at stake for the negotiators, a condition that refers to a person’s vulnerability. Müller (2019) suggests that some persons will be more susceptible to exploitation, and this susceptibility is a function of structural exploitation, and here she is not alone, since others (Rueckert 2019; Miklos 2019; Mo 2018; Corvino 2019; Franck and Anderson 2019; Dewey et al. 2017) also draw this conclusion.

Structural exploitation investigates abuse “as a systemic relationship between two groups that are embedded in the structure of society” (Müller 2019, p. 844). As Müller’s article concentrates on gender-specific exploitation, her main argument revolves around the male–female relationship. However, Gutiérrez Garza in *Care for Sale* (2019) and Rueckert (2019) both make it clear that migrant workers also suffer hardship at women employers’ hands. Already vulnerable because of dislocation, a migrant may be even more vulnerable because of what Miklos (2019) calls underlying injustices. However, Corvino (2019, p. 108) posits that exploitation is not the same as interpersonal domination. The vulnerability caused by structural inequality opens the door to interpersonal relations

of domination that Müller calls the ex-ante situation. People born in structurally unjust situations are often without any marketable assets apart from their labour-power, but these situations are not automatically interpersonal domination. The inability to leave abusive situations is what Corvino defines as interpersonal domination. It is not a stretch to argue that entire populations are subject to this kind of dominance.

#### 2.4. *Exploitation as a Violation of Rights*

Kim (2018) calls rights violations the micro fairness account. Canadian labour law stipulates that a breach of rights would include employers hiding potential dangers intrinsic to the job. The environment must be safe, including the equipment and sanitation. Workers have the right to know about potentially dangerous and unsafe situations and can ask questions regarding their health and safety and that of co-workers. A level of exploitation is acceptable and allowed if workers tolerate some transgressions, and this acceptance is voluntary (Kim 2018). However, unacceptable violations of these rights can not only lead to exploitation, which is one dimension of the issue, but can also lead to interpersonal domination (Corvino 2019). The inability to say no, the inability to interrupt the relationship with the employer even if the worker absorbs the cost, all of these are examples of interpersonal domination (Corvino 2019, p. 114). Kim (2018, p. 35) makes the last argument we need to present; that is, the mere means account: a Kantian Test.

#### 2.5. *The Mere Means Account*

Labour laws apply to every worker. According to Kim, unethical exploitation is using others as a mere means, which is a Kantian premise. As we have demonstrated, labour exploitation is not always humiliating and degrading; however, some situations within the work environment are shameful and demeaning. Let us complete our definition of labour exploitation with this fourth element, a Kantian approach.

For Kant, a person is a rational being capable of autonomy and deliberation, leading to moral and practical decisions or to a set of ethical and practical ends (Kim 2018, p. 35). A symbolic interactionist would reinforce these decisions as a pragmatic solution to a problem. Lastly, Kim posits the stipulation of a Kantian test that decision makers not interfere with people's reasonable choices. Again, this point can be linked to Pulliam (2019) and to John Stuart Mill (1859), whose classic liberalism approach to liberty states that power can only be exercised over people against their will to prevent harm to others. Legal power should not be used to control people for their own good, either physical or moral. Of course, these choices and decisions are to be made without coercion and deception. Employers are responsible for offering workers the means to live above mere survival (Kim 2018); a minimum wage is not enough. Indeed, according to Carpenter, the "most obvious aspect of exploitation is the fact that the wages are often insufficient to meet basic needs" (Carpenter 2018, p. 78). What workers need are a living wage, safety, and a respectful environment (Kim 2018, p. 36), and this is linked to people's wellbeing (Maynard and Stuart 2018).

#### 2.6. *Research Process: Cogitation and a New Venture*

Saying "sex work is work" is not a claim, it is a lived reality and a practice, and it is a shift in how people understand work (Jenn Clamen in Tremblay 2020, p. 136).

The present reflection began when I was introduced to Heather Berg's (2014, 2013) and Holley Lewis' (2016) work while completing *Organising for Sex Workers' Rights in Montréal* (Tremblay 2020). Jenn Clamen had kindly accepted to turn a conversation on the state of the debate post PCEPA into a chapter for the book. We talked about the issue of sexuality one more time (Tremblay 2020, pp. 145–54), and following Clamen's lead, I decided to leave behind, at least for a while, what Wendy Chapkis (1997) calls "sex wars" and what Halperin and Hoppe (2017) identify as a war on sex, and instead join the discussion on sex work as a legitimate form of labour. Anyone who has researched sex work can attest that debates get trapped in two dimensions—consent and exploitation.

According to Phoenix and Oerton, the debate becomes reified to the point of becoming the explanation “women enter and stay in [the sex industry] because they are victims” (Phoenix and Oerton 2005, p. 97).

### 2.7. *Designing the Project: Bringing My Initial Thoughts into Focus*

The seeds for the present research were planted in 2017 during a conference on violence against women at Concordia University, Canada. The panel included three prohibitionists: Cherry Smiley, co-founder of Indigenous Women Against the Sex Industry; Trisha Baptie, founder of formerly Exploited Voices Now Educating (EVE); Sherene Razack, a UCLA professor. I listened carefully and respectfully and then tried to engage in dialogue, but to no avail. Why can we not listen to each other? The following year, I began reaching out to sex workers, retired and active, to initiate discussions over mobilisation strategies. I met with Chris Bruckert, and according to her, framing sexual services as work is not attracting allies; it is not mobilising. Repeated discussions with Frances Shaver about what the next steps should be made it clear that I was heading in a new direction; still, I was unsure what to do next. Finally, my collaboration with Jenn Clamen (2020, pp. 115–44) convinced me that making the case to recognise labour rights had to be my next venture.

### 2.8. *Research Framework*

Researchers make epistemological choices in attempting to persuade their readers about their research’s veracity (Warren and Karner 2005; Knowles 1996; Atkinson 1990). The same is true for qualitative or quantitative methods, since both aim to “account for the social world” (Giroux and Tremblay 2002, p. 22), “and even the most ‘scientific’ of accounts depend upon rhetorical, persuasive features” (Atkinson 1990, p. 2). Research is a series of beliefs, values, and perspectives (Duperré 2002, p. 101). Researchers structure their project within a paradigm that represents a particular way of perceiving and experiencing the world and its individuals. Three forms of interrogation frame this paradigm (Duperré 2002). These include the nature of reality, the nature of the relationship between the researcher and the object of study, and lastly, data collection. The questions asked and the data collection methods are linked to the research paradigm (Melucci 1995, p. 55). The following subsections explain these choices.

### 2.9. *The Weight of Reality*

The present inquiry is outlined within a social constructionist paradigm (Galbin 2014). This structure requires acknowledging the existence of certain events and their influence on legal, medical, and academic perceptions of sex workers and the sex industry. Moreover, these events continue to influence sex workers’ willingness to experience themselves as workers. For this reason, although it would be preposterous to compare the socio-political context of the Contagious Disease Act and White Slavery of the 1800s with today’s reality, it is legitimate to argue that ghosts of the past, such as deadly infectious diseases and trafficking concerns, are kept alive despite the lack of rigorous and supportive data collection (Tremblay 2020; Engle Merry 2016; Agustín 2002). These historical markers remain “our main weapon against naturalisation and its consequences,” what Bourdieu calls historicisation (Tremblay 2020, p. 20). Sex workers still live with the costs of having been conceptualised as victims of male vice, or even worse, as criminals unworthy of protection (Laité 2006). Similarly, I posit that sex workers remain the social “other”, the ones who are still standing at the edge of the social; they are not recognised, which Axel Honneth (1995) calls the social death.

### 2.10. *Meaning and Its Construction: The Relationship between Researcher and Researched*

My position during this research was twofold: scholar and retired sex worker. Conscious of the danger imposed by the scientific method, I recognise that I must always be aware of the danger and benefits my position entails. One of the pitfalls is to be seduced by self-importance and fall into the role of “the expert” (Melucci 1996, p. 388; 1995, p. 58),

or as [Hammond and Kingston \(2014, p. 332\)](#) suggest: self-indulgence. Therefore, I must stress the importance of emotional reflexivity; that is, the capacity to become conscious of one's feelings while conducting research ([King 2006](#)), and to be able to consider "the effects emotions have on reflecting, which will also be influenced by the temporal and spatial distance from the research" ([McKenzie 2017, p. 1.5](#)). As Caroline [Knowles \(1996\)](#) once said, "we need to come clean"; I never hid the fact that I am an activist and a retired sex worker with twenty years in the industry. As a result, I recognise my capacity to reach out to sex workers despite minimal resources; that is, I lack funds to place ads for recruitment and have a limited capacity for honorariums. As a result, I rely on strong ties to people in the industry.

The belief that meaning can be apprehended without considering the research-researcher relationship variable is still attractive. However, to think that way is to reject the undeniable social nature of data collection procedures ([Speer 2002, p. 798](#); [Bourdieu 2004, p. 94](#); [1999, p. 608](#)). Meaning is always a collaboration between the researcher and the researched ([Melucci 1996, p. 388](#); [1995, pp. 387–97](#)). Thus, I concur with [Warren and Karner \(2005, p. 6\)](#), [Duperré \(2002, p. 102\)](#), [McKenzie \(2017\)](#), and [Poupart and Couvrette \(2018, p. 209\)](#) that it is impossible to relate to an unmediated reality because the results and our analyses are always intersubjective. Our values and beliefs are carried into our analysis and are revealed in how we make sense of the data. Therefore, reality is always mediated, even though the myth of objectivity remains precious to many in academia ([McKenzie 2017, p. 1.2](#)). The meaning at the end is mediated between the theory, participants' narratives, and my analysis. For the present endeavour, this is a crucial statement.

To have access to sex workers' voices is an honour based on mutual trust. I agree with [Shaver \(2005\)](#) and [Benoit et al. \(2020\)](#) that sex workers are challenging to reach because of the fear of being outed; however, another element to consider is that despite participating in research projects for over thirty years, to date, legally nothing has changed. I have observed that there is resistance from seasoned sex workers to answer the same repetitive questions, especially when those in a position to effect change do not respect their voices unless they identify as victims ([Galbally 2016](#); [Wijers 2015](#)). I received the same comments for the current project.

### 2.11. Conversation Procedures

The conversations presented here were launched at the height of COVID-19, a situation that made in-person meetings too challenging to organise safely. Participants were former students who came out to me during classes or close friends and fellow activists. More information would threaten the confidentiality of people who have agreed to be part of this process. Everyone was aware that these conversations were destined to be published in an academic journal, so for their time, I offered CAD 50 for their participation. Money was the same for a meeting of five or thirty minutes. Three close friends gave hours of their time to the present endeavour. Lastly, all are between 25 and 50 and, except for two participants, are still active. Former students are from South America, Asia, United States, close friends are English and French Canadian. Once I explained the goal of these exchanges, each person involved chose their pseudonym.

To frame this research properly, I must restate the questions that triggered this endeavour: (1) How do you define exploitation? Given your definition, do you think that you were exploited during your career? If yes, please give me some examples of when and how you felt exploited. (2) How do you define/understand consent? When you consent to a transaction, what does this involve? Please give me some examples.

The conversations were made on Zoom for three participants, but all answered via emails and texting. I used a personal email address for privacy. Some questions and the definitions required multiple conversations. The results are included verbatim—the words are from those who accepted to participate. Lastly, each contributor was able to validate their answers and see how I incorporated them into my analysis. One person asked me to modify her answers; I did not include her entire conversation.

For this exploratory research, conversations were initiated while I was acquainting myself with the literature on consent and exploitation. Due to my close relationship with three participants, the initial questions and continuing probes served as a guide for further comments. Moreover, I had extended virtual face-to-face conversations with the same three persons and one in-person discussion. These moments allowed me to grasp the industry's latest movements: changes in services, Internet communications, and agencies located in Toronto and Montréal, Canada.

### 2.12. Thematic Analysis

My analysis relies mainly on the process, i.e., the steps identified by Warren and Karner (2005), Duperré (2002), and Lofland and Lofland (1984). Therefore, for this research, I first created a file for each conversation; next, I transferred each conversation to a Word document. I began to colour code patterns and similarities; last, I started what Markovic calls thematic analysis (Markovic 2006, p. 416). I concentrated on shared experiences, conclusions, and perceptions. When performing a thematic analysis, the most common method is to identify recurring statements within and across narratives (Markovic 2006, p. 416). As my inquiry consisted of two main concepts, consent and exploitation, my task was twofold. First, to make sense of how sex workers define consent and exploitation, and second, understand how they were exploited. From the very first reading, it was clear that all had experienced exploitation, and this is the concept that produced the richest data. Recurrent themes and experiences were colour coded and divided into subsections. Probes and clarifications were added and attached to the main ideas.

The next step will be to illustrate the three main themes emerging from qualitative analysis guided by the initial two questions: (1) How do you define exploitation? (2) How do you define/understand consent? These themes are consent, exploitation, and vulnerability. The name of each participant has been removed to protect their identities and replaced by pseudonym of their own choice.

## 3. Results

### Consent

For my interviewees, consent is linked to a transaction.

Ching's reply is straightforward:

"One side is willing to pay, and the other side is willing to sell. This is the deal between two persons. Other people should not involve and judge. The law should not intervene. Consent is, you know, what you are offering, and you are not forced to do anything. In the transaction, it includes what is being agreed, including the type of service, time. Selling sex does not mean the clients can do whatever they want. I may see if I am willing and able to do it. It is wrong to assume sex workers cannot consent".

With Ava, the key terms are clients and services, which indicate a transaction: "when I consent to a transaction that means that the terms of what the client wants have been set, the terms of what I have to offer have been set, and the fee has been agreed upon and paid." Some areas of the sex industry make this even more explicit, in the context of escorting, as Ava adds: "this was easier because I had a website that laid out my services." As for Nikko B, a porn actor, to consent is:

related to those activities or actions that take place upon mutual agreement. For example, if my partner or partners want to tie me up in bed, this could be possible if they communicate their idea with me. Within this context—the plateau, I would explicitly have to agree to their idea or suggestion. I was never forced into the industry. I sought to work in it.

For Cora, consent is linked to safety: "For me, it is very important that I feel safe enough in my place of work in order to be able to say no to something I don't want to perform."

For Elizabeth, an independent companion, consent is defined as:

one or more individuals being informed about what is to occur and the knowledge that any party can withdraw their consent/willingness to participate at any time. When I consent to a date/transaction I am consenting to provide my time and company. That is all. I am always checking in with my clients to see if they like the way my touch feels. If at any time I don't like theirs I tell them and they stop, or I show them how I like it.

Then Elizabeth continues with something interesting and worthy of a probe: "if a client doesn't listen that would be a violation of my consent, only when I don't tell them do I feel exploited or taken advantage of. Thankfully all my clients have listened when I informed them that I didn't like something." So, I asked Elizabeth to expand on this last comment:

I would have to say that thankfully [not stating my boundaries] isn't something I've struggled much with since going independent. But starting off with agencies where the review culture is very present you always feel like you need to live up to the standards the boards set. [ . . . ]. As in any type of labour, some days are more difficult than others. Fatigue may cause sex workers to take chances, transgress their own rules about consent and lose control of the situation.

As Cora recalled:

Even so, I had times when consent was not respected. Once I was very tired, It was the end of the day and this man came to see me. He insisted in doing sex without a condom. [ . . . ] Because I was off and tired that day I didn't have the strength to state clear boundaries [ . . . ]. So I stopped the session and started crying. I sent him out and cried. It was a bad day at work. [ . . . ] But in the end I need to remind myself that a big part of my work is always to be in control and keep boundaries up. This is constitutive of my labour. If I noticed the client was not going to respect the agreement he was out instantaneously. Also, I decided to not work when I was feeling tired or in a bad mood.

As Cora sees herself as a worker, she adds, "At the end of the day I'm a professional [ . . . ] I think consent is like a dance, but my role there during the session is to keep clear limits, practice compassion."

There is a specific time within the industry when consent became distorted and this is related to stripping. Beginning in the early 1980s, table dancing, followed by lap-dancing, changed the strip bar environment entirely. What once could have caused strippers to be arrested now became legal (Jochelson and Kramar 2011). Arguably, consent required a shift in what was acceptable to workers.

Dancers were required to give their consent to closer physical contact with clients. However, what did this mean? What were the parameters of such contacts? The dancers were left to negotiate this new proximity, which in the past had been punishable by law, i.e., a hefty fine and possible jail time.<sup>1</sup> Ava describes this ambiguous situation:

I was stripping when lap-dancing came around so this made consent more nebulous. Clients wouldn't be sure if you were offering touch services and would awkwardly grab you, others would think this was their right and when you refused, things would become heated. Negotiations were often fraught. I found it difficult to state outright to a client that I didn't offer lap-dancing (and by extension hand-jobs, full service etc.) because they would simply refuse to have you dance. It all felt very shifty and uncertain.

For many dancers, this was an area of contention where direct bodily contact, touching, and at times providing almost brothel-like services became mandatory to make money. For the next two interviewees, who came to the industry after the shift from stage dancing

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<sup>1</sup> The law was 3416 and led dancers straight to court.



to lap-dancing, consent is linked to this new situation. There was no transition period and, therefore, less clarity. In this new environment, the mindset was geared towards negotiating the services deemed acceptable. For Kaya, a dancer and porn actress, “consent simply means both parties agree to a specific act, preferably through a verbal agreement and not just in terms of body language. In the context of the club, I usually state my boundaries when someone tries to do something I’m not comfortable with, I tell them. However, I have the right to refuse clients if I want to, which is really great! I am never forced to do anything I do not want to, which is really nice.” Therefore, with Kaya we can add a verbal agreement to Ava’s price list. Verbally or in writing via a price list on a website, some clarity must indicate consent—a service transaction. Lastly, Marie, a dancer who, by her admission, was never totally comfortable within the industry, defines consent as “taking action as a means to an end, to reach a goal. The transaction is the consensual exchange between two people, in this case, the action of service in exchange for money or goods.” Veronique’s language clearly states a transaction:

Consenting to a transaction usually starts with agreeing on a base rate and general activities that take place during a session, in accordance with the amount of time we plan to spend together. If the client wants something different halfway through, we pause and discuss how much more money I want to perform it. Once we come to an agreement, I demand the money upfront and only continue once I have it.

Veronique and Ava’s words are significant—transaction, base rate, client and price list suggest an exchange of service, a well-defined business deal. However, Ava adds, “this is not to say that consent was always respected or ever renegotiated, but more often than not, I knew what I was going into.” This last statement also seems to be something that Veronique and Kaya both report, that is, ongoing consensual moments.

Before leaving this section, it is crucial to allow Rose’s voice to come through because she shows us the blurry side of consent. For Rose, “consent must be free and informed to be valid. For it to be truly an informed choice, [women] must also know the worst sides of prostitution and be aware that it takes a certain privilege to be a winner in practicing it and to get out of it easily.” Rose sheds light on the reality of some less fortunate women who have to deal with what Michel Parazelli calls *choix contraints*, or forced choices, and what Dewey et al. (2017) refer to as the degree of agency. Lastly, Marie has this to say: “I came in [the sex industry] because of lack of resources, lack of choices.” This last point will take us to the last section—exploitation.

#### 4. Exploitation

My interviewees were quick to respond to the question about exploitation, and the biggest culprits are agencies and bar owners. Elizabeth remembers how she was exploited while new in the industry, before becoming independent “having an agency take 60% of my money per booking and then on another occasion having 1000\$ promised to me if I’d join an agency, only to be informed after the photos were taken that I must make them 3k first. I never received the money.” Rose also mentions agency and salon owners as exploiters “who always take too much for the little they do in my opinion.” During these conversations, Rose was not the only one who criticised and denounced the agencies that “make their money on the backs of women,” and she adds “women have to pay a lot for services such as transport and once they do find work, the bar tab.”

Except for porn studios, the industry does not even give a salary anymore. This Elizabeth considers exploitation “labouring without pay or having large sums of the profits taken from them and told this is the norm is exploitative”. As someone who always worked with a base salary, I still find it deplorable that very few people in the industry benefit from a basic salary. Ava mentioned that the salary was removed circa the early 1990s, and for those who had received a salary, this added to the frustration. Indeed, after the loss of salary, the fees workers were forced to pay in order to work increased substantially. In the past, strip bars where dancers doubled as paid waitresses, service bar, busboy, and DJ,

the fees were minimal and fixed. In strip bars and out-of-town brothels, gratuities came from sex workers for extra services such as references for good clients and protection. With Veronique, it became clear that work has changed for dancers, as she says:

While I have worked at strip clubs, the owners use their position of access to a space that strippers need to do work, the strippers, who are the only reason for the establishment's success, are not paid for stages, have to pay a fee to work without promise of leaving with any money. I believe this to be a way I've been exploited as a worker. Some clubs even demand a cut of your earnings on top of the bar fee. [ . . . ] I have also had a doorman threaten not to let me work unless I tipped him (which is not policy).

Ava, who lived through the transition of losing the basic pay, having to deal with such fees just added another level of what I think Kaya and Veronique will later label as exploitation.

In some clubs I worked in, you were not paid an hourly wage, you just worked for your tips. The removal of salary was of course, sometimes offset by the fact that you could come into work whenever you wanted. Doormen at a certain point began extracting large tips from dancers to recommend them to a group or a private booth in the strip-club, thereby turning themselves into de facto pimps. I did not agree to have a pimp, so this was annoying. If you didn't pay them off, you wouldn't get the high rollers. The club would also take a cut of any money you made off credit cards and this casino chip system they had set up. You were just expected to accept this fact because . . . you were a whore?

Regarding the so-called freedom of coming "into work whenever you wanted," when asked, the owner of one of Montréal's oldest strip bars told me that this was something that women wanted in exchange for the freedom to come and go as they wish. This is not true, because as Angie, a dancer, told me, "if I refuse a shift, I may have to pass a few turns before the bar takes me back, or if I come late the fees are exorbitant." Listening to sex workers enumerating the multiple fees that they must pay on top of having very little work security and not even a base salary, I am inclined to label this as Kaya, Charlotte, and Veronique did—exploitation. Kaya defines exploitation as "being used in unfair ways and under poor conditions for someone else's gain"; as for Veronique, it "is when someone in a position of power uses their position to benefit from the work of someone else in an imbalanced exchange." For Charlotte, exploitation is "anything that feels inequitable, unjust or unfair in any industry; [in the sex industry] this particularly applies to undocumented woman who work in brothels and are not paid fair wages, then threatened with deportation by law enforcement after seeking assistance." Elizabeth further defines exploitation "as labouring in a way that one has no choice about the environment or those they interact with." The industry is entirely left at the discretion of bar owners and agencies, which opens the door to labour rights abuse. There seems to be no labour rights specific to the sex industry. A situation that for Nikko B, a porn actor, encourages exploitation:

Had the industry been regulated by pertinent labour laws, I would surely not have gone through anxiety thinking of the possibility of my accorded salary being reduced in case my body did not perform or respond according to the expectations. Male performers in adult films are expected to respond in accordance to the sexual fantasies of the audiences they cater to. [ . . . ] As a result of pressure, stress or distracting factors on the movie set to name a few, sometimes actors are unable to perform in accordance to those expectations. If this is the case, oftentimes their salaries are reduced on the spot. Modifying a porn actor's salary is not uncommon since they are often paid cash.

The porn industry is legitimate employment, legalised and taxable, yet, according to Nikko B seems to lack laws to protect its employees. In his words, "no employment contract allows adult performers to earn royalties from the movies they make, let alone have ownership of their image represented in posters, movie cases, and in paraphernalia.



[ . . . ] nor do they have the right to halt or limit the appearance of their image in any production or promotion of video content in sex fairs, magazines, events, or websites.” As for Ava:

In the context of all work, I would define it as the ability for a boss to underpay you without consequence, to receive more profit off your labour than you do, to take a cut of the money you’ve earned for no reason other than they can, to not provide a safe and clean work environment, and to control and/or reduce your hours if you complain. I have also had experiences where I felt unprotected when clients became predatory. [ . . . ] I would never think to call the police [ . . . ] and I would be reluctant to go to the club with [my concern], because what would they do? This I would define as exploitation too, or at least a complex and intentional set of conditions where exploitation is permitted to take place.

In terms of protection, Kaya seems to agree with Ava and Nikko B: “as a dancer, we keep the clubs running, yet the owners of the club do nothing but take from us and do not offer us any type of rights or adequate protection for the most part.”

For Ching, exploitation is complicated and can be understood from different angles. Exploitation exists in many industries. “Under capitalism,” she says, “almost everyone in the society is exploited. People should not say sex work is exploitation. Sex workers, like other workers, may face exploitation and they may not. Compared to people who work in farming, factories or restaurants, sex workers are less exploited.” Concerning third-party involvement, Ching notes “sex workers are willing to pay the others to work for us. This is not exploitation; they are working for us.” To this, Kaya adds, “[exploitation] occurs in pretty much all fields, but there are varying degrees of exploitation.” However, one redeeming quality of the industry for Kaya is a sense of control that she experiences and compares to working in a clothing store where she felt more exploited. She adds, “I received 12\$ an hour to be verbally abused by customers daily, as well as forced to smile when I was dying on the inside. It was an exploitation of the emotions and was even more painful than anything endured as a sex worker. There is a reason I am still a sex worker. It gives me more control, despite the different issues.”

The creation and adoption in 2014 of *The Protection of Communities and Exploited Person’s Act* (PCEPA) placed the sex industry under constant surveillance. Under the pretext of protecting neighbourhoods and women, everyone around the sex worker is in potential danger. Advertising agencies, chauffeurs, and bodyguards—that is, third parties—are under the constant threat of being arrested. Moreover, as Nina, a massage worker says, “places where women can work more safely, such as massage parlours, and hotels are raided under the pretences of being trafficking nests.” Not having a bodyguard or chauffeur waiting for you outside your place of work can have disastrous consequences as Diane, who works as a chambermaid at a motel, recalled: “two sex workers were robbed, one lost the money for the service and the other her entire day’s work.” The situation above is about money, which is essential, but sometimes as we have seen too often, sex workers are badly hurt or worse, they lose their lives.

Experiencing the ravages of poverty daily places some sex workers in a vulnerable situation (Benoit 2020). This situation is illustrated by Suffie who was obligated to enter the sex industry because of constant money problems and never felt safe: “exploitation is when people who have power took advantage of my vulnerability and deprived me of my fundamental rights and also endangered my life and my health [ . . . ] agencies gave me a false sense of security; I was never safe.” These comments by Suffie lead us to the last theme—vulnerability.

## 5. Vulnerability

As Tremblay (2020) argues, the absence of a minimum wage plus a slow day may potentially leave sex workers vulnerable to exploitation. It is a situation experienced by dancers and escorts, some of whom are, by their own admission, more vulnerable than others. Rose explains: “I consider that I was exploited by several clients who, suspecting

my difficult financial situation, negotiated my services and prices and exceeded the limits I had set, particularly at times when people with children and financial difficulties are the most vulnerable (end of the month, back to school, Christmas)." The same is true for a sex worker who does not suffer from a quasi-permanent situation of vulnerability, but experiences slow days. For example, Veronique explains: "I have also felt exploited when clients notice that it's a slow day and take it as an opportunity to try and get me to loosen my boundaries on giving extras for them to pay me." Always running after money makes someone vulnerable to exploitation. For Elizabeth, she became open to exploitation "because of a lack of community, [lack of] knowledge on how the industry works and at times being desperate for money" and for Nikko B "this situation is the ultimate paradise for any employer. This is how they exploit poverty."

Poverty makes all people more vulnerable. As with Suffie, and illustrated by Rose, those who are obligated to enter the sex industry because of constant money problems rarely felt safe in the industry. Again, working on the margins in a highly criminalised environment allows owners and managers to exploit people's vulnerabilities. Elizabeth also made it clear that agencies offered no security. As a beginner in the industry, she recalls: "being left on the side of a road at 3 am in the winter and told to take a cab home [ . . . ]. One of the reasons exploitation happens is because of a lack of knowledge and community for those voluntarily entering the industry."

Moreover, according to Elizabeth, some agencies disregard the lack of experience. When she revealed during her first visit to an agency that it was her first time working in the industry, the manager's reply was: "oh I prefer new girls, they're not as set in their ways as the older more experienced ones—I now know what he meant by this." At this point, I would like to return to something that Elizabeth mentioned earlier about the review board. Again, she has this to say, "I forgot to mention how these review board guys actively work to harass some of us and force down our rates." Of course, this is very pertinent because anything that forces the price down opens the door to unfair practices and negative labour conditions. The role of community is also something that Cora mentioned: "For most of my career (working full time for six years as a full-service sex worker), I have been very lucky to have a community to support me. I also acknowledge my privilege of properly screening clients and refusing to see clients when I don't feel them to be safe." This is an important point, since being alone without someone to "watch your back" as we say in the industry makes you more vulnerable. As Elizabeth mentioned—"some agencies just love the novice."

As Ava makes clear, because most sex workers work within a criminalised and stigmatised environment, it leaves them open to exploitation: "as an escort I sometimes found the rate to rent space overpriced. The fact that I couldn't necessarily just work out of home and needed to rent a hotel or book a space and that even then there was a fear of the staff and/or neighbours catching on or deciding that day to catch on and calling the cops [ . . . ]. With clients, [exploitation] would be when they deliberately waste your time with no intention of paying, and the ability, because of laws and stigma, for them to do so without reprisal." According to Ava, "the constant state of controlled uncertainty is exploitative and makes for an exploitative environment." She adds:

"I felt exploited by the City of Toronto when I had to purchase a license to strip in that city that was nothing more than a way of the police keeping a record of sex workers. The last thing any sex worker needs is more police presence in her life. Now having said all this, I will say that I agreed to most of this exploitation, in the same way and under the same circumstances that I have agreed to exploitative working conditions in all the jobs I've had, because I need money and I will do what it takes to get it."

Ching also noted regarding forms of exploitation and vulnerability due to working in a criminalised environment:

I feel exploited when I pay a lot of interest when I borrowed the money. I feel exploited when I was issued a lot of tickets and having heavy fines. I feel

exploited when I must pay a lot of rent because the landlord knows I am working in sex industry. I feel exploited when the client comes to take advantage and not paying me.

When it comes to labour rights, unless sex workers do independent work, they will be at the mercy of an industry that operates in an unregulated and highly criminalised space. This makes the perfect recipe for exploitation. According to Elizabeth, another phenomenon creates an exploitive environment, and this one is within the industry itself—advertisement platforms. She explains:

Sex Workers pay to advertise [on these platforms], and clients can create free accounts to participate in the forums to leave reviews about their experiences with us. Some leave very detailed accounts, and clients expect the same services [ . . . ] creating standards for services that many aren't comfortable with. They have yearly competitions where they nominate the best rookie [ . . . ]. Clients also go on there to discuss rates, services [ . . . ] talk about us like products. Review boards create competition so you feel like you need to compete with the standards for service they create. Since moving away from them I feel better, and I've moved more towards providing and creating an experience not servicing a laundry list of pre-ordered services on a menu.

Some sex workers are more vulnerable because of work permit restrictions, and this is the case for Cora who migrated to Canada from Latin America:

I felt exploited once when I only had an open work permit in Canada (the work permits now don't allow work in the sex trade) and no massage place would accept me because of trouble with immigration officers visiting establishments from time to time. [So] I started working for this 23-year-old woman who assumed a role of "pimp" for me. The environment was dirty and people working at the place were not emotionally stable, so I decided to leave. She then threatened to call the immigration on me and convinced me to stay one more month. I left after 2 weeks and went to another woman who accepted me to work in her private massage place."

In closing the section on exploitation, I want to leave the last words to Ava, who highlight an ethical concern, and caution us to listen to women on both sides of the debate:

When I think about consent in the context of sex work, I also think about how many times anti-sex work advocates have violated my consent. How many times they have told me and other sex workers that our yes actually means no, that we live with a false consciousness, that we can't possibly consent to this work, that it is not work but mere exploitation (in my experience all work I have performed is exploitative. Why do I have to argue that sex work is any different?) I consider this the most exploitative relationship I have in sex work. I do not consent to having a relationship with sex work prohibitionists and anti-sex work lawmakers, yet there it is always, controlling how and where I get to work, how and where I get to advertise, how the laws define me, and so on (Ava).

For Ava, she thinks: "it's highly exploitative that people are allowed to make films, photographs, paintings, theses, articles, laws, television shows, plays, musicals, clothing brands and so on about sex workers yet sex workers are criminalised." Ava signals a quandary that calls for a lot more reflection than it has been allocated thus far.

## 6. Discussion

" . . . non-recognition shows not just a lack of respect. It inflicts wounds, saddling its victims with crippling self-hatred. Recognition is not just a courtesy we owe people. It is a vital human need" (Taylor 1994, p. 26). This article's objective has been to delve into two ill-defined and highly contested notions related to the sex industry—consent and exploitation. As Andrew Sayer posits, the task to clarify confusing concepts involves attempts "to preserve and strengthen usages and conceptual links that seem to be successful

while cutting those that do not" (Sayer 2005, p. 72). With this in mind, sex workers were asked to define these concepts and share their experiences related to the issues of consent and exploitation. The results brought us into the phenomenological world of sex workers, how they transact sexual services, negotiating and consenting to specific services, and how they experience exploitative situations. Often ridiculed and accused of false-consciousness, at least two sex workers expressed frustration with claims that disregard their reality. Sex workers have been participating in debates and different commissions for almost fifty years; therefore, their knowledge and reality must be considered—if you ask sex workers to define consent and exploitation, listen to their answers and believe them!

Following Alabi's (2019, p. 71) consent guidelines, seven of my interviewees univocally negotiated consent through words or actions. Rose and Marie had a more ambiguous relationship with consent. Their approach is what Parazelli (2000) has termed *choix constraint* and, as Nussbaum points out, practised by women with limited choices (Tremblay 2020). Without overt threats, transactions negotiated through the constant fear of not being able to get what one needs to live a decent life stretches the concept of consent to the point of being consensual in theory only. Therefore, cognisant of the ambiguous road leading to consent by three of my respondents, all negotiated services met Alabi's three requirements. First, the transaction occurred within a situation where communication was clear. If it was not clear at one point, it was clarified as the service was delivered; second, there were no restrictions or manipulations other than some situations where clients try to get workers to lower their fees. Third, my interviewees are of legal age to consent. Again, three of my interviewees were limited in their choices. David Borman (2019) acknowledges that Honneth's early work, recognised:

an impoverished worker who demands a "right to work," a means of enabling her family to survive, cannot without cynicism be taken as thereby reflectively endorsing the liberal theory of the freedom of contract. She may well continue to regard herself as forced to take employment by her circumstances and by the background injustice of her society; she may regard capitalists' control over access to the means of production as a form of coercion (2019, p. 117).

Perhaps no other classical theorist has shown as much sensitivity to the issue of money and its connection to commodification as Simmel (1976), when he illustrates the constraint imposed on all workers, and in fact, on all individuals who are inevitably part of the process of commodification. The fact that we all need money, regardless of what we must sometimes do to obtain it, stretches the notion of consent and constraint to its outer limits.

By being the equivalent to all the manifold things in one and the same way, money becomes the most frightful leveller. For money expresses all qualitative differences of things in terms of "how much?" Money, with all its colourlessness and indifference, becomes the common denominator of all values; irreparably it hollows out the core of things, their individuality, their specific value, and their incomparability (Simmel 1976, p. 414).

Simmel's argument that money reduces all things to the same level is a valid one, but as my respondents have indicated, it is also a necessity. We have seen that some accept the conditions of sex work willingly, with money as their incentive, while others cannot reconcile themselves to it. To see oneself as a criminal and not deserving safety is what Anne-Marie Marshall refers to as legal consciousness; that is, understanding "law shapes how people make sense of their experiences" (Marshall 2016, p. 7). Sex workers' perception of self has been, in many ways, legally constructed as deserving marginalisation.

However, when it comes to consent, it is important to underline that all my respondents were aware of being exploited by managers, agencies, and bar owners. I would argue that the last point belongs to most occupations, which brings me to my second theme, exploitation.

All interviewees mentioned some form of exploitation, but none of those forms seem to be unique to the sex industry. As shown by Gutiérrez Garza (2019), Fudge (2018), and Lewis et al. (2015), exploitation is connected to vulnerability and clearly acknowledged by three of my respondents. The findings presented in the exploitation section illustrate what

Corvino (2019) and Pulliam (2019) label as unfair benefits, that is, fees levied by agencies and bar owners. Furthermore, as far as rights violations within the sex industry, this dimension is difficult to assess when someone works in a highly criminalised environment without labour laws. Moreover, I would argue that rights violations are similar to what Lewis et al. (2015) and Gutiérrez Garza (2019) describe in relation to immigrants.

Exploitation coupled with an almost constant state of vulnerability, as experienced by two of my interviewees, leads to what Vrousalis (2013) and Ligneul and Dreher (2017) call social dominance; that is, situations in which certain people can control and command actions. This situation, according to these authors, occurs mostly under tense competition. Starting in the mid-1980s, with the blurring of boundaries between direct contact and dancing, the sex industry's socio-economic situation has become much more competitive. As shown in a few of my respondent's interviews, price and services wars created the perfect niche for situations of exploitation and social dominance.

A transaction also becomes exploitative when employers can take advantage of what Miklos calls "underlying injustice" (2019, p. 59). This is evident in the situations for three of my respondents whose lack of cultural, social, and economic capital placed them in very precarious situations. Exploitation occurs when employers take advantage of another person's vulnerability. This injustice is made possible in part because of the lack of regulations in the sex industry. However, it is also true that some sex workers come into the industry with limited choices because their starting point is one of marginalisation (Brodie 2018, p. 4; Fudge 2018, p. 74; Galbally 2016, p. 13). As my research indicates, some sex workers cannot be said to have chosen this field, since their life conditions and their lack of social and economic capital severely constrained the available options.

On the other hand, several of my respondents emphasised that they had chosen to do this work and did not feel that the sex industry was more or less exploitative than any other type of work within a capitalist system. As reported by Benoit et al. in *The Relative Quality of Sex Work*, "[sex workers] are actors with agency within their structurally marginalised social context, as demonstrated by their tendency to prefer sex work over other precarious jobs" (2020, p. 4). To always refer to sex workers as victims is a moral violation. To deny people in the sex industry their autonomy is unethical. As mentioned at the onset of this research, to accuse someone of exploitation is a serious accusation (Kim 2018). This argument, along with consent, deserves further exploration and could provide the starting point for future research.

## 7. Conclusions

To have one's voice listened to and validated is, I would argue, the first step towards moral recognition and sex workers' demand for the erasure of what Hartman and Honneth (2006) call legal discrimination. Always having one's decisions and actions rejected is taxing. After years of close contact with sex workers, it has become clear to me that maintaining emotional integrity has become a tiring endeavour. To resist exploitation, demand the right to work in safety, and remain healthy people working in the sex industry, sex workers must feel that they matter. Sex workers' autonomy and safety must begin with the decriminalisation of all forms of sexual labour, followed by labour laws. Sex work is part of the service industry and, as with any other job, some workers do have a lot more control, i.e., the capacity to say no (Tremblay 2020). The distinction between free and forced prostitution has been acknowledged and debated at great length. However, the voices of sex workers are still challenged. They remain buried under the prohibitionist's narratives that deny the varied experiences of sex work and refuse to understand the structural conditions "within which women may enter sex work" (Galbally 2016, p. 12). To this, I will add the socio-economic conditions obliging people to remain in the industry.

This research was carried out during the COVID-19 pandemic; this tragic situation has led to illness and loss of life, but it also highlights the problem of labour precarity and the fragile state of the economy in previously unimaginable ways. This situation is incredibly real for sex workers. As reported by Benoit (2020), even though Trudeau's

pandemic strategic plan promise that no one would be left behind, many sex workers did not receive the CERB (Canadian Emergency Response Benefit). The result is catastrophic (Azam et al. 2020). Bars and clubs were forced to close, often leaving these workers without income (Benoit 2020). Many were forced to continue working, endangering their lives and the safety of others.

Anonymity was essential for the present research, and it continues to be a precondition; still, as Benoit et al. state, “secrecy or selective disclosure can come with its own psychological and social burdens” (Benoit et al. 2018b, p. 70). Difficult to access, emotions remain an essential tool of analysis, even more so for marginalised populations. The emotional content of humiliation consists, to begin with, in a lowering of one’s feelings of self-worth (Tremblay 2020), and again I must insist, self-worth, next to economic capital, plays a role in fighting for labour rights.

In Canada, public policies continue to be focused on the notion of the sex worker as a victim. The outrage surrounding trafficking and child prostitution diminishes the concern for sex workers’ fight to legitimate the industry and bring in labour laws. Moreover, public policies contribute to violence (Johnson 2015). As Tremblay (2020) argues, when prohibitionists continue to refer to “sex workers as victims, or as minors without the legal right to make decisions on their own, they sustain a moral argument versus one that could lead to changes in the economic structure” (2020, p. 157). Laite (2006) is correct when stating that sex workers are still paying the price for laws created and amended since 1847. As noted above, Canada’s latest attempt to control the sex industry is the PCEPA. This law reinforces an environment auspicious to exploitation and threatens sex workers’ health (Benoit 2020). If, as Gostin (2007) posits, “the prime objective of public health is to pursue the highest possible level of physical and mental health in the population, consistent with the value of social justice” then I join Argento et al. (2020) and reiterate that the PCEPA did not allow sex work to be out of harm’s way. Regarding women’s safety, all women’s safety, the Canadian government has failed miserably.

This article tackles two polemical themes which make respectful debates impossible—consent and exploitation. From the start, sex workers cannot consent, are always exploited, and remain victims of males’ predatory nature. How do we get out of this impasse? Overall, these conversations offer some guidelines to further explore consent and exploitation. More conversations are needed where sex workers define and redefine these concepts. Paraphrasing Forrester (1999, p. 10), there is something beyond exploitation; that is, the absence of any exploitation—being useless in this technological world. Sex workers need to be safe, their labour protected by labour laws, and this will not happen until we truly listen to those that matter the most—the labourers.

**Funding:** This research received no external funding.

**Institutional Review Board Statement:** Ethical review and approval were waived for this study, which did not involve formal interviews but conversations with fellow activists. No community organisation was involved in this study.

**Informed Consent Statement:** Informed consent was obtained from all individual participants included in these conversations.

**Acknowledgments:** I would like to thank Cecilia Benoit, Penny Pasdermajian and the editors and anonymous reviewers of this journal for helpful comments and conversations. Huge thanks to Salina Hess for her multiple editing of drafts and comments. Special thanks to Sierra Conti, Bettina Bouskila, Brigitte Kang, and Jorge Bricenor; without their assistance, this research would not have been possible. Finally, my deepest gratitude to the sex workers who have gracefully accepted to participate in yet another research.

**Conflicts of Interest:** The author declares that she has no conflict of interest and did not receive any grant for this research.



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Article

# “I Will Not Be Dona Maria”: Rethinking Exploitation and Objectification in the Context of Work and Sex Work

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**Abstract:** In many feminist and sociological accounts of sex work, the concept of exploitation resides on the subjacent notion of objectification, codified in the omnipresent belief that the sex worker sells their body. Sexual objectification supposedly indicates the peculiar and particular effect that sex work is supposed to have on the bodies of human beings involved in this form of toil, being one of the keystones for the belief that sex work is inherently exploitative. In the present article, we intend to investigate the canonical concept of objectification and its (ab)uses in the light of a comparative ethnographic study of sex work and other jobs in the service economy in the cities of Rio de Janeiro (Brazil) and New Orleans (USA). Our argument is that the concept of sexual objectification has its roots in pre-capitalist morality, encoded in Kantian philosophy, that is hardly applicable to real life in the 21st century. A more general and intersectional understanding of objectification and agency in the broader field of engendered labor relations is necessary for us to understand why people choose to engage in sex work, why laws which see sex work as synonymous with exploitation and slavery must be rethought, and how they might be rethought.

**Keywords:** sex work; exploitation; objectification; feminism; sociology of labor; Rio de Janeiro; New Orleans



**Citation:** Blanchette, Thaddeus, Ana Paula Da Silva, and Gustavo Camargo. 2021. “I Will Not Be Dona Maria”: Rethinking Exploitation and Objectification in the Context of Work and Sex Work. *Social Sciences* 10: 204. <https://doi.org/10.3390/socsci10060204>

Academic Editor: Cecilia M. Benoit

Received: 16 December 2020

Accepted: 12 April 2021

Published: 31 May 2021

**Publisher’s Note:** MDPI stays neutral with regard to jurisdictional claims in published maps and institutional affiliations.



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*What it comes down to is this: until they pay people as much money to clean toilets and flip burgers as they do to suck dick, someone will always be willing to sell sex.*

—Sex worker activist Monique Prada, Porto Alegre, Brazil

## 1. Introduction

The article below presents our thoughts regarding exploitation and sex work (Leigh 1997), centering on the concept of *objectification*. For a powerful wing of feminism that has heavily influenced many States in the confection of sex work laws—particularly those States that have adopted the so-called Swedish Model of client criminalization (Hernes 1987)—objectification has become a shibboleth indicating the inevitable and particular effect that sex work supposedly has on the women involved in this form of labor. As we shall show below, however, concerns regarding the transformation of human beings into things not only underpins feminist understandings of sex work as exploitation, but also classical sociology in its attempts to come to grips with labor exploitation under capitalist modernity. A significant portion of Marxist-informed feminist sociology has moved on from Marx’s initial understanding of prostitution as essentially lumpenproletarian, situating sex work as work and thus no more or less necessarily objectifying than other forms of labor (Da Silva and Blanchette 2017). Meanwhile, however, we label the contemporary abolitionist and carceral feminisms (Bernstein 2007) as *prohibitionist feminism*<sup>1</sup>, rooted in the works of Dworkin (1989) and MacKinnon (1985), which harken back to the idealism of Immanuel Kant in their understanding of sex and work. This allows

them to imagine sex work as a special kind of exploitation, more generally distinct from labor exploitation.

In the present article, we investigate this canonical concept of (*sexual*) *objectification* and its (ab)uses in the light of ethnographic data, comparing sex work with other forms of service economy labor in Rio de Janeiro (Brazil) and New Orleans (USA) in terms of its power to transform humans into objects. In the first two sections below, we employ an intersectional lens incorporating mainly class and gender (but also race, sexuality and socio-geographic positioning) to illustrate domination, the functioning of agency, and the role of seduction and negotiation in the sale of services in the following work contexts: erotic dancer (NO), call girl (RJ), and domestic worker (RJ).

The third part of the article discusses the concept of *exploitation* in the light of *objectification*. We argue that the philosophical construction of objectification within feminism has been insufficiently informed by the study of life as it is lived in the world of work in general and sex work in particular. Because of this, the classic feminist critique of objectification in the context of sex work actively avoids engaging with sex work as a choice, undertaken in a social context involving an active rejection of other forms of engendered labor, often perceived by women who sell sex as more objectifying and exploitative.

It is our contention that this (ab)use of the concept of objectification within the debate on sex work has contributed to a situation in which the transformation of humans into objects to be exploited (often described as slaves) ends up being presumed (rather than proven) as a specific and necessary result of morally stigmatized sex work (prostitution, the production of pornography, erotic dance, etc.) and thus a morally distinct form of exploitation that needs must be repressed through criminal law. However, as Marx, Durkheim and Simmel (among many other sociologists) have recognized, the division of labor, the monetization of society, and urbanization have tended to objectify those engaged in work in general. In this context, sex work can appear as an alternative that offers workers a notable improvement both in the conditions of toil and in the possibility of exercising their individual agency within the workplace. In other words, although it is not essentially or necessarily liberating, can be *relatively* liberating when compared to other forms of labor.

The best possible remedy for this situation, in our view, is an abandonment of the Kantian morality that currently underpins mainstream thought regarding prostitution through a radical re-grounding of the philosophical bases of prostitution law in the lived experiences of sex workers, as presented by politically organized sex workers themselves as stake-holders in law-making within what Janet Halley has coined as “governance feminism”.

## 2. Materials and Methods

Following the new lines of discussion regarding pro-sex feminist understandings of sex, as exemplified in Halawi, Soble, Hoffman and Held’s new collection on the “philosophy of sex” (Halwani et al. 2018) and, more concretely, Soble (2002) and Papadaki (2007, 2010) work on the Kantian notion of “objectification”, the authors asked themselves how new understanding of sex as work and work as objectification fit with the lives-as-lived of women involved in sex work.

The ethnographical data related below were collected by in-field participant observation by AUTHORS over the course of several different research projects, but most particularly and recently the Impacts of Mega-Sporting Events on Sex Markets in Rio de Janeiro Project, vetted by the Federal University of Rio de Janeiro Macaé’s ethics in research committee. All venues and interlocutors’ names have been changed to protect their anonymity, in accordance with the ethical guidelines laid down by the Brazilian Anthropological Association. Some of the material presented in the work that follows below has already been explored in a very small press limited run, exclusively in Portuguese (Blanchette et al. 2014). The current article has been greatly expanded by the inclusion of new data, concepts and analysis. No grant money or other financial aid was used in the conduct of the research presented here. Blanchette and Da Silva are politically involved

with the sex worker rights movement in Brazil and the growing *putafeminista* movement, described elsewhere (Blanchette and Da Silva 2018).

The authors had been engaged in observer-participation ethnographic research (see Malinowski [1922] 1976, for a basic outline of what such qualitative research entails) regarding prostitution, sex tourism and human trafficking in Rio de Janeiro since 2004. Their work pushed them into a closer relationship with the political questions surrounding prostitution and, in particular, the hegemonic claim that sex work was “selling one’s body” and the worst form of *objectification* a woman could encounter. The authors began to ask themselves if this was plausible, given the close to 300 open-ended interviews they had conducted with Brazilian female sex workers up to about 2008, which situated sex work as far from being the worst form of labor these women had encountered in their lives.

From 2008 on, the authors thus focused their research on life histories of labor among female heterosexual prostitutes in Rio and São Paulo and several other Brazilian towns and cities. Engaging in participant observation ethnographic fieldwork in the main prostitution districts of these cities (and in the social networks that flow through or are formed in and around such places), the authors mapped some 279 commercial sexual venues in Rio de Janeiro alone, repeatedly visiting the 87 biggest and most reported by clients (on sex consumers internet sites). During the course of our estimated 500 in-field person hours in and around these venues between 2008 and 2010, we collected life histories of work testimony from a further estimated 150 sex workers and observed conversations and behavior of thousands of others. Generally, these were collected via an open-ended interview format that concentrated on three questions:

- (1) What work had the women done in the past?
- (2) Was their current work (sex work) better or worse than the other forms of labor they had done in the past?
- (3) What kind of violence connected to work had they encountered in their lives?

Discussions about exploitation, sex, gender, and objectification naturally flowed from these central questions, which generally took place during the women’s unsupervised “down time” in their places of labor (but also took place in a series of other, non-work related environments, including our home, the women’s homes, birthday celebrations, non-sex work bars and restaurants and in political venues surrounding the question of anti-trafficking and sex work regulation).

From 2010 on, this project has continued and has ramified in Da Silva’s field work into gender, sex, and labor in the rural interior of the state of Rio de Janeiro and Blanchette’s similar work in the oil field support cities of the same state.

Given their interlocutors’ repeated assertions, it became increasingly apparent to the authors that the vast majority of women’s decisions to engage in sex work could only be understood in the context of *worse* labor choices on these women’s horizon of possibilities: choices that the women themselves repeatedly qualified as “more exploitative” and “more objectifying” than sex work.

In 2010, authors Blanchette and Da Silva had occasion to spend two weeks in New Orleans, a city in which Blanchette had briefly worked as a sex worker (stripper) in the late 1980s. Both authors were also in touch with the organized sex workers of New Orleans and had been closely following the city (and the State of Louisiana) as it attempted to revamp its sex laws and policing practices, particularly in the post-hurricane Katrina period and in the light of the growing anti-trafficking moral panic in the U.S. The authors took the opportunity to engage in some 100 person hours of fieldwork in New Orleans’ Bourbon Street district. Following Emilé Durkheim’s dictum that one should close in on social phenomena through their most obvious and publicly noted manifestations and given Blanchette’s personal connections to New Orleans, Blanchette and Da Silva felt that a brief application of the same methodologies they employed in Brazil in what is one of the U.S.’ most notorious commercial sex districts would provide an elucidative comparison to the work in Brazil. Although such fieldwork would be, by nature, superficial, it would be mostly dedicated to checking hypotheses in another environment. Besides, much of the

received knowledge regarding prostitution and trafficking of persons in Brazil produced by non-Brazilians focuses on an almost continental-sized field, often with similar amounts of time (or even less) spent in Brazil and little to no knowledge of the local language and cultures. What the authors intended to do in New Orleans was far less ambitious. In the event, their fieldwork provided them with 16 non-structured interviews regarding sex and work with erotic dancers (many of them also prostitutes) and the testimony of dozens of other actors (police, barmen, cab drivers, hotel workers, service laborers in general) in and around New Orleans' sexual economy.

### 3. Results

#### 3.1. *Scenes from Fieldwork, Part 1: Stripping for Burghers versus Flipping the Burgers*

It is 3 a.m. on Bourbon Street, New Orleans, one of the most celebrated entertainment districts in the world. Bourbon Street has what author Da Silvas' great aunt would call "a reputation" and millions of dollars move about every year in order to maintain that reputation. By day, the street is dominated by souvenir shops hawking trinkets made on an industrial scale in China. When the sun goes down, however, a bar opens on every corner of the street and a strip joint comes alive on every block.

The entertainment offered is surprisingly standardized. Go into any outlet selling "Hurricanes" (a local drink) and you'll find the same "freezie" machines producing the same drink flavors under the same neon lights to the same canned jazz. The sex sold on Bourbon Street is similarly standardized: stripping is allowed, but prostitution is prohibited and strippers cannot be 100% naked. For researchers whose eyes are conditioned to Rio de Janeiro, the relatively prim titillation of Bourbon Street looks like a brothel district as conceived and managed by Disney. The street is a carefully oiled machine, designed to efficiently extract cash from the multitudes passing along it. The entrance price for each venue is low (USD 5 or less) but everyone charges something. The feeling as we pass along Bourbon Street is that our wallets are being efficiently vacuumed.

"The thing is to keep the tourists drunk", explains Frances, a young barwoman from Salvation, one of the strip joints we visit. "This is why every house gives you a free drink". She points to the enormous plastic syringes filled with a mixture of gelatin and grain alcohol that were pushed into our hands when we passed through Salvation's door.

A guy sucks down one of those and he's ready for anything. Here on Bourbon, the fun is 24/7. This is a problem for many tourists. They've never been to a place where they could drink as much as they want.

We'd later see one of the consequences of this. When we leave Salvation we almost stumble into a large pool of blood, solidifying in the gutter in front of the club. We asked a police officer what had happened. "A tourist from Florida was so drunk that he walked into the streetlamp", he answered. "He broke his nose".

Watching the women dance around the poles in the center of Salvation's stage, we are impressed with how much control they have over the situation and how their work is based on individualized performance. Each dancer is introduced by name (invariably false) and has a group of regular customers who come in just to see her. In total, 40% of the people watching the show this night at Salvation are women. Customers cannot touch the dancers and will be kicked out if they try. Dancers, however, can touch customers.

We chat with two dancers at the bar: Tiffany and her colleague Candy, both women in their 20s. We asked if they felt exploited at Salvation. Tiffany (who admitted to selling sex on the side "in the past") shook her head vigorously. "We're not the ones being exploited here!"

It's the tourists who are exploited. I do my show on the days I want to, the way I want to. If I want to approach someone in the audience, I can. If I want to stay the hell away, I can. It's all about how much money I want to make. These guys [indicating the 6 men and 4 women seated around the stage, watching Tiffany's colleague Amy dance] will probably to leave here without a penny in

their pockets. All of this is to get them drunk and spending. I only make money here: I don't lose it like they do.

Tiffany is not being 100 percent honest. Dancers have to pay to work at Salvation, handing the house between 20 to 60 dollars depending on the time they want to arrive. Dancers also have to tip the DJ and the other house workers when they leave. Officially, the dancers are "independent contractors" who come in between one and four days a week. They dance once every 1 to 2 h and earn 10 to 20 dollars in tips from customers for each dance. They can also sell special "lap dances", where they rub their body on the customer, earning 20 dollars a dance.

Tiffany doesn't want to talk to us about how much money she took typically takes home, but Frances later tells us the club's dancers could earn much more than USD 100 a night: almost double New Orleans' minimum wage of USD 7.25 an hour. "They earn way more than me and I make 100 a night on a good night".

We ask if the dancers are well treated by the customers, Tiffany gives a sharp laugh. "This is a titty bar, for fuck sake!" she said. "The guys don't come in here to get to know me as a person. But the majority of them are nice people".

"Security here is great", says Candy. "If I have any problems with a customer, the guy will be kicked like that! [snaps his fingers]. But I usually have no problems. Customers know the rules and don't abuse them".

We ask Tiffany if she feels objectified by the customers when she dances.

"What a stupid question!" said Tiffany, giggling.

Stripping can suck, but I make a lot and it's not as bad as other jobs. I don't even want to imagine what it must be like to work at a Quartz [a local fast food joint, popular in New Orleans]! One of the cool things here is that I am not the target of as much sexual harassment as I was when I worked in restaurants. Customers touch me, of course, but only if I touch them. I control the interaction and the bosses here leave me alone. That was not the case when I worked as a waitress.

Anthropologist Katherine Frank (2002), who worked as a stripper in clubs in the southern United States during graduate school, agrees with Tiffany on the importance of interaction between dancers and customers: this is an economy that rewards women who manage to individualize themselves in the minds of spectators. Individualized performative interactions between the two are an extremely important part of the experience. According to Frank, "I had to find out, quickly, what kind of interaction the man wanted. I finally learned to look at the entire room, analyzing customers to make immediate and accurate decisions about how I should present myself . . ." (Frank 2002, loc201–202, 374–377).

Frank points out that strip clubs obviously incorporate configurations of power and privilege that place certain people as workers and others as consumers in a scenario centered on sexual fantasies. Dancers are not simply objects in this environment, however. They "respond actively to customers, resist the control of club managers and owners in a number of ways and express their own sexualities and desires, even in a situation dedicated to male fantasies". (Frank 2002, loc497–505).

In other words, although men (and some women) enter the club to see dancers "shake their tits", our interlocutors and Frank would agree that this is not the main thing they sell. Ultimately, to be successful, dancers need to sell fantasies that require creative symbolic interactions with customers.

Objects are unable to produce these.

Our time in Salvation did not give us many examples of hard-core exploitation of objectified, machine-like humans. However, it didn't take us long to find a glaring example of this once we left the club. It was almost 4AM and we were hungry. Fortunately, at the end of Bourbon Street, we found a restaurant that was still open: a Quartz fast food stand. In this tiny space, under merciless fluorescent lights, six very young black women ran about serving the customers, a dozen night walkers who, like us, were headed back home after an evening on Bourbon Street.<sup>2</sup>



The two workers behind the cash registers were economical in their interactions with customers, spending an average of 20 s to take orders and pass them on to the girls in the back who ran the grills and fryers. The employees barely communicated among themselves beyond what was strictly necessary in the fulfilment of their functions. Carmen Rial, a Brazilian anthropologist who worked in a burger joint during her doctoral studies in France, describes this sort of labor and her specific work as a producer of full Coca-Cola glasses as follows:

I must arrange the glasses according to their different sizes, fill them with ice, place them under the jet of the correct soft drink, as indicated on the machine, choose the small or large button according to the amount of drink desired, press the button and wait for the glass to be full and for the machine to stop, close it with one of the plastic lids arranged in two rows (large and small) and, finally place the glasses in the right space so that another colleague can pick them up. This operation was repeated indefinitely. (Rial 1997, pp. 2–3)

Rial felt that her work transformed her into a mere extension of the soft-drink machine she serviced, a situation which she found to be inhumanly objectifying. Aside from having her body mechanized and objectified, Rial also found herself being incorporated as a faceless, interchangeable, and disposable part in her new corporate “family” (for it was this term that the company used to describe its relationship with its employees). “I had enlisted in a kind of army where one received many orders and reprimands, but very few medals” (Ibid, p. 3).

Everyone knew my name because I had a little label attached to me, as if I were a tree in a Botanical Garden. The word “Quick” [her company] came just below my name. Quick could thus be seen as the surname common to all of us, made brothers and sisters by the desire to pocket 24 francs an hour preparing hamburgers for a population of consumers who huffed with impatience on the other side of the cash registers. (Ibid, p. 2)

Sensitized as we were to questions of labor, objectification, and exploitation by our hours in the strip clubs on Bourbon Street, the situation of the workers at Quartz hit us hard. Here was a living representation of what Tiffany wanted to avoid by working as a stripper: the transformation of a human being into a small cog in a production machine; a disposable object functioning for an unlivable minimum wage to create corporate capital.

Here, then, was full-on objectification and exploitation.

### 3.2. *Scenes from Fieldwork, Part 2: “I Will Not Be Dona Maria!”*

Cilda had only one regret about her career as a prostitute in Porto Preto, a petroleum town a few hours north of Rio de Janeiro<sup>3</sup>: “I just wish I had learned about this whoring thing years ago”.

I came into the life when I was almost 40. These girls here [points to other prostitutes in the bar] don’t know what they are doing. Oh, if only I had the body I had at 25 and the head I have today!

Though Cilda is considerably older than the average prostitute and has only been selling sex for six years, she has traveled twice to Europe and owns two houses in a nearby beach town. She commands a respectable fee of 100–400 dollars per “program” (trick).

Before becoming a prostitute, Cilda worked with her (now ex-) husband in her own catering business. This went bankrupt because her husband got involved with drugs. Cilda left him, sold what she could of the remaining equipment and her house in Rio de Janeiro, and migrated to Porto Preto. In her first jobs in the city, Cilda worked in exchange for food and board for free, usually as a waitress and maid for bars and restaurants. It was there that she started meeting women who sold sex:

They seemed to be happy and pleasant young women who made in one night what I earned in a month—when I earned anything at all. So I asked myself,

“Why am I working like a slave? Is there anything worse than working and earning nothing?” After all, what did I have to lose? My husband had not even been good for sex and I like sex. Having sex and getting paid for it couldn’t be that bad. And it’s not bad! I love my job. You can put this down right there [pointing to Author One’s field notebook]: I love being a “program girl!” [a woman who sells sex].

It is interesting to note the choice of the word that Cilda used to describe her previous jobs as maid and waitress: slave. That word has been much employed by people who use it to describe the sexual exploitation they feel is inherent in prostitution. Cilda, however, uses it in the sense of “having to work without being paid”, a state which she considered to be truly exploitative, in frank contrast to prostitution.

Similarly, prostitution seemed to be a positive way for Cilda to negotiate the uncertainties of middle age. In Brazil, women over 40 are marked by sexualized stigma, according to anthropologist Miriam Goldenberg (2009). The statement by a 43-year-old woman that “My husband had not even good for sex and I like sex” is radical in a society that still opposes sexual manifestations made by mature women. According to Cilda, sex is not always good in prostitution, but this was also the case in her marriage, where sex also ended up being non-existent: “Better to have sex, even when it’s not the best, than to have nothing, neh?”

When Blanchette asked Cilda if she felt “objectified” by her customers, she replied “I hope they objectify me!”

Although people say I look like I am 25 when I am like this [dressed], when I take off my clothes, you can see the difference. You think I feel bad when someone tells me I look sexy? If I am powerful with the body I have, imagine what I could have done when I was younger!

Cilda is not blind to the dangers of sex work, although she claims she has never been mistreated by a client. However, she compares her work as a prostitute favorably with other typically female jobs in Brazil, such as being a housewife and domestic worker:

At my age, society says I can only be two things: Dona Maria the maid, washing Madame’s panties for a minimum wage; or Dona Maria, mother and housewife, waiting for her husband to come back from the bar and go limp in bed. I will not be Dona Maria!

As a wife, Cilda had her life savings destroyed by a drug-addicted husband. As a maid and bar worker, she felt she was a slave, working for nothing. As a prostitute, Cilda gained a modicum of physical and social mobility that she feels has brought her dignity and independence. She has bought designer clothes, expensive perfumes, traveled to Europe, and mingled with foreigners in the most expensive restaurants and bars in Porto Preto. Sex work provided Cilda with more options, more mobility, and more dignity as a human being than the positions of housewife, domestic, or service worker. With this mobility, Cilda has created her own identity as a metropolitan woman: in 2010, she was planning to migrate to the U.S. after having married one of her foreign clients. “My life has been very hard”, she says. “But that’s not why I became a prostitute: being a prostitute is what gave me everything I have and made me who I am today”.

Cilda’s story, however, did not end there.

Once again, marriage was not enough to provide for her desires. The strengthening of visa restrictions under the Obama and Trump regimes made it impossible for her to transform her marriage (conducted in Brazil) into residency in the U.S. Her American husband was not willing or able to help her with the bureaucratic hurdles this involved. The relationship dissolved when petroleum prices began to plummet in 2013 and Cilda’s husband was reassigned to work in Louisiana. Ironically, the economic depression into which Porto Preto plunged pushed Cilda out of sex work because there simply were no clients to be had—particularly the foreign oil workers she favored. Instead, Cilda was hired as a cleaning woman on a semi-defunct offshore platform. While she still continued to turn



tricks there, this was not sustainable because, according to her, “the Company watches everything you do 24 h a day and they fire any woman who has sex”.

After social security and deductions for uniforms, equipment, room and board, Cilda takes home little more than the equivalent of two monthly minimum wages (about 350 USD as of late 2020). She appreciates the relative security her job offers her as a 53 year old woman, even in the midst of the oil bust: she has a formalized work contract and health care plan. When Blanchette asked her if she felt exploited now as compared to when she worked as prostitute, Cilda quickly responded “Certainly! The Company owns me now”.

But I am still no Dona Maria! I could quit tomorrow if I wanted to, because I have my houses. I could live in one and rent the other. It’d be a miserable existence, but if I could do it. And why could I do that? Because of prostitution. If I hadn’t been a program girl, I’d have no choice at all. As it is, god willing, I will be able to retire, even on the pittance they’ll pay me, because I pay no rent. I am free and clear.

Even in her “golden years”, then—which, if all goes well, will be spent as a poorly paid corporate janitor—Cilda recognizes that the eight years she spent selling sex created openings in her horizon of opportunities. Far from seeing sex work as “exploitation”, Cilda once again favorably compared prostitution to formal labor for a company that “owned her ass” and felt entitled to control her sexual behavior through 24 h a day surveillance.

#### **4. Discussion: *Exploitation and Objectification* as Categories in Thinking about Sex Work**

Looking at the five types of engendered labor described above—erotic dancer, fast food worker, prostitute, housewife and unpaid (or underpaid) maid—we can see varying degrees of danger, stigmatization, agency, vulnerability and profitability. What can these jobs tell us about exploitation?

Prostitution researchers are often quick to denounce the idea that a “real choice” can be made between forms work of this sort, given the structural limitations imposed on female labor by a patriarchal and capitalist socio-economic system. Julia O’Connell Davidson (2002) articulates this position well when she observes that it is “economic compulsion that drives [women] into sex work” in the U.S. to avoid becoming part of the 35% of the economically active female population of that country who earn an unlivable wage. The situation for working women in Brazil is worse, by any measure.

However, in more than 15 years of sex work ethnography, we have yet to find more than a small handful of women who feel that prostitution is more exploitative than the other sorts of poorly paid engendered labor they have done, or that they were “forced” into prostitution. In fact, even 60-year-old Cleone Santos, the only major sex worker leader in Brazil who calls for the abolition of sex work, recognizes that the senior citizen prostitutes she represents engage in other forms of labor where they are even more exploited.

Sex work is far from these women’s last option in life, as Cilda once nicely illustrated to Blanchette while watching *Les Misérables*. Seeing Fantine sell her hair, then her teeth, and only then sex to support her daughter Cosette, Cilda clucked her tongue and commented “Oh, dearie . . . You’re going about things entirely the wrong way”. Similar to Cilda, the large majority of our interlocutors who have sold sex and have moved on to other forms of labor often compare these jobs unfavorably to prostitution, even as they recognize that there are much better jobs available to women who are not them.

This sentiment is well expressed by self-proclaimed putafeminista Monique Prada, former president of the Central Única dos Trabalhadores do Sexo (Central Union of Sex Workers—CUTS):

Basically, prostitution is a place where common sense says no woman should want to be—and yet millions of women have exercised it through the centuries. Perhaps this is far from the worst place in the world for a woman, but there is a whole society striving to make it lousy . . . And there is a class of people—and I belong to that class of people—for which working with sex, cleaning toilets, or

changing diapers of old people are the possible jobs, worthy work, and we do this work. Unfortunately, in the society we live in, we need to keep in mind that not all people have such a wide range of choices which permit them to stay away from precariousness or abusive bosses. Nevertheless, we continue to live and continue to make the choices that are within our reach. (apud Drummond 2017)

Neither Monique nor our sex-selling interlocutors would qualify prostitution to be “a job like any other”, a position that is often attributed to the prostitutes’ rights movement by prohibitionist feminists. They recognize that prostitution has its specificities, “like any job does”. They recognize that, like many other jobs—and, in particular, engendered women’s work—it can be dangerous, dirty, and tiring. They recognize a series of “exploiters” involved in sex work: owners of nightclubs, spas, escort agencies and (most particularly) the police. These are people profit from their sex work, extracting a significant amount of surplus from it.

However, as Betânia Santos, sex worker, president of the Warrior Women prostitutes’ rights association in Campinas Brazil and Workers’ Party activist, constantly reminds her interlocutors, while prostitution is not “just any type of work” it is work—and productive work at that, in the Marxist sense of the word (Da Silva and Blanchette 2017). Productive labor under capitalism necessarily means *exploitation* in the Marxist sense of the word—the extraction of capital from labor. However, the solution to this is, and always has been, in Santos’ view, worker organization and worker rights: not the repressive policing of those who are understood to be exploited.

None of what we have outlined above should be news to anyone who has “shared time” (Fabian 1983) in great quantities with sex workers. This is typically not the case of the prohibitionist wing of feminist thinkers. These people are notably intellectually led by philosophers, journalists, social workers, psychologists, and legal scholars who (going by their published CVs) seem to have shared very little time with sex-working women.

Prohibitionist thinkers actively repel the notion of sex as work, seeing the sale of sex as a special form of exploitation—sexual exploitation. They thus classify prostitution as morally distinct from work (even other forms of work involving sex, such as marriage) and see it as a synonym for human trafficking and/or slavery. In the view of these feminists, what is bought and sold in prostitution is the totality of a woman’s<sup>4</sup> body and person. The sale of sex thus becomes “a mutation of modern or even postmodern society. A reification of barbarism” (Leal et al. 2007, pp. 18–19).

At the heart of this difference between sex workers’ (and most particularly *putafeminista* sex workers (Blanchette and Da Silva 2018)) and prohibitionist feminists’ views of exploitation lies a concept of totalizing *objectification*, whereby a woman’s accepting money for sex so completely transforms her that her body and, indeed, her very self becomes congruent with the sex act. She—and not the sex—becomes an object that is bought and sold, completely destitute of human agency. A slave. Worse: a slave to which any power of possible rebellion is denied, one who can only be freed by outside intervention. Because of this, these feminists often believe in the need for the criminalization/medicalization of sex workers, conducted by what Dewey and Germain (2016) label “the Alliance”: police and social work agents acting in tandem to round up and reform prostitutes. Their views have powerfully influenced laws, such as the Swedish client criminalization law and the U.S.’ current SESTA/FOSTA Act (Murphy 2018).

Where does this totalizing (and yet curiously limited) concept of *objectification* which underlies the concept of *sexual exploitation* come from?

To answer, we need to investigate the concept of *objectification* and how it has appeared within Western thought, particularly in the context of sex work. We do not intend to exhaust this topic here, of course. Obviously, a more in-depth investment would engage deeply with the philosophical roots of the concept of objectification and, in particular, those of feminist thinkers (MacKinnon 1987, 1989; Dworkin 1987, 1989, 2000; Nussbaum 1995; Langton 2009 among many others) who have dialogued with these roots over the years.

The present discussion follows Alan Soble (2002) and Evangelina Papadaki (2007, 2010) investigations into how prohibitionist feminism's philosophical approach to the overlapping issues of sexual objectification and exploitation hides, at its base, a contradiction. By adopting Immanuel Kant's views on Kant's understandings of (im)moral objectification as their guide, prohibitionist feminist thinkers such as Dworkin and MacKinnon have, ironically, aligned their approach to human sexual/affective exchange with that of the male philosopher (Kant) whom modern feminists tend to regard as the most objectionable (Herman 2002)—a man who died at 80 years of age a confirmed bachelor and virgin.

*Objectification* as a category of social analysis does not appear as such in most works in the social sciences, but something similar is at the base of the thoughts of the classical authors in the field. Émile Durkheim, for example, was concerned with the concept of *anomie*—an antisocial state that could be created by a progressive division of labor that would be in danger of reducing the individual to the role of machine, “becoming nothing more than an inert gear that an external force sets in motion and that always moves in the same direction and in the same way” (Durkheim 1998, p. 100).

Karl Marx wrote almost nothing about objectification, but quite a bit about commodification and the transformation of labor into a form of alienable merchandise under capitalism. Marx makes a crucial distinction between free and enslaved labor. The first form could be transformed into merchandise and alienated from the worker's life with deleterious effects: “life begins for [the worker] where this activity [work] ceases; at the table, in the public house, in bed. [His work] has no meaning for him [as such] except as the earnings that bring him to the table, to the public house, to the bed” (Marx and Engels 1986, p. 75). Marx, however, openly opposed this to slave labor, wherein life became a commodity “which can pass from the hand of one owner to that of another” (Ibid, idem).

For Marx, the advent of capitalism completely changed the relationship between humans and work and, consequently, human relationships with the body. The key point of labor relations under capitalism is the fact that labor is transformed into a saleable object separated from the life of the worker. In Marx's words, “the worker does not belong to the owner or to the land, but eight, ten, twelve, fifteen hours of his daily life belongs to the one who buys them” (Ibid, idem). The worker is nobody's and she can leave her job at any time. However, since her life depends on the sale of her labor, she cannot escape the class of labor buyers without renouncing her existence. She thus “belongs” to the capitalist class and must find a buyer for her labor or die. This, according to Marx, was the essence of exploitation under capitalism (Ibid, pp. 75–76).

While both Durkheim and Marx stressed the division of labor's dangerous potential in transforming the individual into an object or alienating her from the very production created by the activity of her body (Marx and Engels 1986, p. 90), sociologist Georg Simmel emphasized the leveling role money played, particularly when it completely dominated the economy. By reducing the value of all things to a single question—“How much?”—money could become “a frightful leveler—it hollows out the core of things, their peculiarities, their specific values and their uniqueness and incomparability in a way which is beyond repair” (Simmel 1971a, p. 337).

With the advent of complete domination of the economy by money under capitalism, things lose their essential characteristics, as everything can be expressed in terms of monetary value. In this money-driven economy, personal services are likewise expressed in coins and, therefore, in terms of exchangeable objects. A lap dance at Salvation, for example, is worth eight hamburgers at Quartz, a T-shirt from the New Orleans Saints, or two tickets to a show by jazz artist Kermit Ruffins. A “program” with Cilda is worth the equivalent of the monthly salary of a maid or a dinner at the chic restaurant where Cilda once worked for free. From the buyer's point of view, the distinction between all these goods and services depends mainly on the buyer's desire for consumption: all their innate qualities are reducible to a comparable quantity through money.

We could continue with this analysis of the concept of objectification through the lens of classical sociology; however, the general positioning of the discipline, at least up

to the first decades of the 20th century, seems to be clear: as societies are transformed via capitalism, urbanization, and the increasing division of labor, interactions between human beings attenuate and end up becoming more utilitarian and fragmented. The bulk of humanity begins to seem more and more as objects, distinguishable only in terms of the different functions they fulfill. The services and products that they do or make are alienable from their person and, precisely because of this alienability, the leveling effect of money, and the utilitarianism of the daily social life of urban capitalism, the individual worker is always in danger of becoming an object in the eyes of those who buy their time. In Durkheim, Marx, and Simmel there is great discomfort with the notion of division of labor and a suspicion that this could end up in the creation of de-socialized human beings who could be easily interchangeable with objects.

Sociological thinkers such as Marx, Durkheim, Weber, and Simmel were haunted (in the sense given to that word by Avery Gordon 2010) by the progressive elimination of a moral organization where work was synonymous with human dignity and close social ties made sense of individual existence. They feared the effects of urbanization and capitalization precisely because these threatened to eliminate the old moral order while threatening to reduce the human being to a small cog in the production machine. The nightmare of exploited and alienated man-machine object permeates the essays of these classic sociological thinkers.

As we have mentioned above, *objectification* is also a catchphrase of the second wave of feminism that developed out of the 1960s. In particular, it is employed by prohibitionist and anti-porn feminists to indicate the effect that prostitution is supposed to have on the bodies and beings of the women who sell sex. Used by classic radical anti-porn feminists such as Catherine MacKinnon (1989) and Andrea Dworkin (1987, 1989), but also by more moderate thinkers such as Martha Nussbaum (1995), the concept is generally employed to indicate attitudes or practices that treat human women as utilitarian objects to be exploited. In the context of sexual objectification, it indicates the practice of treating women as an instrument for the gratification of male sexual desires: a means to an end rather than an end in itself.

Something of this understanding can be seen in Laura Mulvey's approach to the psychology of the male gaze in her critique of how women are portrayed in cinema (2009). Mulvey and other Lacanian-influenced feminists do not seem to grapple with are the other ways in which supposedly subordinate Others are rendered invisible. Mulvey's analysis, in particular, does not seem to engage with the fact that only *certain* female bodies are hyper-sexualized: precisely those of women who appear to activate male castration anxieties. This, in turn, implies that the presence of said female bodies must be recognized as potentially having power over the man in question. They evoke, in short, the fear of punishment from mother (or father) figures. It is not the "mere presence" of any woman on screen that leads to her oversexualization as a male subversion and defense.

Hollywood is full of non-sexualized women which Mulvey—let alone the putative male spectator—does not even appear to consider to be women—or even fully human—per se. These are the legions of female extras who play the roles of maids, cooks, educators, etc. They can be sexualized, yes, but only to the degree that they are even considered at all as part of the story. It shouldn't be a surprise that so many of these "non-extant" characters are not white or are marked by other indicators of alterity. Employing Mulvey's theories on sexual objectification and the male gaze, one can clearly see why Scarlet O'Hara must be sexualized. How do her theories account for Mammy? Female laborers in traditional cinematography are so instrumentalized by class and race-infused gazes that they often do not even register as women. This is an "objectification" that goes quite beyond sexualization and the Freudian and Lacanian theories that support Mulvey's analysis. It is also the sort of "objectification" that our Brazilian and American sex-working informants repeatedly point to when they talk about leaving "worse" jobs for sex work.

Black feminists seeking to recover black women's sexual agency have questioned the presumption that sexual objectification is the *nee plus ultra* of female degradation. Mireille

Miller-Young's work (Miller-Young 2014) has investigated black female sexuality in the context of the production of pornography, revealing its ambiguities as both a "weapon of the weak", a form of self-affirmation, and a means of reproduction of sexualized black stereotypes. Ariane Cruz (2016) has likewise explored how black female performance in sexual labor (in the context of the production of BDSM pornography) is likewise not simply identifiable as "objectification" but is rather a complex and mutable negotiation and even a contestation of power. Our own work in this field—spearheaded by Da Silva (Da Silva and Blanchette 2017)—has shown how "sexual objectification" ("being forced to work like and with men", in the context of racist and engendered labor in rural Rio de Janeiro can be preferable to retaining female bourgeois respectability, creating for the women who choose this path greater opportunities for power and wealth accumulation than the poor or unpaid labor performed by the women who are not sexually objectified on the silver screens Mulvey analyzes.

Following feminist Elizabeth Schussler-Fiorenza's intersectional analysis of kyriarchy in classic Greek patriarchy (Schussler-Fiorenza 1992), Da Silva characterizes the kind of feminism that fears sexual objectification as the worst sort of degradation as *madame feminism*: the feminism of the (ex)slave-holding class. As the (mostly brown and black) menial laborer and sex worker experiences Da Silva collects in her fieldwork indicate, to be paid to be "sexually objectified" is often a large step up for women who otherwise are only objectified for their brute labor power, precisely in the manner Rial describes fast food workers as being objectified, above (Rial 1997).

It is in this context that one should remember the old racist and sexist Brazilian folk saying reported by anthropologist Gilberto Freyre, which neatly lays out the hierarchy of objectifications available to women in colonial Brazil: "White women for marrying, mulata women for fucking, black women for work" (Freyre 1933, p. 48).<sup>5</sup> As we have pointed out elsewhere (Blanchette and Da Silva 2018), for women in the lowest reaches of Brazil's economy, often the only liberty available—and the only means to possibly construct a better future, escaping this tripartite destiny—is to be able to shift oneself from one to another of these positions, more or less at will. We thus believe that "Sexual objectification" as it has been conceived of by feminists such as Mulvey can only be understood within the contexts of other engendered forms of intersectionalized objectification within the constraints of a greater theory of labor objectification, such as those explored by Alan Soble (2002, 2003).

The employment of objectification as one of the worst forms of degradation women face has been criticized by feminists from the sex positive school (for example, Camille Paglia (1992), Alan Soble (2002, 2003); Evagelia Papadaki (2007, 2010), but it remains one of the most popular concepts of feminism, as recent publications by essayists and journalists such as Ariel Levy (2005) and Robert Jensen (2007) and the constant use of the term in the feminist blogosphere testify.

According to the philosopher Evangelia Papadaki (2007, 2010), this feminist appropriation of *objectification* has its roots in the idealistic and pre-capitalist philosophical thought of Immanuel Kant (1724–1804). According to Papadaki, MacKinnon and Dworkin and their followers describe sexual objectification and exploitation in terms that are very similar to those used by the German philosopher. They portray it a process that involves treating a woman as a mere instrument for the purposes of male exploitation, in such a way that the woman is reduced to status of an exploitable object. Papadaki points out that for Kant, Dworkin and MacKinnon, "objectification involves treating a person as if they were an object (a mere sexual instrument), in such a way that this leads to the reduction of the individual in question to the status of a thing to be used (a lemon, a steak, a glass). For all these thinkers, then, objectification therefore constitutes a serious damage to a person's humanity" (Papadaki 2007, pp. 340–41).

Interestingly, Kant also provides the basis for the classical sociological understanding of prostitution, created by Simmel (1971b), which adds to the German philosopher's thoughts on the notion that the degrading and leveling nature of money reinforce the

objectification of the prostitute. Simmel, in turn, has been a touchstone for later generations of sociologists trying to come to terms with the sale of sex.

Given Immanuel Kant's contributions to both the classical sociological and second wave anti-porn feminist views of prostitution—both of which have heavily influenced laws against sexual exploitation—we thus need to turn to Kant and ask what he thought about sex and objectification?

Immanuel Kant was born in Königsberg, in East Prussia in 1724 and became one of the best known founders of German Idealism. The East Prussia of Kant's day still largely followed the rhythms of the pre-capitalist world and, during his life, Kant never traveled more than 70 km away from his hometown. Furthermore, even for the time and the place in which he lived, Kant was very singular. In the words of Paul Strathern (1996, p. 12), his life was marked a by sexual repression that reached "heroic proportions", with Kant dying at the age of 80, apparently still a virgin.

Kant's observations on sexual objectification are well known. His basic position can be summarized by the following quotes, from *Readings on Ethics*:

Man has an impulse directed to others, not so that he may enjoy their works and circumstances, but immediately to others as objects of his enjoyment . . . This is the sexual impulse . . . In loving from sexual inclination, [man makes] the person into an object of their appetite. As soon as the person is possessed, and the appetite sated, they are thrown away, as one throws away a lemon after sucking the juice from it . . . [T]here lies in this inclination a degradation of man; for as soon as anyone becomes an object of another's appetite, all motives of moral relationship fall away; as object of the other's appetite, that person is in fact a thing, whereby the other's appetite is sated, and can be misused as such a thing by anybody. (Kant 1997, pp. 155–56)

This is quite a singular view of sex, although perhaps one appropriate to a virgin raised in strict German Pietism, such as Kant. Prostitution is particularly alarming in this ethical construction, so much so that the philosopher qualifies it as the actual physical sale of the body, confusing the person of the prostitute with the "property" her body becomes when she supposedly "sells it" (ibid, idem). Kant gives no reasoning behind his belief that the sale of sex meant the sale of the body: he simply states this as a fact, a priori.

Kant saw the sexual act as being fundamentally unlike other forms of human interaction. It was a totalizing act, in which a human being was literally given to their partner in their entirety: body and soul. Kant's thoughts on this led him to create the concept of *crimina carnis* (Ibid, pp. 160–61), which he establishes as any sexual act not contained within the bounds of heterosexual monogamous marriage. According to Kant, marriage was the only ethical way sexual activity could ethically occur because "if I give myself completely to the other and get the other back in return, I gain myself again" (ibid, p. 158).

But in Kant's ethical philosophy, sexual activity stands in stark contrast to his other claims about the ethical uses of the body. For example, the philosopher thought that it was completely possible for man to "enjoy the other as an instrument for his service: he can utilize the others' hands or feet to serve him, though by the latter's free choice". (Ibid, p. 155). Hiring hands and feet as instruments alienated from a human totality was thus perfectly ethically acceptable to Kant, if everyone gave their consent and *as long those body parts did not do anything sexual*. Using one's hand to cut a gentleman's hair or dress them and receiving pay for this service was not "selling the body" as if it were an object. If the hand were to slip downward and masturbate the same gentleman for filthy lucre, however, the hand mystically becomes something that cannot be separated from the server's self and is qualified by Kant as "selling the body". Note that consent plays no role at all in setting this sort of activity beyond the ethical pale for the old idealist: by essence and nature sexual acts transform the self into a body that can only be given in its totality. The sale of such an object would thus, obviously, be slavery. To profit from the sale of such an object would be exploitation akin to the sale of slaves.



Papadaki follows Barbara Herman in trying to explain this division in Kant's thought, appealing to the fact that the philosopher was concerned with instrumentality and feared that sex could allow a person to be treated as a mere means for the ends of their lover, and not as an end in themselves. "For Kant", she explains, "objectification meant seeing a person as an 'object, something that could be used'" (Papadaki 2010; Herman 2002, p. 57). We agree with this understanding of Kant, but the basic question still remains: why does the danger of objectification exist in sex, but not in the more general "enjoying the other as an instrument of service"? This question takes on another dimension when we consider the fact that Kant treated his manservant Martin Lampe and the members of his family in a way that was arguably extremely instrumentalist (Strathern 1996, p. 40).

According to Papadaki, feminists of the MacKinnon and Dworkin school follow Kant in their understanding of inequality as something that is deeply intertwined with objectification and thus exploitation. In fact, the biggest difference between the positions of these feminists and Kant is that the first group does not understand marriage as a solution to the problem of objectification. According to both Dworkin (1989) and MacKinnon (1985), marriage, under patriarchal conditions, also risks turning women into slaves. In this reading of reality, heterosexuality creates a powerful objectifier and a powerless enslaved victim. Because of this imbalance of power, the first objectifies and exploits the second and the only ethical solution to this dilemma is the imposition of the law (Papadaki 2010).

Our experiences observing sex work in both the United States and in Brazil, detailed above, indicate that power, objectification, exploitation, and sexuality can rarely be understood in such simple and direct terms. Social relationships can and do include dominant individuals who command and others who must obey. However, in none of the jobs observed by us or discussed by our informants could we say that power was absolutely inherent on one side of the social equation and totally lacking on the other. Certainly, then, we need a more nuanced and multifaceted way of talking properly about objectification and the links that this has to exploitation. At the very least, we need to recover the agency of the social actors engaged in labor, be it sexual or not.

Feminist thinkers Nussbaum (1995, p. 257) and Rae Langton (2009, pp. 228–29) have created a way of talking about multiple axes of objectification and power, identifying ten main characteristics of objectification, through which we can employ to analyze a situation as more or less objectifying. These are:

- (1) Instrumentality: the treatment of a person as a tool for the purposes of the objectifier;
- (2) Denial of autonomy: treating a person as if they had no autonomy or self-determination;
- (3) Inertia: treating a person as if they had no agency;
- (4) Fungibility: treating a person as if he were interchangeable with other objects;
- (5) Violability: treating a person as if they did not have integrity over the limits of their own body;
- (6) Ownership: treating a person as something that can be sold or bought by others;
- (7) Denial of subjectivity: treating a person as if their feelings do not need to be taken into account;
- (8) Reduction to the body; identifying a person with their body or parts of their body;
- (9) Reduction to appearance: treating a person mainly in terms of how they appear to the senses;
- (10) Silence: treating a person as if they were unable to speak.

To the degree that exploitation increases with the objectification of human beings—a proposition that the classical sociological thinkers and today's prohibitionist feminists would almost certainly agree with—we can thus say that a form of labor that requires or encourages more of these characteristics is more morally exploitative, independent of the strict Marxist definition of exploitation. This would allow us to create an ethical understanding of exploitation that is neither strictly historical-materialistic, nor defined by the Christian sensibilities of an 18th century male pornophobe.

Such comparisons' needs must be strictly ideographic and not nomeothetic, however. Assessments will vary, often wildly, according to the specific situations compared. In terms of what we observed in New Orleans, for example, we would say that the stripper is less objectified in according to characteristics 1, 2, 3, 4, 6, 7 and 10, but that the fast food worker has an advantage in 5, 8 and 9. We have visited other strip shows in Brazil and the USA; however, where the stripper's advantage over the fast food worker, in terms of exploitative objectification, would fall dramatically.

Another problem with the Nussbaum and Langton's list is that, although it intends to offer a "universal ruler" through which we can measure and attest to levels of objectification (and thus, presumably, of exploitation), such evaluations will inevitably be subjective. How to understand, for example, the fact that Katherine Frank, in her persona as "Kate the stripper", knows how to scan a room full of men and evaluate who is most likely to buy a lap dance and what attitude she should adopt to maximize her returns? Who is more "inert" or without agency in this situation? The seated man, whom Kate correctly evaluates as being a paying customer, or Kate because she will need to dance for this man in order to earn money? Who has more power: the customer who talks about his life nonstop, or the dancer who pushes him to speak so that he will spend more money on drinks and dances?

There is no way to answer these questions universally and objectively without stipulating, a priori, a set of moral conditions that would necessarily be rooted in a given socio-economic, political, and cultural position within the world. Nussbaum and Langton intend to offer us a cross-cultural scheme to measure and compare objectification, but only someone created within a certain worldview could believe that the content of words as "property" and "autonomy" was evident and panhuman.

Perhaps for these reasons, the debate on sexual objectification and exploitation has remained, in large proportions, in the same spot for almost two centuries now, at least within mainstream feminism and certainly within what Elizabeth Bernstein calls "carceral feminism" (Bernstein 2007) and (more optimistically) Janet Halley "governance feminism" (Halley 2018), both of which greatly overlap prohibitionist feminism. Halley questions why "governance feminism" so often appears to end up generating non- or even anti-feminist policies:

Many feminist visions of emancipation have been left at the station when various governance trains took off: what Kerry Rittich calls the "selective engagement" of feminist ideas into governmental power has left some diamonds in the dust. Sometimes selectivity so overwhelms engagement, or defeat so swamps success, that—despite feminists' best efforts—a governance project simply should not be described as feminist at all. Sometimes the result will be vaguely recognizable but so alien, so transformed by adverse political forces, that the best possible term for it might be Nancy Fraser's designation of feminism's "strange shadowy version", its "uncanny double". Figuring this out without evading responsibility is one reason to study GF. It is an invitation precisely to take stock of the inclusions and exclusions—and the upsides and the downsides—across their full range. (Halley 2018, p. xi)

What seems missing in Halley's contemplation of feminism's "uncanny double" is that it is not at all uncanny for the kinds of women who are not recognized as women on Mulvey's silver screen: it seems, in fact, inevitable. We would argue, based on data, that the kind of feminism that arrests prostitutes to save them is, in fact, the expression of certain race and class interests. There is no mystery here, let alone a putative doppelganger of feminism: feminisms respond—and has always responded—differently to the different moral interests generated by different ways of living in the world, according to different axes of distribution of privileges and exclusions that extend far beyond "woman" as a marker of alterity.

Without a priori morality, it is impossible to respond to Nussbaum and Langton's list properly. If you follow a Christian, Kantian, and/or prohibitionist feminist orientation, sexual activity is, ipso facto, defined as a radically separate area of human experience



which cannot be considered as work because it cannot. On the other hand, if you are a libertarian, liberal, and/or anarchist feminist, it is difficult to see in sex an activity that must be segregated from the market. In a social universe that has already alienated the sex from the human body, using sex to sell everything from automobiles to cubic zirconia, it seems ridiculous to say that an adult cannot decide to sell sexual services of their own free will.

Neither of these two positions, however, are very attractive to sex workers themselves, who are in the most precarious trenches of the class/race/gender battlefield, given the structural limitations imposed on female labor by a still patriarchal late-capitalist and racist socio-economic system. Faced with a structurally limited horizon of possibilities, they must choose between forms of labor which few of them would probably opt for, given the proverbial magical lamp and three wishes. Those who seek to create laws and regulations that limit the exploitation these women are subject to need to understand, however, that sex workers do not see this form of labor as “the last resort in the face of misery and exploitation”: they see it as a possible way out of misery and exploitation. Working in Quartz, being a dependent housewife, being a maid: these are the jobs understood by our sex working informants as “the last resort”. The narratives the women offer of these jobs and our observations of their cycles through them convince us that sex workers are not operating under some false consciousness, PTSD, or—more dramatic still—under the mental control of all-powerful pimps when they assess their lives in this fashion.

The central problem of the debate about sex work and exploitation is that it takes as its base a pre-capitalist notion of sexuality and humanity while ignoring or disqualifying as “unreal” the real choices made by real people under the real conditions of late capitalism or understanding these as the fruits of “false consciousness” (or of an inadequate relationship with Christ, etc.). The problem is, with the advent of capitalism as a global and hegemonic system, “objectification” becomes an inherent danger of work and the exploitation of the working class is generalized. Whatever the mitigating factors seen by Marx or Durkheim that militated against the absolute reduction of the working human being to a mere tool of production, the fact of the matter is that the logic of capitalism, monetarism and urbanization trends towards this absent organized struggle by the workers themselves.

This, then, is the synthesis that the growing Spanish and South American *putafeminismo* (Blanchette and Da Silva 2018) offers to this century old debate regarding exploitation, objectification, and the law. In its understanding of women as workers, labor as engendered, sex as integral to work, and work as integral to sex, putafeminismo creates the necessary ideological and moral pre-conditions for sex working women to organize themselves as a class—if not in the Marxist sense, then at least in the Weberian sense—and fight for positions in decision-making as stake-holders in Halley’s brave new world of “governance feminism”. Only in this fashion can laws which sex workers themselves recognize as just be created to reduce the exploitation they—and more generally working class women—currently struggle against.

It seems to us that the only way to properly reform prostitution law is via the same means which labor laws in general have been reformed in the west: through the political inclusion of self-organized sex workers at the decision-making table. We thus feel that feminists involved in “governance feminism” must put aside the hitherto hegemonic Kantian notion of “objectification” in their contemplation of “sexual objectification” and grapple with a more generalized “labor objectification”, particularly as this is experienced by marginalized women who are currently excluded from many feminist discourses, most particularly within the realm of governance. To this end, it should be a feminist goal to nurture, support, and cultivate sex worker organizations as political actors.

**Author Contributions:** Writing—original draft, T.B. and A.P.D.S.; Writing—review & editing, G.C. All authors have read and agreed to the published version of the manuscript.

**Funding:** This research received no external funding.

**Institutional Review Board Statement:** Ethical review and approval were waived for most of this study as it did not involve human or animal subjects and it followed the Brazilian Anthropological Associations' guidelines for ethical research among human subjects. Interviews, conducted while collecting life and work histories during the run up to the 2014 World's Cup and 2016 Olympic Games in the state of Rio de Janeiro, were vetted by the Federal University of Rio de Janeiro, Macaé's Ethics in Research Committee, with the project enrolled on the Federal Government's ethics in research platform, the Plataforma Brasil, as CAEE# 55633816.8.0000.5699.

**Informed Consent Statement:** Informed consent was obtained from all subjects involved in the study.

**Data Availability Statement:** All data is held in confidence by the authors.

**Conflicts of Interest:** The authors declare no conflict of interest.

## Notes

- <sup>1</sup> *Prohibitionism* is distinguished from *abolitionism* in the sense that the later seeks to create socio-economic conditions in which sex work is abolished without subjecting women to hardship or stigma. Meanwhile, *carceralist* prohibitionism seeks to use the State's repressive power to attack sex work without great concern for the effects this may have on sex workers, understood to be criminals, sex/gender traitors, or agencyless victims in need of State-remanded professional tutelage and "reform". We see this prohibitionist feminism to be well represented in the present generation in the works of Sheila Jeffreys, Melissa Farley, and Julie Bindel, among others, not to mention in the phenomena of so-called "right wing feminism" or woman-agencied anti-feminism, such as that being promoted by many Christian women's groups, not to mention Brazil's current minister of Human Rights and the Family, Damaris Alves.
- <sup>2</sup> We have consciously changed from the ethnographic present to the past here because the *sin qua non* of ethnography—sharing time (Fabian 1983)—was literally impossible with the highly mechanized and objectified Quartz workers.
- <sup>3</sup> The name of this city has been changed to help protect Cilda's anonymity, as it is a small town.
- <sup>4</sup> We emphasize *women* here, because these prohibitionist thinkers rarely recognize men as prostitutes and, when they do, seem to be almost entirely uninterested in discussing male sex work as exploitative.
- <sup>5</sup> "Branca para casar, mulata para foder e negra para trabalhar".

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Article

# “Sexual Exploitation” as a Logic, and Its Effects of Power in Contemporary Brazil

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**Abstract:** The present article analyzes the category of “sexual exploitation” based upon the practices that are generally pointed to as part of this category, paying particular attention to its implications and effects on the lives of adolescents and upon state, social movement, and academic abilities to understand the social relationships framed by this category. Our analysis is based on ethnographic fieldwork carried out between 2010 and 2015 among state agents and youth in the sex markets of two Brazilian cities in the Amazon border region. Our empirical data are connected to national and international literature, institutional documents, and our participation in educational activities regarding “sexual exploitation”. Our work indicates that “sexual exploitation” has been institutionally constructed as a poorly defined device that mobilizes conservative moralities regarding youth, sexuality, money, mobility, and gender experimentation. We also find that the youth involved in sex markets do not recognize the legitimacy of the policies carried out in the name of “combatting anti-sexual exploitation”. We conclude that the performative production of “sexual exploitation” as a logic of governmentality feeds back into an institutional grammar of distancing, perplexity, immobility, and excuses. This grammar does not contemplate—let alone care about—the gender experiences, sexualities, economic lives and affective troubles of the youth it targets for surveillance and tutelage.

**Keywords:** governmentality; sex work; adolescents; anthropology; state; excuses; Amazon



**Citation:** Olivar, José Miguel Nieto, and Natália Farias. 2021. “Sexual Exploitation” as a Logic, and Its Effects of Power in Contemporary Brazil. *Social Sciences* 10: 41. <https://doi.org/10.3390/socsci10020041>

Academic Editor: Cecilia M. Benoit

Received: 4 December 2020

Accepted: 18 January 2021

Published: 27 January 2021

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## 1. Introduction

In an influential Brazilian book on “sexual exploitation” written by authors who present themselves as researchers, defenders of the rights of children and adolescents, and agents of the justice system, one reads the following:

*These agents, who are the “guardian angels” of children, end up being confused with the agents of repression who remove the “underaged” from the street and send them somewhere else, as some interviews presented here point out. In some cases, [Youth] Guardianship Councils are unconnected, from the language, practices, and imaginations of the children and adolescents involved in sexual exploitation networks. Often, these [two] worlds are split apart and become remote [from each other]; producing more fear and increasing the distance between institutions and the logic of the street<sup>1</sup>.*

This reflection by the self-proclaimed “guardian angels” directly relates to the analyses we present in the text below. In attempting to “Understand Exploitation in Consensual Sex Work to Inform Occupational Health & Safety Regulations”, we unpack the category of “exploitation” in sex work and sex markets in a specific way. Feminist scholar Adriana Piscitelli (2012) highlights three main notions of “exploitation” at stake in Brazil during the 2000s: (1) “sexual exploitation” mobilized by neo-abolitionist feminisms, in which sex work

<sup>1</sup> The purpose of this quote is not to denounce or emphasize anyone’s personal position, but to exemplify a trend. For this reason, we have maintained its authors’ anonymity.

is always understood as exploitation; (2) economic “exploitation” and sex work mobilized by sex workers, and (3) a second version of “sexual exploitation”, understood as forced prostitution and defined within the framework of the project to change the Brazilian penal code (Senate Bill 236 of 2012). Overarching and underpinning these three notions, however, there is another conception of “sexual exploitation”, hegemonic in the concrete attempts to fight it conducted by the Brazilian state and its civil society allies. It is this fourth concept that we will analyze below. In this view of the phenomenon, “sexual exploitation” is mainly employed as a legal and political resource to label sexual and economic transactions between adults and youth aged 14–17.

Adopting an anthropological approach towards the state, public institutions, and governmentalities, we look at the ways in which the practices of the different agents who “struggle against sexual exploitation” produce this fourth category. We investigate some of the effects this category has on the framework of the management of inequality that dominates Brazilian law enforcement and social work. The citation above presents us with a challenge in terms of understanding “sexual exploitation” as a category that supposedly relates to two different “worlds” marked by fear and distance: the world of “institutions” and that of “street logic”. This employment of “sexual exploitation” pushes us to think about the relationship between these supposedly separate worlds and the ways in which they are actually socially (co)produced.

Many criticisms have already been made regarding the concept of “sexual exploitation”. In some cases—particularly the self-criticisms of actors and institutions that seek to combat the phenomenon—these seem to be excuses<sup>2</sup>. Our purpose in the present work is not so much to criticize, in the traditional sense of the term (Latour 2008), but to analyze the implications and effects of “the struggle against sexual exploitation” on the sexual/economic lives of adolescents.<sup>3</sup> We also seek to interrogate state, social movement, and academic capacities to understand these so-called separate and remote worlds.

To begin with, we will briefly situate our research. It is important for readers to understand that our work took place between 2010 and 2015 when the center-left Workers’ Party had control of the federal government, and human rights were still a part of the Brazilian state’s political grammar. 2015 is remembered in Brazil as the year of the “soft coup”, which opened the doors for today’s extreme-right regime. We then introduce readers to the “institutional sphere”, where the logic of “sexual exploitation” produces categories, laws, norms, government actions, agents, jobs, knowledge, and worlds. Finally, we will look at the “logic of the street”. Here, we are not concerned with focusing on the practices and beliefs of the youths involved in sexual markets (Olivar 2008, 2014, 2018) or identifying practices of “exploitation” or power imbalances that may contribute to “exploitation”. Instead, we focus on presenting the street as a point of view from which one can usefully perceive the “institutional sphere” of the state itself<sup>4</sup>.

## 2. Materials and Methods

This article has its roots in postdoctoral anthropological and ethnographic research, carried out by Olivar between 2010 and 2017 when he was institutionally located at the Pagu Gender Studies Nucleus of the State University of Campinas (São Paulo/Brazil). This research initially focused on understanding sexual markets (relations between sex, gender,

<sup>2</sup> Elsewhere, Olivar (2016a) has called attention to the need to pay more attention to these criticisms. See also Landini (2006), Diógenes (2008), Blanchette and Silva (2016). “Excuses”, sympathy and self-regret in the bureaucratic field have been studied by authors such as Das (2007) and Sontag (2003) (although in different ways), particularly with regards to their relationship with pain, violence and suffering. Sontag takes a more accusatory approach while Das approaches “excuses” by attempting to understand the illegibility of the state (Das 2007, pp. 162–83).

<sup>3</sup> We do not refer here to children in the legal (under 12 years old) or psychological sense, nor in terms of self-definition. Here we are talking about people who are legally and socially understood to be youths and adolescents. This differentiation is extremely important, as if we were working with children, this would imply other types of methodologies, approaches, theoretical discussions, and legalities.

<sup>4</sup> We rely on a theoretical framework that provides analytical resources to perceive these exercises of power (state policies, projects, and governmental practices) from their logical, embodied, and territorial margins, as well as the conflicts and contradictions they create (Das and Poole 2004; Asad 2004; Sharma and Gupta 2006).

and money) in two cities along the Amazonian border between Brazil and Colombia: Tabatinga and São Gabriel da Cachoeira<sup>5</sup>. “Sexual exploitation” was not a central category in this research, but it gradually gained more importance as the projects matured. This was initially the case because the research was institutionally linked to a project collecting information on “trafficking of children and adolescents for sexual exploitation” along the triple border of the Brazilian Amazon (Brazil, Colombia, Peru). The research was funded by the Federal Human Rights Secretariat and carried out by a non-governmental organization (NGO) from São Paulo. “Sexual exploitation” became more important as a category when Olivar began the difficult process of “entering the field” in Tabatinga (AM). He quickly met many young (often under 18) women (cis), “gays”, and trans people who engaged in “transactional sex” (Hunter 2010; Groes-Green 2013)<sup>6</sup> (Olivar 2014). Olivar conducted ethnography together with these young people between 2011 and 2015. During this process, the universe of policies and anxieties regarding governmentality and sexual/economic dynamics ended up situating “sexual exploitation” and the participation of underage subjects in sexual markets at the center of Olivar’s analysis.

The present analysis does not focus on a particular locality, nor even a regional context (i.e., the Amazon). We will not go into depth describing the social and historical context of the Brazilian Amazonian border and its relations with sexual markets, as this has already been done elsewhere (Olivar 2014, 2016b, 2018). We will provide some contextual information, of course, but mostly the present article seeks to place the ethnographic research conducted in certain Amazonian cities in relation to the disputes and legal and discursive transformations in the field of sexual policies in Brazil, specifically with regards “sexual exploitation”.

There is a vast body of socio-anthropological production in Brazil regarding “prostitution” and sex work. Research on “sexual exploitation” of youth and the participation of underage people in the sexual markets is still rare, however. What exists are usually non-scientific studies or essays (Deslandes and Constantino 2018). Those who read, work, study, or otherwise “deal with” sex work involving adults tend to avoid talking about the participation of underage individuals in sexual markets. We believe that this silence is in itself an effect of the logic of “sexual exploitation”. As several authors have shown (Montgomery 2001; O’Connell Davidson 2005; Mai 2007; Schuch 2009; Warren 2012), the global children’s rights movement appeals to emotions that evoke a specific vision of a “universal childhood” (Montgomery 2001; Vianna 2002).

This epistemological outlook of “universal childhood” and “sexual exploitation” is, in fact, partially connected with social and political mobilization in favor of sex workers’ rights, which tends to reinforce the view that 18 years of age is the legal limit for sex work. In the Brazilian context, “sexual exploitation” was established as a legal category after the insertion of Article 244-A in the Children and Adolescents’ Statute (Estatuto de Crianças e Adolescentes -ECA, from 1990) in 2000. This defined sex work/prostitution as a crime when it involved anyone under 18. This definition not only created a specific legal typification, but it also has drawn a legal, conceptual, and nominal boundary between the exchanges of sex for money carried out by older people and those conducted by youths under 18. As a result, thinking about these practices in terms of exchanges, work and rights has been pretty much something that has exclusively focused upon adults.

<sup>5</sup> The *Sex markets in cross-border territories: gender and circulation on the Brazil-Colombia border* (Gender Studies Center Fapesp #2010 / 50077-1) and the *Gender in Frontier Territories in the Brazilian Amazon Project* (Young Researcher Fellowship Fapesp #2013/26826-2) postdoctoral projects, both situated at PAGU-UNICAMP—Campinas, SP, Brazil. As of 2018, the research continued, now based at FSP/USP, with the *Through the limit: differentiation, relationship and care practices in critical contexts in the Amazon frontier—emphasis on sexuality, gender, life cycles and ethnicity*, Project (FAPESP #2019/01714-3). It has since progressed along other theoretical and methodological paths. One of these culminated in Farias’ work, the *Sexual Exploitation of Children and Adolescents—“Review of Health Brazilian knowledge production and Implications for Care” Project* that will also be important in the present article.

<sup>6</sup> Hunter employs his research in Africa to create the notion of “transactional sex”, indicating exchanges of sex and money that are more or less systematic, but are also not congruent with the notion of institutionalized notion of sex work nor “prostitution”. Groes-Green (among others) has employed this category with regards to young people.



The distinction between “prostitution” and “sexual exploitation” is very important. In the early 2000s, a narrative closely linked to the emergence of the prostitutes’ movement<sup>7</sup> was the claim that anti-sexual exploitation activists were “talking about sexual exploitation, not prostitution” when they described youths exchanging sex for money. The distinction between sex work and sexual exploitation in the Brazilian penal code was extremely important (was because—as we shall see later—this distinction would become blurred by 2009), as it made sex work legally possible when practiced by adults. This distinction also freed the prostitutes’ rights movement from having to deal with the extremely polemical issue of youth sexual rights. The political category of “prostitution”, as it has been mobilized in Brazil, has thus been tied to the concept of “sexual exploitation” since at least the 1980s, if only by the need to differentiate one from the other. Older militants of the sex workers’ rights movement remember a former legal definition—“prostitution of girls”—as being feeding the existence of active and strong pimps in the sexual economy during the 1980s and early 1990s. This was the same period that the concept of “sexual exploitation” began to emerge on the global stage. The sex workers’ movement of this period supported the criminalization of pimps and stood against the system of erotic/labor/commerce that, at least discursively, was centered on “girls” (Olivar 2010). Many prostitutes’ organizations in Brazil are still in full agreement with the policy of repressing the “sexual exploitation of children and adolescents”. Many of these organizations have even participated in actions, projects, or committees that seek to “rescue”<sup>8</sup> or repress teenage girls and boys who offer sexual services (Olivar 2010; Luna Salles 2015).

Finally, it is worth noting that in the course of the 20th-century, analyses of “sexual exploitation” have been cross-cut by and conflated with a vast critical production regarding “human trafficking” and “sex tourism”. This has fed regulatory and normalizing mechanisms and discourses regarding sexual markets and migration in Brazil (Piscitelli 2008, 2013, 2015) and in the world in general (Kempadoo 2005, 2007, 2015; O’Connell Davidson 2012; Agustin 2007; Bernstein 2010; GAATW 2011; Warren 2012; Cheng 2013; Varela 2015). “Sexual exploitation” has become a globalized logic through this process. The concept of “sexual exploitation” thus has a particular genealogy and has expanded through its very undefinition, becoming a pillar of symbolic meaning preceding any “rescue” intervention, no matter how poorly conceived or how much “collateral damage” it generates in the lives of those it purports to save.

More recently, Farias (2019) participated in a review<sup>9</sup> of Brazilian literature on sexual exploitation in the area of Public Health, analyzing 13 articles. This showed the sector’s biomedical view regarding sexual exploitation. Imperative in this approach is the perception of adolescents (particularly girls) as simple victims of violence—a view that is coupled with a complete lack of recognition of adolescent agency, as well as the lack of a specific methodology for dealing with the problem.

### 3. Results

We have divided our results into two parts. In this first section, we describe the “separate and distant” world of the “institutional sphere”. In part two, we engage with the “logic of the street”.

<sup>7</sup> The Brazilian sex workers movement has preferred use of the words “prostitute” and “prostitution” (and more recently “whore”) as a combative way of dealing with stigma and of creating a more situated, complex, ambiguous, and sexualized field of political struggle (Olivar 2010; Murray 2014). We thus occasionally opt to use “prostitution” instead of “sex work” in various parts of the present text.

<sup>8</sup> “Rescue” is a classic, almost folkloric concept, in the universe of sex work. It refers to individual or institutional actions aimed at “removing” or “saving” someone from sex work, “trafficking”, or “exploitation”. Regarding the “rescue industry” see Agustin (2007).

<sup>9</sup> “Sexual Commercial Exploitation of Children and Adolescents: a review of the production of scientific Public Health knowledge and the implications for care”, a paper presented at the USP International Scientific and Technological Initiation Symposium, 2019.



### 3.1. The “Institutional Sphere”

The logic of sexual exploitation we are describing is fundamentally based on Foucauldian notions of governmentality and capillarity<sup>10</sup>. It allows us to access the ways in which the “institutional sphere” is produced by its agents and to perceive the legal frameworks that sustain this sphere. It also allows us to understand how this production follows paths of expansion and (in)definition that characterize the fundamental understanding of sexual exploitation that is present within this institutional sphere.

“Sexual exploitation” first appeared as a category in the UN Convention on the Rights of the Child in 1989, referencing “prostitution”, pornography, and other sexual practices with people under 18 years of age—practices which were understood to be illegal (Lowenkron 2012, p. 69). The NGO End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT) played a key role in the global consolidation of an agenda of combating “sexual exploitation”. The empirical basis for this agenda was an increase in sex tourism in Thailand after the Vietnam war, which included cases of “sexual abuse” of children by foreign men (Lowenkron 2012, p. 70)<sup>11</sup>.

In 2000, Article 244-A was inserted into the Brazilian Statute of Children and Adolescents (the 1990 legal code governing the rights of children and adolescents), establishing “sexual exploitation” as a legal category. An important epistemological decision was made in the juridical field at this moment: sexual exchanges performed by minors stopped being seen as a form of labor exploitation (“the worst form of child labor”) and began to be described as sexual violence against children (García 2010).

In the field of children’s rights in Brazil, the fight against “exploitation” has been increasingly concentrated at the federal level, particularly since the founding of the National Plan to Combat Sexual Violence against Children and Youth in 2000 (SDH 2013)<sup>12</sup>. Even though “exploitation of children” and “rape of vulnerable persons” legally constitute different crimes under the Brazilian penal code (economic exchange defines exploitation), at the political level, they have become confused. Conceptualized as “violence”, “exploitation” is coupled with “abuse”, leaving the boundaries between these two categories open to discretionary manipulation:

*In this document, sexual violence, expressed in two ways (sexual abuse and sexual exploitation) is understood as any act, of any nature, that violates children and adolescents’ human right to sexual development; an act practiced by an agent who has an unequal position of power and development as compared to their child and adolescent victims. (SDH 2013, p. 22)*

The execution of anti-sexual exploitation policies is also conducted at the state and municipal levels by the executive and judicial spheres. In addition to justice and public security institutions, municipal human rights and social assistance bodies (such as the Guardianship Council and the Specialized Reference Center for Social Assistance (CREAS)) have taken on responsibility for implementing the new policies. Today, state public prosecutors have adopted a local enforcement role, both in terms of receiving complaints and conducting investigations and in terms of organizing educational and awareness-raising activities. Additionally, academic and research groups, NGOs, churches of different affiliations, and private philanthropic groups have become agents in the operational production

<sup>10</sup> Foucauldian ideas associated with the author’s reflections on “power” as an exercise and on the practical conditions of the possibilities facing the state. Its methodological employment here indicates that special attention is being paid to the appropriations and reworkings of the techniques, speech, and knowledge of power that different agents employ, as well as to the effects of these (Foucault 1980a, 2008; Lemke 2000).

<sup>11</sup> For a global-scale comprehension of “children” in sex markets, see O’Connell Davidson (2005). On the history, definitions, and regulations of sexual exploitation in Brazilian, Colombian and Costa Rican contexts, see García (2010).

<sup>12</sup> From the end of 2015, the SDH became part of the Ministry of Women, Racial Equality and Human Rights. It was further transformed into a special secretariat in the Ministry of Justice in 2016 by the interim government of Michel Temer. In 2019, the government of Jair Bolsonaro created the Ministry of Women, the Family and Human Rights, which was given as a political concession to the most reactionary conservative Christian right-wing groups in the government under the leadership of Damares Alves (a lawyer, long-term politician, and evangelical pastor).

of the anti-sexual exploitation field, as has been documented by the recent book edited by Deslandes and Constantino (2018).

In August 2010, Olivar participated in a training program offered by an NGO involved in this complex network of (non)governmental interactions. The NGO was charged with developing the aforementioned project on “trafficking of children and adolescents for the purposes of sexual exploitation” along the Brazilian Amazon’s triple border of the “Arco Norte”. The 1988 Federal Constitution, the Brazilian penal code, the UN’s Additional Protocol to the United Nations Convention against Transnational Organized Crime Concerning the Prevention, Repression and Punishment of Trafficking in Persons, Especially Women and Children, and the Statute of Children and Adolescents (Law 8096 of 1990) were presented as the fundamental legal foundations upon which the concept of “sexual exploitation” rested, and its links with “human trafficking” were explained. Within this framework, the NGO’s team described the three pillars (derived from the Federal Constitution) that support the Brazilian Statute of Children and Adolescents and its governing policy: (1) children and adolescents are an absolute national priority; (2) children and adolescents are “subjects of rights”; and (3) children and adolescents are situated in a “peculiar condition of development”.

These three pillars allow us to understand the logic of “sexual exploitation” in Brazil and the notions of rights that are mobilized in its name. They allow us to perceive the imagined nature of the subjects of sexual exploitation in their “peculiar condition of development”. Who are these subjects? How are they seen and imagined in the practices of fighting sexual exploitation? What rights are people talking about here? Which ethical, philosophical, and affective forces are mobilized in their name? In addition, finally, what are the implications for these subjects when they are labeled a “national priority” and situated as being within a “peculiar condition of development”?

In the case of the training conducted in the above-mentioned project, these subjects of rights were imagined as female, vulnerable, and indigenous: inhabitants of the Amazonian border region who were insistently described as being particularly vulnerable to trafficking and exploitation<sup>13</sup>. The localization of these subjects and their imagined embodiment imply global, national, and regional geo-biopolitics in which the main instrument produced to deal with “their peculiar conditions” and “protect” them becomes the “risk map”. This tends to eternalize certain places (countries, regions, neighborhoods) and certain bodies as more vulnerable and/or dangerous and thus demanding intervention.

The idea of “vulnerability” and the need to reinforce guardianship over the “vulnerable” were both on display in a seminar in Manaus (AM) that took place in November 2011 as part of the project described above. They became particularly apparent when participants in the seminar cast doubts on the arguments being presented by a Police Commissioner. This officer explained his views in the following manner: according to the Brazilian penal code (art. 218), if an adult were found to be having sex with a person between the ages of 14 and 17, without offering payment and with no signs of coercion or violence, the police could not arrest the adult nor direct the underage person to child welfare authorities. Participants in the seminar wanted to know if the Commissioner’s views were correct. The event’s facilitator—an important activist in the fight against “sexual exploitation”—made an impassioned appeal to the seminar participants, stating that we could not be satisfied with the application of the law as it stood. Instead, the facilitator favored the construction of an “ethical framework”, the guiding principle of which would be the understanding of the “peculiar condition of development” of people under 18. In other words, according to the facilitator, we needed to understand that these children and adolescents “need protection” and “that a better future should be guaranteed” for them. Thus, the principal point that needed to be defended by the seminar participants was “not the law, but what I want for my daughter”.

<sup>13</sup> See for example, Leal (2002), Torres and Oliveira (2012).

This authoritarian argument reveals the logic underpinning the struggle against sexual exploitation. In words expressed by the seminar facilitator during a moment of tension, the law, evidence-based political decisions, and any principle of adolescent sexual autonomy (Pacheco 2015) have little to no meaning. Guardianship and protection are brought forth as overriding concerns, as well as a desire for restricted conditions of youth well-being, a desire imagined as intrinsic, collective, intuitive, and maternal. The facilitator's position naturalizes a particular vision of motherhood, one associated with the care and responsibility for one's daughters' present and future, as the basis for the construction of public policy. This is not any old "motherhood" embodying and defining this "ethical framework". However, this is one imagined as white, professional, heterosexual, and Christian<sup>14</sup>. In this "maternal management" of politics (Lugones 2012, p. 211), one finds the production of not only a certain type of subject of rights (a politically feminized and infantilized being), but also of the notions of the rights at stake (tutelary rights socially marked by gender, generation, race, ethnicity, social position, geographic location, sexuality, etc.), and of those who are considered to be "responsible" for the management of this tutelage (Vianna 2002).

Another important element is revealed by the facilitator's appeal. In the capillary context of the Brazilian Statute of Children and Adolescents (and, therefore, from the point of view of the struggle against sexual exploitation), these sorts of moral appeals to an "ethical framework" are markedly Christian. In an unrecorded interview conducted by Olivar in 2012, a well-informed employee of the Federal Human Rights Secretariat (who was also an important activist for the rights of children and adolescents in Brazil) commented that one of the biggest problems in the Federal (sub)Secretariat for the Promotion of the Rights of Children and Adolescents was the strong presence of a leftist Catholic morality: "All of these people here come from the Church". He vented about the Subsecretariat's refusal to discuss sexuality or to participate (at that time) in Congressional debates regarding sexual rights and gender among *trans* teenagers.

Until 2015, at least, this sort of religious discourse was mainly Catholic and was not explicit in the law, in official state publications, or in the public speech of the most recognized activists at the national level. It was only apparent in less official spaces, such as in the life or professional trajectories of these activists, in their verbal interventions at events, or in certain internally produced and circulated documents. Furthermore, it was always linked to human rights discourse. For example, in the same book mentioned at the beginning of this text, one of the authors, an educator at an institution for adolescents, states, among other things:

*The important thing is to have religion, insofar as this has the literal meaning of "religare"; of being linked to a divine order, or—as they say in popular language—"to be fearful of God". (. . .) It is through the Catholic religion that children and adolescents in situations of sexual exploitation place themselves in the symbolic space of "believing in something" as a reference for "someone" who can save them. (pp. 63–64)*

If the words of the facilitator of the 2011 seminar situated maternal wisdom as the guiding light for public policy, the fragment quoted above similarly situates policy as being necessarily guided by the fear of a Catholic god.

This "ethical framework" updates a Christian conceptual, symbolic, iconographic, and administrative system that is mainly Catholic in its origins (historically linked to the Ecclesial base communities, pastoral communities, and popular Catholic movements). In the struggle against "sexual exploitation", this framework appears in agent training, campaign funding, advocacy in front of state institutions, the logistical and institutional

<sup>14</sup> In the national plans formulated to tackle sexual violence against children and adolescents in 2000 and 2013, the Strategic Axis promotes this logic. In it, "youth protagonism" comes in last place. (Ministry of Justice 2002; SDH 2013).

support of the Church, and (as Olivar documented in Tabatinga between 2011 and 2015) as victories in municipal Guardianship Council elections<sup>15</sup>.

In this conceptual landscape of rights and subjects, what happens to the sexuality of adolescents, a central element of the “peculiar condition of development” proposed by Brazil’s human rights framework? The “struggle against sexual exploitation” enables a regime of excuses, perplexities, panics, desires, psychological warfare, and criminalization for adolescent sexuality (Carrara 2015). In fact, it silences any discussion *about* adolescent sexuality. It does not discuss or prohibit religious proselytism, however, in which *salvation* and *redemption* end up being defined as preconditions for successfully rescuing youth from sexual exploitation. In this Christian/penal model, there can only be exploited victims and saviors, a distinction marked by vertical inequality, fear/hope, and potential conflicts: in other words, two separate worlds.

*This logic exposes an ambiguity in the way in which children and adolescents’ rights in Brazil are conceived, in which the “other” is only protected insofar as they remain a victim. (Schuch 2009, p. 139)*

Victimhood thus becomes a precondition of accessing the rights guaranteed by the Brazilian Statute of Children and Adolescents, guiding the practical applications of this law. The insertion of transactional sex (Hunter 2010) into this framework creates an even bigger problem, centering “guardians” focus on sex, money and the interconnections between these two things in adolescent lives. In order to become a subject of rights under the terms of the logic of “exploitation”, a teenager who has actively exchanged body-time-sex for money must declare themselves to be a passive victim, a sexual innocent, extremely poor, virtually raped, *reconnected* with God, and obedient to their mother . . . all without receiving anything they can really count upon in return.

Another dimension of this “institutional sphere” (with less direct responsibility in terms of dealing with the problem of exploitation) is the health field. The production of public health knowledge about “sexual exploitation” in Brazil reveals how the logic of exploitation finds technical-scientific, “objective” ways of reproducing itself. Ideas about the *special vulnerability* of children and adolescents (and women), “evidence” about health problems, and relationships between harmful causes and effects are often stated without any basis in solid empirical data. A review of scientific articles in the field of public health regarding the sexual exploitation of children and adolescents in Brazil found no comparative or case studies, nor any research demonstrating the diversity of experiences of adolescents in “sexual markets”. Such research would provide key inputs to allow us to create a better understanding of the potential “health effects” of “sexual exploitation,” and one would think that, logically, they would be among the first studies conducted by public health researchers. The public health literature also does not conceptually discuss the normative categories it employs, much less how these are constructed (“sexual exploitation” is taken as a self-explanatory given, for example). It is even less concerned with the actual experiences, materialities, and conceptualizations of the youth it studies. This type of knowledge production creates what can only be understood as intentional blind spots, which, in turn, reinforce the supposed existence of “unfathomable worlds” in which “sexually exploited” youth are enmeshed (Farias 2019).

“Sexual exploitation” thus operates as a logic connecting different agents and spheres in an expanding movement rooted in fixed ideas regarding the vulnerability, victimization, domination, protection, criminalization, tutelage, and “guardianship”. The expansive force of concept in society at large is rooted in the reproduction of an image of “universal childhood” (Montgomery 2001; Vianna 2002), a reification of a modern Western ideal of what a child should universally and naturally be: a fundamentally asexual being (Elias 1994).

<sup>15</sup> People linked and supported by pentecostal/evangelical churches have been gaining space in the field since 2015, becoming increasingly prominent. From 2015 until today (2020), relations between the state and religion have radically changed in Brazil. We have seen the institutional and political growth of conservative and fundamentalist “evangelical” Pentecostal actors inside all level and domains of the state. Currently, Brazil is under the political hegemony of a coalition of extreme right groups that have a clearly anti-secular project for the nation-state.

This is a white, European, adult, Christian concept that is historically linked to civilizing processes (Elias 1994), the expansion of the bourgeoisie, the creation of biopolitical knowledge/power (Foucault 1980b), and the (re)production of colonial power (McClintock 1995; Montgomery 2001). Furthermore, this logic does not only advance and expand in terms of the age it covers and in its links to race/ethnicity. However: it also proceeds along an engendered axis, as has been shown by Piscitelli (2012).

This politically made universal child is dependent on the erasure of culture and history. It is linked to fragility, to God, and to the mother. Furthermore, it is constantly expanding in terms of its age by its absorption of children, adolescents, “youth,” and even occasionally “young women”. Within this understanding, “youth” is portrayed as an accidental (or tragic) unraveling of the totality that is the “child” (Montgomery 2001; Landini 2006; Mujica 2013; Olivar 2016a). The subject of law in the struggle against “sexual exploitation” thus becomes defined as “the child”, whose social materiality—their ethnic or racial belongings, socioeconomic conditions, geographic origins, or gender and sexual practices—is only recognized insofar as this intensifies their vulnerabilities, need for tutelage, and essential bankruptcy in relation to the model of universal childhood. This is the place that has been created for the sexually exploited “indigenous” or poor, dark-skinned northeastern “girls” who are employed to create shocking (titillating?) images of sensitization in the struggle against sexual exploitation. It is this quite conscious creation of a non-fully human subject who is “sexually exploited” that results in the institutional “perplexity” self-proclaimed “guardians” express when they must deal with actual youth involved in sexual exchanges.

The semantic and pragmatic expansion of “exploitation” has its origin in Brazilian Federal Law 12.015 of 2009, which introduced changes regarding sexual crimes into the country’s penal code. With these changes, the legal concept of “sexual exploitation” lost the age limit that had previously legally distinguished it from “prostitution”. “Sexual exploitation” became a comprehensive category of criminalizable sexual and economic transactions capable of contemplating consensual adult sex work: “... prostitution or another form of sexual exploitation”. This was not a random or accidental change. The “new” construction of *sexual exploitation* and *prostitution* as synonyms had been present in the Brazilian Statute of Children and Adolescents since 2000, ensconced in article 244-A. Law 12–015 of 2009 was a direct result of the Joint Parliamentary Committee of Inquiry (CPMI) into sexual exploitation in 2008.

(Un)defined in this political and legal field, “sexual exploitation” has become an object of great interest and public intervention in Brazil, leading to several attempts to employ it as an artifact of power. On one hand, these attempts often take advantage of the conceptual vagueness of “sexual exploitation”; on the other, they frequently employ it to try and reestablish clear boundaries for forms of acceptable sexual behavior.

The practical employment of this conceptual vagueness is visible in “sexual exploitation’s” linkage to “human trafficking”, yet another problematic category whose multiple definitions and political and moral manipulations have been abundantly described elsewhere (Davida Group 2005; Piscitelli 2008, 2015; Blanchette and Silva 2012; da Silva et al. 2013; Sprandel 2014; Kempadoo 2007; O’Connell Davidson 2012). This ambiguous and affectively productive use can be seen in the definition of “sexual exploitation” employed by the *Diagnosis of Trafficking in Persons in Border Areas* (National Secretariat of Justice 2013), wherein it is described as:

... [T]he means by which an individual obtains financial profit from the prostitution of another person or from sexual violence against another person. (...) In this case, the practice of prostitution can take place in different ways, such as in brothels, on the street, in nightclubs, bars, apartments, massage parlors, hotels, through escort services, and in pornographic production companies (films, magazines, etc.). Sexual exploitation is not restricted, however, to exploiting the prostitution of another. (p. 8)

The definition outlined above offers up a clear example of the vague and expansive nature of “sexual exploitation”. It is a concentrated, documented display of governance

based on absolute uncertainty. In addition to the erroneous and inaccurate equation between “sexual exploitation” and “exploitation of prostitution”, the way the text is constructed demonstrates an arbitrary association of “exploitation” with “making a profit” and appeals to the titillating esthetic of “sexual violence” in order to list forms of sex work extensively and arbitrarily. Why take the time to describe these forms if it is not to place the focus of anti-sexual exploitation activities squarely upon sex work? Finally, in its negative conclusion, this “definition” leaves everything up to the imagination of a reader who, through this play of light and shadow, has already been oriented to arrive at a foregone conclusion.

In response to the (non)definitions promoted by the 2009 Law, Bill 4211/2012 by Federal Deputy Jean Wyllys (from the Socialism and Liberty Party of Rio de Janeiro), created together with the Brazilian Network of Prostitutes and named the “Gabriela Leite” Bill, attempted to define the limits of “sexual exploitation”.

*Art. 2—The practice of sexual exploitation is prohibited.*

*Sole paragraph: the following are types of sexual exploitation, in addition to others stipulated in specific legislation:*

*I—the total appropriation, or appropriation of greater than 50%, of the income generated by the provision of sexual service by a third party;*

*II—non-payment for contracted sexual services;*

*III—forcing someone to engage in prostitution through serious threat or violence. (Wyllys 2012)*

Understandings of sexual exploitation in the Brazilian public sphere have been cross-cut by parliamentary enquires into trafficking, sexual exploitation, and pedophilia. They have been molded by the legal arrangements resulting from these inquiries and by the production of journalistic and academic knowledge in the areas of health and social welfare. They have been shaped by multiple campaigns against human trafficking and “sex tourism” in the context of panics over “mega-events” and “large public works” in Brazil (2010–2016). “Sexual exploitation” is thus no longer the exclusive concern of movements to protect children (and adolescents). In this context, the strengthening and radicalization of feminist positions (mainly those of young feminists linked to “leftist” groups and parties) that took place in Brazil in the 2010s have led to head-on and violent confrontation with the movements, leaders, and allies of Brazilian prostitutes<sup>16</sup>.

### 3.2. The “Logic of the Street”

The quote with which we opened the present article makes reference to two worlds—two logics—that are completely separate. We have shown that the “institutional” logic of sexual exploitation is a moral, political, and legal category: a Foucauldian device for producing knowledge. Following the same line of thought, we are now going to turn to the “logic of the street”, in which the self-proclaimed “guardian angels” described above find themselves “confused” with agents of repression. It must be remembered, however, that this “logic of the street” is, in fact, constructed as a *function* of “institutional sphere” capillarity reach. In other words, the *street’s* logic does not so much objectively refer to the dynamics of “exploitation” of young people: it is actively produced by the institutional world in its fumbling attempts to manage and control (or in the “guardians’” vernacular) or save young people<sup>17</sup>.

<sup>16</sup> These recent radicalizations and battles are associated with several issues that cut across the broader national political scene: the transnational circulation of discourses and knowledge about/against sex work; the internal policies of Brazilian feminisms, especially of the younger generations, and their relationships with political parties; and transformations in the Brazilian and Latin American movements of prostitutes/sex workers. See: Gomes (2013), Prada (2016), Moira (2016), Martin (2016). On similar conflicts in the North American context, see the work of Bernstein (2010), among others.

<sup>17</sup> On the dynamics and ways in which young people and adolescents under 18 participate in sex work and mobilize erotic economies and experiences of exploitation and violence in contexts of war and borders, see Olivar (2008, 2014). See also the works of Montgomery (2001) in Thailand, O’Connell O’Connell Davidson (2005) in different contexts of the “third world” and in the global framework, and Diógenes (2008) in Ceará; see also the works of, Mai (2007), with “delinquent” boys in Europe, and those of Mujica (2013) on the “microeconomics of sexual exploitation” in the Peruvian Amazon.



During Olivar's fieldwork in an Amazonian city on the Brazilian international border, municipal social assistance and Guardianship Council officials invited him and other researchers on tour to "map out the points of risk" in the city. This tour took place in two private cars between 10 pm and 11 pm. The first point visited was a nightclub/juke joint near the international road, just outside the city. The club was closed. The hosts apologized but said that "everything imaginable goes on" in that place, only later at night. Even so, without any empirical evidence being presented, the place was marked down as a "point of risk" on our map.

"Today there isn't anything going on, but usually . . . At this time of night, it hasn't begun yet, but later . . . Here, everything happens after midnight . . ." The same excuses were repeated again and again during this tour to explain the lack of suspicious activities at practically all of the more than ten commercial establishments, corners, and squares we visited that night, without ever once getting out of our cars. The researchers asked the officials if they had ever been to any of the places visited during the times when supposedly "everything imaginable goes on". No, never. We then asked if the officials would accompany us on our visits to those spaces. Again, as was quite common in the course of these "mappings", the answer was "no". Despite this reiterated, official unwillingness to actually witness the things officials claimed were "constantly happening", in our visits to municipal institutions, we were constantly inundated by stories of exploitation and possible human trafficking involving truck drivers, roadside bars, "delinquency", and "abusive rides"<sup>18</sup>. We were also presented with information about rapes and exploitation conducted by members of the military police.

Between 2010 and 2015, part of Olivar's fieldwork consisted of attending the ordinary meetings of the Specialized Reference Centers of the municipal Social Assistance and Guardianship Councils. On these occasions, it was rare for him to encounter any official records directly associated with sexual exploitation, despite the existence of several forms of sexual-economic transactions involving adults and "underage" people in the cities, as well as more-or less-violent, isolated or systematic, practices of the abuse, rape, and the exploitation of minors. The records of the Guardianship Councils, Specialized Social Assistance Reference Centers and even the Police, however, contained a category labeled "sexual abuse and exploitation". The numbers of cases recorded by this category systematically increased during Olivar's stay in the field, but it was impossible for him to find any records of actual court cases linked to these steadily growing numbers<sup>19</sup>.

We must thus take a closer look at these "guardian angels"—counselors and social workers, among others—who are *confused* by youth with repressive agents. The "guardians" views offer us a privileged perspective to think about capillary power, the state, and the ways in which *two separate worlds* are produced.

*One day, my colleague saw two girls leaving a room with a military man. A cute little girl. We know he's not dating her, right? He doesn't date. A military man doesn't date: a military man has sex. They rarely [get romantically involved] because most of them are already married. They come here to spend two years and they leave, or they don't even go through all that. The girls have this idea in their heads that [these men] can give them a better life . . . They are not wrong . . . These two . . . it was very early in the morning. Three days later, one of their mothers came here saying that they had disappeared. I saw the name and remembered the girl, because one of those was on the list of students who were not going to class . . . She was leaving a room, probably a man's room; a rented room where a military man lives. Two with a man . . . But who am I to ask her [about what she did] or what he gave her? Two or three days passed and the girls were found, the mother contacted. Now think: in your understanding, in my understanding, what is*

<sup>18</sup> Drivers who'd pick up hitchhikers and then either sexually abuse them or pay for sexual services. Again, the distinction was unclear in these official tales.

<sup>19</sup> Taking into account that in Brazilian national policy, sexual exploitation and abuse are woven together to compose the overarching concept of "sexual violence" (SDH 2013, p. 22), We understand that these local accounting practices are the result of some kind of guideline or political agreement.



*that girl doing in a bedroom with a man? What did the man give her? Did he go over to her mother's house and say he wanted to date her daughter? "I want to be with her, I want to marry her?" No. He found her somewhere and took her into the room. Not just her, but two girls. Just so you understand, the [girls] are from a very poor community.*

Through the words of this child welfare counselor, interviewed in 2010, we can better understand the way in which morality, governmental performance, and material conditions of possibility intersect in "confrontations" and in the production of contexts and cases of "exploitation".

Reading carefully, we can see that the counselor's presentation does not seek to explain a specific relationship in a specific way. They are not talking about possible violence or violations of rights, nor about whether certain laws have been broken. Her discourse does not try to understand or present the effects of the relationships she describes on the young woman's "development", nor is it concerned about the various asymmetries of power on display in these relationships. The counselor's words reveal nothing more than a set of protagonists ("military men", "girls", and child welfare councilors), along with certain narrative forms. It attempts to build the counselor's identification and solidarity with her interlocutors (researchers, white, from Brazilian metropolises and centers of power). The counselor's analysis is anchored upon certain sexual morals and esthetics ("not only one, but two", "a cute girl", "What did he give her?"), the destabilization of Christian and "civilized" principles of family formation (monogamous sexuality under maternal guardianship, kinship networks creating new and authorized alliances) and the same maternal wisdom/authority discussed above ("Did he go to her mother's house and say he wanted to date her daughter?") Finally, this search for solidarity on the part of the counselor, this exercise of building linkages to a distant world of political responsibility to whom the researcher presumably belongs, can be condensed into a single question: "But who am I to ask her [what she did], or what he gave her?".

In this story of "sexual exploitation", the erotic and economic practices of adolescent boys and girls with "military men" imply two intertwined subjects: the sexual morality of the "underaged" and the sexual morality of the state<sup>20</sup>. Let us see what these have to do with "the girls"<sup>21</sup>. The refusal of young women to "recognize" themselves as victims is a big problem and a big question for analysts, activists, and agents of the state engaged in the anti-sexual exploitation struggle, as stated by Diógenes (2008), in the classic work by Montgomery (2001), and in the recent review by Deslandes and Constantino (2018). Often, young people's attitudes in this respect are understood by public policy managers and advisers to be the result of, or in response to, gendered macrosocial structures (patriarchy/sexism/misogynism) and the political-economic processes of "globalization", "precarity", and the "feminization of poverty". In this view of things, the world seems to be divided into victims, victimizers, and guardian angels. However, when we pay attention to

<sup>20</sup> It is important to highlight that "the military" is not only the largest, oldest, and most powerful state institution present in many cities on Brazil's Amazonian border, it is also an important agent of dis/reorganization of sexual, conjugal, and gender relationships in the region. This is directly associated with flows of money and discourses of nationhood, development, and, etc. Over the last 10 or 15 years, in addition to "the military", Brazilian Federal Police officers and members of other special security forces have appeared in the sexual, economic, racial, and gender discourses of the border cities. Commercial and economic agents along the border (who often have with connections with "the military" and "the police") also exercise power over local societies and embody specific expressions of the state. For the past 40 years, transnational and cross-border cocaine traders have been particularly entangled with power with economic and power structures and the state, deeply affecting local sexual and economic lives along the Brazilian border with Colombia and Peru. By contrast, the majority of local public officials responsible for ensuring the rights of children and adolescents are women who people from the community; neighborhood leaders with little technical training, poor institutional support, low-income, and little power.

<sup>21</sup> As mentioned previously, the object in this text is not adolescent practices (for this, see Olivar 2008, 2014), but the political logic of "sexual exploitation" in its capillarity. In this way, "the girls" to whom we refer are a position, a narrative subject, a function of the practical operation of the "institutional sphere".

the local logics associated with sexuality, gender, affect, conjugality, and money—especially those mobilized by or about young people—we encounter different understandings<sup>22</sup>.

In 2013, Olivar conducted interviews and informal conversations with agents of the rights guarantee system regarding “human trafficking” and “sexual exploitation”. In one of these, social workers openly spoke of the “little disappearances”<sup>23</sup> discussed by Catholic leaders spoke in terms of “exploitation” and “human trafficking”. The discourses of two agents, both local women in their 40s, were particularly interesting in this respect:

AS 2: *Twenty years ago, perhaps more, many girls would go out like this. Because if the guy was a [drug] dealer, then he had status. He might even be married, but mothers would let their daughters go out with him because he was going to give them a motorcycle, he was going to give them jewelry, right?*

AUTHOR 1: *And the mothers allowed this?*

AS 2: *Most did. And the girls were not prostitutes.*

AS 1: *They did not consider themselves be prostitutes.*

AS 2: *They were girlfriends; they dated. But he gave them everything, right?*

These women are referring to their own youth. They move from the criminal logic suggested by the discursive framework of “exploitation” and “trafficking”, shift through socially denounced situations such as “little disappearances” and “prostitution”, and finally settle upon “dating” as a broad and absolutely normative descriptive for relationships where material goods are exchanged for sex and affection. When Olivar asked a friend (the ex-wife of a military man, a woman actively linked to the pastoral work of the local Catholic church) from the same city and the same generation about the “special taste” local women had for soldiers, she replied: “*We really like them. They have guaranteed money every month*”. The image presented by her here is different from that the same person creates when she invokes the view of “two separate worlds” and the *logic of the street* that supposedly ensnares today’s sexually exploited youth. Here we see something like parataxis of affection, money, and conjugality (Garcia and Olivar 2020), portrayed as courtship—even marriage—consisting of a male economic gift and a female sexual/affective/reproductive counter-gift<sup>24</sup>. This is “dating” as opposed to “sexual exploitation”.

If it is true that this discussion allows us to imagine social relationships that interweave gender, sex, affect, money, and occasional mobility (social or geographic) into a broader scheme, we must take into account that it also partially obscures the more systematic, intensified, and repetitive experiences of interchanges of sex and money (known as the “babado”) practiced by several of our interlocutors in Tabatinga and which they understood as being different from “prostitution”.

The boys and girls from Tabatinga engaged in *transactional sex* did not identify themselves as children or as sex workers. They were not living in captivity, dependent upon drugs, or shackled by extreme poverty. Being “underage” was something that they could mobilize in the sex market and in negotiations with their parents: it was never associated with *childhood* but with *youth*. The “gays” and “girls” (*cis* and *trans*) with whom the author

<sup>22</sup> This is the place where one or the other theoretical and disciplinary frameworks make a difference. Attention must be paid to the positivity of the ethical and conceptual constructions of stigmatized local groups, of young people, women, prostitutes. We must take their local understandings, contradictions and micropolicies seriously, as well as their forms of resistance and agency in the world, above or below, against or through, structures of oppression or domination. This is a task presented to us mainly through the work of feminist anthropologists such as Claudia Fonseca (2004), Sherry Ortner (2006), Marilyn Strathern (1990), Heather Montgomery (2001), Lila Abu-Lughod (2002), Adriana Piscitelli (2013), among others.

<sup>23</sup> Youth disappearing from home for a few days or weeks, usually engaging in sexual adventures, often in exchange for money or other material advantages.

<sup>24</sup> A wide range of anthropological production has focused on these transactions between sex, affect, and money, showing how they are closely linked to socially structured forms of exchange marked by gender, kinship, the production of conjugalities, access to money, sex, weddings, mobility projects, etc. (Hunter 2010; Fonseca 2003; Piscitelli 2005, 2013, 2016; Cabezas 2009; Motta Ochoa 2010; Piscitelli et al. 2011; Garcia and Olivar 2020). As demonstrated by Piscitelli (2013), these transactions can take more or less commercialized forms, moving and negotiating between the analytical polarities of a “trick” (closer to sex work) and “help” (closer to affective relationships and reciprocity). Another path is outlined by Agustin (2007), referring to the analysis of large sexual economic circuits on a transnational scale, and presenting the idea of the Sex Industry and the Rescue Industry.

worked between 2011 and 2015 were not deceived, coerced, or forced into sex work by any cross-border “pimps” or “mafias”. They did, however, mention networks that facilitate the “babado”: bar owners who arranged meetings; “friends” and “acquaintances” who introduced men. In fact, many of the “gays” facilitated meetings for their female friends and neighbors (both classmates and/or prostitutes) with the men who had contacted them. These youths did not speak of any feelings of guilt or shame associated with their sexual and economic practices. They did not understand themselves as “victimized” by sexual transactions, in spite of the strong inequalities and imbalances of power visible in these transactions. More importantly, they saw homophobia, police abuse, and religious intolerance from conservative Christian people (mainly their own families) as the things that most caused their own suffering and victimization. Moreover, many of these girls and boys are—or have become—deeply religious. They are not linked to the Catholic authority that permeates the struggle against sexual exploitation and human trafficking. However: they are followers of Afro-Brazilian religions such as Umbanda.

Clearly, these interlocutors’ views and experiences cannot be generalized. They themselves often proclaim that life is not a *party*. As one of the author’s interlocutors, Glória (a 23-year-old woman from Tabatinga) put it in 2012, there are those who do it [the *babado*] because they want to, there are those who do it because they need to, and there are those who do it because they are forced to (Olivar 2014). Among these categories, there is a wide range of abuse and violence, negotiation and transformation, and the extremely violent dimensions that the submission of underage people in economic-sexual transactions may take is present in Glória’s own life history (Olivar 2014). This violence can reach an extreme degree of public visibility in the systematic abuse of “indigenous girls” in São Gabriel da Cachoeira (Olivar 2018)<sup>25</sup>.

It is only when we situate these youths in the context of the social fabric of practical knowledge that their refusal to “recognize” themselves as victims of “exploitation” can be better understood. The difficulty involves their recognizing that which the “guardians” assume to be obvious (victimhood), but it is also due to the empirical, practical knowledge that these boys and girls have regarding the “institutional sphere”. In fact, these young people from Tabatinga and São Gabriel da Cachoeira often have closer links with the “rights guarantee system” than with any “organized scheme” of sexual exploitation. Many of the girls and boys Olivar spoke with have already passed through the Child Welfare Guardianship Council and the Specialized Reference Centers in Social Assistance. Some had family members or acquaintances in these institutions, and others maintained friendly relations with one or another counselor.

For these youths to “recognize” themselves as victims, they would have to enter into a game that they already know is rigged against them, which would not bring them any perceived (let alone immediate) benefits. These boys and girls look at “the struggle against sexual exploitation” and the agents who conduct it with a great deal of suspicion. This is not due to their living in an “unfathomable world” that is separate from that where the law and the state majestically reign, however. Rather, it is because they know that latter, institutional, the world all too well. Its normative procedures have led them to distrust it. Their relative intimacy with the world of the “guardians” and its laws comes through kinship, through the youth’s own knowledge of these institutions, and through their relationships and desires. Their distrust stems from a mixture of fear and indifference, the latter caused by the youths’ own experience that, after all, the whole “human rights” and “struggle against sexual exploitation” framework is usually not very effective when it comes to doing anything practical. Fear more often appears among younger and less experienced boys and girls, or when youths are involved in active violence or in drug use

<sup>25</sup> São Gabriel da Cachoeira is an emblematic case in these discussions. It is a *city of colonial contest* (Olivar 2018), with a huge indigenous majority, vertically governed by foreign military and non-indigenous traders. In the city, colonial history is violently updated and reconstructed every day, fueling systematic racism against the indigenous peoples of the region. On the other hand, the relevance of the struggle, the tensions, and the demands by the indigenous organizations in the face of this oppression needs to be highlighted.

and dealing, or during spectacular and highly repressive police operations such as the author observed in Tabatinga in 2014–2015 (Olivar 2016b)<sup>26</sup>.

“This bullshit about exploitation is because the old fags in the NGOs are envious”, said one 17-year-old trans-woman to the author in 2011. This young woman was involved in the local/cross-border sex market in Tabatinga. She framed NGOs as a device of governmentality that worked hand-in-hand with the Child Welfare Guardianship Council. She reduced “talk of exploitation” to generational micropolitics and the LGBT institutionality that was growing in Tabatinga at the time. These “envious old fags” represent the knowledge, positions, and effects that are at stake in the interactions between the anti-sexual exploitation field and the logic of the street. Despite the potentially limited scope of such an interpretation, it suggests a way of understanding the self-created impotence of the logic of “sexual exploitation” under the terms in which it is currently expressed. For several of the youngsters in Tabatinga and São Gabriel da Cachoeira (Olivar 2018), the clearest image of “exploitation” that they could find in their experiences of transactional sex was when they made an “old man”, a “white”, or a “friend” pay for their beer without, at the end of the night, having sex with that person. Here we see an economic counter-exploitation of “sexual exploitation”: not a revolutionary act rebuilding the structures of power, but an active, agenced manner of *dealing with it*.

The problem posed by the “logic of the street” in its “inscrutability” by anti-trafficking agents is intensified when we take into consideration the overarching presence of the “military man” (in cities such as Tabatinga or São Gabriel). This highlights the state’s polymorphic and contradictory character (Sharma and Gupta 2006), as well as its governmentality. If there are indeed two worlds that are morally, sexually, and economically separate, they seem to cross when the “institutional sphere” moves out onto the street. In the cities that were investigated, the responsible institutions were well aware of suspected cases of “sexual exploitation” of teenage girls (not to mention rape) in which “military men”, “[local] police officers” “federal police officers”, and even child welfare councilors themselves stood accused. In some cases, there were even formal complaints from prosecutors regarding these cases. Mostly, however, no one said (let alone did) anything. The cases that Olivar knew about in greater detail in Tabatinga and São Gabriel da Cachoeira were resolved through internal negotiations by federal institutions without any legal complaints ever being registered.

However, the problem posed by the “military” (as a metaphor for the sexualized and “exploitative” male state) is more complex. On one hand, “the military”, “police”, and “traffickers” appear in the narratives and trajectories of young men and women as “consumers”, “customers”, or even “exploiters”, but also as a special object of desire for sexual/economic/marital exchange (Olivar 2014, 2018). On the other hand, “military men” appear in the narratives of Child Welfare counselors, social workers, and local human rights activists as a threat. It is worth pointing out that, in terms of power or governmentality, a similar position is also occupied by “merchants”, “politicians”, “laborers”, “engineers” and a wide range of transport workers, depending on the city or the case in question. For example, in Tabatinga, certain “military men” and “federal police officers” occupy the highest positions in the sexual-economic-conjugal desires of many young people, while the “old” politicians and traders in São Gabriel da Cachoeira are a source of money and, simultaneously, a historic threat to younger girls. This implies that a large part of the daily action/production of “struggling against sexual exploitation” is marked by an enormous asymmetry and by conflicts between the political and economic spheres of power that leave the “guardian angels” with little scope for action.

<sup>26</sup> The history of police abuse in the field of sex work in Brazil is well documented (Olivar 2010; Blanchette and Pereira 2017; Blanchette et al. 2017; Santos et al. 2021).

#### 4. Discussion

Paying attention to the policies and discourses regarding “sexual exploitation” in terms of their capillarity has allowed us to confirm, nuance, and situate the validity of the criticisms usually raised with regards to these policies and their operational expressions. In addition to these criticisms, however, the theoretical framework regarding the state that guides this work allows us to think about the productive effectiveness of the metaphor of two split and distant worlds. What is being produced here, after all?

The *trajectories of (non)definition of sexual exploitation* that we have exposed above suggest that the effects and effectiveness of this logic/policy are not in the understanding and monitoring of the “peculiar condition of development” of “exploited” adolescents (and children). To a certain extent, this is because this logic/policy homogenizes an extremely diverse and unequal range of relationships, practices, subjects, and economic forms under the umbrella of a moral ontology of violence and evil and the reproduction of institutional, genealogical, generational and ethnic-racial hierarchies. There is no room in this homogenization for “development”, peculiarity, otherness, positivity, or agency. On the other hand, because “sexual exploitation” is constructed as a category linked to the idea of commercial sexual exchange mobilized by impoverished and carnally entangled agents in the context of local dynamics and policies, it is completely insufficient (and even dangerous) when employed to confront forms of violence and domination that revolve around social linkages between gender, generation, sexuality, ethnicity, and money, as seen in São Gabriel da Cachoeira.

Instead, we get “guardian angels”, sexual monsters, and fearful but godly victims: a relational ensemble that takes on supernatural dimensions and thus escapes any possibility of being understood and modified through the praxis of social life. Perhaps, then, this is all diametrically opposed to disciplinary forms of power (in the Foucaultian sense (1988)). It is possible that, for 20 years now, we have been witnessing the construction of a policy of production (restoration?) of positions of power in which religious, intuitive, and supposedly natural knowledge (such as Christian motherhood) combine in daily displays with economics, the rhetoric of human rights, defense and security policies, and hierarchical principles of territorial, social, and political organization.

Finally, let us get straight to the point: our data does not allow us to accept the two separate worlds hypothesis. On the contrary: it shows us a universe saturated with power and disputes, flows of money, intimacies, desires, and mistrust; a tangle of knowledge that circulates in the most diverse forms and assemblages, operated by all the actors involved. Thus, the idea of the “institutional sphere” and the “logic of the street” as two separate worlds is only possible as an effect of, and an excuse for, the institutional sphere itself since its goal is to establish a discourse of unquestionable truth. This achieves a special sort of expression when we look at academic production, particularly in the field of public health. What we see here is an intensely performative effort in the classical mode of *modern science* (Latour 1993; Stengers 2000) to actually *build* a split between the worlds; to crystallize voices, bodies, and knowledge as “other” and thus as especially vulnerable, necessitating tutelage.

These two worlds, thus split, are based on the conceptual and bureaucratic elaboration of the administrative system as it “struggles against sexual exploitation”. It is in its and detachment from the praxis of this legal and political logic that “street logic” emerges. Following the conceptual and ideological framework produced by the “institutional sphere” in its multiple domains and interconnected levels (as we have done here) allows us to understand the ways in which the “unfathomability” of the world of “exploited” young people are elaborated, managed, and made a source of perplexity, a bureaucratic appeal, and a reason for *mea culpas*.

It is thus not the “street” that is produced as a reaction to an “ethical framework” and a discourse of struggle against crime: it is the logic of “sexual exploitation” and the moral genealogy linked to it that produces, circulates, and perpetuates supposedly separate and binary worlds. It is the logic of “sexual exploitation” that produces “guardian angels”, exploiting monsters, and alienated victims and, thus, a specific government technique

based on disconnection and ontological asymmetry. Far from tackling “sexual exploitation”, this technique is adjusted (with greater or lesser efficacy) to produce larger and even more striking asymmetries and inequalities. These include the overvaluation of intellectual work as compared to physical work (and especially sexual work), the exploitation of time, bodies, and silences of the poorest, and like gender, racial and ethnic violence that expresses itself in the language of sexuality, tending to cancel the agency of certain subjects (most particularly the “underage” and “vulnerable”).

**Author Contributions:** J.M.N.O. was responsible for coordinating the research and fieldwork, building the analytical framework and writing of the article. N.F. contributed with bibliographical research and writing of the article. All authors have read and agreed to the published version of the manuscript.

**Funding:** This article is result of a research process mainly funded by the São Paulo Research Foundation (FAPESP) (grant numbers: 2010/50077-1, 2013/26826-2 and 2019/01714-3).

**Institutional Review Board Statement:** Not applicable.

**Informed Consent Statement:** Not applicable.

**Data Availability Statement:** No new data were created or analyzed in this study. Data sharing is not applicable to this article.

**Conflicts of Interest:** The authors declare no conflict of interest. The funders had no role in the design of the study; in the collection, analyses, or interpretation of data; in the writing of the manuscript, or in the decision to publish the results.

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Article

# Job Attributes and Mental Health: A Comparative Study of Sex Work and Hairstyling

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**Abstract:** A growing literature advocates for using a labor perspective to study sex work. According to this approach, sex work involves many of the costs, benefits, and possibilities for exploitation that are common to many jobs. We add to the field with an examination of job attributes and mental health. Our analysis is comparative and uses data from a panel study of people in sex work and hairstyling. We examined job attributes that may differ across these occupations, such as stigma and customer hostility, as well as those that may be more comparable, such as job insecurity, income, and self-employment. Our analysis used mixed-effects regression and included an array of time-varying and time-invariant variables. Our results showed negative associations between mental health and job insecurity and stigma, for both hairstyling and sex work. We also found two occupation-specific relationships: for sex work, limited discretion to make decisions while at work was negatively related to mental health, whereas for hairstyling, mental health was positively associated with self-employment. Our results highlight the usefulness of an inter-occupational labor perspective for understanding the mental health consequences of being in sex work compared to hairstyling.



**Citation:** McCarthy, Bill, Mikael Jansson, and Cecilia Benoit. 2021. Job Attributes and Mental Health: A Comparative Study of Sex Work and Hairstyling. *Social Sciences* 10: 35. <https://doi.org/10.3390/socsci10020035>

Academic Editor: Cecilia M. Benoit  
Received: 30 November 2020  
Accepted: 18 January 2021  
Published: 24 January 2021

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**Keywords:** sex work; mental health; job attributes; job insecurity; stigma; service work; hairstyling

## 1. Introduction

A growing literature examines prostitution as sex work (see the review in Benoit et al. 2019). This perspective argues that as an economic activity, selling sex is grounded in commodification and the exchange of various types of capital (e.g., erotic and economic). The exchange of sexual services reflects, in part, the set of economic opportunities available to those who sell, as well as the market forces that contribute to demands for specific activities and workers (Constable 2009; O'Connell Davidson 2014; West and Austin 2002; Zelizer 2005). According to this labor approach, selling sex can be usefully studied as a type of service work comparable to other personal service jobs, particularly those that involve emotional labor, body work, and related activities (Sullivan 2010).

Researchers have used a labor perspective to study sex work in a wide variety of economic contexts and geographic locations. Much of this research uses ethnography and qualitative interviews to obtain a deep understanding of the occupational experiences of relatively small samples of people who sell sex (e.g., Rosen and Venkatesh 2008; Sanders 2005). Like other service jobs, sex work presents several avenues for exploitation and mistreatment from employers, customers, law enforcement, and the general public. Studies suggest that this exploitation and mistreatment may have negative consequences for mental health (Krumrei-Mancuso 2017; Puri et al. 2017; Treloar et al. 2021; Vanwesen-beeck 2005), but like most other areas in sex work research, these studies typically draw on small samples and focus exclusively on people working in the sex industry.

One exception is a recent intra-comparative study of sex work that involved face-to-face interviews with a relatively large sample ( $n = 218$ ) surveyed in six metropolitan areas of Canada (Benoit et al. 2020b). Most respondents had worked in several personal

service jobs across their careers, and one-third said they were currently employed outside of sex work. Their other work was largely part-time, gig-economy work, or temporary jobs in personal services such as retail, restaurant, and hospitality work. They choose among several competing alternatives when navigating the employment opportunities available to them, moving into and out of a variety of personal service jobs. The majority said that sex work gave them relatively more personal satisfaction, greater control over their working conditions, and higher earnings. The main challenges of sex work, compared to their other jobs, were low prestige and stigma.

We add to this research with an *inter-comparative* study of two types of work that scholars have variously called routine interaction, frontline, or personal service (Cohen et al. 2013): sex work and hairstyling or barbering (hairstyling hereafter). As we explain below, these two types of work differ in many ways but share a number of features that warrant a comparative analysis. Our data are taken from a panel survey study of a relatively large sample of adults aged 19 or over, working for more than one year in one of two places, Victoria, British Columbia (Canada), and Sacramento, California (USA). The hairstyling sample included people with earnings from cutting or styling hair in a shop or salon, including those who were self-employed and rented a chair in a salon, owned a salon, or cut hair at their home. The sex work sample was limited to people who exchanged a sexual service for money, had one-to-one, direct physical contact with customers, and were paid directly by them. We chose these criteria to focus on the experience of sex workers who provided sexual services to clients in person on at least a part-time basis, in a parallel way that stylists provide in-person services to their clients. These interactions occur in a number of contexts ranging from street soliciting to off-street work in escorting and erotic massage businesses.

Our study focuses on connections between work attributes and self-reported mental health. There is an extensive literature on the connections between job conditions and mental health (e.g., Benach et al. 2014). We draw on this literature and focus on characteristics assumed relevant across a wide array of occupations—including employment insecurity and job decision making—as well as features that may be especially pertinent for the two occupations we consider, such as self-employment, customer hostility, and stigma.

### 1.1. Sex Work and Hairstyling: Similarities

Sex work and hairstyling share many features with other frontline service jobs. In this paper, we focus on job insecurity, income, prestige, emotional labor, and self-employment. In general, frontline service jobs are often described as bad jobs or precarious work, in part because they are typically characterized by high levels of job insecurity (Kalleberg 2011; Sherman 2007). Indeed, Kalleberg (2009, p. 17) argues that job insecurity, and precarious work more broadly, is “the dominant feature of the social relations between employers and workers in the contemporary world.”

Although there are exceptions, frontline service work generally offers low earnings and little prestige. Data from the early 2000s showed that more than half of the top 30 jobs most frequently found among the United States (U.S.) working poor involved frontline service work (Wicks-Lim 2012). Data from the U.S. Bureau of Labor Statistics (2018) indicated that the median income for styling was \$24,730 USD. In Canada, hairstyling and barbering are among the 10 occupations with the lowest income, with median yearly employment incomes of approximately \$21,305 CAD for full-time, full-year workers (Statistics Canada 2018).

There are much less data on the income of sex workers, and the existing data are not easily comparable to the income records for jobs in the formal economy (Parent et al. 2013). A study of street-based female sex work in Vancouver, Canada, reported median weekly earnings from sex work of \$300 CAD, or approximately \$15,600 CAD a year (Deering et al. 2011); however, the study reported considerable variation in income, with a quarter of respondents reporting that they earned less than \$100 CAD a week (~\$5200 CAD a year) and a quarter reporting that they earned \$560 CAD a week or more (~\$29,200 CAD).

A heterogeneous sample of sex workers aged 19 and over in five Canadian census metropolitan areas found the median total income (earnings and government transfers) for people in sex work was \$39,500 CAD compared with \$34,204 CAD for the general Canadian population aged 15 and over (Benoit et al. 2020b) but was much lower compared with the employment income (wages, salaries, and commissions plus net self-employment income) of full-time, full-year workers aged 15 and over (\$53,431 CAD; Statistics Canada 2018). Hairstyling (Nakao and Treas 1994) has low occupational prestige and is at the low end of socio-economic status (SES) scales. Sex work is typically excluded from occupational prestige and SES status research (see Hauser and Warren 1997).

Another similarity between sex work and hairstyling is that they both demand what has been variously referred to as emotion work, aesthetic labor, or soft skills (Dwyer 2013; Hochschild 1983; Witz et al. 2003). Jobs of this nature require workers to manage their own and their customers' feelings to create positive interactions and increase the likelihood of receiving a generous tip and repeat customers/clients (Cohen 2010; Hill and Bradley 2010; Sanders 2005). Effortful emotional regulation involves both surface and deep acting (Grandey 2000); the former highlights workers' emotional expressions that are primarily a response to encounters with customers, whereas the latter includes workers' felt, as well as expressed, emotions that can occur prior to, as well as during, customer interactions. The centrality of emotion work in hairstyling and sex work suggests that both economic activities are psychologically demanding and that they often place workers in a position in which customers may have considerable control over the workers' decisions and actions.

Hairstyling and sex work also share parallels in terms of self-employment. Although some stylists work as employees (e.g., in chain salons), many stylists are self-employed, typically working as independent contractors who rent space (chairs) in salons (Black 2004; Cohen 2010). Sex work may also involve employees, as is the case in some escort agencies and massage parlors, but most work involves what some researchers have identified as independent contractors or entrepreneurs (Smith and Christou 2009). In research conducted in Great Britain, Pitcher (2015) found that many of the workers she spoke with described their work in ways that corresponded with accounts from self-employed workers in other jobs: people described having the freedom to set their own hours, services, fees, and working conditions (e.g., location). Sex work may also involve combinations of various types of income generation. People may independently advertise their services directly to customers through various media outlets (Benoit et al. 2017) while working concurrently as contractors for escort agencies or as employees in massage parlors. This flexibility may serve people well should they lose employment with a particular agency or find that some type of work is no longer viable (e.g., due to changes in legal codes).

### 1.2. Sex Work and Hairstyling: Differences

These two frontline service jobs also differ in important ways. Here we draw attention to the backgrounds of people who selfselect into the two types of labor and four work attributes: job insecurity, legal restrictions, stigma, and customer hostility. There is an extensive literature on the backgrounds of people involved in sex work (see Benoit et al. 2019 for a review), but most of this work draws exclusively on samples of people who previously had worked, or were working, in the sex industry (e.g., Rosen and Venkatesh 2008; Sanders 2005). Only a few studies compared the backgrounds of people working in the sex industry with those of other groups, and many of these focused on groups of drug users (e.g., Maher 1997; Mosack et al. 2010) or victims of childhood abuse (e.g., Wilson and Widom 2010). Prior research that analyzed the comparative data we use showed that sex work is associated with a variety of limiting and negative experiences (McCarthy et al. 2014): compared to workers in other frontline service occupations, including hairstyling, people in sex work were less likely to have completed high school, had worked in fewer occupations, and had more extensive use of some illegal drugs (e.g., cocaine). They were also more likely to have experienced childhood poverty and abuse.

Sex work also involves more legal risks than hairstyling (McCarthy et al. 2012). Although hairstyling is illegal in some contexts (e.g., cutting hair without a license), there are few restrictions compared to prohibitions of a wide array of sexual services. Prohibitions also vary by place, as is evident in the laws from the two places where the data we use in this study were collected. In the U.S., sex work is governed mostly by state law. The California Penal Code, at the time of the study and continuing to today, criminalizes accepting money or other compensation for sex. It penalizes soliciting as well as engaging in prostitution as misdemeanors that, after the first conviction, result in mandatory jail time. In Canada, sex work is mostly controlled through the federal criminal code. At the time the data for this study were collected, it was legal in Canada to sell and buy sexual services, although it was almost impossible to do so without breaking laws prohibiting solicitation and bawdy houses (Morton et al. 2012).

Stigma is a major determinant of health (Goffman 1963; Hatzenbuehler et al. 2014). Sex work is highly stigmatized, in part because of moral, religious, and ideological arguments against it (Benoit et al. 2019, 2020b), even where it is decriminalized and regulated (Abel and Fitzgerald 2010). Many occupations carry a stigma, especially those that involve the body (Black 2004) or dirty work (Ashforth and Kreiner 1999; Hughes 1962). Hairstyling may, therefore, carry some occupational stigma; however, this stigma may be less intense and consequential than that associated with sex work (Benoit et al. 2018).

Additionally, sex work may have a greater level of customer hostility and aggression. A growing body of research finds that customer incivility occurs in a number of service settings (Wilson and Holmvall 2013). Ethnographic studies of hairstyling, for example, report that some customers, especially those who are from higher-status backgrounds, expect subservience and mistreat those who cut their hair (Black 2004; Hill and Bradley 2010; Robertson and O'Reilly 2020). However, comparative research suggests that customer hostility is infrequent in hairstyling. In a national study of US workers (Alterman et al. 2013), personal care work was 11th out of 22 occupations in terms of workplace hostility ("During the past 12 months, were you threatened, bullied, or harassed by anyone on the job?"). In contrast, customer hostility, aggression, and violence are commonly reported by workers in the sex sector (Benoit et al. 2018; Deering et al. 2014; Sawicki et al. 2019; Strega et al. 2020).

### 1.3. Work and Mental Health

There is wide and diverse literature that connects many of the job attributes we examine with mental health. This literature consistently shows that mental health is negatively associated with job demands and positively associated with job control. Meta-analyses and systematic reviews of the literature show strong associations between mental health and income inequality (Patel et al. 2018), job insecurity (Benach et al. 2014; Kim and von dem Knesebeck 2015; Lee et al. 2018; Sverke et al. 2002), and stigma (Link and Phelan 2001; Mak et al. 2007). Individual studies show strong relationships between mental health and other job attributes such as psychological demands and limited opportunities to make decisions (Mausner-Dorsch and Eaton 2000; Paterniti et al. 2002; Ten Have et al. 2015). Scholars have speculated that customer hostility will have negative consequences for mental health (Sliter et al. 2010), whereas self-employment could have positive effects (Hessels et al. 2017; Nikolova 2019; however, see Rietveld et al. 2015), but there is relatively little research on either relationship.

Collectively, the foregoing findings raise several questions about the relationship between job attributes and mental health. First, are the well-documented associations between mental health and an array of job attributes, such as job insecurity and earnings, similar in analyses of hairstyling and sex work? Second, do self-employment and other job attributes that are especially common in these occupations contribute to mental health in meaningful ways? Third, are associations between mental health and various personal service job attributes similar or different for sex work and hairstyling? The analysis we present below examines these questions.

## 2. Materials and Methods

### 2.1. Sample and Data Collection

We assessed our research questions with four waves of data gathered in a unique panel study that ran from 2003 to 2008 in two urban areas: the census metropolitan area of Victoria, British Columbia (Canada), and one of three counties that belong to the greater metropolitan area of Sacramento, California (USA). The research protocol was approved by the Institutional Review Board and the Human Research Ethics Committee of the authors' universities (University of California Davis and University of Victoria, respectively). The study focused on adult (aged 19 and over) frontline service workers whose primary paid work involved working in one of three occupations, two of which we examine here: sex work and hairstyling (the third, food and beverage serving, did not have enough self-employed workers to be included in this analysis). Workers had to have one-to-one, direct physical contact with customers to be considered for the study. Given this parameter, sex work in our study included activities such as escorting, erotic massage, and on-street soliciting but excluded work in which there is no direct physical contact with clients (e.g., phone sex or media productions). We asked participants to name the job title they used to describe their work. For those in sex work, the most common responses were escort, prostitute, sex worker, and sex trade worker. We provide only a brief summary of the study here because an extended discussion is available elsewhere (Jansson et al. 2013).

One of the most prominent challenges to occupation-based studies involves the absence of high-quality population lists. This study addressed this problem by using a combination of random and purposive sampling techniques. These included the following: contacting, by phone and mail, a random sample of barbers and stylists selected from a California state list of licensees; contacting, in person, by phone or mail, managers of hairstyling, food-and-beverage-serving, and sex industry businesses to post a study advertisement in their businesses; posting study advertisements in local newspapers; and using respondent-driven sampling (Heckathorn 2002) in which respondents recommended the study to other workers and received a small incentive if their contacts participated. We used these approaches to draw samples that included a diverse array of workers and that could provide a basis for generalizing to the phenomena studied (Luker 2010).

The study obtained a first-wave sample of 212 people in sex work and 181 who cut and styled hair. A greater percentage of workers in hairstyling were recruited in Sacramento than in Victoria (64% versus 35%), whereas the reverse occurred for people in sex work (55% in Victoria versus 45% in Sacramento).

We interviewed respondents four times, with a period of at least four months between interviews. At each of the study's four waves, the research team gathered information with an interviewer-completed questionnaire, an interviewer-guided but respondent-completed survey, and a structured interview. Retention rates for the second through fourth waves were higher for people who worked in styling (90%, 89%, 87%) compared to those for people in sex work (72%, 61%, 55%). We examined attrition with a multinomial logit model of attrition at each wave; first-wave involvement in sex work predicted attrition at the second and third waves, while race, and alcohol and marijuana use predicted attrition at wave two (for all participants). We included these variables in our analyses.

### 2.2. Measures

#### 2.2.1. Dependent Variable: Mental Health

This study examined overall mental health with data from each of the four waves of the study (see Table A1 for item details). We used answers to two questions ( $r$ ;  $W1 = 0.66$ ,  $W2 = 0.65$ ,  $W3 = 0.73$ , and  $W4 = 0.66$ ;  $p < 0.001$ ) for our overall mental health scale. These questions asked respondents to use rank-ordered answer categories to rate their mental health (1 = Poor ... 5 = Excellent) and how often they had been feeling unwell mentally (1 = Always/chronically ... 5 = Never) in the four months preceding each interview. General questions like these are common in health research, and a review of 57 studies found that they are associated with measures of mental health that use a larger battery of items



(Ahmad et al. 2014). We standardized our mental health scales and the other scales we used in our analysis by dividing them by the number of items.

## 2.2.2. Independent Variables

### Job Attributes

We measured seven job attributes. Two of these, self-employment and income, were assessed at each wave of the study. At each wave, respondents reported whether they were currently self-employed (1 = Self-employed 0 = else) and what their income was for the last month from wages and tips (logged in our multivariable analysis). Time-varying variables allowed for an assessment of the effects of differences between respondents, as well as those for within-person variation over time.

Our remaining job attribute measures were collected only once, at the second wave. Thus, we were able to examine relationships between these job attributes and changes in mental health over time, but we could not examine connections between mental health and changes in these job attributes. Our first time-invariant variables focused on customer hostility and stigma. We measured the former with a single question that asked respondents about their agreement with the following statement: "I am subject to hostility or abuse from clients or customers" (1 = Strongly disagree ... 4 = Strongly agree). Our stigma measure was a nine-item scale ( $\alpha = 0.71$ ; 95% CI (0.66, 0.77)) that used revised versions of items commonly used to measure enacted and felt stigma (Scambler 2009). Unlike other approaches (e.g., Wahl 1999), our questions did not connect discrimination directly to a specific attribute (e.g., mental illness, race) or to sex work. Instead, we used questions that allowed us to estimate the association between stigma and mental health for a variety of occupations. Two questions asked respondents how often they had been refused rental housing they could afford or were denied a bank loan (1 = Never ... 5 = Very often; respondents skipped these questions if they indicated they had not applied for rental housing or a loan). Two items asked respondents how often doctors or nurses said things about their occupations, and one item asked how frequently people looked down on them (1 = Never ... 5 = Very often). Five items asked respondents about agreement with the statements about doctors and nurses treating them respectfully and their family and others treating them respectfully (1 = Strongly agree ... 5 = Strongly disagree).

Our final three job attribute variables concerned job insecurity, decision latitude, and psychological demands. We measured these with items from the Job Content Questionnaire (JCQ; <http://www.jcqcenter.org/>). The JCQ measures have high reliability across occupations, demographic attributes, and countries (Karasek et al. 1998). The JCQ has been widely used to study work and mental health in the formal economy (e.g., de Jonge et al. 2000; Wang et al. 2008), and some researchers have demonstrated its usefulness for studying occupations in the informal employment sector (e.g., de Araújo and Karasek 2008).

Our JCQ measure of job insecurity was based on four questions ( $\alpha = 0.71$ ; 95% CI (0.66, 0.76)). These asked respondents about the following: (1) their perceptions of the likelihood that they could lose their job at some point in the next two years (1 = Not at all likely, 2 = Not too likely, 3 = Somewhat likely, 4 = Very likely); (2) the steadiness of their current job (1 = Regular and steady, 2 = Seasonal, 3 = Frequent layoffs, 4 = Both seasonal and frequent layoffs); (3) whether their job was secure (1 = Strongly agree ... 4 = Strongly disagree); and (4) prior exposure to layoffs (1 = Never, 2 = Faced the possibility once, 3 = Faced the possibility more than once, 4 = Constantly or actually laid off).

We measured decision latitude with the JCQ eight-item scale ( $\alpha = 0.82$ ; CI (0.78, 0.85)) that has two components, skill discretion and decision authority. Skill discretion focused on the possibilities for creativity and the extent to which a job maximizes workers' skills. Decision authority highlighted autonomy and opportunities to make decisions. We included five questions that measure skill discretion (e.g., "My job requires me to be creative") and three for decision authority (e.g., "On my job, I have very little freedom to decide how I do my work"). Each question used Likert-style responses (1 = Strongly disagree ... 4 = Strongly agree).

The third JCQ measure, psychological demands, was a five-item scale ( $\alpha = 0.48$ ; 95% CI (0.38, 0.57)); dropping items does not increase  $\alpha$ ) that assessed mental workload and conflicting demands and constraints (Karasek et al. 1998) suggested that the lower internal consistency for this scale in some studies may reflect the greater subjectivity of its items, relative to those in the other scales). The questions in this scale asked about contradictory demands and having to do work that is repetitive, fast, hard, or excessive (1 = Strongly disagree . . . 4 = Strongly agree).

### 2.2.3. Control Variables

Our analysis included a diverse set of time-varying and time-invariant predictor variables linked to mental health (Elo 2009; Umberson et al. 2010). We included six time-varying variables that refer to the four months prior to each interview. The first two concerned health-enhancing behaviors and contact with health care professionals. The former was a count of behaviors (1 = Yes, 0 = No), from a list of six, that respondents reported doing to improve their health (e.g., exercising more, changing the diet or eating habits, quitting or reducing smoking). The latter was a count (0 = No, 1 = Yes) of types of medical services, from a list of four, used at each wave (e.g., family physician, hospital emergency care). We included a control for living with a romantic partner (0 = No, 1 = Yes) and one for the number of children who lived with the respondent (includes biological, adopted, and children of partners, relatives, or others). The remaining two time-varying variables used an ordinal scale to measure substance use (0 = Never, 1 = Less than once a month, 2 = Twice a month, 4 = Once a week, 8 = Twice a week, 30 = Daily or more). The first variable (substance use 1), a two-item scale, focused on alcohol and marijuana use, whereas the second (substance use 2), a five-item scale, concerned the use of club drugs (such as ecstasy), non-prescribed prescription drugs (such as OxyContin), crystal methamphetamine, cocaine, and heroin.

We measured our time-invariant control variables at the first wave. They included five demographic variables. Age was measured with an open-ended question. We used closed-ended questions with a category Other for the remaining four variables: gender identification (0 = Male, 1 = Female; seven respondents chose Other and were excluded from this analysis), sexual orientation (0 = Heterosexual, 1 = Other (Homosexual, Bisexual, Other)), race (0 = White, 1 = Non-White), and nativity (0 = Native born, 1 = Born outside of Canada/United States). The analyses also included dummy variables related to socio-economic standing. We used answers to two questions (i.e., highest-completed grade, post-secondary education/training) to construct four dummy measures of education (i.e., less than high school, high school graduate (comparison category), some college, and completed college). Our unemployment variable measured unemployment (1 = Yes, 0 = No) at waves two through four.

We included two variables that measured childhood experiences linked to adult health (Elo 2009). The first was a dichotomous measure of childhood sexual abuse. The second was a scale measure of childhood economic hardship (i.e., a three-item scale;  $\alpha = 0.80$ ; 95% CI (0.75, 0.84)), based on items that asked about parental/guardian difficulties paying for necessities, school expenses, and recreational activities (1 = Rarely/Never . . . 5 = Almost always/Always). The analyses also comprised dummy variables for health insurance (0 = No, 1 = Yes) and country of residence (0 = Canada 1 = U.S.). Prior comparative analyses of health inequities in Canada and the U.S. underscore the importance of both variables (e.g., Prus 2011; Siddiqi et al. 2009). All of the Canadian respondents reported that they belonged to a government health care insurance program, while 58% of our US respondents said they had health insurance. The majority of the latter had coverage through a private plan they purchased or obtained through their or their romantic partners' employment; the remainder received government-provided care. Estimates for the U.S. suggest that less than half of US workers had an employer-subsided health care plan in the mid-2000s (Haley-Lock 2011, p. 828).

Variance inflation factor scores for our independent variables were all less than three, indicating that collinearity is not an issue. Between 10% and 15% of respondents' information for some of our independent variables was missing, and so we used multiple imputation (with 30 data sets) to impute missing data for missing values (von Hippel 2007). The majority of missing cases occurred among respondents who were doing sex work at the first wave of the study. We did not impute values for any cases that were missing information about our dependent variables at *any wave*; this resulted in an analytical sample of 273.

### 2.3. Analysis

Our analysis began with an examination of descriptive statistics and mean and percentage differences between workers in sex work and hairstyling for our key variables. We then turned to mixed-effects linear regression (Allison 2009). Mixed-effects linear regression combined the fixed-effects vector decomposition approach (Bell and Jones 2015) that uses individuals as their own controls (to help address issues associated with time-stable unobserved heterogeneity) and the random-effects approach for dealing with time-invariant variables such as demographic attributes and several of our job attribute measures. Mixed-effects models also decomposed the effects of time-varying variables into two components: One was estimated with a deviation score (centered time-varying variables around the person-specific means) and captured within-person variation, whereas the second was based on the person-specific mean and captured between-person differences. Our between-person component was comparable to cross-sectional results; it examined, for example, whether drug use was negatively associated with mental health, on average. The within-person component measured changes across the four waves of data, the same as fixed-effects models, and investigated, for instance, whether, on average, a person's mental health changed if his/her substance use changed.

## 3. Results

### 3.1. Descriptive Statistics

Demographic data for our analytical sample showed similar gender distributions across sex work and hairstyling: 87% and 82% of respondents, respectively, identified as women (see Table 1). In contrast, the two groups differed significantly on most other demographic attributes. A greater proportion of people in sex work identified as non-heterosexual (42% and 12% respectively) and as a member of a racial or ethnic minority (37% and 21%); in contrast, a greater proportion of people in hairstyling said they were immigrants (16% and 7%). People in sex work were also younger on average than those in hairstyling (average age 37 and 44); a greater percentage did not attend high school (47% compared to 15%), and a smaller percentage did not complete their secondary education (34% compared to 59%).

**Table 1.** Descriptive Statistics, Test of Difference, and Effect Size, Control Variables +.

Variable	Sex Work		Styling		Hedges'	
	Mean	SD	Mean	SD	t	G
<i>Predictors</i>						
Health care use						
Wave 1	0.30	0.23	0.24	0.22	1.93	0.27
Wave 2	0.31	0.18	0.21	0.20	3.41 ***	0.52
Wave 3	0.33	0.19	0.21	0.22	3.74 **	0.58
Wave 4	0.25	0.17	0.19	0.20	1.94	0.32
Health enhancing behaviors						
Wave 1	0.72	0.45	0.76	0.43	0.68	0.09
Wave 2	0.70	0.46	0.67	0.47	0.58	0.06
Wave 3	0.78	0.44	0.70	0.47	1.38	0.17
Wave 4	0.62	0.49	0.70	0.46	1.40	0.17
Living with spouse/partner						
Wave 1	0.22	0.42	0.58	0.50	6.35 ***	0.77
Wave 2	0.29	0.46	0.58	0.50	4.93 ***	0.60
Wave 3	0.32	0.47	0.58	0.50	4.53 ***	0.53
Wave 4	0.34	0.48	0.58	0.50	3.93 ***	0.50
Number of children living with respondent						
Wave 1	0.42	0.76	0.68	0.99	2.41 *	0.29
Wave 2	0.44	0.80	0.64	1.02	1.81	0.21
Wave 3	0.48	0.89	0.68	0.99	1.36	0.21
Wave 4	0.49	0.95	0.65	1.09	1.35	0.15
Substance use 1						
Wave 1	8.37	8.89	5.34	7.26	2.93 *	0.38
Wave 2	5.90	7.48	4.93	7.02	1.06	0.13
Wave 3	6.54	8.31	4.75	6.82	1.87	0.24
Wave 4	5.52	8.06	4.78	7.16	0.77	0.10
Substance use 2						
Wave 1	4.16	6.09	0.11	0.52	6.59 ***	1.04
Wave 2	2.87	4.29	0.18	0.89	6.33 ***	0.96
Wave 3	2.79	4.59	0.19	0.97	5.59 ***	0.84
Wave 4	2.20	3.79	0.10	0.58	5.73 ***	0.85
Age	37.35	8.93	44.32	13.05	5.24 ***	1.19
Childhood poverty	1.80	1.03	1.52	0.78	2.46 **	0.31
Childhood abuse	3.44	6.36	0.55	1.36	4.80 ***	0.67
Variable	Sex Work		Styling		Hedges'	
	%		%		Chi Sq	G
Gender (female)	86.84		82.05		1.13	0.14
Non-heterosexual	42.47		12.33		31.50 ***	0.74
Racial minority	37.17		21.29		8.18 **	0.33
Immigrant	6.90		15.92		5.12 *	0.28
Less than high school	46.55		14.64		33.53 ***	0.76
High school graduate	33.63		58.60		16.68 ***	0.52
Some college	12.07		17.20		1.38	0.14
Completed college	7.75		9.55		0.27	0.07
Unemployed	12.93		1.91		13.16 ***	0.45
Health insurance	83.62		85.99		0.59	0.06

+ based on original data; \*\*\*  $p < 0.001$ , \*\*  $p < 0.01$ , \*  $p < 0.05$  (two-tailed).

Table 2 shows descriptive statistics for mental health and job attributes. The means at each wave suggested the average respondent had between good (=3) and very good (=4) overall mental but that people employed in hairstyling reported, at all four waves, significantly better mental health compared to people in sex work. Self-employment was common across both sectors; it was more prevalent in sex work than in hairstyling at the first wave (84% versus 69%) but less frequent in the former in other waves (e.g., 44% in sex work versus 61% in hairstyling at wave four). The decline in self-employment

over time likely reflected a number of patterns, including the greater fluidity between self-employment and employed labor in sex work. Changes in policing practices to focus on street selling and improved opportunities for employment at massage parlors, escort agencies, and managed settings could have also played a role. There was also greater sample attrition of independent workers in sex work relative to those who worked for others.

Earnings were similar across occupations, except for the fourth wave, when earnings for hairstyling were significantly greater than those for sex work. Across the four waves, the average monthly income for respondents from Canada ranged from \$1566CAD (wave 4) to \$3138CAD (wave 1) in sex work and from \$2106CAD (wave 3) to \$2426CAD (wave 2) in hairstyling. For respondents from the U.S., the average monthly income ranged from \$2375USD (wave 4) to \$3387USD (wave 1) in sex work, and from \$3032USD (wave 2) to \$3376USD (wave 1) in hairstyling. Sex work had significantly higher levels of customer hostility, stigma, and job insecurity on average but also significantly greater decision latitude than hairstyling.

**Table 2.** Descriptive Statistics, Test of Difference, and Effect Size, Mental Health and Job Attributes +.

Variable	Sex Work		Styling		Hedges'	
	Mean	SD	Mean	SD	t	G
Overall mental health						
Wave 1	3.17	1.02	3.73	0.87	7.71 ***	0.60
Wave 2	3.25	1.05	3.63	0.89	7.73 ***	0.40
Wave 3	2.99	1.07	3.62	0.97	4.80 ***	0.62
Wave 4	3.00	1.08	3.54	0.85	4.20 ***	0.56
Job attributes						
Income (logged, in thousands)						
Wave 1	3231.80	2791.53	2922.21	2181.70	0.74	0.13
Wave 2	2542.14	2329.89	2798.05	2145.11	1.84	0.12
Wave 3	2529.44	2555.94	2812.95	2031.74	1.53	0.13
Wave 4	1919.37	1631.73	2855.38	2181.38	3.40 ***	0.46
Customer hostility						
	2.93	0.88	2.16	0.80	7.36 ***	0.92
Stigma	2.38	0.62	1.81	0.29	8.32 ***	1.24
Insecurity	2.10	0.74	1.54	0.58	6.22 ***	0.87
Decision latitude	1.94	0.48	1.57	0.40	6.61 ***	0.85
Psychological demands	2.78	0.44	2.85	0.40	1.41	0.17
Percentage Tests of Differences						
Variable	Sex Work		Styling		Hedges'	
	%	SD	%	SD	Chi Sq	G
Self-employed						
Wave 1	0.84	0.37	0.69	0.46	7.84 **	0.35
Wave 2	0.65	0.48	0.71	0.45	0.28	0.13
Wave 3	0.52	0.50	0.66	0.45	4.71 *	0.30
Wave 4	0.44	0.50	0.61	0.49	7.92 **	0.34

+ based on original data; \*\*\*  $p < 0.001$ , \*\*  $p < 0.01$ , \*  $p < 0.05$  (two-tailed).

### 3.2. Multivariable Analyses

Our multivariable analyses highlighted several patterns (see Table 3). In both sex work and hairstyling, the unstandardized coefficients for job insecurity were significant and negatively related to mental health ( $b = -0.25$ ,  $se = 0.10$  and  $b = -0.35$ ,  $se = 0.10$ , respectively). A Z-test of the difference between the coefficients (Clogg et al. 1995) was not significant, suggesting that job insecurity has comparable consequences for the mental health of workers in each occupation. A similar pattern occurred for stigma: it was significantly and negatively associated with mental health for both sex work and hairstyling ( $b = -0.26$ ,  $se = 0.13$  and  $b = -0.38$ ,  $se = 0.16$ , respectively), and the coefficients for the two occupations were not significantly different in their magnitude.

**Table 3.** Mixed Effects Multivariable Regression, Overall Mental Health and Job Attributes.

Variables	Sex Work		Styling	
	<i>b</i>	se	<i>b</i>	se
Self-employed (within)	−0.23	(0.24)	0.34 *	(0.14)
Self-employed (between)	0.06	(0.11)	0.32 **	(0.12)
Income (within)	0.06	(0.03)	0.02	(0.04)
Income (between)	0.03	(0.05)	0.01	(0.06)
Customer hostility	−0.01	(0.09)	0.10	(0.06)
Stigma	−0.26 *	(0.13)	−0.38 *	(0.16)
Insecurity	−0.25 *	(0.10)	−0.35 ***	(0.10)
Little decision latitude	−0.41 *	(0.19)	0.06	(0.14)
Psychological demands	−0.30	(0.17)	−0.13	(0.14)
Health enhancing behaviors (within)	−0.02	(0.10)	−0.08	(0.07)
Health enhancing behaviors (between)	0.17	(0.28)	0.16	(0.18)
Health care use (within)	−0.37	(0.25)	−0.21	(0.18)
Health care use (between)	−1.23 **	(0.41)	−1.05 **	(0.37)
Living with spouse/partner (within)	−0.06	(0.16)	0.22	(0.21)
Living with spouse/partner (between)	−0.06	(0.18)	0.14	(0.11)
Number of children living with (within)	−0.01	(0.08)	−0.02	(0.06)
Number of children living with (between)	−0.06	(0.11)	−0.02	(0.05)
Substance use 1 (within)	−0.02 **	(0.01)	0.00	(0.01)
Substance use 1 (between)	−0.00	(0.01)	−0.01	(0.01)
Substance use 2 (within)	−0.03	(0.01)	−0.04	(0.05)
Substance use 2 (between)	0.01	(0.02)	0.02	(0.10)
Age	−0.01	(0.01)	0.00	(0.00)
Gender (1 = female)	−0.10	(0.20)	−0.16	(0.13)
Sexual minority	0.08	(0.16)	0.06	(0.16)
Racial minority	0.07	(0.15)	0.23	(0.13)
Immigrant	0.02	(0.31)	−0.14	(0.15)
Non high school graduate	0.12	(0.15)	−0.08	(0.15)
Some college	0.62 *	(0.25)	0.07	(0.14)
College graduate	0.45	(0.28)	0.23	(0.17)
Ever unemployed (W1 to W4)	−0.15	(0.21)	−0.50	(0.37)
Childhood economic insecurity	−0.14 *	(0.06)	−0.08	(0.07)
Childhood abuse	−0.00	(0.01)	−0.04	(0.04)
Access to health care	0.49 *	(0.23)	0.25	(0.16)
Country (USA = 1)	0.68 **	(0.21)	−0.11	(0.12)
Wave 2 dummy	−0.08	(0.10)	−0.13	(0.07)
Wave 3 dummy	0.20	(0.11)	−0.12	(0.08)
Wave 4 dummy	0.11	(0.12)	−0.19 *	(0.08)
Constant	5.84 ***	(0.91)	4.89 ***	(0.77)
Number of observations/groups	347/93		593/155	

+ multiple imputation data (30 times); *b* = unstandardized regression coefficient, se = standard error; \*\*\* *p* < 0.001, \*\* *p* < 0.01, \* *p* < 0.05 (two-tailed).

Another commonly measured job attribute, limited opportunities to make decisions, was also significantly and negatively associated with mental health but only for people engaged in sex work (*b* = −0.41, se = 0.19). Our results indicated that although sex work has higher levels of customer hostility and more intense psychological demands than hairstyling, neither variable was predictive of mental health, the net of the other variables in our model. Our results also highlighted the returns of self-employment for mental health but only for hairstyling. Self-employment in this sector was significantly and positively associated with mental health (*b* = 0.32, se = 0.12), and mental health improved for stylists who became self-employed during the course of the study (*b* = 0.34, se = 0.14).

We illustrated the strength of the associations between cognitive job security and health with regression-predicted values in Figures 1 and 2, holding all other variables constant at their means. The slope of each line indicates the strength of the relationship, with steeper slopes indicating stronger associations. In Figure 1, the graph for job insecurity

and stigma in sex work shows that people with low job insecurity and limited exposure to stigma had predicted mental health scores that were about 30% higher than the scores for people with the highest job insecurity and stigma exposure. Differences in the decision-making latitude while working were also consequential: the predicted mental health score was about 60% higher for people who had a high level of decision making compared to those who reported low levels of it.

The graphs for job insecurity and stigma for hairstyling follow similar patterns to those for sex work (see Figure 2). The predicted mental health scores were approximately 38% higher for people with low job insecurity compared to those whose job insecurity was high and about 40% higher for people who reported low levels of stigma compared to those with reported high levels of it. Results for self-employment indicated predicted mental health scores that were 1.36 points higher for self-employed stylists compared to those who were employees in a salon or shop (results not graphed). The results for changes in the employment status indicated that someone who became self-employed during the study improved his/her predicted mental health score by 1.20 points.

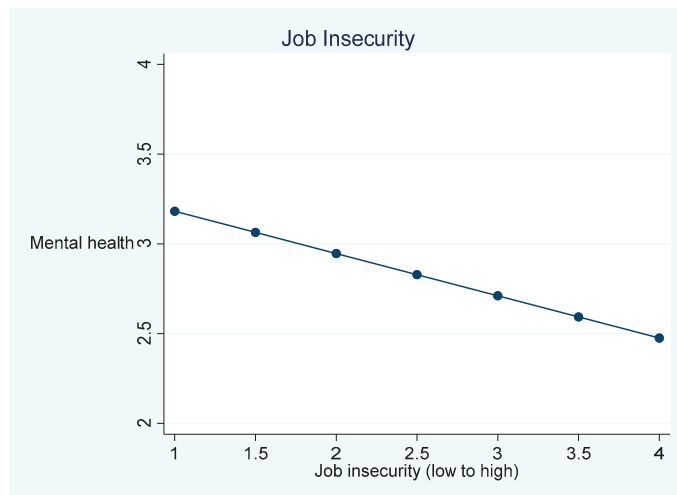


Figure 1. Cont.



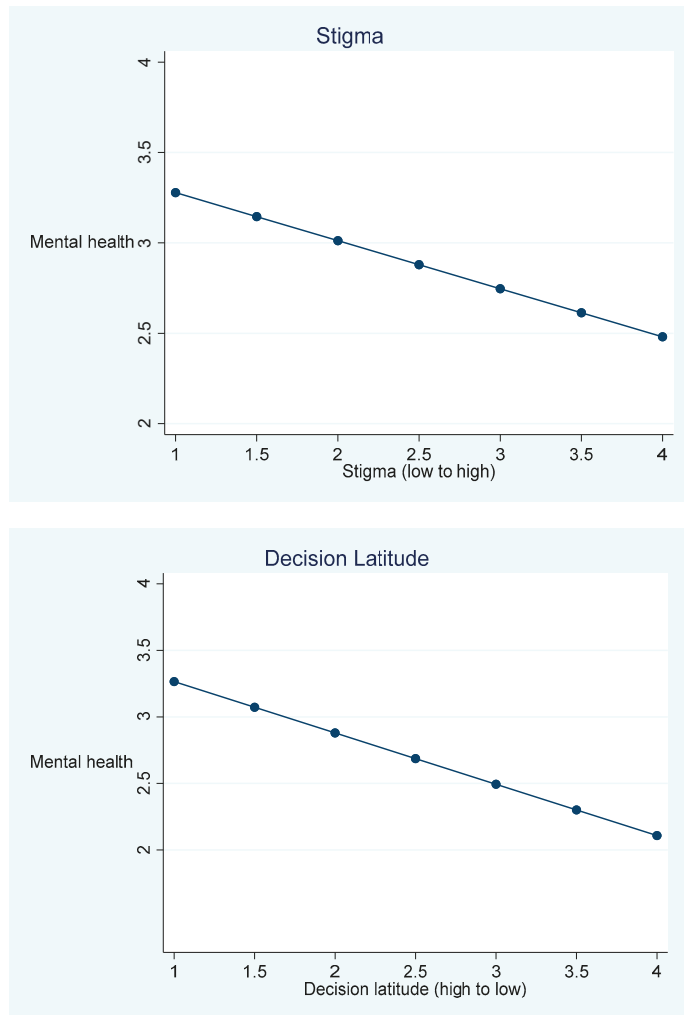
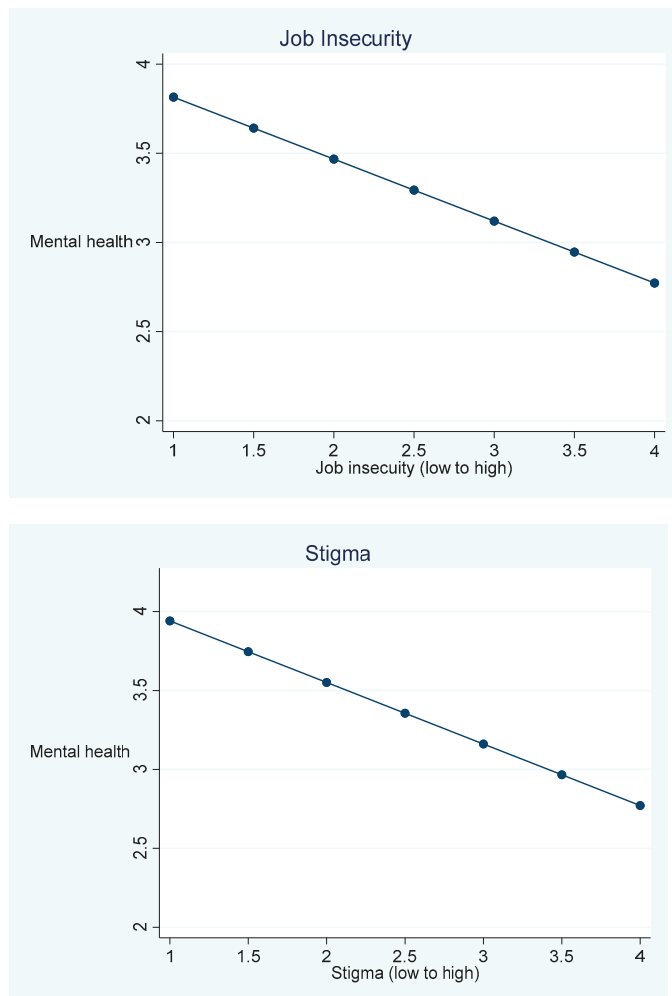


Figure 1. Predicted values, mental health, and job attributes in sex work.



**Figure 2.** Predicted values, mental health, and job attributes in hairstyling.

#### 4. Discussion

Jobs are a focal point for much of people’s lives, and it is no surprise that they have important consequences for mental health. Studies of a broad array of occupations have shown that positive job features enhance our mental health and well-being, while negative attributes diminish them (e.g., [Lee et al. 2018](#); [Patel et al. 2018](#)). Yet, this research has largely ignored sex work. There is a growing literature showing the value of examining sex work as an economic activity that involves the performance of various forms of labor for economic returns ([Benoit et al. 2017, 2020b](#); [Rosen and Venkatesh 2008](#); [Sanders 2005](#)). Meanwhile, several studies have suggested links between sex work and mental health ([Krumrei-Mancuso 2017](#); [Puri et al. 2017](#); [Treloar et al. 2021](#); [Vanwesenbeeck 2005](#)) but have focused on stigma and mistreatment by others and have typically ignored work attributes that are not uniquely associated with sex work ([Benoit et al. 2016](#)).

Our study builds on our previous research that compared sex work to other jobs sex workers were doing concurrently ([Benoit et al. 2020b](#)) and that compared it to related

occupations (Benoit et al. 2015a, 2015b). This study added to those studies by examining a variety of work attributes common to two frontline service jobs: hairstyling and sex work.

Our analyses provided several findings. We found that job insecurity is associated with poorer mental health in both sex work and hairstyling. This finding resonates with an extensive literature on the link between job insecurity and mental health, especially among jobs that are often described as low-income frontline work, jobs that account for an ever-increasing share of work in neo-liberal capitalist markets (Kalleberg and Vallas 2018; Olsthoorn 2014). The robust association between job insecurity and worse mental health underscores the need to address it as a serious public health and social concern.

We also found that another commonly used measure of job attributes, skill discretion, was important for understanding connections between working conditions and poor mental health (e.g., Paterniti et al. 2002; Ten Have et al. 2015). Our results showed that this pattern is pronounced for sex work but not for hairstyling. The associations that we documented between mental health and job insecurity and limited decision making for sex work provide compelling evidence of the usefulness of using insights from labor research and the sociology of work and occupations to understand sex work (Benoit et al. 2019).

Our research also showed that the negative relationship between stigma and mental health commonly described in studies of people in sex work (Benoit et al. 2018) is not unique to that occupation; instead, we found that the mental health of stylists is worse for those who report high levels of stigma (Benoit et al. 2019). This finding suggests that although sex work carries a more intense stigma than hairstyling, the negative consequences of being stigmatized are similar for these two occupations and, indeed, may be similar across a wide array of occupations that involve dirty work (Abel 2011; Ashforth and Kreiner 1999; Benoit et al. 2020a; Hatzenbuehler et al. 2014).

Our last finding concerns self-employment. There is relatively little research on the relationship between self-employment and mental health. The results of prior research are equivocal; some studies found that the self-employed report better mental health (Nikolova 2019) compared to wage or contract workers, whereas others found little difference between the two groups once adjustments were made for backgrounds and selection (e.g., Rietveld et al. 2015). However, prior research has typically used aggregate data from a broad array of occupations. Our study demonstrates that the mental health benefits of self-employment may be pronounced for certain occupations, such as hairstyling, and negligible for others, such as sex work.

#### *Future Research*

Our paper has a number of strong features—four waves of panel data, a broad set of job measures, and the estimation of both between- and within-person effects—but is not without limitations that we hope future research can address. The study combined random and non-random sampling techniques, and so our samples of people working in styling and sex work may not be representative. The job measures we used were not collected at all four waves of the study, and some, like customer hostility, were based on a single question. There are now alternatives for measuring customer incivility that include more items (Wilson and Holmvall 2013). Mental health may be influenced by a number of other job attributes that we did not consider, such as relationships with managers and coworkers. Recent research has found that managers of sex work businesses operate in ways that are similar to other personal service industries (Casey et al. 2017; Horning and Marcus 2017), and managers' behaviors in these settings may have effects similar to those documented in research on other occupations (e.g., McDonough et al. 2008).

Our study assumed that work influences mental health, but it is possible that some other unmeasured confounder variables influence the jobs people choose and their views about them. In mixed-effects analyses, people act as their own controls, thereby reducing the effects of omitted variable bias. However, these analyses cannot eliminate the possibility that pre-existing, unmeasured conditions may influence views about one's job. Our study does not include measures of the larger political and economic context in which

employment and job instability are embedded. In most neo-liberal capitalist economies, including the U.S. and Canada where our samples were collected, service jobs continue to grow in number and the structure and character of this work continue to evolve with the changing economic climate.

Another limitation is that our data were collected more than a decade ago. The occupational structure in the U.S. and Canada may have changed the relationship between job attributes and mental health, some that may have affected only people in sex work and others that may also have had an impact on people employed in hairstyling. Increased media, political attention, and laws targeting sex trafficking have likely changed how sex work operates in both countries ([Global Network of Sex Work Projects \(NSWP\)](#)). In Canada, new prostitution laws enacted in 2014 ban the purchase of sexual services and the receipt of material benefits from prostitution and procuring services, make it illegal for newspaper and magazine publishers, website administrators, and web-hosting services to publish advertisements for any sexual services, and prohibit communicating for the sale and purchase of sexual services in a public place next to a school ground, playground, or daycare center ([Department of Justice Canada 2014](#)). These changes are likely to further impact the nature of sex work in Canada and their consequences for the mental health of sex workers.

Finally, hairstyling and sex work have likely both been influenced by the stagnation of wages that continued into the 2010s for service work and by the economic downturn and disappearance of work that occurred as a result of the 2020 COVID-19 pandemic. Subsequent research will need to consider these and other changes in assessing the relationships between work attributes and mental health.

Despite these limitations, this is, to the best of our knowledge, the only inter-comparative quantitative study of the mental health impacts of a relatively large and diverse sample of adults engaged in sex work compared to people in hairstyling. While there is a rich literature on the connections between job conditions and mental health (e.g., [Benach et al. 2014](#)), our study fills in an important gap in the connections between work attributes and self-reported mental health for two gig-economy jobs that are absent from this literature.

## 5. Conclusions

Researchers have used a variety of approaches to studying sex work, treating it as inherently exploitative, a crime, and a morally unacceptable act, as well as seeing it as a type of labor characterized by many of the same demands, exploitations, costs, and benefits of other paid work. Our results highlight the usefulness of the latter, inter-occupational labor perspective for understanding the mental health consequences of being in sex work compared to hairstyling. This approach is also relevant for reforming laws that regulate sex work, designing social policies that benefit workers, and developing strategies to combat sex work stigma.

**Author Contributions:** Conceptualization; methodology; investigation; supervision; project administration; resources; funding acquisition: C.B., M.J., and B.M. equally; formal analysis; data curation: B.M. and M.J. equally; writing—original draft preparation: B.M.; writing—review & editing: C.B. and M.J. equally. All authors have read and agreed to the published version of the manuscript.

**Funding:** This research was funded by the Canadian Institutes of Health Research, the Canadian Studies Grant Program, the University of California Davis, and the University of Victoria.

**Institutional Review Board Statement:** The study was conducted according to the guidelines of the Declaration of Helsinki, and approved by the Institutional Review Board of the University of California Davis (project no. 2004-12138) and the Human Research Ethics Committee of The University of Victoria (project no. 257-02).

**Informed Consent Statement:** Informed consent was obtained from all subjects involved in the study.

**Data Availability Statement:** Please contact the authors about data availability.

**Conflicts of Interest:** The authors declare no conflict of interest.

## Appendix A

Table A1. Variable Coding.

<b>Health (measured waves 1–4)</b>	
Overall mental health	In the last four months how would you rate your mental health? 1 = Poor 2 = Fair 3 = Good 4 = Very good 5 = Excellent; How often have you been feeling unwell mentally? 1 = Always/chronically 2 = Very often 3 = Sometimes 4 = Not often 5 = Never
<b>Job Attributes (measured wave 2)</b>	
Self-employed	Are you currently self-employed? 0 = No 1 = Yes
Income	Logged monthly income from wages/tips from primary job
Insecurity	(1) Sometimes people permanently lose jobs they want to keep. How likely is it that during the next couple of years you will lose your present job with your employer? 1 = Not at all likely 2 = Not too likely 3 = Somewhat likely 4 = Very likely; (2) How steady is your work? 1 = Regular and steady 2 = Seasonal 3 = Frequent layoffs 4 = Both seasonal and frequent layoffs; (3) During the past year, how often were you in a situation where you faced a job loss or layoff? 1 = Never 2 = Faced the possibility once 3 = Faced the possibility more than once 4 = Constantly or actually laid off; (4) My job security is good 1 = Strongly agree 2 = Agree 3 = Disagree 4 = Strongly disagree
Little decision latitude	(1) My job requires that I learn new things; (2) My job requires me to be creative; (3) My job allows me to make a lot of decisions on my own; (4) My job requires a high level of skill; (5) On my job, I have very little freedom to decide how I do my work (reverse coded); (6) I get to do a variety of different things on my job; (7) I have a lot of say about what happens on my job; (8) I have an opportunity to develop my own special abilities 1 = Strongly agree 2 = Agree 3 = Disagree 4 = Strongly disagree
Psychological demands	(1) My job requires working very fast; (2) My job requires working very hard; (3) I am free from conflicting demands that others make (reverse coded); (4) I am not asked to do an excessive amount of work (reverse coded); (5) My job involves a lot of repetitive work 1 = Strongly disagree 2 = Disagree 3 = Agree 4 = Strongly agree
Customer hostility	I am subject to hostility or abuse from clients or customers. 1 = Strongly disagree 2 = Disagree 3 = Neither agree or disagree 4 = Agree 5 = Strongly agree
Stigma	(1) I have applied for, but have been refused an apartment when I could afford it; (2) I have applied for, but I have been refused a bank loan or other credit; (3) How often do doctors say anything about the work you do? (4) How often do nurses say anything about the work you do? 1 = Never 2 = Seldom 3 = Sometimes 4 = Often 5 = Very often (5) Doctors usually treat me with respect (reverse coded); (6) Nurses usually treat me with respect (reverse coded); (7) People think I am an intelligent person (reverse coded); (8) My family accepts me as I am (reverse coded); (9) People shy away from me when they get to know me; 1 = Strongly disagree 2 = Disagree 3 = Agree 4 = Strongly agree
<b>Control Variables</b>	
<b>Time-varying (measured waves 1–4)</b>	
Health enhancing behaviors	1 point (to a maximum of 6) for each of the following: exercising more, quitting or reducing smoking, drinking less alcohol, changing diet or eating habits, taking vitamins, or other, unlisted behaviors
Health care use	1 point (to a maximum of 4) for each of the following: physician, physician specialist, psychiatrist, or hospital emergency care
Living with spouse/partner	0 = No 1 = Yes
Children	Number of children living with respondent
Substance use 1	How often in the last four months did you consume (1) alcohol (2) marijuana? 0 = Never, 1 = Less than once a month, 2 = Twice a month, 4 = Once a week, 8 = Twice a week, 30 = Daily or more
Substance use 2	How often in the last four months did you consume (1) cocaine; (2) club drugs (e.g., ecstasy); (3) non-prescribed prescription drugs (e.g., OxyContin); (4) crystal methamphetamine; (5) heroin? 0 = Never, 1 = Less than once a month, 2 = Twice a month, 4 = Once a week, 8 = Twice a week, 30 = Daily or more

Table A1. Cont.

Time-invariant (measured wave 1)	
Gender	0 = Male 1 = Female
Sexual minority	0 = No 1 = Yes
Racial minority	0 = No 1 = Yes
Nativity	0 = Native 1 = Immigrant
Non high school graduate	0 = No 1 = Yes
High school graduate	0 = No 1 = Yes
Some college	0 = No 1 = Yes
College graduate	0 = No 1 = Yes
Ever unemployed	0 = No 1 = Yes (at any time during study)
Access to health care	0 = No 1 = Yes
Country	0 = Canada 1 = U.S.
Childhood economic insecurity	While you were growing up, were your parents/guardians able to pay for: (1) Basic necessities (like food, clothing or rent); (2) Things you needed for school (like school supplies, going on local field trips, etc.); (3) Recreational activities (like playing soccer or other sports, movies, eating out, vacation, or music lessons)? 1 = Rarely/never 2 = Some of the time 3 = Half of the time 4 = Most of the time 5 = Almost always/always
Childhood abuse	Count of the number of years (from birth to 18) that the respondent was the victim of sexual abuse

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Article

# The Chemsex ‘Consent Ladder’ in Male Sex Work: Perspectives of Health Providers on Derailment and Empowerment

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**Abstract:** Sexualized substance use or ‘chemsex’ is a key element in the syndemic of violence and infection in gay, bisexual, and other men who have sex with men. Chemsex is more prolific amongst men who have sex with men but is also associated with high risk behaviours that can negatively impact on health and wellbeing in heterosexual, bisexual men and women, and in homosexual women too. This qualitative study investigated perceptions and experiences of chemsex, motivations, cisgender male sex work, consent, economic exploitation, and ways to address and reduce harms. We conducted semi-structured interviews with health care providers and their clients—including sex workers and their customers ( $n = 14$ ) between the ages of 28 and 46 years following a purposive sampling strategy. Interview topics included perceptions and experiences of chemsex use, reasons for drug use and chemsex, and proposals to address harms associated with chemsex in the UK. Interviews were audio-recorded, transcribed, coded, and analysed using Grounded Theory. The findings revealed a stepwise process of chemsex use in a ‘ladder of consent’, whereby the process starts with willing participation that is both highly pleasurable and controllable. Sexual polydrug activity often descended in rungs so that lines of consent became blurred, and even broken, resulting in physical detriment and financial exploitation. Strategies for elevation back up the consent ladder also emerged. The findings clarify the conditions of willing participation, the stepwise relationship to exploitation, and the support strategies that help re-empower individuals whose lives get taken over by chemsex, including peer-to-peer support, poly-centres, and smartphone apps to climb back up the consent ladder to improve the health, safety, and social rights of sex workers.

**Keywords:** consent; chemsex; sex work; MSW; men who have sex with men; MSM; qualitative; Grounded Theory



**Citation:** Brooks-Gordon, Belinda, and Euan Ebbitt. 2021. The Chemsex ‘Consent Ladder’ in Male Sex Work: Perspectives of Health Providers on Derailment and Empowerment. *Social Sciences* 10: 69. <https://doi.org/10.3390/socsci10020069>

Academic Editor: Cecilia M. Benoit

Received: 17 November 2020

Accepted: 2 February 2021

Published: 10 February 2021

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## 1. Introduction

### 1.1. Sex Work

Sex work has moved, like so much other commerce, from print-based advertising onto smartphone apps, as well as website chatrooms and web-based geosocial networking apps (MacPhail et al. 2015; Morris 2018). Male sex workers commonly use apps to recruit clients, and such e-commerce brings with it the ability to screen clients, organise payment, and state what they are willing to offer before meeting (McLean 2015). Smartphone apps make it easy to invite people to come to the sex parties which usually take place in private residences (Ahmed et al. 2016) and to purchase sex or drugs, so technology has had an integral role in the relationship between sex work and chemsex (Stuart 2019). Gay men already face social stigma for their sexuality, and Perkins and Bennett (1985) theorized that entering sex work is easier after having already broken one social taboo. Similar hypotheses have been made about drug taking. The high saturation of male sex workers (MSW) means that it is not unknown for MSW to offer services, such as chemsex, that are sexually risky owing to the level of competition (MacPhail et al. 2015).

Selling sexual services is a stigmatised activity, and possession of the three main chemsex drugs is a criminal act in the United Kingdom. As most male sex workers wait until after

services to receive payment, chemsex also increases the risk of financial exploitation. This combination of factors can create an exploitative and possibly dangerous work environment in which ethical and legal questions are raised around consent if someone falls unconscious because of overdosing (Adfam 2019). It would be very difficult for a sex worker, if they were to overdose, to consent to any sexual activity that subsequently happens.

### 1.2. Chemsex

Chemsex is ordinarily understood as being sexual activities while under the influence of drugs. It emerged as a notable issue in the 2000's and often involves group sex or a high number of partners in one session (also called party and play (PnP)) (Bourne et al. 2014). It is a widespread practice, and chemsex is known to occur across high income countries in Europe including Germany (Graf et al. 2018; Deimel et al. 2016), The Netherlands (Evers et al. 2020), Ireland (Van Hout et al. 2019), the USA (Spinelli et al. 2020; Okafor et al. 2020), Canada (Chettiar et al. 2010; Flores-Aranda et al. 2019), Singapore (Tan et al. 2018), and Hong Kong (Wang et al. 2020). Studies show that there have been changes in chemsex and sexual behaviour over the past twenty years (Sewell et al. 2019) and that the practice of chemsex is ever-changing as markets of paid labour and drug consumption evolve (Pirani et al. 2019).

Men who have sex with men (MSM) have higher rates of drug use compared to the general population, including the use of mephedrone<sup>1</sup>, crystal methamphetamine<sup>2</sup>, gamma-hydroxybutyrate (GHB)/gamma-butyrolactone (GBL)<sup>3</sup>, ketamine, cocaine, cannabis, ecstasy/MDMA, volatile nitrites (poppers), and sildenafil (Viagra). Traditional 'club' drug, such as ecstasy and cocaine, appear to have given way to the increasingly popular chemsex drugs, in part due to their ability to increase and sustain sexual arousal for extended periods of time. Chemsex is not necessarily commonplace among the general MSM population but use of other harmful drugs is high among MSM (and bisexual and men and women), who do engage in chemsex (Kohli et al. 2019; Lawn et al. 2019). In the past five years, researchers have reported a rise in the use of three drugs used to facilitate, elongate, and enhance sexual activities in chemsex (Stuart 2019).

The drugs most commonly used in chemsex are mephedrone, crystal methamphetamine (meth), and GHB/GBL. These drugs bring risks because mephedrone and crystal meth can induce psychosis, and GHB/GBL is easy to overdose on (Adfam 2019). All three main chemsex drugs can cause a psychological reliance on them, and GHB is commonly overdosed on because the difference between being intoxicated and falling into a coma is minimal, and levels above forty milligrams can be fatal (Oliveto et al. 2010; McCall et al. 2015). Due to the illegal status of GHB, it is difficult for its consumers to ascertain its concentration, which can vary from 1 mg to 40 mgs (Galicia et al. 2011), and this lack of regulation means that users can accidentally overdose when GHB is highly concentrated. Indeed, one in five users have reported overdosing within a one-year period (Winstock 2015). Mephedrone was a so-called 'legal high' until 2010, and it has similar qualities and effects as amphetamines and can interfere and inhibit short-term memory. Overdosing on the drug can cause the body to overheat or elevate the user's heartbeat, and mixing it with other stimulants can increase these effects (Bourne et al. 2014). Methamphetamine, on the other hand, has been reportedly used to stay awake, enhance energy, and also inhibit appetite. Some men have also been known to have erectile problems while taking it so have used sildenafil (Viagra) to counterbalance those effects (Schilder et al. 2005). Methamphetamine may also have long term effects of psychosis, exhaustion, and damage to various tissues (Bourne et al. 2014).

The drugs are taken orally or anally in a practice known as 'booty bumping', and there is a sub-group of users who inject the drugs, which is known as 'slamsex' (Pakianathan

<sup>1</sup> Street names for mephedrone include Meow Meow, MCAT, or plant food.

<sup>2</sup> Street names for crystal methamphetamine are crystal, meth, ice, tina, or T.

<sup>3</sup> Street names for GHB/GBL are G, Gina, or liquid ecstasy.

et al. 2016). To a lesser extent, cocaine, ketamine, and other illicit drugs are used (Bourne et al. 2014; Bourne et al. 2015). A thematic analysis by Bourne et al. (2014) of 30 interviews with men in south London who had used the three chemsex drugs in the year of the interview found that the irregular concentration of GHB/GBL could cause overdosing, and the majority of their participants reported overdosing for this reason. A small proportion of participants reported issues around consent while under the influence of the drugs. Others raised concerns about the drugs causing harm to mental or physical wellbeing as the stigma around taking part in Chemsex-related activities precluded them from accessing harm reduction services.

The motivations and values around combining sex and illicit drugs was qualitatively studied by Weatherburn et al. (2017), and the experiences of current and former methamphetamine takers was documented by Flores-Aranda et al. (2019) in Canada to explore crystal meth patterns and their use of services related to chemsex practice. Participants reported feeling more confident with their partners and feeling more sexually attractive, and they were more able to overcome their barriers to sexuality. The intensification of drug use, and in particular injection use, could change the positive perception of sexual life. Thus, for some participants, substance use takes more space and their sexual experiences become less satisfactory.

Sexual health services face growing challenges from bacterial STIs, which have reached record levels among MSM, for example (Kohli et al. 2019). In data from 16,065 respondents in a cross-sectional analysis by Kohli et al. (2019), the use of chemsex drugs has been associated with higher rates and risks of antibiotic resistant gonorrhoea. Combining sex and drugs, including oral erectile dysfunction medication, has been found to be associated with high-risk sexual behaviours and human immunodeficiency virus (HIV). The increasing prevalence and awareness of chemsex poses a serious public health challenge for health professionals and social scientists attempting to understand the motivations and risks involved and to avoid the pain illustrated in many survival stories (e.g., Smith and Tasker 2018).

### 1.3. Stigma

As chemsex has been linked to having lots of sexual partners, Giorgetti et al. (2017) looked at the chemical effects and damage that regular chemsex drug use has on the body of the individuals, along with the cultural and social factors behind it. They found that people could experience rectal trauma, penile abrasions, and a higher risk of contracting STI's. Their findings are informative for health providers as regards the common signs and symptoms of an overdose. They also suggested that the shame and stigma of taking part in chemsex related activities needed to be researched more, and solutions found to reduce these may also be required.

The effects that chemsex drug use had on health outcomes for MSM was studied by Stevens et al. (2019) in a cross-sectional analysis of clients of the clinic Antidote. They found that men who accessed services for chemsex use were more likely to be HIV+, to have injected drugs, used pre-exposure prophylaxis (PrEP) within the last year, and have had six or more sexual partners in the previous ninety days. They found a link between drugs and clients who were younger and employed, who were more likely to use mephedrone. They also found that the use of GHB/GBL independently meant that the individuals were less likely to inject drugs or be HIV+, though there were also higher reports of suicidal ideation. Such findings suggest that a wide range of issues arise when individuals take part in chemsex, but their needs are not met by current health service provision. They also commented on a lack of effective communication between drug and sexual health services and a need for chemsex surveillance. They suggested that chemsex should be viewed as a higher risk for MSM than alcohol or cocaine. Stevens et al. (2019) also suggested that building services around the issues would enable adaptation of the services as needed.

#### 1.4. Contemporary Policy Concern

Chemsex drugs emerged as an area of concern to policymakers in the wake of some high profile court cases. First, in the case of Stephen Port, the coroner reported that he had used lethal doses of GHB, which had consequently killed four young men. Port was charged with rape, sexual assault, and murder. The case hints at a form of sexual gratification gained from purposefully overdosing and raping men (Davies 2016). Videos were used as evidence showing that men were intentionally drugged to the point of passing out before Mr Port carried out sexual acts on them. The case highlighted a lack of police education around the drugs, as they were not able to connect the murders through the drug GHB, and it drew attention to the possible stigma around the drugs, which could hinder harm reduction efforts (Davies 2016). In January 2020, the case of Reynhard Sinaga brought chemsex drugs to the fore when he was convicted of 159 cases across four separate trials including 136 unprotected anal rapes he filmed on two mobile phones. He spiked victims' drinks with a substance, thought to be GHB, to render them unconscious. The CPS North West Crown Prosecutor said that "the issue for prosecutors was largely one of proving a lack of consent" (Crown Prosecution Service 2020). These cases of evident criminality contrast with the case of Alexander Parkin which was prosecuted following the death of 18 year old Miguel Jimenez, the boyfriend of a London barrister, Henry Hendron. The 45 year old Parkin faced trial in 2017 over claims he sold crystal meth, ecstasy, and 'liquid ecstasy' GBL from his flat in London. He was sentenced to community service for supplying Henry Hendron with drugs, and in September 2020 Parkin was arrested and then tried in November 2020 for possession with intent to supply £13,000 worth of Class A to C drugs. A report on Parkin stated that a "former BBC radio producer who became the 'go-to-guy' on the Chemsex drugs scene is facing a jail sentence for dealing in crystal meth" (Kirk 2020). While there is a vast difference between the first two cases of obvious criminal predation and the latter one of a tragic accident, these cases all raised the profile of chemsex drugs to policy makers.

#### 1.5. Policy Context in the UK

As GHB/GBL are class C drugs under the [Misuse of Drugs Act 1971 \(2019\)](#), mephedrone is a class B drug, and crystal methamphetamine is a class A drug, all can carry a prison sentence, a fine, or both, if found in a person's possession. Given the clear evidence from the research literature about the need for a supportive role for policy and the commissioning environment for chemsex in England the Advisory Committee for the Misuse of Drugs (ACMD) prioritised a workstream on chemsex to involve a consultation with a range of stakeholders and provide advice on other approaches of value in reducing the availability, demand, and harms of GHB, GBL, and closely related compounds. The initial advice of the ACMD was expected by Autumn 2020 in a letter from Prof Owen Bowden-Jones to Rt. Hon. Priti Patel, MP, [ACMD \(2020\)](#). On 6 January 2020, however, Home Secretary Priti Patel commissioned the Advisory Committee for the Misuse of Drugs (ACMD) to carry out an urgent review of the classification of gamma-hydroxybutyric acid (GHB) and gamma-butyrolactone (GBL) and closely related compounds under the [Misuse of Drugs Act 1971 \(2019\)](#) and the scheduling of both drugs under the Misuse of Drugs Regulation 2001. The course of policy consultation has thus shifted from service provision towards a more penal direction despite the fact that tougher penal postures are never the answer to public health questions. Chemsex drugs are specifically used to enhance and facilitate sex and can blur lines of consent—a concept which remains under-researched and under-theorised in a chemsex context. It is to be hoped that a greater understanding of consent will improve service approaches.

#### 1.6. Service Approaches

Service funding often focuses support more on heroine, crack cocaine, and alcohol, and chemsex users and professionals report that referral to these mainstream drug services would be unsuitable for chemsex participants (McCall et al. 2015). Researchers have



started to explore the psychosocial and sexual characteristics associated with chemsex (Parry et al. 2017; Hibbert et al. 2019), and in a continuum of care it has been suggested that general practitioners (GPs) may have a valuable harm reduction role in this growing phenomenon (Ma and Perrera 2016; Bakker and Knoop 2018). Studies of tailored services have met with some success, for example, in a prospective cohort study by Sewell et al. (2019) which investigated changes in chemsex activity of 1167 MSM over a three year period using online questionnaires. In a large longitudinal study, they explored the use of three chemsex drugs (mephedrone, crystal meth, and GHB/GBL), the frequency of chemsex sessions, and measures of sexual behaviour. They found chemsex and the use of two drugs in particular, mephedrone and GHB/GBL, significantly declined, alongside most measures of sexual behaviour, with the exception of condomless anal intercourse (CLAI) with more than one or more than two partners. The study shows a strong negative association between time spent on the study and mephedrone and GHB/GBL, but not crystal methamphetamine. One reason for their findings on the reduction in chemsex prevalence and chemsex specific drugs could be that the specialist centres for chemsex support, where interventions were specifically tailored to MSM reporting chemsex, means that their results may be a reflection on the effectiveness of specialist services at providing support and interventions to reduce chemsex among a specific group of MSM (Sewell et al. 2019), such as sex workers. Furthermore, engagement with questionnaires that encourage reflection on behaviour may play a part as participants become more conscious of the consequences of their choices, which could have led to behaviour change on sexual risk behaviours, STI diagnosis, and HIV testing over time. In addition, a study by Evers et al. (2020) showed that almost one in four MSM practicing chemsex expressed a need for professional counselling on chemsex-related issues. They recommended that STI healthcare providers should assess the need for professional counselling in MSM practicing chemsex, especially in MSM with the above-mentioned characteristics. Following an authoritative systematic review, Maxwell et al. (2019) found that while a minority of MSM engage in chemsex behaviours, these men are at risk of it negatively impacting on their health and well-being, and further research is required to examine high risk chemsex behaviours, impacts of chemsex on psycho-social well-being, and if chemsex influences uptake of PrEP and sexual health screening. In this context, few activities are higher risk than commercial sexual activity.

### 1.7. Aims

Specialist services were scarce, even before the Sars-CoV-2 global pandemic impacted on all health services, with very few services available to reduce harms and increase safety. It is a key area of public health concern to promote the health and wellbeing of MSM, especially MSW, to develop best practice for specialist support services that address the phenomenon of chemsex. This paper will explore the potential harm connected to the taking of these drugs that sex workers may face. It will examine the dangers that health professionals working in the field highlight, what campaigners observe, and how those who take part in chemsex activity view the intended and unintended effects of policy frameworks and legal regulation on commercial chemsex in a UK context. Furthermore, we aim to clarify conditions of exploitation that can occur in consensual activity and identify any possible new methods, policies, and regulations to improve the health and safety of MSW so that harms can be minimised or eradicated and stigma reduced in both occupational and leisure settings.

## 2. Materials and Methods

### 2.1. Procedure

Participants were recruited through a purposive sampling strategy; the first bloc of participants gave evidence to a policy working group on harm reduction in sex work for a national political party which was chaired by the first author (Phase 1). When the first bloc of participants was interviewed, it was by the policy working group (comprising 8–10 peo-

ple) and often in pairs. These participants were all interviewed on the Parliamentary estate (usually Portcullis House) in London, England. From their evidence, chemsex emerged as a serious issue in need of a tailored and specific research study, and these sessions provided the material for the formal interview questions. A further study (Phase 2) was carried out to interview people one-to-one. In Phase 2, participants were provided the interview schedule prior to their interview, as the purpose was to gain their expert knowledge and opinion. Participants chose a place and a time to be interviewed that suited them. The majority of interviews took place in a quiet room in the faculty building; two interviews took place over the telephone. In both studies, sex work was operationally defined as ‘the exchange of money (or its equivalent) for the provision of a sexual service between consenting adults within the terms agreed by the seller and the buyer’ and as such it was considered as paid labour that may involve economic exploitation. Individuals carrying out such labour should have recourse to the same government protection, occupational, and social rights extended to other workers (see [Brooks-Gordon et al. 2017](#)).

### 2.2. Interviews

Semi-structured interviews were conducted, and interview questions formulated from the evidence on chemsex, the growing literature on chemsex, and on male sex work. The interviews lasted approximately forty minutes and were recorded with the participants’ informed consent. The interview schedule was drafted and then tailored to each participant, depending on their role; this was reviewed after each interview, and the schedule evolved as the transcripts were reviewed by the authors. Interviews initially covered *inter alia*: experiences of chemsex and male sex work through their role; emerging issues in male sex work caseload; HIV, STIs, and antiretrovirals; main issues with associated activities like slamsex; safety protocols around the drugs taken to facilitate chem/slamsex; and what the state and/or health service protection would look like. These were extended throughout the data gathering process via theoretical sampling to embrace issues that arose, including: facilitators and/or barriers to exploitation; health, safety, and social rights; trends in practices among MSM; best methods of supporting (mental/physical/social); and adequate support within chemsex contexts to ensure safety for sex workers and men who have sex with men.

### 2.3. Participants

Participants comprised clinical service providers, health professionals, and advocates and campaigners who support sex workers and/or antiretroviral therapy (ART) promotion. There were fourteen participants comprising 10 men and 2 women; all participants were allocated a pseudonym in the transcripts for anonymity. Some were past chemsex participants themselves, others had either paid for or sold sex on an incidental basis as well. Interviewees’ roles ranged from clinical psychologists, health counsellors, homelessness hostel staff, sexual health clinic practitioners, community mental health clinicians, police drug advisors, a mental health lead in a drug addiction charity, an NGO sex work charity project manager, and PrEP charity advocates. All either had a caseload that included clients who had taken part in chemsex, were recovering drug users themselves, or had taken part in chemsex and occasionally sold sex or hired male sex workers. Participants’ ages ranged between 28 and 46 years, and they were anonymised, respectively, as: Sarah, Freya, Andrew, Mark, James, Bryan, Casey, Ged, Hal, Peter, Raj, Uvi, and Sven. The women both identified as heterosexual and cisgender, and the men all identified as gay cisgender men. All participants were delivering the support to people involved in these activities, so were able to provide up-to-date information on what is happening in an ever-changing phenomenon and were able to report and discuss current thinking and developments from the ‘front-line’. Most participants lived in or near London, with others from Brighton, Birmingham, Manchester, Coventry, Scotland, and Liverpool.

#### 2.4. Analysis

Grounded Theory, which is the process of developing and creating theories grounded in the data, was used to analyse the interview transcripts. After initial and axial coding and saturation is achieved, the theory emerges from the data (Glaser and Strauss 1967). The process requires the constant comparative analysis of the transcripts. This iterative process helped the researchers to uncover one core category and various sub-categories, along with the properties and dimensions of the emerging theory, as specific key concepts, which are described reflexively below, emerged and were all followed up in the research.

#### 2.5. Materials

The recording app on an iPhone 5s and a Victure Digital Voice Recorder were used to record the interviews so that the data could be transcribed. Two interviews carried out over the phone were recorded on the voice recorder. The website OTranscribe.com was used to transcribe the data.

#### 2.6. Ethical Approval

Ethical approval was granted by the Ethics Committee in the School of Psychology at Birkbeck, University of London. Informed consent was given via email before the interviews and also written and signed by both the researchers and participants when they met. The ethical guidelines of both the British Sociological Society and the British Psychological Society were closely adhered to, and participants had the right to withdraw their data at any time. Participants were informed about all aspects of the project and debriefed after the interview.

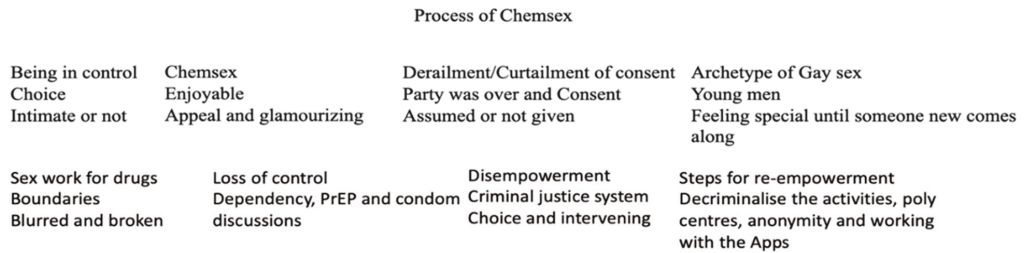
#### 2.7. Reflexivity

One of the authors, who identifies as gay, held *a priori* some of the concerns that participants brought up and it had underpinned his interest in the topic, which is that young men coming into the gay scene may consider chemsex as the archetype of gay sex. This was a motivating factor for working on the project. This issue, however, would prove to be a function of lack of education around chemsex rather than a widely held view as the research progressed and featured less in the interviews than initially expected. The first author's motivation was to uncover hitherto unknown aspects of a growing phenomenon and develop policy in a way that improves health and safety for sex workers. This author, a cisgender woman, was moved and shocked by the sheer fragility of consent, which emerged first in a policy working group interview, and by the vulnerability of male participants as they described their chemsex experiences. The information left her, and some of the other members of the policy committee, stunned for a while by what they had heard. Both authors' preconceptions were challenged by the findings as to the nature of chemsex interactions in a variety of ways. Firstly, the impact of the drugs on otherwise stable lives long after the party had ended. Secondly, both authors were affected by the matter-of-fact way that overdosing was spoken about and, third, neither had truly comprehended, prior to the research, the sheer uninhibited thrill of the loss of control that participants gained from chemsex.

### 3. Results

The analysis revealed a stepwise process in chemsex participation and exploitation that we have conceptualised as 'the consent ladder'. We uncovered a categorical progression through chemsex use from being in control to disempowerment—and sometimes back to control again. This had the stepwise process of 'being in control', 'chemsex', 'derailment', 'levels of consent', 'sex work for drugs', 'loss of control', 'disempowerment', and then 'steps to re-empowerment'. The analysis, shown in Figure 1, illustrated the attraction of getting into chemsex in the first place, and revealed how intricate the nature of consent is in a chemsex context. It also showed the ways in which individuals who lose control can be dis-empowered. Steps re-empowerment were possible, but also involved working with the

tech companies that make the smartphone apps, peer-to-peer support, and poly-centres to help support the issues that arise when individuals lose control during chemsex practices.



**Figure 1.** The Chemsex Consent Ladder—A Stepwise Process.

*3.1. Being in Control*

Participants highlighted that the majority of them were in control of their drugs use and enjoyed the benefits of it, as voiced in ‘the vast majority . . . go to parties and enjoy the sex’ (James) when talking about the general chemsex using population they knew. In addition, there was evidence that escorts have control in the services they provide as they reported that ‘some escorts are happy for sort of a straightforward hour’ without drugs, and they could choose to take the drugs depending on ‘how intimate’ they wanted to be with the clients (Mark). These reports evidenced all the elements of control and choice. This was related to the next step in the process and focuses on the positives in taking part and the allure of chemsex.

*3.2. Allure of Chemsex*

Clinical health providers commented that they could see the ‘appeal of crazy wild sex’ because ‘G . . . is an aphrodisiac; in small doses it is euphoric’ (Sarah). It highlights that there is something so appealing about the chemsex drugs and the parties; even as a health professional, she could see the attraction. This was mirrored in the other interviews: ‘Slamming . . . gives you quite an amazing feeling’ said Bryan, and the accounts gave insight into the reasons why people get into chemsex in the first place and the factors that keep them going back for more. The drugs were conceptualized differently to other narcotics: ‘G and T are seen as party drugs, whereas crack and heroine are seen as addictions’ (Casey). The participants reported a ‘glamourizing’ of the drugs in the name change from injecting to ‘slamming’ and ‘if you call it something . . . more glamourized, then that’s fine’ (Peter). In line with Goffman’s theory of stigma, the glamourizing of the drugs could be a possible reaction to the stigma and divergence from what were referred to as ‘old school . . . drug users’ by the participants.

*3.3. Stepwise Ladder of Consent*

The rungs of consent varied, and the derailment that could occur in chemsex was reported by all the participants: ‘for a minority of people that engage in it, it becomes problematic really, really quickly’ (James). This was seen as a small minority, and not everyone who does it has a problem and some people can manage it, but participants referred to the ‘come-down’ or ‘weepy Wednesday when the party was over’ (Andrew). This was conceptualised as falling off a ladder and marked the sobering up point and coming down from the drugs after a two or three day party. People would realise at this stage that things had not gone to plan and had then accessed health and/or help services. This would be the point when the men would start to lose their control regarding issues of consent, and if any crimes came about they were then reported. As one of the health workers stated:

'I worked with one man who was struggling with his sexual identity, and he'd go to sex parties. He has been addicted to various different substances, and this particular bout of addiction was crystal meth and GHB, em, and he found it really difficult not to go on a bender and spend all of his money initially. He would go to sex parties and basically sell sex to get his next fix, but then he would go kind of a step further and he would maybe be unconscious and then not know what was happening to him, and he then went over on G, and I can't remember how many times he ended up in intensive care. There are issues related to the drugs, there are issues related to consent, and there are issues related to just kind of the danger of blood born viruses. And then the selling sex for the drugs, and that sort of not intentional, maybe seen as sex work, but actually . . . '. (Freya)

Another participant described their own loss of control thus: 'having this intimate experience is difficult so drugs help and yet there are other consequences of taking drugs, with what reactions to them and the dangers involved in taking them, to which I have been unconscious on a number of occasions and I am still alive as of today. But I am aware that there could have been any of those occasions where the combination of drugs I took might have, eh, you know, have seriously harmed me, or even possibly death' (Sven).

The rungs of consent in commercial encounters were typified thus: 'My experience is varied and there are escorts who are happy for a sort of straight forward hour of session, then you go away and that's it. Others I've used crystal meth with or, you know, G, and it is deliberately there to enhance the sex possibly for longer; they also get paid longer, it varied, you know, if the sex goes on for two, three, four hours, and that is part of the fantasy with using drugs; we know that they do elongate the time that we play and you have more fun and I can't lie over 20 years' worth of experiences as I'm 40 next week. You know I have had a lot of good fun, but I have also seen a lot of harm and reactions to it, and male sex workers are obviously in that critical play position whereby do they decide not to and not have that as part of their deal of who they are meeting, or do they?' (Andrew).

The participants also discussed the issue of consent when under the influence, when it is assumed, and when it has not been given. The participants reported what they called 'steps' or 'nuances' in gaining consent while people are under the influence of 'methamphetamine that automatically makes their judgement clouded' (Ged). This idea of clouded judgement was mirrored in the other interviews and was a possible explanation for the times that consent might have been assumed and the outcome of that being an innocent mistake when both parties have taken drugs: 'someone who innocently . . . makes a mistake you may take as being deliberate' (Mark). This was a possible explanation for those circumstances, though participants also talked about people who 'deliberately' cross those boundaries and the intentional overdosing of a person hung in the air ambiguously in the interviews.

There was also found to be a level of consent by the sex workers' decisions to take part in chemsex or not, 'it depends on how intimate the escort wants to be' (Hal). This gave the impression that the workers had a choice and they also got benefits of more money when taking 'chems' while providing their services. Though, on the other side, consent was taken away when drugs were involved. In such cases they: 'did things that they wouldn't normally, which were beyond their boundaries' (Peter). The boundaries and levels of consent were difficult to assess and maintain when drugs were involved. Participants reported the 'nuances' in these thin lines, and rungs that could be easily crossed or slipped off in these situations, and how sometimes they could be innocent mistakes and other times there could be a darker aspect to it. One participant noted:

'If you are offering some sort of service and you now say this is the service and this is what I am willing to do, this is what's on offer and, you know, take it or leave it. Hopefully, like a lot of jobs, there is room for discussion, a bit of leeway, but the problem is if you start taking drugs while you are working then you are sort of effectively handing over, you are potentially handing over your part of the bargaining to the client because the client is probably going to benefit from the

situation more than yourself. Guys who were offered free drugs when they took a job then actually didn't get paid and did things that they wouldn't normally do, which were beyond their boundaries'. (Uvi)

Of the nuances of drug use and the need for support, another participant said of injecting drugs:

'it's a very intimate thing for two guys to get involved in slamming together; it's actually breaking the skin and sticking something in someone's skin. I think it's more in line with self-harm than drug use, when you look at how people do it. There is more of an aggressive violent, eh, aspect to it as well, uhm. It's quite worrying that, for some of the guys, their first exposure to drugs has been slamming them at a chemsex party and I think about people who have had a first exposure to drugs as an injecting drug user that it is a completely different ballgame because maybe they are not learning, you know, the subtleties, er, nuances around learning how to take drugs safely . . . it's almost like walking in a bar and just going straight to the optics and drinking 6 or 7 whiskeys and not really learning about drinking a shandy or a beer and learning how to handle that. I think that in injecting communities, I am an ex-injecting drug user myself, there is an elder in that community who teaches people how to safely inject, and these used to be the go-to people, so, you know, people would sit down with them and teach them how to inject, what veins to use. Now, I just don't think that that's there in chemsex'. (Hal)

### 3.4. Archetype of Gay Sex

All of the participants discussed young men who come into the scene and see chemsex as an archetype of gay sex: 'younger people who don't know what to do but will do anything' (Tim). This, however, was seen as a result of a lack of discussion around chemsex and gay sex in general which was reported by the participants, as in one who stated 'seeing that the only way to be stimulated is to take drugs' (Uvi). A commonly reported aspect of chemsex was the concept of chasing this stimulation, Andrew explains 'you are young, and cute people will think that's great and go after you' (Andrew). Here, he discusses the people who get 'procured' into the chemsex lifestyle as a result of people making you 'feel special'. There was clearly a predatory aspect to the way men are pursued and that 'they go after you' suggests a preying on the younger guys and making them feel special. Participants also talked about a period of time when 'you are the one everyone wants until someone new comes along' (Sven), indicating the competition that exists.

### 3.5. Sex Work for Drugs

As the process continues, it moves on to 'derailment' as the interviewees reported that people may get into sex work to pay for the drugs to which they had become addicted. Freya reported: 'they do things they wouldn't normally do, like have sex on drugs or have sex to get the money to get the drugs'. Participants also reported the issues that arise when sex working and being offered free drugs: 'they took a job, then actually didn't get paid' (Raj). This offering of drugs in lieu of payment links to the loss of control because the drugs have given the bargaining to the client, and afterwards they could have assumed that they had paid them already. This links to the loss of control because the worker is assuming that they will get the pay and the 'free drugs' but they lose their bargaining power when they take the drugs, leading to further loss of control.

### 3.6. Loss of Control

This subcategory had two elements to it: loss of control in the general chemsex community and loss of control for the workers when they provide chemsex as a service. In the general chemsex community, there is loss of control in their drug taking practices. Sarah observes that: 'quite quickly, it becomes psychologically dependent'. The loss of control applies to that turning point, from it all being fun and in control to it becoming an

addiction to the drugs or lifestyle. Peter states: ‘negotiations around PrEP were difficult to manage if you have got a really hazy head’. There was also a loss of control over protective measures for HIV and other STIs when drugs were involved. Disinhibited by the drugs and the conversations and intentions about it, safe sex got forgotten about.

A commonly used term by the participants was ‘Going over on G’ and reflected the ease of overdosing on GHB/GBL. Freya related the experience of one man who had sex worked for drugs, and images and videos of him appeared on social media and pay-per-view sights, and someone else was getting the money for it while he received only the drugs: ‘sex that time for drugs, but then that was then sold so the sex work continued but he wasn’t even getting cash’—a wholly exploitative situation. Another participant said, ‘it feels like you are in control . . . then that actually gets turned around’ (Casy). In talking about the control that sex workers assumed they had because they were the ones selling the sex, the difficulty is that control is lost as a result of the drugs. This loss of control for sex workers was an important aspect because those who had done sex work reported: ‘we like to be in control of what we do’ (Uvi). This lack or loss of control could also be harmful to the workers mental wellbeing. Participants commented on the ‘saturation’ of the sex work field, which could possibly be the reason the workers were providing this as a service without the choice. They also commented on the control over what acts workers are willing to perform when drugs are involved; workers were more likely to do what they thought the client wanted rather than what they were willing to provide: ‘substances being involved you are . . . much more likely to maybe do what you think the person wants you to do’ (Bryan). The workers would then cross the boundaries that they would not usually cross because of possible peer pressure and the influence of the drugs. In this way they would fall down the rungs of the ladder of consent and into disempowerment.

### 3.7. Structural Disempowerment

Participants reported that the criminal justice system took away the power from the individuals when a crime was committed against them. They also reported a concern from sex workers in reporting crimes when drugs were involved, and one encapsulated it as: ‘they legislate everything out of sight, it’s just not working’ (James). Chemsex participants were worried about possibly being prosecuted for the drugs, and the assault might be overlooked owing to a drug classification, for example, ‘if it’s a class A drug and a group that is sometimes harder to overlook’. This disempowers the individuals as they cannot report the crimes that have been committed around issues of consent, and this applied to both non-commercial and commercial sexual activity.

A lack of education around consent seemed to be another factor of disempowerment. This lack of understanding of what consent is could be harmful to the individual mentally, and one participant said, ‘I certainly didn’t seem to realise that if you can’t consent then it is sexual violence’ (Ged). There was also a level of struggling to intervene when seeing someone not enjoying themselves that another reported: ‘having the guts to intervene and say . . . he is not looking well there, I think you should stop’ (Mark). This is a barrier, even for someone who knew about consent but still did not feel able to intervene because of the powerful force of compliance inhibited bystander action. Another participant reported lying over a young male sex worker’s body and pretending to be asleep so that older predatory men could not have sex with the young man until he had recovered enough to know what was happening.

### 3.8. Stepwise Re-Empowerment

One step to re-empowerment that permeated the interviews was the decriminalisation of the drugs. Participants reported that this would reduce the stigma around the drug taking in the wider society. Decriminalisation, it was argued, could also help bring back the power lost when a sexual assault has been committed because the worry of being prosecuted for the drugs used would be taken away. There was also a suggestion to decriminalise sex work in the majority of interviews. This again was understood to possibly



reduce the stigma surrounding sex workers. Freya said: 'decriminalise activities like this, including substance use, and look at them as a health issue or a societal issue'. This move from the criminal justice system to health or societal issue was one that was mirrored in other interviews, and treating it like alcohol addiction was reported by other participants. This change from the criminal justice system to a health matter was one in which the participants reported, because they understood that it would be easier to manage people's drug use if they treated it in the same way as people who had alcohol problems.

Education around consent and drug use was another step considered to help empower the individuals whose lives had been 'taken over by sex work'. Education was also considered to help to open up a discussion around chemsex and accordingly reduce the stigma around it. Participants suggested that education around same sex partners and consent should be taught at schools, which could then reduce stigma: 'consent is a major issue . . . it needs to be taught as education' (Ged).

Taking time out from chemsex was a further way of taking back control, and participants talked about people they knew who would: 'take every like third week or weekend off' (Raj). This links back to the concept of control, that people have taken the time off to recover from the drugs. Many clinicians advised sex workers to do the same and take back the control, as the comedown from the drugs is usually a few days and this would eat into time that the workers could be seeing other clients and getting more money. The perceived saturation of the male sex work market, however, could be a barrier to doing this.

While digital technology and smartphone apps play an integral role in both the sex work and drug taking they were a barrier to support, and participants reported the possible ways in which apps could be applied to support and help instead. This was considered attainable because it was considered that: 'the LGBT community are kind of the first . . . adopters' (Sven). Participants suggested that this might be the progression of communication for the wider population too, with ideas around the placement of adverts on these apps to signpost other apps, which are there to help and provide support around the issues that chemsex brings, and when individuals have lost control. Helpful adverts were reported in most of the interviews, and a further suggestion was made of a space where people could 'talk about things that went wrong or report users' (Uvi). This could return power back to those individuals and links to the idea of peer-to-peer support that the other participants reported would also help by promoting success stories from people: 'I also felt trapped, but I'm no longer trapped' (Raj). They would also be able to 'talk the language' and not have someone who is not part of it telling you what to do. This links to the notion of the community having the skills within itself; one participant said: 'teach him how to fish and he will feed himself for a lifetime' (Tim), suggesting a role for education here also.

Further suggestions that emerged were a poly-centre where all clinical and practical help is in one place and people do not have to struggle with managing their time around the various appointments, as participants said that clients 'feel that they can't really structure their week to accommodate all of them' (Sarah). The poly-centre could accommodate all the support needs that an individual has because of the issues from chemsex and could make the appointments manageable and anonymous. Such centres were considered to be able to tackle the stigma related to going to other mainstream services and deal with concerns that chemsex adherents had around using the drugs and being prosecuted.

#### 4. Discussion

The aim of this study was to explore the issues that arise at the interaction between chemsex and commercial sexual activity. The analysis of the interviews revealed that the stepwise process of chemsex begins as a pleasurable, so pleasurable that even health care professionals could see the appeal, and controllable activity. But, for a minority of participants, things could de-rail and become uncontrollable, disempowering, and exploitative. Willing participation in sex work could culminate in pressure to take and/or supply drugs and negate consent in other areas, and it could also escalate. It was therefore

conceptualised in a ladder of consent in which participants could go up or down, and the conditions under which willing participation could turn to exploitation were clarified. The participants, informed by their health practice work or experience having taken part in chemsex, suggested ways to re-empower those individuals who lose control.

The glamorizing of certain drugs to differentiate them from other addictive drugs also took place; indeed, it is not unusual for a stigmatised group to change the name of an activity they are engaged in so that it is more socially acceptable. This supports classic theory on stigma (Goffman 1963) and reinforces previous findings on chemsex (Giorgetti et al. 2017). In this case, a change of terminology from injecting to ‘slamming’ drugs was adopted to make it more socially acceptable. Changing the name, however, was also a barrier to accessing support because people who use chemsex do not see themselves as being the same as injecting drug users per se and would not access the services that are available.

A major strength of the study was that the participants were able to provide frank answers to the dangers that may occur in these instances, and they did not hold back for fear of being stigmatised or prosecuted. They were able to highlight the issues and could give examples, either from their own experience or from those of the people they had supported, to enable re-empowerment. Limitations do however remain, and these include the size of the sample and its focus on cisgender male sex, as our participants did not contain nor refer to transgender men—it is therefore transferability that should be attempted from such findings rather than extensive generalizability. In the conceptualisation of a consent ladder, the study advances the theory of concept of consent to illustrate the nuances in the stepwise process from willing participation to loss of control. In this way, the study augments the work of Smith and Tasker (2018) on survival stories and advances the work on motivations and values by Flores-Aranda et al. (2019) and Weatherburn et al. (2017).

#### 4.1. Implications for Service Development

This analysis helps expand the body of evidence for calls by Sewell et al. (2019) and Evers et al. (2020) for targeted service intervention for those at highest risk, along with gay population education so that young men arriving on the scene do not see it as archetypal gay sex.

Although the results do not contain any evidence of Stevens et al. (2019) findings of suicide ideation, there are some serious cases and there is specific support for their findings that services are not meeting needs. Our analysis suggest an importance for specialised services tailored to these specific drugs and the specific issues arising from taking part in chemsex. The fact that, in the UK, harm reduction is focused on more traditional addictions such as heroin or crack cocaine supports the findings of McCall et al. (2015). However, participants reported that these services are old-fashioned in the attitudes and services that they provide, still believing that, on the whole, injecting is still injecting. Therefore, maybe more specialised services along the lines of a one-stop-shop that maintain anonymity might be the solution, and the perceptions of pleasure and the process may help services to develop their practice.

Peer-to-peer support was reported to be a very valuable practice, as it was a move away from professionals telling them what to do to having someone who had experienced what they are talking about, which was an important and effective aspect for the individuals concerned. The analysis revealed that a possible barrier could be the NHS services not having that experiential knowledge, and a move towards more services providing complete anonymity would be an improvement, which most of the participants felt would be useful to reduce stigma.

The role of poly-centres where participants would be able to see doctors, dentists, and counsellors in one place was also raised, as this could help with time-management, with all the appointments that the individual might need after using chemsex over the weekend being available. Anonymity in these services is vital to ensure that people feel comfortable accessing them, as the fear of being prosecuted because of the barrier of the illegality of the

drugs and paid sexual labour would be removed for most of the participants. These might help to overcome the issues raised by [McCall et al. \(2015\)](#), and these could help to update services so as to address the changing nature of chemsex use.

#### *4.2. Implications for Education*

Digital tools and smartphone apps play an important role because they are where people recruit others for parties, find clients, and also find the drugs ([Stuart 2019](#)). The findings suggest that, as the preferred communication for the MSM who take part in chemsex, smartphone platforms could be developed to help and offer support when needed and might be the next step in communication and service delivery (c.v [Platteau et al. 2020](#)). At present, the apps present a hinderance rather than a help, where they could be developed to provide support and also be used to signpost services digitally (or in person) to help support those people who are disempowered. Furthermore, educating people around consent and drugs would help people to feel empowered enough to intervene when someone is not enjoying it or has not consented and something untoward happens. Therefore, bystander education would be valuable, as would education on particular chemsex drugs to help inform men better of the risks, which may reduce the number of men slamming dangerously.

#### *4.3. Future Research and Policy*

The overdosing of individuals was both shocking and redolent of known cases that have appeared in the media. While past research has found that it is possible to make mistakes in the doses of GHB/GBL ([Bourne et al. 2014, 2015](#)), the findings support the idea that there is a group of people for whom this is a common occurrence. Future research needs to explore this in more detail. Furthermore, the motives for this, along with sexual gratification, thrill-seeking, and any malevolent behaviour all require further investigation. This study extends the findings of [Tan et al. \(2018\)](#) on destigmatizing and decriminalising, and augments their recommendations that if drugs were to be decriminalised, there might be a reduction of stigma around their use, and these men would be able to access more mainstream services, and if paid sex were decriminalized it would remove the multiple stigmas. The decriminalisation of sex work could certainly empower people to report crimes committed against them. Additionally, the shift from treating these activities from a criminal perspective to a health and societal perspective was reported as being a useful thing to do. These findings have implications for service recommendations and strategies to address the issues of those individuals taking part in chemsex who lose control in order to bridge the gaps and limitations of current services, which are not specialised and up-to-date enough. The findings from the first phase have already had an impact in a UK context on the public policy of a major political party (qv. [Brooks-Gordon et al. 2017](#)) and, with the addition of the subsequent findings from phase two, this study has contributed to progressive harm reduction policies by law enforcement bodies (qv. [Sanders et al. 2020](#)). The study strengthens the case for decriminalisation of both sex work and the drugs, which in turn could reduce the stigma, as regulating the drugs could help people better manage the issues around overdosing on GHB/GBL. Without consensus for government protection and occupational and social rights to extend to sex workers, the laws and regulations that allow exploitation to exist will persist.

### **5. Conclusions**

Participants reported that there are positive elements to chemsex activities, when they are controlled and managed well, and not all people who take part in these activities struggle with their drug use. The purpose of the research was to highlight any possible issues surrounding these activities in order to clarify conditions of exploitation and willing participation. The consent ladder is therefore a significant theoretical development to the literature on chemsex and sex work, as well as a valuable tool for education, safety, and re-empowerment.

**Author Contributions:** B.B.-G. suggested the topic, supervised the data collection, and collected the data in phase one of the study. E.E. carried out the interviews in phase two of the project and did the first analysis of the phase two data. B.B.-G. amalgamated the data, and wrote the first draft of the paper. Both authors have read and agreed to the published version of the manuscript.

**Funding:** The Liberal Democrat Party provided administration support for the first phase of the study which was initial participant contact and room bookings for interviews.

**Institutional Review Board Statement:** The study was subject to ethical review and ethical approval was granted by the Ethics Committee in the School of Psychology at Birkbeck, University of London. The ethical guidelines of both the British Sociological Society and the British Psychological Society were closely adhered to, and participants had the right to withdraw their data at any time throughout the study.

**Informed Consent Statement:** Informed consent was given via email before the interviews and also written and signed by both the researchers and participants when they met. Participants were informed about all aspects of the project and debriefed after the interviews.

**Data Availability Statement:** Raw data sets are subject to GDPR and not on the public domain.

**Conflicts of Interest:** The authors declare no conflict of interest.

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Article

# Information and Communication Technologies in Commercial Sex Work: A Double-Edged Sword for Occupational Health and Safety

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**Abstract:** Over the previous decade, there has been a notable shift within sex work marketplaces, with many aspects of the work now facilitated via the internet. Many providers and clients are also no longer engaging in in-person negotiations, opting instead for communications via technological means, such as through mobile phones, email, and the internet. By analysing the qualitative interviews of indoor-based providers, clients, and agency managers, this paper addresses the occupational health and safety concerns that indoor sex workers experience in the digital age, as well as how technology use can both support and hinder their capacity to promote their health and safety. Using thematic analysis, we arrived at three salient and nuanced themes that pertain to the intersection of sex work, technology use, and occupational health and safety: screening; confidentiality, privacy, and disclosure; and malice. As socio-political context can affect the occupational health and safety concerns that providers experience, as well as their capacity to prevent or mitigate these concerns, we highlight our findings in light of prevailing societal stigma and a lack of legal recognition and protections for sex work in Canada.



**Citation:** Jiao, Sunny, Vicky Bungay, and Emily Jenkins. 2021. Information and Communication Technologies in Commercial Sex Work: A Double-Edged Sword for Occupational Health and Safety. *Social Sciences* 10: 23. <https://doi.org/10.3390/socsci10010023>

Received: 6 November 2020

Accepted: 12 January 2021

Published: 15 January 2021

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**Keywords:** indoor sex work; stigma; criminalization; Canada; technology

## 1. Introduction and Literature Review

The topic of occupational health and safety among adults engaged in commercial sex work has garnered increasing attention from researchers over the past several decades ([Global Network of Sex Work Projects 2013](#)). While the initial focus of research in the area emphasized street-based and third-party-managed marketplaces (e.g., escort agencies and brothels), the ubiquitous nature of the internet and related information and communication technologies (ICTs) have contributed to shifting occupational dynamics that warrant attention ([Argento et al. 2018](#); [Kille et al. 2017](#); [Sanders 2008](#); [Sanders et al. 2018b](#)). ICTs are creating unprecedented opportunities for sex workers to determine how they will conduct business and allowing for greater control over their work ([Pitcher 2015](#)). The increased use of ICTs has also been associated with increase depression, isolation, and violence among sex workers, but the mechanisms by which these occur remain unclear ([Bungay and Guta 2018](#); [Minichiello et al. 2015](#)). More research about the interrelationships between ICTs, their uses, and sex workers' occupational health and safety is urgently needed.

Generally, service providers experience significant threats to their occupational health and safety, including physical and sexual assault, robbery, violation of privacy, harassment, and non-payment by clients ([Bungay and Guta 2018](#); [Bungay et al. 2012](#); [Church et al. 2001](#); [Harris et al. 2011](#); [Jones 2015](#); [O'Doherty 2011](#); [Sanders and Campbell 2007](#)). ICTs are also contributing to new threats, including the inadvertent disclosure of their status as a provider to family or general public, harassment and threats, persistent unwanted contact or stalking, and the misuse of information, including images ([Campbell et al. 2019](#); [Sanders et al. 2016](#); [Sanders et al. 2018a](#)).

ICTs have allowed sex workers to mitigate threats to their occupational health and safety, such as those from potentially violent clients. ICTs have shifted initial communications away from the immediacy of in-person initial contact to assess suitability, negotiate fees, service, and payment. Instead, much of these discussions are happening via the use of ICTs such as mobile phones, email, and various online communication platforms prior to any in-person engagement (Argento et al. 2018; Sanders 2008; Sanders et al. 2018b). Internet-based search engines allow workers to verify and collate information about potential clients as a means to assess their suitability (Argento et al. 2018; Campbell et al. 2019; Jones 2015; McLean 2015; O'Doherty 2011; Sanders et al. 2018a). Sex workers can assess the language and tone of emails and text messages to determine the risk a potential client may pose, and they may refuse to respond or block communications if needed (Argento et al. 2018; Campbell et al. 2019; Kille et al. 2017; McLean 2015; O'Doherty 2011; Sanders et al. 2018a).

As sex work marketplaces shift from the street to the screen, research addressing the occupational health and safety issues of indoor and internet-based providers is emerging. Unfortunately, the existing body of knowledge is largely limited to countries that have vastly different socio-political and legal contexts than Canada, such as Australia, the United Kingdom, and the United States. As socio-structural factors such as the law can impact both the occupational health and safety concerns that providers experience, as well as the prevention and mitigation strategies that they employ (Bungay and Guta 2018; Deering et al. 2014), it is important to generate knowledge that is specific to the Canadian context.

In this paper, we examine the interrelationships between ICT use and the occupational health and safety concerns of sex workers within a specific socio-legal Canadian context. We contribute to the urgent need for empirically-derived evidence necessary to inform public initiatives aimed at reducing stigma and discrimination toward indoor sex workers to better address their health and safety needs.

## 2. Theoretical Considerations

### *Defining Occupational Health and Safety*

All employment sectors encounter work-related health and safety concerns that are shaped by the immediate environment and the larger social, economic, political, and historical contexts in which work occurs (Gerlach et al. 2017). Such concerns can and do result in negative sequelae for the workforce and workplace (Reese 2017). In the most general sense, occupational health and safety refers to a system of policies, procedures, and practices that aim to optimize working conditions that reduce the likelihood of work-related injuries and illnesses (International Labour Organization 2016). Occupational health and safety also aims to foster workers' emotional, social, and financial wellbeing (Bungay and Guta 2018; Sanders et al. 2018a) and, as such, is concerned with the immediate working conditions and socio-structural features of society that can promote or negate the health and safety of the workforce (International Labour Organization 2016).

Though there are many facets to the working conditions experienced by sex workers, stigma and legal regulation are particular socio-structural features of occupational health and safety of importance in our study (Benoit et al. 2017; Benoit et al. 2018; Bungay and Guta 2018; O'Doherty 2011). Sex workers regularly experience symbolic stigma (Herek et al. 2005), where they are perceived as contributing to societal harms such as crime, disease, and moral corruption. They also experience what is known as "whore" or "prostitution" stigma, which equates to selling honour for base gain (Benoit et al. 2017; Pheterson 1993). These various stigmas play out specifically to affect workers' occupational health and safety through various socio-structural sources, including at the macro (e.g., laws, regulations, and policies), meso (e.g., the justice and health systems), and micro levels (e.g., disapproval by the general public and devaluation by fellow providers) (Benoit et al. 2017).

In Canada, legal regulations have not taken an occupational health and safety approach that recognizes sex work as a legitimate occupation, a valid source of income, and a rational and purposeful choice for those who engage in this work. In 2014, Bill-36, The Protection of Communities and Exploited Persons Act was put in force. The overarching

objective of this Bill was to reduce the demand for sex work, deter participation, and ultimately abolish sex work (Department of Justice 2017). While Bill-36 does not criminalize the selling of sexual services, notable offences include: (1) purchasing sexual services, (2) receiving financial or other material benefits from the sexual service provision of others in exploitative circumstances, and (3) communicating for the purpose of selling sexual services in locations where the presence of children could be reasonably expected (e.g., schools, playgrounds, and day care centres) (Department of Justice 2017). Because we know that the occupational health and safety concerns that sex workers face, as well as the strategies they can employ to help prevent or mitigate these concerns, are both shaped by socio-structural conditions such as stigma and legal regulation (Benoit et al. 2017; Benoit et al. 2018; Bungay and Guta 2018; O'Doherty 2011), we intentionally integrated these specific contextual features into our understanding of occupational health and safety.

### 3. Methods

Data were collected as part of a national, mixed-methods study examining the ways in which sex workers, clients, and third parties (e.g., managers, booking clerks, and security) use information and communication technologies (ICTs) to facilitate commercial exchanges within the semi-criminalized context of the Canadian commercial sex industry (2016–2017). For the purpose of this paper, we specifically drew on qualitative interviews with 35 sex industry actors to analyse the role of ICTs in sex workers' occupational health and safety.

#### 3.1. Sampling and Recruitment

A multimethod recruitment strategy was used, including posters in public spaces, online banner ads on popular internet-based classified ad sites and review boards, the word of mouth networks of participants and sex work support organizations. Participants were invited to share recruitment information with colleagues and peers, and we maintained a study website and blog to provide updates and respond to general questions about participation. Recruitment material detailed the inclusion criteria: people of any gender who were aged 18 years or older and had previously and/or were presently using ICTs to sell or pay for sexual services. Exclusion criteria were those unable to communicate in English or those who did not meet the inclusion criteria. Interested participants contacted the research team by phone or email to review eligibility criteria and expectations for participation. All of whom emailed or called were eligible, and only one contact declined an interview. No participants withdrew from the study.

#### 3.2. Data Collection

Semi-structured interviews were utilized to gain an in-depth understanding of participants' experiences and perspectives concerning their ICT use and the interrelationships between ICTs and occupational health and safety (Patton 2015). Interviews lasted 30–90 min and were conducted in person or by phone, depending on the participants' choice and availability. Interview guides were developed by drawing on existing literature and the expertise of the research team; all focused on experiences of and decision-making regarding ICT use, with questions tailored to each participant sub-group. People engaged in sex work, including providers and third parties, were asked about ICT uses in advertising, determining the interest or suitability of clients and providers for an in-person meeting, and other operations associated with their work. Clients were asked about their experience of using ICTs in locating and making contact with potential providers and their decision-making associated with ICTs in this context.

#### 3.3. Data Analysis

This study adhered to an inductive analytic approach guided by Thorne (2008), through which we sought to find patterns and variations in participants' experiences to better understand the phenomenon of ICT and its relationship to occupational health and safety across varied sex work industry-related activities. All interviews were transcribed

and uploaded to NVivo11™ to facilitate analysis. An initial reading of the qualitative interviews was completed to generate broad categories apparent in each of the participants' experiences. Transcripts were then compared and contrasted to identify emergent patterns to see whether they reflected our understanding of participants' experiences or discredited our interpretation (Thorne 2008). To ensure rigour, findings were compared with audio-taped interviews, memos, and transcriptions to verify the authenticity of the data. Initial thematic codes included: using technology to advertise, screen, and communicate; using technology for payment; posting photos, technological nuances, and traps; malicious and degrading reviews; unconsented use of pictures and videos; avoiding scams; and being outed and the risk for blackmail. These codes were subsequently regrouped into theoretical codes guided by our theoretical tenets, including occupational health and safety, stigma, and the current legal context of the sex work industry in Canada. Finalized thematic categories were informed by the extended literature on the occupational health and safety implications of technology use in sex work, both in terms of the occupational health and safety concerns that workers experience and the prevention or mitigation strategies that they use.

#### 4. Results

The participants had varied roles within the commercial sex industry, including dual roles such as sex worker and client or client and third party (see Table 1). While a few of the providers had worked in outdoor settings, indoor settings were the most typical. Likewise, the vast majority of clients we spoke to attended to services offered indoors. Clients and providers engaged in the industry in diverse locales including the providers' pre-established place of business (e.g., in-call) or another mutually agreed upon setting such as a hotel or the client's home (e.g., out-call). Information and communication technologies were essential elements of the work setting and activities. Online classified advertisement platforms were common, as were review boards where clients rated and discussed their experiences within the industry. Personal websites, Twitter, Instagram, Facebook, email, phone calls, and text messaging were additional advertisement and communication platforms, illustrating the ubiquitous use of ICTs within the industry. We did not use a standardized process to collect demographic information, but we noted in our field notes how people described themselves. Some participants mentioned their age or approximate age, and these participants ranged in age from their 20s to their 50s.

**Table 1.** Participant characteristics (n = 35).

Role (s)	Gender	n (%)
Sex Worker	Male	4 (11.4)
	Female	11 (31.4)
Client	Male	15 (42.9)
	Female	0 (0)
Third Party	Male	1 (2.9)
	Female	0 (0)
Sex Worker and Client	Male	2 (5.7)
Client and Third Party	Male	1 (2.9)
Sex Worker and Third Party	Female	1 (2.9)

An analysis of the data illustrated that the sex work participants experienced a number of occupational health and safety concerns situated within the nexus of societal stigma and a lack of legal recognition and protection for engagement in sex work. To help illustrate

these concerns, we present the findings through three interrelated themes that demonstrate how providers leverage technological mediums (such as mobile phones, email, and the internet) to formulate strategies to counter, minimize, or resolve these concerns, and/or how their use of these mediums of technology can exacerbate these concerns and hinder their occupational health and safety. As the themes are inherently interrelated, it is possible that the quotations we present under one theme could also be applicable to a different theme. Overall, we selected quotations that best supported our thematic narrative and illustrated the salient points put forward in our analysis. We intentionally categorize participants as provider or client in noting the role of the participant in the subsequent data excerpts to support participant confidentiality. While all participants' interviews were included in the analysis, the sample size for third party roles was relatively small and the community within the industry is close knit.

#### 4.1. Screening

ICTs and the types of communications they afforded were essential to screening, defined by the participants as initial processes to determine the possibility of a positive client encounter. Screening enabled providers to assess compatibility, credibility, and the fiscal, physical, and emotional safety of a potential client prior to an in-person meeting. Some screening occurred 'passively' via information communicated through providers' online advertisements. Advertisements enabled clients to assess their fit with a provider, thereby potentially decreasing the likelihood of an incompatible or unsafe encounter, and working as a way to avoid time-wasting on behalf of both parties. Additionally, sex workers identified this as a way to help reduce the detrimental economic impact of unpaid time spent screening:

What kind of image do you want to present so that you get the type of clients you want? You have to take that into consideration. It's basic marketing. It's just a question of really thinking of what is it that you want to present and how you're presenting it [in your ad] so that you get the right kind of client.—Provider 02

Clients and providers used additional screening strategies via text-based (e.g., instant messaging and email) and voice (e.g., phone) communications. Language was monitored and assessed for tone and sincerity. Communications from would-be clients of clear preferences, the services they were interested in, and their expectations were described as indicators of sincerity. Some were cautious about how clients addressed them, noting that being called anything other than their name was a warning of potentially aggressive or disrespectful behaviour. Effort in communication was used to assess intention, where greater effort assessed by longer and more in-depth communications was considered to represent sincere or 'real' potential clients. Some providers also integrated activities to assess effort by requiring potential clients to directly obtain contact details through their website link embedded in an online advertisement.

I want to see people who actually take the time read my website, to go find my email address, which already narrows down the clientele. I make people jump through various hoops, and the more people are willing to jump through hoops, the happier I seem to be in my work.—Provider 10

Communications limited to rates or immediate availability were dismissed by providers as insincere, untrustworthy, and disrespectful. Often described as "pranksters and trolls," people communicating this way were viewed as potentially harmful to providers' emotional wellbeing, noting "they don't really care about me" and "they just want to fuck." Many providers also spoke to the stability of a would-be client, choosing to disengage with those who have a sudden shift towards aggressive behaviour without apparent provocation.

While texting, emailing, and other forms of non-verbal interaction were common, people spoke eloquently about communicating directly through phone conversation as critical to the screening process:

I need to talk to them and feel them out and hear them to screen them, or just getting a vibe about a person, like I can't get a vibe out of some typed up words.—  
Provider 06

However, the role of phones for screening was not limited to voice communications. How and when phone numbers were used illustrated the incredible complexity of this technology for screening and occupational safety. Phone numbers were not consistently shared freely between providers and would-be clients. Some clients reportedly blocked their numbers for fear that they were being set-up in some way to be publicly identified as a sex work client. These fears were exacerbated by the legal context of the criminalization of seeking and paying for sexual services. However, blocked numbers were not well-received by providers. Though they recognized clients' legal vulnerabilities, they expressed concerns that blocked numbers could indicate potential predators or insincere clients, and they noted that the ongoing advancements in ICTs further enabled people to hide personal information while simultaneously creating false personas, thereby exacerbating risk of harm.

The law, that's by far the worst thing. [ . . . ] It makes everything more difficult in terms of the screening and using technology and internet programs and websites to screen clients. They [clients] don't want to participate in that.—Provider 07

There is a whole way that the guys hide who they really are. The smart ones are able to figure out how to circumvent our ways of figuring out who they are. So that whole concept of somebody being able to create a phone number, create a persona, and I don't catch that this is that stalker from three years ago. They come back in a different form, so either a different email or a different name or a different phone number, and you don't necessarily catch it right away.—  
Provider 05

Client participants were aware of unsafe working conditions for providers and described many strategies they perceived as mitigating some of the challenges in communicating sincerity and trustworthiness during screening activities.

For a reference, you may contact so and so at this number or at this email address. I would contact the other lady that I've seen before and who is willing to provide a reference; then, the provider they will talk to each other or text each other, and just to confirm I'm who I am and that I'm a good client.—Client 03

Sex industry review boards provided another essential screening strategy. Clients recognized the vulnerability of sex workers to unsafe working conditions and discussed the importance of review boards as a resource to help workers avoid harm.

There is a private section specifically for the providers. That's where they can exchange information largely around their safety. I know there is a section where they can exchange information on bad dates and things like that.—Client 08

Providers additionally relied on networks with other providers, using group texts to communicate details about a 'bad date'—a term used to define experiencing specific types of harm associated with client actions such as disrespecting pre-established boundaries, pressuring the provider for more time, attempted or actual non-payment, non-consensual condom removal, and physical and sexual assault. It is notable, however, that providers had to experience egregious unsafe acts and harm while working to enable communications to protect others against bad dates.

I network with other providers that I trust, and we have lists of phone numbers of the people we know we want to avoid. We'll say 'hey I had this experience' or 'what do you think of this phone number? The texts are weird' or 'I didn't like the message they left.' Or we'll have somebody try to use a different number, and we'll relay [ . . . ] 'the person is at it again, here's his new number.' Any news of somebody that's a bad call, we just put it out there. We're texting each other and emailing each other. [ . . . ] We'll talk over the phone. It's like we each have our own office and we'll all connected.—Provider 13

The ability to screen was crucial in helping to promote occupational health and safety for providers. Providers reported spending less unpaid time screening through poor quality clients—communications that rarely resulted in an appointment. Providers were also able to reduce instances of harassment and verbal abuse, reporting that they felt happier emotionally.

#### 4.2. Confidentiality, Privacy and Disclosure

The socio-structural context of the commercial sex industry, particularly the illegality of paying for sexual services and the stigma and discrimination associated with sex work, further created occupational hazards. These hazards were, in turn, exacerbated by the relative dearth of formal recognition and protections for people engaged in sex work. One particular source of harm pertained to the non-consensual public disclosure of working in the sex industry, an experience known as ‘being outed.’ While confidentiality was also an issue for clients’ use of ICTs during screening, the issue of non-consensual disclosure was an additional occupational concern for providers with grave consequence. These non-consensual disclosures were heavily influenced by the operational features of ICTs and the security oversights in protections afforded in technologies. Though ICTs were critical to enable providers to undertake their work, these technologies simultaneously created a vulnerability to loss of privacy and confidentiality, and they required substantial technological knowledge and skills for people to protect themselves. Knowledge and skill were developed over time, usually through trial and error with significant harm, particularly from accidental non-consensual disclosure.

Providers worked diligently to avoid accidental non-consensual disclosure, especially in the context of being outed to family and friends. Avoiding accidental non-disclosure and/or removing oneself from an online presence if disclosure occurred was complex because it entailed numerous technologies and platforms. These activities, similar to screening, were undertaken during unpaid time and regularly required a steep, time-consuming learning curve. Providers’ advertisements were on several classified and review board platforms, and many had personal websites. They also often had multiple smart phones to separate personal from professional lives. These phones involved a plethora of applications such as email, masking apps to hide personal identifying information such as location and phone number, and internet browsers with advanced privacy and security functions.

I have two separate lines for my life. [ . . . ] The phones are set up with different ringers. My voicemail on my business line indicates my availability. [ . . . ] It’s very important for privacy and discretion to have a phone number that is strictly for the business.—Provider 13

I don’t have my sex work email attached to my mail app, like the mail app on my iPhone. Instead, I log in on a browser and it’s all just web-based. [ . . . ] I have friends. They’ll have an app and all their emails will go into their mail app, and so they need to make sure to reply from the right email. I can’t reply to my aunt from my sex work email.—Provider 04

The threat of being outed carried with it significant financial, emotional, and psychological harms associated with sex work-related stigma and the gaps in financial support during economic hardships. Being outed regularly required removing an online presence, thereby contributing to a loss of business and the expense and time to become re-established under another identity. For providers with children, the impact for these relationships was severe.

You get outed and you’ve got to take your shit down really quick because you have kids or because your husband is going to use it in your divorce settlement or your custody battle.—Provider 04

While being outed was perhaps the priority worry, providers experienced many other privacy and safety concerns related to technologies that permitted sharing across multiple



devices and platforms, particularly the covert connections between their phone number and social platforms such as Facebook and Instagram. Often these connections went unrecognized and created situations of unwanted communications from clients outside the professional boundaries of the provider–client relationship (e.g., attempted ‘friending’ on Facebook). In some instances, these connections contributed to situations of stalking and other forms of unwanted contact.

He found my Instagram based on my real number and started following me. I was so scared. I’m like ‘how does he know my name, who I am?’ I realized that’s why you don’t use your real number. Live and learn. I didn’t know they could find your Instagram through your number. There are so many things people trace you with.—Provider 09

The plethora of ICTs and the conditions associated with the ever-increasing shift to online platforms as a means for providers and clients to learn about one another created additional occupational hazards, with direct impact on providers’ privacy and dignity. The use of photos is a vital aspect of advertising for successful business operations. Posting photos safely, while an industry standard, necessitates knowing how to remove all geographical markers and other identifying information; this was a skill that was varied among the participants. Providers noted an awareness of risk associated with posting or sharing their photos and videos on the internet. Though the content was never meant for public consumption, the need to be competitive with other providers and create a successful business trumped these risks. Providers acknowledged that there is very little they can do to control what others choose to do with their content, even among those who were savvy in programming aimed at enhancing information security.

There are different little snippets of code that people do, Ctrl–Alt–C for copy, then it just blocks. [ . . . ] But you have to put that little piece of code into everything [ . . . ], and there are ways around that anyway. You can just have the image and do ‘print screen’ and then you have it. [ . . . ] Anybody who is computer-savvy in any way, shape, or form. And most people that would do stuff like that, they know. They know the ins and outs of the internet, and they know how to operate their computers. So they’ll get it no matter what.—Provider 03

The client participants acknowledged wanting to take pictures while also describing that they were regularly required to turn off their phones or keep their phones off and visible to the provider during their visit. While providers noted having videos and photos taken without their consent, the clients in this study considered any use of images to be under the providers’ control.

That’s an assumption that I’ve made [not to take pictures or videos]. Sometimes I’ll say ‘do you mind if I take a picture?’ and they’ll say ‘no.’ I’ve yet to have anybody say ‘yes.’—Client 14

It is clear that certain operational characteristics of ICTs exacerbate the risk of accidental disclosure for providers and that these characteristics may require providers to spend significant time and effort to learn how to navigate and mitigate this risk. However, the ability of providers to do so is severely impeded by prevailing stigma and a lack of legal recognition and protections.

#### 4.3. Malice

While online sex industry review boards serve as indispensable technological resources in the promotion of occupational health and safety for providers by allowing them to more effectively screen clients (see above) and to exchange information pertaining to safety, this communication platform also has the potential to contribute to harm by facilitating the perpetration of threats and libel (i.e., a written defamatory statement that causes damage to a person, including financial loss and “statements that reflect adversely on a person’s character with respect to her trade, profession, or business”) (Osborne

2015, pp. 433–34). Providers were often the subject of malicious and degrading reviews where clients would post negative comments about them, e.g., suggesting that they were overweight or were odorous. These reviews not only affected the provider's emotional wellbeing but also caused damage to their professional reputation, with implications for their financial safety. In some instances, clients post negative reviews in retaliation to a provider asserting their boundaries, including reviews with false allegations.

I had one fellow insinuate that I was a trans person. He wanted to touch, my policy is no petting the muffin [vagina]. Don't even try it. And he tried it. So in his post he insinuated that I was hiding male parts.—Provider 13

Alternatively, providers spoke of how clients used the review board platform to threaten them to engage in sexual acts that may jeopardize their health, where clients indicated that if the provider failed to comply, they would post a negative review, thereby taking advantage of the provider's fears about reputational damage and threats to their livelihood.

He'd show up saying 'Look I'm clean [from sexually transmitted infections], I'll give you this much extra if you do it [have sex without a condom].' 'No, I don't do that.' 'Well too bad, if you don't I'm going to post a bad review and use the internet review sites to threaten you into submission.'—Provider 12

With the intention of promoting their physical, emotional, and financial safety, some providers engaged in review board 'wars' with clients and tried to defend themselves. However, providers noted that these virtual efforts at 'fighting back' were often counterproductive and could backfire on the provider, leaving them with little choice but to concede, apologize, and commit to 'doing a better job next time.' Other providers tried to preserve their professional reputation by asking the moderators of review boards to remove malicious posts. However, once a negative review is posted, intense debate typically ensues—"It's like an internet pile on. They just drown you in it." Thus, even when a moderator eventually removed the post, many people had already seen the content and damage to the provider's reputation and future business prospects was already incurred. Providers experienced barriers to promoting their occupational health and safety not only at the level of the review boards. They also reported being hesitant to reach out to police for assistance. This hesitancy was attributed to a combination of stigma at the macro (e.g., a lack of legal protections for engagement in sex work) and meso levels (e.g., at the level of the justice system), where providers described being under the impression that law enforcement takes limited action when the person reporting the crime or threat is a provider.

There was the guy who I was, I was trying to report extortion, the bareback extortion case. He [the police officer] says 'well,' he's looking out the window, he's not looking at me while I'm talking. He's like 'well, you know it's really hard to prove' and didn't even take a statement and wrote nothing down, so didn't take it seriously at all.—Provider 12

While the review boards indirectly affected providers' financial safety by way of reputational damage, technology also directly affected financial wellbeing in the form of financial scam. To remain anonymous, some providers established a company account to accept payment from clients through online payment systems such as PayPal. However, unlike cash payment, these online payment systems created a situation whereby clients were able to retract payment at a later date, even after services have been received, thereby limiting the providers' financial safety. In addition, in some situations, providers reported that in circumstances where they permitted clients to transfer funds electronically after service provision occurred, some clients did not follow through with payment and deleted or blocked their online profile or account so that the provider could not locate them. Again, due to the intersection of stigma and a lack of legal protections, there was little providers could do to promote their financial safety. Some chose not to alert law enforcement about

the financial scam due to fear of potential legal ramifications such as being arrested or charged.

If somebody tries to see you [ . . . ] and they don't follow through with the full payment or they try and [ . . . ] get away with not going through with the payment, which has happened to me a couple times, you actually can't do anything about it because at the end of the day, I can't go to police and say this person did this to me and they didn't pay me because I was supposed to do this for them.—Provider 08

Providers encounter many types of malice in their work. However, due to prevailing stigma and a lack of legal protections, when providers were subjected to libel and threats or when clients did not follow through with or retracted payment, providers did not feel supported in reaching out to the authorities. Rather, they were left to navigate these issues on their own, often to little resolution.

## 5. Discussion and Conclusions

Our findings illustrate that ICTs significantly shape occupational health and safety for sex workers in the adult commercial sex industry. In addition, any understanding of the impact of technology use on the occupational health and safety of providers must consider the larger socio-structural features of society and the capacities and limitations of the technologies themselves. Our findings specifically demonstrate that ICT uses and capabilities represent a 'double-edged sword' of harm and benefit that are only exacerbated within a current climate of state regulation that affords little or no occupational protections to those working in the industry.

The role that ICTs play in exacerbating social, financial, and interpersonal harm has increasingly been considered important to the health and safety of sex workers (Campbell et al. 2019; Sanders et al. 2016; Sanders et al. 2018a). Discussions of these harms have emphasized such issues as verbal abuse, harassment, and misuse of information (Bungay et al. 2012; O'Doherty 2011; Sanders and Campbell 2007; Sanders et al. 2018a). While our findings concur with earlier research, we expand information about the complexity of technologies that can allow for these harms to occur in covert ways. Hidden links between various social media platforms and embedded geographical markers in photos have resulted in the unintentional intermingling of professional and personal lives, and in situations of unwanted contact, stalking, and other forms of harassment. We refer to these covert links and markers that may lead to unsafe scenarios for providers as 'technological nuances and traps.' We also note that providers may be aware of and may be wary about the potential for these scenarios. In a way, these 'technological nuances and traps' act as a source of 'technostress,' which refers to stress that is created through ICT use and is "one of the fallouts of an individual's attempt and struggles to deal with constantly involving ICTs and the changing cognitive and social requirements related to their use" (Tarafdar et al. 2007, p. 303). Of the various types of technostressors, 'techno-invasion,' or the invasion of ICTs into an individual's personal life (Nimrod 2018), seems to have the most relevance for our study findings. Our findings illustrate the need for further investigations into technostress and occupational health and safety among sex workers.

The intersections between ICTs and the lack of occupational health and safety regulations as a source of financial harm also require attention. Though providers can require clients to pay prior to service provision to avoid non-payment (Bungay and Guta 2018; Bungay et al. 2012; Manning and Bungay 2017), we found that some clients could cancel electronic payments after receiving services, with little recourse by providers. This situation is exacerbated by the criminalization of payment for sexual services, which disallows enforceable occupational health and safety standards to prevent financial fraud. The lacking of standards also enables clients to engage in violations of privacy and respect through such acts as non-consensual filming and photo-taking, engaging in libellous activity in a public forum, and outing workers. The damage that stigma has for sex workers' health and safety is well-substantiated, so these acts have serious consequences including a loss of income,

disrupted intimate relationships with non-commercial partners, anxiety, depression, and an increased risk of violence (Benoit et al. 2017; Benoit et al. 2018; Jiao and Bungay 2019).

The experiential knowledge that sex workers, clients, and third parties gleaned over time as they used ICTs must also be considered. Little support is available to enable sex workers to build their capacities to use ICTs to foster occupational health and safety (Bungay and Guta 2018). However, over time, many sex workers have employed effective strategies to maximize business and promote privacy including having a separate phone, SIM (subscriber identity module) card, email, or web browser for work and using privacy specific software applications that have been noted in other research (Sanders et al. 2018a). Similar to other studies of internet-based sex work business models (Kille et al. 2017), they also created a specific web presence that allowed them to communicate their business practice. Importantly, over time, these learnings were regularly shared within communication networks among sex workers and clients alike. Novel approaches and interventions are urgently needed to foster the abilities of sex workers to maximize ICT use in their occupational activities.

This study contributes, in various ways, to knowledge that is specific to the socio-political and legal context of Canada on the occupational health and safety concerns that indoor sex workers experience, as well as how the use of technology can both help to promote and hinder occupational health and safety. By highlighting the impact of the current socio-political and legal environment on the occupational health and safety of providers, these findings can help inform evidence informed social policy discussions aimed at improving occupational health and safety for providers. We recommend that policy makers consider the impact of the current policy approach on the occupational health and safety concerns that providers experience, as well as on the ability of providers to counter these threats, when generating future policies pertaining to sex work in Canada. We also recommend the development and implementation of health and social programs to promote occupational health and safety for sex workers, as well as interventions with the goal of reducing stigma that is associated with being providers of sexual services, at the micro (e.g., individual), meso (e.g., the justice and health systems), and macro levels (e.g., policies and the media).

Finally, we acknowledge several limitations to our study. Our sample mainly consisted of providers who identified as female and clients who identified as male, not allowing us to fully account for the experiences of male providers, female clients, and transgender providers and clients. In addition, the use of a convenience sample and the self-selection of participants may be concerns, because providers and clients who were willing to talk about technology use and participate in the study may be more proficient at the use of technology compared to participants in the commercial sex industry who are not. Using different recruitment and sampling strategies might have yielded different results. Lastly, although it was clear that the study participants were incredibly generous in sharing their stories, experiences, and insights with us, due to the prevailing stigma that surrounds sex work and the semi-criminalized sex work environment in Canada, it is possible that participants were not entirely forthcoming. Drawing on some of these limitations, it would be helpful for future work in the area to address the experiences of male providers, female clients, and transgender providers and clients. It would also be worthwhile to examine these important issues with a larger group of stakeholders of the sex work industry, including law enforcement, sex work community organizations and advocates, and policy makers.

**Author Contributions:** V.B. designed the study and helped to conduct the interviews. S.J. formulated the coding framework, thematically analyzed the data, and produced the initial draft. V.B. and E.J. reviewed, nuanced, and edited the initial draft. All authors made edits in response to the feedback of reviewers, and all have read and agreed to the published version of the manuscript.

**Funding:** This research was funded by the Social Sciences and Humanities Research Council of Canada (SSHRC). Grant File 435-2014-0876.

**Institutional Review Board Statement:** The study was conducted according to the guidelines of the Declaration of Helsinki, and approved by the Behavioural Research Ethics Board (BREB) at the University of British Columbia (H14-01132). Original date of ethics approval, 24 May 2017.

**Informed Consent Statement:** Informed consent was obtained from all participants involved in the study prior to commencing interviews.

**Data Availability Statement:** In accordance with consent provided by research participants and to protect the confidentiality of individuals who are stigmatized, and who engages in activity that is not legally endorsed, the authors will not be sharing their full data set. Data supporting the reported results is available throughout the manuscript text in the form of participant quotations.

**Acknowledgments:** We are grateful to the 35 sex workers, clients, and third parties who took the time to participate in the qualitative interviews to share their experiences and insights. V.B. is supported by the Canadian Research Chairs Program. E.J. is supported by the Michael Smith Foundation for Health Research Scholar Program.

**Conflicts of Interest:** The authors declare no conflict of interest.

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Article

# Sex Workers' Access to Police Assistance in Safety Emergencies and Means of Escape from Situations of Violence and Confinement under an "End Demand" Criminalization Model: A Five City Study in Canada

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**Abstract:** There is limited available evidence on sex workers (SW) ability to access police protection or means of escaping situations of violence and confinement under an "end demand" criminalization model. Of 200 SW in five cities in Canada, 62 (31.0%) reported being unable to call 911 if they or another SW were in a safety emergency due to fear of police detection (of themselves, their colleagues or their management). In multivariate logistic regression, police harassment—linked to social and racial profiling in the past 12 months (being carded or asked for ID documents, followed by police or detained without arrest) (Adjusted Odd Ratio (AOR): 5.225, 95% Confidence Interval (CI): 2.199–12.417), being Indigenous (AOR: 2.078, 95% CI: 0.849–5.084) or being in Ottawa (AOR: 2.317, 95% CI: 0.865–6.209) were associated with higher odds of being unable to call 911, while older age was associated with lower odds (AOR: 0.941 per year older, 95% CI: 0.901–0.982). In descriptive statistics, of 115 SW who had experienced violence or confinement at work in the past 12 months, 19 (16.52%) reported the incident to police. Other sex workers with shared expenses were the most commonly reported group to have assisted sex workers to escape situations of violence or confinement in the past 12 months ( $n = 13$ , 35.14%). One of the least commonly reported groups to have assisted sex workers to escape situations of violence or confinement in the past 12 months were police ( $n = 2$ , 5.41%). The findings of this study illustrate how the current "end demand" criminalization framework compromises sex workers' access to assistance in safety emergencies.

**Keywords:** sex work; end demand; violence; police; criminalization



**Citation:** Crago, Anna-Louise, Chris Bruckert, Melissa Braschel, and Kate Shannon. 2021. Sex Workers' Access to Police Assistance in Safety Emergencies and Means of Escape from Situations of Violence and Confinement under an "End Demand" Criminalization Model: A Five City Study in Canada. *Social Sciences* 10: 13. <https://doi.org/10.3390/socsci10010013>

Received: 13 November 2020

Accepted: 22 December 2020

Published: 7 January 2021

**Publisher's Note:** MDPI stays neutral with regard to jurisdictional claims in published maps and institutional affiliations.



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## 1. Introduction

Empirical research has consistently demonstrated that sex workers are denied access to police protection and criminal justice redress in countries and regions where the sex trade is fully or partially criminalized (Platt et al. 2018). Sex workers report being dismissed, discredited or blamed in the course of reporting violence to authorities (Benoit et al. 2016; Crago 2015; Dewey and Germain 2014; Miller 2002; Nichols 2010; Okal et al. 2011; Scorgie et al. 2013; Sherman et al. 2015). In some contexts, sex workers themselves (or their partners or managers) are charged, arrested or detained when they turn to authorities to report the violence they experience (Roots 2018; Benoit et al. 2016; Miller 2002; Okal et al. 2011; Sherman et al. 2015; Scorgie et al. 2013). Moreover, there are recurring reports of sex workers being subject to police violence in the course of attempting to report violence (Nichols 2010); sex workers endeavoring to report violence committed by police officers or by individuals conspiring with police officers are particularly vulnerable to retaliatory violence from law enforcement (Crago 2015).

Unsurprisingly, many sex workers, including male and transgender workers, do not report violence out of fear of being targeted for arrest on prostitution-related or other charges (Benoit et al. 2016; Lyons et al. 2017; Okal et al. 2011; Ratinthorn et al. 2009; Rhodes et al. 2008; Rocha-Jiménez et al. 2017; Scott et al. 2005; Sherman et al. 2015; Wong et al. 2011) or are deterred by persistent discrimination on the part of law enforcement (Benoit et al. 2016; Okal et al. 2011; Scott et al. 2005). Additionally, sex workers may be hesitant to report violence to police out of fear that their employer could be arrested under laws against third parties in sex work (Bruckert and Law 2018) or that their workplace establishment could be shut down by police (Stella 2011). The fear of arrest, violence or discrimination by police also impacts sex workers' ability to report violence they experience outside of sex work (Crago 2015).

Sex workers' widespread exclusion from police protection can contribute to a climate of impunity and a social acceptability of violence against sex workers both at work and in their personal lives (Crago 2015; Dewey and Germain 2014; Lowman 2000; Ratinthorn et al. 2009; Scorgie et al. 2013), giving rise to sex workers being disproportionately targeted by violent serial perpetrators, including most notoriously, serial killers (Kinnell 2008; Rotenberg 2016; Quinet 2011). The dynamic of police failure to protect sex workers, particularly poor and racialized sex workers, and to thoroughly investigate their reports of violence was identified as an enabling factor in the murder of what is estimated to be upwards of 60 women sex workers, many of them Indigenous, over two decades in Canada (Oppal 2012).

The policing dynamics facing sex workers intersect in multiple contexts with racialized police repression and law enforcement's failure to protect members of racialized communities. Notably, in Canada, where Indigenous people face disproportionately high rates of criminalization and incarceration (Owusu-Bempah and Wortley 2014), the pattern of systemic police failure to address the murders and disappearances of Indigenous women and Two-Spirit individuals has been deemed a form of genocide (National Inquiry into Missing and Murdered Indigenous Women and Girls 2019). In Canada, Black women are over criminalized (Owusu-Bempah and Wortley 2014) at the same time as they confront distinct vulnerabilities to violence linked to racism (James 2007), resulting in a similar dynamic of being "overpoliced and under-protected" (Maynard 2017, p. 153).

There is very limited evidence related to sex workers' access to police protection in safety emergencies in countries or localities operating under an "end demand" criminalization framework. "End demand" laws place emphasis on criminalizing clients and third parties (such as managers, receptionists, security personnel, or in some cases, sex workers working together with shared expenses). Such approaches have the aim of eradicating the sex trade by "ending demand" for commercial sexual services. They are predicated on the belief that sex work is inherently harmful to those who provide sexual services and to society at large. What evidence exists suggests that the intersection of racialized police repression and profiling of sex workers under "end demand" legal frameworks gives rise to compromised access to, or outright refusal of, police protection. In Vancouver, Canada, under a municipal "end-demand" policing policy (prior to the change in federal law), sex workers reported that police continued to blame them for the violence they experienced and to treat Indigenous sex workers as disposable (Krüsi et al. 2016). Under Canada's federal "end demand" legislation, racialized im/migrant sex workers were least likely among indoor sex workers to report violence to authorities (McBride et al. 2020b). In Norway, Amnesty International (2016) found that police "used sex workers' reports of violence to facilitate their eviction and/or their deportation," particularly targeting Black migrant sex workers (p. 44). In both Sweden and Canada, sex workers report a fear of reporting violence due to police finding out about their work locations under "end-demand" criminalization laws or policies (Levy and Jakobsson 2014; Krüsi et al. 2016). In France, sex workers report being reticent to report violence to the police who treat sex work as something to be combatted and use non-sex work laws and bylaws to

push sex workers out of public spaces and specifically target migrant sex workers for arrest (Le Bail et al. 2018).

In contrast, in New Zealand, following the decriminalization of the sex industry, sex workers reported more positive relationships with police and an increased ability to report violence and exploitation to authorities (Abel 2014; Armstrong 2014, 2016) and violence against sex workers was afforded more serious attention by police (Healy et al. 2020). Notably, New Zealand police have proactively worked collaboratively with the New Zealand Prostitutes' Committee (NZPC) to facilitate sex workers' ability to report sexual assault (Healy et al. 2020). Furthermore, police were often a main source of information for street-based sex workers on perpetrators (Abel et al. 2007; Armstrong 2016).

Most research on sex workers' access to police protection examine sex workers' ability to report violence to police at any point in time after a violent occurrence and through any channel (e.g., going to a police station, having an NGO help file a report). However, to the best of our knowledge, no research has specifically examined sex workers' access to emergency police protection such as calling 911. The ability or inability to call 911 in the event of a safety emergency is an important indicator of sex workers' relative safety at work and access to police protection.

Beyond the scant evidence on access to police protection and criminal justice redress, there is also a lack of data on how sex workers in "end demand" criminalization frameworks escape situations of violence and confinement. Such a knowledge gap is striking given three factors: the fact that "end demand" laws are often advanced specifically based on the claim that they will protect or "rescue" victims of violence and exploitation in sex work (Bruckert and Hannem 2013), the adoption of such criminalization frameworks in a number of countries in the past two decades (NSWP 2011), and lastly, the high levels of violence reported under "end demand" frameworks (Bjorndahl 2012; Crago et al., forthcoming; Le Bail et al. 2018).

In 2014, under the Conservative party, the Canadian government introduced a version of "end-demand" legislation. The new laws criminalize individuals purchasing sex, third parties operating in a commercial role and individuals offering sexual services in a narrow set of public contexts (e.g., near a school). The Ministry of Justice at the time of introduction noted the large proportion of Indigenous women in the sex trade in Canada in relation to its objective of the "protection of exploited persons and communities" and specified that the new end demand criminalization framework "is also intended to encourage those who sell their own sexual services to report incidents of violence and exploitation committed against them, rather than seeking to avoid detection by law enforcement" (Ministry of Justice Canada 2014). Indeed, the preamble to the Bill introducing the law states that "the parliament of Canada wishes to encourage those who engage in prostitution to report incidents of violence and leave prostitution" (Bill C-36 2014). However, to date no government body has undertaken an evaluation of sex workers' ability to report violence or access police protection under the new legal framework. This is striking given that sex workers' access to emergency assistance and police protection is highly consequential. In Canada, sex workers represented 2% of all homicides between 1991 and 2014; 34% of these homicide victims were Indigenous despite Indigenous people accounting for only 4% of the Canadian population (Rotenberg 2016). Furthermore, 32% of sex workers murdered in Canada between 1997 and 2014 were killed by a perpetrator accused of killing two or more sex workers—triple the rate of perpetrators with multiple murder accusations for homicide victims generally (Rotenberg 2016). Sex workers, and in particular Indigenous sex workers, continue to report very high levels of physical and sexual violence under the current "end demand" criminalization framework (Crago et al., forthcoming). Accordingly, this study aimed to explore sex workers ability to access police protection and report violence and confinement at work to police, as well as their means of escaping situations of violence and confinement both at work and in their personal lives under "end demand" criminalization in Canada. It also provides insights that should inform debates on sex work, violence and the role of law and policy frameworks.

**2. Results**

*2.1. Sample Profile*

In our sample of 200 sex workers, 63 (31.5%) sex workers were Indigenous, 20 (10.0%) were Black, 3 (1.5%) were Indigenous and Black, 98 (49.0%) were White, and 16 (8.0%) were otherwise racialized. As for gender identity, 38 (19.0%) respondents were transgender, non-binary and/or Two-Spirit whereas 162 (81.0%) were cisgender of which 145 (89.5%) were cis women and 17 (10.5%) were cis men. The median age of the sample was 34 (IQR = 28–43).

Our sample had very high levels of drug use; 72 (36.0%) respondents had injected drugs in the past 12 months and 108 (54.0%) had inhaled meth or crack in the past 12 months. In terms of working context, 95 (47.5%) worked solely or primarily outdoors or somewhat equally both outdoors and indoors, whereas 105 (52.5%) worked solely or primarily indoors; 36 (18.0%) reported working for a third party.

*2.2. Inability to Access Emergency Assistance (Call 911) at Work*

Of 200 sex workers, 62 (31.0%) reported being unable to call 911 if they or another sex worker were in a safety emergency due to fear of police detection of themselves, their colleagues or management. Fifty-nine (29.5%) sex workers reported being unable to call 911 if they were themselves in a safety emergency due to fear of police detection, while 54 (27.0%) sex workers reported being unable to call 911 if a fellow sex worker was in a safety emergency due to fear of police detection. Amongst Indigenous sex workers, 24 (36.36%) reported being unable to call 911 while amongst sex workers who had experienced police harassment, 37 (47.44%) reported being unable to call 911.

In bivariate analysis (Table 1), older age was negatively associated with being unable to call 911, while being Indigenous and injection drug use were positively associated. Working primarily outdoors or both outdoors and indoors and working for a third party were also positively associated with being unable to call 911. Among structural factors linked to the law, police arrest, being ticketed or fined, experiencing anti-sex work housing policy and police harassment (defined as being carded or asked for ID documents, followed, or detained without arrest by police), were all associated with higher odds of being unable to call 911 in a safety emergency. Carding, also known as “community contacts”, refers to the police practice of stopping individuals, requiring them to show identification and recording their personal information in the absence of any specific offense being investigated (Toronto Police Services Board 1990).

**Table 1.** Characteristics and unadjusted odds ratios associated with sex workers being unable to call 911 in a safety emergency due to fear of police detection.

Characteristic	Unable to Call 911		Odds Ratio (95% CI)	p-Value
	Yes (n = 62) n (%)	No (n = 88) n (%)		
Age (median, IQR)	31.0 (26.0–39.0)	35.5 (28.0–43.0)	0.96 (0.93–1.00)	0.049
Gender Identity				
Transgender/Two-Spirit/NB	11 (17.74)	21 (23.86)	0.688 (0.304–1.555)	0.3690
Cisgender	51 (82.26)	67 (76.14)		
Indigeneity				
Indigenous	24 (38.71)	20 (22.73)	2.147 (1.052–4.385)	0.0359
Non-Indigenous	38 (61.29)	68 (77.27)		
Primary Sex Work Setting *				
Only				
Outdoor or Outdoor/Indoor	30 (48.39)	28 (31.82)	2.009 (1.028–3.927)	0.0414
Indoor Only	32 (51.61)	60 (68.18)		

Table 1. Cont.

Characteristic	Unable to Call 911		Odds Ratio (95% CI)	p-Value
	Yes (n = 62) n (%)	No (n = 88) n (%)		
Works For a Third Party *				
yes	17 (27.42)	14 (15.91)	1.948 (0.873–4.351)	0.1036
no	43 (69.35)	69 (78.41)		
Injection drug use *				
yes	21 (33.87)	19 (21.59)	1.842 (0.882–3.848)	0.1041
no	39 (62.90)	65 (73.86)		
Inhalation drug use * (meth or crack)				
yes	32 (51.61)	40 (45.45)	1.376 (0.699–2.709)	0.3559
no	25 (40.32)	43 (48.86)		
Police Harassment *				
yes	37 (59.68)	19 (21.59)	4.822 (2.277–10.210)	<0.0001
no	21 (33.87)	52 (59.09)		
Police Arrest *				
yes	12 (19.35)	5 (5.68)	3.442 (1.136–10.435)	0.0289
no	46 (74.19)	66 (75.00)		
Ticketed/Fined *				
yes	18 (29.03)	6 (6.82)	5.556 (1.972–15.651)	0.0012
no	27 (43.55)	50 (56.82)		
Anti-Sex Work Housing Policy *				
yes	29 (46.77)	20 (22.73)	2.792 (1.339–5.826)	0.0062
no	27 (43.55)	52 (59.09)		
City				
Montreal	23 (26.14)	12 (19.35)	0.824 (0.334–2.035)	0.6743
Ottawa	16 (18.18)	28 (45.16)	2.763 (1.192–6.408)	0.0179
Sudbury	9 (10.23)	2 (3.23)	0.351 (0.068–1.802)	0.2097
Surrey	10 (11.36)	1 (1.61)	0.158 (0.019–1.335)	0.0901
Toronto	30 (34.09)	19 (30.65)	reference	

All data refer to n (%) of participants, unless otherwise specified. Column percentages may not add up to 100% due to missing data. \* In the last 12 months.

In multivariate analysis (Table 2), having experienced police harassment linked to social and racial profiling in the past 12 months (Adjusted Odds Ratio (AOR): 5.225, 95% Confidence Interval (CI): 2.199–12.417), being Indigenous (AOR: 2.078, 95% CI: 0.849–5.084) or being in Ottawa (AOR: 2.317, 95% CI: 0.865–6.209) were all independently associated with greater odds of being unable to call 911 in a safety emergency; being older (AOR: 0.941 per year older, 95% CI: 0.901–0.982) and being in Sudbury (AOR: 0.213, 95% CI: 0.036–1.261) were independently associated with lower odds of being unable to call 911.

**Table 2.** Adjusted odds ratios for variables associated with sex workers being unable to call 911 in a safety emergency due to fear of police detection of them, their managers or their co-workers ( $n = 200$ ).

Variable	Adjusted Odds Ratio (AOR)	95% Confidence Interval (CI)	<i>p</i> -Value
Age (per year older)	0.941	(0.901–0.982)	0.0054
Police harassment * (yes vs. no)	5.225	(2.199–12.417)	0.0002
Indigenous (yes vs. no)	2.078	(0.849–5.084)	0.1084
Ottawa (Ottawa vs. Toronto)	2.317	(0.865–6.209)	0.0941
Sudbury (Sudbury vs. Toronto)	0.213	(0.036–1.261)	0.0879
Montreal (Montreal vs. Toronto)	1.145	(0.410–3.200)	0.7947
Surrey (Surrey vs. Toronto)	0.153	(0.008–3.106)	0.2117

Results are from a multivariate logistic regression explanatory model using multiple imputation for missing data  
\* In the past 12 months.

### 2.3. Experiences Reporting Violence or Confinement in the Context of Sex Work to Police

Of the 115 sex workers who had experienced violence or confinement at work in the past 12 months (see definition of this variable in methods), only 19 (16.52%) reported the incident to police. Of those sex workers, eight (42.11%) described their experience as negative, three (15.79%) as neither negative nor positive, and six (31.58%) as positive. As such, only 5.22% of all sex workers who had experienced violence or confinement at work in the previous 12 months reported the incident to police and had a positive experience doing so.

Among the full sample of 200 sex workers, a very small proportion reported helpful interactions with police in the past 12 months: 13 (6.50%) received helpful advice from police, 16 (8.00%) were informed by police that they had the same rights to report violence as others and 15 (7.50%) were advised that police would assist them should the need arise.

### 2.4. Means of Escape from Violence or Confinement at Work or in Personal Life

Amongst the 37 sex workers who escaped a situation of violence or confinement at work or in their personal life with assistance in the past 12 months, the most commonly reported source of help was other sex workers ( $n = 15$ , 40.54%), and in particular, other sex workers with whom they shared expenses ( $n = 13$ , 35.14%) (Table 3). This was followed by “friends/family/lovers/partners” ( $n = 11$ , 29.73%), clients ( $n = 9$ , 24.32%), security/spotters ( $n = 5$ , 13.51%), a person in drug venue ( $n = 4$ , 10.81%) and a boss/manager ( $n = 4$ , 10.81%). Only two sex workers (5.41%) reported being assisted by police to escape violence or confinement in the past 12 months.

Individuals involved in the sex industry, including those who risk criminalization under current “end demand” laws if they call 911 (e.g., sex workers with shared expenses, clients, security/spotters and sex work managers), were far more frequently the source of assistance for sex workers in situations of violence and confinement than were the police. Results are similar in this regard both for the past 12 months and for anytime excluding the past 12 months.

**Table 3.** Descriptive proportions of persons sex workers reported assisted them to escape situations of violence and confinement among those who were assisted to escape these situations.

Variable	In the Past 12 Months	Ever Excluding Past 12 Months
	Yes (n = 37) n (%)	Yes (n = 69) n (%)
Sex Workers	15 (40.54)	26 (37.68)
Without shared expenses	2 (5.41)	4 (5.80)
With shared expenses *	13 (35.14)	22 (31.88)
Friends/Family/Lovers/Partners	11 (29.73)	22 (31.88)
Client *	9 (24.32)	16 (23.19)
Security/Spotter *	5 (13.51)	9 (13.04)
Person in Drug Venue	4 (10.81)	11 (15.94)
Boss/Manager *	4 (10.81)	9 (13.04)
Drug Venue Manager	3 (8.11)	11 (15.94)
Police	2 (5.41)	2 (2.90)
Social Workers	2 (5.41)	2 (2.90)
Bouncer	1 (2.70)	2 (2.90)
Stranger	1 (2.70)	4 (5.80)
Roommates	0 (0.00)	3 (4.35)
Drivers *	0 (0.00)	2 (2.90)
Neighbours	0 (0.00)	2 (2.90)

\* Indicates groups for whom assisting a sex worker to call 911 risk self-incriminating under new current “end demand” legislation. Percentages do not add up to 100% because some respondents identified multiple individuals who assisted them.

### 3. Discussion

One might have expected that sex workers would report high levels of being able to call 911 for help given that the activities directly linked to selling sex are no longer criminalized except in very narrow circumstances. Furthermore, the new legislation’s specifically articulated goal is to protect “vulnerable” and “exploited” persons. However, this is not borne out by our data which suggest that the current “end demand” criminalization framework fosters an antagonistic dynamic between police and sex workers. Under the current legal framework, a high proportion of sex workers report experiencing police harassment linked to overlapping social and racial profiling (Crago et al., forthcoming). Rather than incidental to the “end demand” criminalization framework, many police harassment measures against sex workers occur as part of police efforts to crack down on the sex trade more broadly. For instance, in 2018, it was publicly reported that 20% of women carded by police in Vancouver were Indigenous despite comprising just 2% of the city’s female population (Lazatin and Little 2018). The Vancouver Police Department defended their carding practices as responses to “potential criminal activity or a threat to public safety”. Later, they asserted that their strategy of carding was actually a form of “engaging and interacting with vulnerable people, especially at-risk, Indigenous women in the downtown east side [a poor neighbourhood known for sex work and drug use]” that allowed officers to check on the well-being of a population experiencing high rates of “violent victimization” (Lazatin and Little 2018). Many proponents of “end demand” criminalization frameworks similarly support police activities such as carding, following or even detaining sex workers without arrest in order to “rescue victims” or to displace sex workers from public spaces in order to “protect” communities from “criminal activity.” It is notable then, that, experiencing these *ostensibly* benign or protective/helpful police measures in the previous year is associated with five times the odds that sex workers are *unable* to access emergency police protection through 911 for themselves or for other sex workers in a safety emergency.

The finding that sex workers in Ottawa report less ability than those working in Toronto (a city some 450 km away) to call 911 for fear of police detection is most likely related to local policing dynamics, and in particular to a longstanding and ongoing local pattern of soliciting public complaints against street based sex workers and aggressively



repressing sex work in response to neighbourhood complaints about sex workers' presence in public (POWER 2010; Bruckert and Hannem 2013). Even post law reform Ottawa police continued to conduct "street sweeps" targeting clients citing "community concerns" (McCooney 2018) and in some cases arresting sex workers on unrelated outstanding warrants in the course of such proactive policing initiatives (Radio-Canada 2018; Spears 2017).

The criminalization of managers or sex workers operating as third parties in a commercial role under current "end-demand" laws also appear to introduce specific workplace dynamics that interfere with sex workers' ability to access emergency assistance. One respondent explained that "others try to stop sex workers calling 911" while another reported that "the boss won't call 911." These findings suggest that sex workers' ability to access assistance is conditioned not only by their own fears of police detection but also those of their co-workers and managers. This is further supported by the significant proportion of sex workers who report an inability to call 911 for another sex worker in danger due to fears of police detection. The latter finding is also notable, given that, as previously noted, other sex workers, and in particular those with shared expenses, were by far the most frequent group of people to have helped sex workers escape from situations of violence or confinement in the past 12 months.

Clients' fears of arrest may also contribute to some of the workplace policies and conditions that impede calling 911 when a sex worker is in a safety emergency. For instance, one respondent described her inability to call 911 as due to a policy of "no phones being allowed in the room" at her workplace, a policy that some workplaces implemented to accommodate clients' fear of criminalization under the new laws. Another respondent reported that under the new laws, clients provided far less personal and screening information. Such circumstances can make it difficult or even futile to report a perpetrator who might leave the premises before the authorities arrive.

Younger sex workers' inability to call 911 for fear of police detection may derive from a perception of greater possible losses resulting from a negative police encounter. While older sex workers are more likely to already be known to police or to have criminal records from the prior sex work legislation, younger workers may be more concerned that in the course of becoming known to police, they will experience police harassment or that being "outed" in the process of seeking assistance could compromise future employment opportunities, travel or custody of their children.

The fact that being Indigenous was independently associated with over twice the odds of being unable to call 911 for fear of police detection suggests that, in line with Krüsi et al.'s (2016) findings in Vancouver, persistent systemic racism within police services intersecting with discrimination against sex workers continues to block Indigenous sex workers' access to protection under "end demand" frameworks. Sarah Hunt writes of the longstanding racialized and sexualized stigmatizing of Indigenous women as "prostitutes" and their ongoing representation as lascivious, blameworthy, dehumanized and unworthy of protection within the Canadian justice system (Hunt 2013). She posits that for Indigenous women sex workers, it is not only sex work legislation, but the Canadian legal system's gendered colonialism that "continues to frame their relationship to justice" (Hunt 2013, p. 97).

Our study did not have a large enough sample of Black sex workers to statistically analyse Black sex workers' ability to access police protection and criminal justice redress. However, given enduring systemic racism against Black people from police forces and the justice system (Maynard 2017) and the disproportionately high levels of criminalization and particularly of police harassment targeted at Black people in Canada (Owusu-Bempah and Wortley 2014), future research is urgently needed to examine the specific experiences and dynamics Black sex workers face in seeking police protection and access to justice.

The research found that a plurality of those sex workers who felt able to report their experiences of violence or confinement at work to police had a negative experience. Such negative experiences reduce the chances that sex workers will avail themselves of police protection in the future out of a sense of futility or fear for their safety, well-being or income.

The above-noted context allows us to situate and make sense of our finding that police assisted so few sex workers escaping situations of violence or confinement. Sex workers were far more likely to report being assisted by other sex workers (and most particularly those with whom they share expenses), clients, security/spotters or managers than by police. However, it is these very people who, under the current legislation, risk being criminalized for their involvement in the sex industry should they call 911. Qualitative data under “end-demand” laws with third parties of indoor sex workers in Vancouver found that despite third parties’ attempts to provide protection and support to sex workers, the laws undermined their ability to call police in venues for fear of persecution (McBride et al. 2020a). Moreover, sex workers who share expenses are vulnerable to being criminally charged for advertising someone else’s sex work or receiving payment for shared expenses (and thereby considered to be materially benefiting from another’s sex work) under current “end demand” laws. They nonetheless played the largest role in assisting sex workers to escape danger. Sex worker colleagues with shared expenses and third parties (e.g., security personnel, managers) in the workplace thus often play an important safety role at the same time as they are vulnerable to criminalization. It would appear that sex workers’ concern for the wellbeing of their sex worker colleagues, or for other third parties, such as managers or receptionists (see also Bruckert and Law 2018), may significantly inform many sex workers’ concerns about accessing police protection in an emergency.

Our findings also point to the need for further research into sex workers’ experiences of “end demand” legislation in relation to their personal and familial relationships. Friends, family members, lovers and partners were the second most commonly identified group to assist sex workers in situations of violence and confinement. As was the case in the past (Roots 2018), under current legislation, some of these individuals risk criminalization if deemed to be (or even just perceived to be) clients or third parties by authorities. Such profiling intersects with the overpolicing of Black, Indigenous and/or trans communities in Canada. For example the Ontario Human Rights Commission (OHRC 2003) found police presume heterosexual couples of Black women and white men in cars are sex workers and clients; friends, family and intimate partners of trans women risk being particularly targeted given the police profiling of trans women in public space as sex workers (Namaste 2005), and the hyper surveillance of trans sex workers (Lyons et al. 2017).

Lastly, “end demand” laws that criminalize third parties impede collective work arrangements that can afford important protections. This echoes Campbell and Sanders’ findings in the UK (Sanders and Campbell 2007), that sex worker colleagues or maid/receptionists played a key role in helping in cases of danger but that such arrangements were illegal, incentivizing the more dangerous situation of working alone. In short, this finding highlights the greater ability of sex workers, as well as supportive clients, security personnel/spotters or managers, in assisting individuals escape situations of violence, confinement or coercion to access emergency police protection if they were able to do so without fear of criminalization, harassment or discrimination (i.e., under a different legal and policy framework).

#### 4. Materials and Methods

##### 4.1. Sampling, Recruitment, Data Collection and Ethics

Data were collected through a mixed-methods survey administered in English, French and Cantonese. Data collection took place in three large cities Toronto (Ontario), Montreal (Quebec) and Ottawa (Ontario), one suburb Surrey (British-Columbia), and one smaller city Sudbury (Ontario) between July 2017 to January 2018. The research was conducted in partnership with six sex worker organizations: SWUAV and Pace Society in British-Columbia, Maggie’s, POWER and SWANS in Ontario, and Stella in Quebec and four Transversal Advisory Councils (TAC) of Black sex workers, Transgender sex workers, migrant sex workers and Indigenous sex workers to ensure that the experiences, knowledge and expertise of the most marginalized sex workers was centered in the research. This feedback shaped the questionnaire.

Our sample draws heavily from the most vulnerable sex workers: those meeting clients on the street; using drugs by injection or inhalation (crack and meth specifically); and Indigenous sex workers. Injection and inhalation drug use are associated with experiences of violence by sex workers (Deering et al. 2014), as is working on the street (Odinokova et al. 2014; Shannon et al. 2009) and being Indigenous (Rotenberg 2016). This allows for an empirical assessment of the ability of sex workers who, according to available evidence, are the most likely to have experienced violence to access police assistance in a safety emergency and to report violence against them to authorities under the current legal framework. It further allows us to examine how sex workers escape situations of violence and confinement under an “end demand” criminalization framework. One limitation of our sample is that though we sought to specifically target migrant and/or Black sex workers in our recruitment, we do not have large enough samples of these constituencies to statistically examine their experiences.

All but three interviewers/research assistants were sex workers; of these, five were Indigenous. Participants were recruited through flyers distributed by community-based sex worker organizations and through the personal and social contacts of interviewers and TAC members. Participants were given the option of selecting the setting for the interview and were given a \$50CAD honorarium. All subjects gave their informed consent for inclusion before they participated in the study. The study was conducted in accordance with the Declaration of Helsinki, and the protocol was approved by the Ethics Committee of the University of British Columbia (F15-05715) and the University of Ottawa (09-17-22).

## 4.2. Data Analysis

### 4.2.1. Primary Dependent Variable

Our primary dependent variable was “inability to call 911 in a safety emergency due to fear of police detection”. Sex workers were asked “In the past 12 months, have you had any of the following experiences due to you, your co-workers or your manager’s fear of police detection?” and the outcome was defined as answering “yes” to “unable to call 911 if I were attacked, robbed or in danger” or “unable to call 911 if another sex worker were attacked, robbed or in danger” versus “no”, “not applicable” or “don’t know” to both.

### 4.2.2. Covariates of Interest

We examined socio-demographic characteristics such as age, Indigeneity and gender identity (transgender, Two-Spirit and/or gender non-binary (NB) versus cisgender), city of interview, as well as injection drug use and inhalation drug use (defined specifically as crack or meth inhalation) in the past 12 months. We measured for labor context factors such as the primary sex work setting in the past 12 months for encountering clients (indoors only versus outdoors or outdoors and indoors) and whether sex workers worked for a third party (defined as having answered “yes” to having someone “coordinate, organize or supervise your sex work for money or other things in the past 12 months”). Self-reported police harassment was defined as having answered “yes” to having been “carded/ asked for ID documents”, “followed” or “detained/delayed/held against will without arrest” by police while doing sex work in the past 12 months. This police harassment is often linked to intersecting social profiling of outdoor sex workers and racial profiling of Indigenous sex workers (Crago et al., forthcoming). Other policing variables included police arrest and being ticketed or fined for any reason while doing sex work in the past 12 months. Anti-SW Housing Policy refers to sex workers who responded “yes” to having “lived anywhere that had a rule or policy that affected your sex work (i.e., guest policies, “no crime” policies or sex work policies) in the past 12 months” or to having been “evicted or pushed out from any form of shelter, housing, hotel or rental space due to your sex work in the past 12 months”. The current legal framework gives rise to anti-sex work policies and evictions of sex workers due to the fact that facets of commercial sex remain a crime, including specifically profiting from sex work in a commercial capacity. Responses of “not applicable” and “don’t know” were grouped with “no” for all categorical variables.

#### 4.2.3. Other Variables of Interest

We examined reporting violence to police among sex workers who experienced “violence or confinement” at work in the past 12 months. This sample was restricted to those who answered “yes” to any of the following experiences: “Abducted/ kidnapped/ brought to a location against your will,” “Client broke condom on purpose/ removed without consent,” “Sexual assault (sexual contact or service that was not consented to),” “Strangled/stabbed/shot with a gun,” “Physically assaulted/beaten,” “Locked/ trapped in car,” “Confined/locked in space,” “Drugged,” “Forced to do sex work under threat of your safety or the safety of someone you know,” or “Forced not to work under threat to my safety or the safety of someone I know”. Participants were asked “In the past 12 months, how often did you report these incidents to the police?”, and responses were dichotomized as ever (“always”, “usually”, “sometimes” or “occasionally”) versus “never”.

Sex workers who reported getting assistance from someone to escape situations of violence and confinement in the workplace or in their personal lives answered “yes” to “In the time you have done sex work, have you ever been in a situation of violence or confinement at work or in your personal life?” and then “yes” to “If yes, did any of the following people ever help you escape these situations) of violence or confinement at work or in your personal life?” Participants selected “in the past 12 months” and/or “ever excluding the past 12 months” to one or more of the following: “Another sex worker that you shared expenses with”, “boss/manager”, “Someone you paid to watch out for your safety” (coded as security/spotter), “Manager of the drug venue-dealer”, “Person in the drug venue-dealer” and “Other: who?”

Additional auxiliary variables were included in the multiple imputation model for missing data, described below. These were: recent police violence (“yes” to “physical assault” or “sexual assault” by police while doing sex work in the past 12 months); recent intimate partner violence (“yes” to “Have you had an intimate partner be physically or sexually violent towards you in the past 12 months?”); being unable to keep aggressors’ descriptions easily accessible on person in the past 12 months due to self, co-worker’s or manager’s fear of police detection; feeling that the new “end demand” laws made financial security harder versus easier or the same versus not applicable (did not do sex work prior to the “end demand” laws). Lastly, qualitative data were drawn upon to help interpret the findings.

#### 4.2.4. Statistical Analysis

We first calculated descriptive statistics for all variables of interest, which included frequencies and proportions for categorical variables, and measures of central tendencies (i.e., median and interquartile range (IQR)) for continuous variables. Descriptive statistics for covariates of interest were stratified by the primary dependent variable, inability to call 911 in a safety emergency due to fear of police detection. We then used bivariate and multivariate logistic regression to identify structural, social and individual correlates of reported inability to call 911. Variables with a theoretical basis for association and a  $P$  value  $< 0.10$  were evaluated for inclusion in the full multivariate model. A manual backward selection process was used to determine the best fitting model, as indicated by the lowest value of the Akaike information criterion (AIC). A complete case approach was used initially, and we then fit the multivariate models using multiple imputation for missing data. Multiple imputation was conducted using fully conditional specification and 50 imputed datasets were created. The imputation model included all variables from the full multivariate model and several auxiliary variables hypothesized to be associated with the imputed variables. Results were similar for both methods of handling missing data. We present results from the multiple imputation analysis in order to utilize information from the full sample and increase statistical power. All analyses were performed in SAS version 9.4 (SAS Institute Inc., Cary, NC, USA), and all  $p$ -values are two-sided.

#### 4.2.5. Strengths and Limitations

To our knowledge, this is the first study to examine sex workers' access to emergency police protection (i.e., defined here as the ability to call 911) under "end demand" laws. There are some limitations to this study. All data were self-reported, which may be subject to recall and social desirability bias, though the community based nature of this research is likely to minimize the latter. Purposefully sampling from five cities across Canada allowed us to capture experiences of marginalized sex workers across the country. However, this sample is not representative of all sex workers, and results may not be generalizable to other populations of sex workers or those in other settings. The high rates of violence reported in this study are likely reflective of the over-representation of marginalized sex workers in our sample and of our targeting cities where police actively enforced anti-sex work legislation; as such the levels of violence experienced by our sample may differ from those found in other research with sex workers in Canada (Benoit et al. 2016). Lastly, the relatively small sample size may have limited our ability to detect all associations with the outcome, inability to call 911. The use of multiple imputation ensured that we utilized all available information and retained statistical power in multivariate analysis.

#### 5. Conclusions

This study examines an issue at the core of much academic and political debate: the relationship between sex work and violence. Its findings add to the large body of scholarly work that finds that violence is not inherent to sex work but associated with experiences of specific socially and racially-targeted policing practices, working conditions and law and policy frameworks (including "end demand" frameworks) (Decker et al. 2015; Deering et al. 2014).

Our findings illustrate the harms of police targeting sex workers with following, carding/ asking for ID documents, detention without arrest, either by design or as a by-product of enforcing "end demand" legislation against sex work spaces and/or clients. Rather than reduce violence or exploitation, police harassment linked to social and racial profiling increases the risk of harm to sex workers in vulnerable conditions. This police behavior is a direct artifact of defining commercial sex as an illegal activity and is legitimated on the basis of the legal framework's objective of eradicating the sex industry.

The findings on the harms of police harassment in terms of compromising access to police protection and justice in the event of violent victimization, are also of relevance to Black and Indigenous communities more broadly who are disproportionately targeted with police carding, following and detention without arrest, as well as experiencing disproportionate rates of violent victimization, including by police themselves (Owusu-Bempah and Wortley 2014). As such, our findings add to the evidence-base for how criminal laws implemented within a justice system predicated on a colonial relationship can reproduce and create systemic harms to Indigenous people.

Over all, this study illustrates how the current "end demand" criminalization framework fails its stated aim of: "protecting" the most "vulnerable" and "encourage[ing] those who sell their own sexual services to report incidents of violence and exploitation committed against them" (Ministry of Justice Canada 2014). One way to prevent or address violence, including trafficking or murder—particularly in the case of serial perpetrators—is to ensure sex workers have access to emergency police protection, are able to report incidents that threaten their safety, and that the police take meaningful action when sex workers report violence. The law further undermines sex workers' safety in that those who most often assist sex workers to escape violence or confinement, sex workers with shared expenses, as well as clients, security/spotters and managers risk criminalization if they seek police assistance. These findings, suggest that "end demand" frameworks reproduce many of the same harms to sex workers, and particularly Indigenous sex workers, as documented under prohibitionist criminalization approaches. They point to the necessity of law-reform to decriminalize sex work undertaken through an explicitly decolonizing approach. This re-

quires centering Indigenous sex workers' experiences and perspectives on what law and policy changes are necessary to reverse and repair the harms of the current framework.

**Author Contributions:** A.-L.C. wrote the first full draft of this article (65% of the work); A.-L.C., C.B. and K.S. conceptualized and oversaw the research project, contributed to the theoretical and methodological framing of the article and edited its final version; M.B. did all of the statistical analysis. All authors have read and agreed to the published version of the manuscript.

**Funding:** This research was funded by the Canadian Institutes of Health Research (CIHR) and the Social Sciences and Humanities Research Council of Canada (SSHRC).

**Institutional Review Board Statement:** The study was conducted according to the guidelines of the Declaration of Helsinki, and approved by the Ethics Committee of the University of British Columbia (F15-05715) and the University of Ottawa (09-17-22) on 5 October 2017.

**Informed Consent Statement:** Informed consent was obtained from all subjects involved in the study.

**Data Availability Statement:** Due to the nature of this research, participants of this study did not agree for their data to be shared publicly, so supporting data is not available.

**Conflicts of Interest:** The authors declare no conflict of interest.

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Article

# Money, Agency, and Self-Care among Cisgender and Trans People in Sex Work

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**Abstract:** Many qualitative studies about the exchange of sex for money, drugs, and less tangible outcomes (i.e., social status) contend that this activity contributes to high levels of internalized stigma among people in sex work. The cis (n = 33) and trans people (n = 5) who participated in our project about health, violence, and social services acknowledged the stigma associated with sex work but were not governed by the dominant discourse about its moral stain. They shared nuanced insights about the relationship between sex work and self-respect as people who use their earnings to mitigate the struggles of poverty and ongoing drug use, and care for themselves more broadly. This study sheds new light on the ways that cis and trans people negotiate issues of money, agency, and self-care, contributing to the literature on consensual sex work that examines different aspects of stigma, safety, and health with a nuanced, non-binary gender analysis.

**Keywords:** sex work; money; agency; self-care; gender; transgender; subjectivity



**Citation:** Orchard, Treena, Katherine Salter, Mary Bunch, and Cecilia Benoit. 2021. Money, Agency, and Self-Care among Cisgender and Trans People in Sex Work. *Social Sciences* 10: 6. <https://doi.org/10.3390/socsci10010006>

Received: 23 November 2020

Accepted: 22 December 2020

Published: 29 December 2020

**Publisher's Note:** MDPI stays neutral with regard to jurisdictional claims in published maps and institutional affiliations.



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## 1. Introduction

Many advanced capitalist societies today are marked by diversity, profound inequity, and a shrinking welfare state alongside a transition from manufacturing-based economies to those that are dominated by the service sector, as well as cultural and creativity industries (Campbell et al. 2019; Crouch 2019; Stoletov 2016). With the upsurge in digital and gig economies, sex industries have also become increasingly diversified along technical, spatial, and social lines (Benoit and Unsworth 2020; Benoit Cecilia et al. 2017; Bernstein 2007; Sanders et al. 2016). Camera modelling or camming (Jones 2020b), sugar dating (Nayar 2017), and “gay-for-pay” (Phua 2010), for instance, have recently become popular among people seeking mobile, highly accessible ways to make money, often from their own homes. Whether cam models or straight men selling gay sex on social media sites like Only Fans identify as “sex workers” is variable and determined by several factors, ranging from the criminalization of sex work and marketing strategies to personal preferences. The same is true among individuals in street-based and transactional settings, some of whom refer to their work and/or themselves using words like “working”, “call boys” (Lasco 2018), or “hooker”, which may be reclaimed as an empowering self-ascribed identity (Benoit et al. 2018; Orchard et al. 2013).

We recognize consensual sex work as an occupation that involves the exchange of labour for socio-material returns, examples of which include escorting, massage, dancing, street encounters, domination, and digital interactions. The term “sex work” is employed by researchers, policy makers, and many people with lived experience to acknowledge the sexual labour and economic context of the work, in contrast with the moral gloss often applied to the industry (Benoit Cecilia et al. 2019; McMillan et al. 2018; Van der Meulen et al. 2013).

An array of motivations and meanings are woven into this complex occupation, and those involved have their own ways of understanding and referring to the exchanges they engage in. For instance, [Wardlow \(2004\)](#) Papua New Guinean research demonstrates that women engage in sex work not only for financial need but also because of their anger about and resistance to the inequitable distribution of resources and reproductive agency that disempowered them. Similarly, among women in northern India, their identity as mothers usurped that of “sex workers”, which carried problematic connotations of HIV/AIDS and maternal neglect ([Basu and Dutta 2011](#)).

Exploring the socio-economic conditions that impact sex work ([Orchard et al. 2018](#)) and the attendant self-cultivation that is required for cis and trans people in the sex industry to survive and flourish is an important task that forms the basis of this paper. To that end, we adopt a unique non-binary analysis of sex industry earnings and self-care, a term used to highlight the ways in which our participants cultivated a sense of independence, integrity, and resilience through sex work. This paper contributes novel empirical insights to the current sex work literature about money, agency, and subjectivity in late capitalism. It is also one of the few studies to include cis and transgender participants. This is significant because although there is a wealth of research conducted with cis women, trans people are often invisible in sex work studies despite the fact that they may comprise 7% of the sex work population in Canada ([Benoit Cecilia et al. 2017](#)) and up to 0.6 % of the adult population in the US ([Conron et al. 2012](#); [Fitzgerald et al. 2015](#); [James et al. 2016](#)). There is a small body of research that explores how trans sex workers experience trauma, HIV/AIDS ([Budhwani et al. 2017](#); [Cai et al. 2016](#); [Chakrapani et al. 2018](#); [Nemoto et al. 2004](#)), and transnational mobility ([Butler 2018](#); [Howe et al. 2008](#)). Of the few Canadian studies that exist, most are based in metropolitan centres ([Fletcher 2013](#); [Laidlaw 2018](#); [Lyons et al. 2017](#); [Namaste 2000](#)), which differs from the medium-sized cities where our study was based.

## 2. Literature Review

It is well documented that exchanging sex for cash or other material items is an expedient way for people to support themselves within the context of limited socio-economic supports, substance use, trauma, and caregiving responsibilities ([Boels 2016](#); [Bourgois and Schonberg 2009](#); [Dewey 2011](#); [Watson 2017](#)). In street-based settings, sex workers are often caught in unforgiving cycles of subsistence sex work activities and substance use ([Ditmore 2013](#); [Knight 2015](#); [Maher 1997](#); [Maher and Curtis 1992](#); [Shokoohi et al. 2018](#); [Sterk 1999](#)). In environments where paid and sexualized hustles are customary, exchanging sex for cash can be seen as an honest way of earning money that is legitimized within local socio-economic and moral economies ([Anderson 2000](#); [Bourgois 1995](#); [Caputo 2008](#); [Dewey and Germain 2017](#); [Rosen and Venkatesh 2008](#)). Additionally, sex work monies can be “extra” earnings that supplement other sources of income like government assistance and paid employment ([Benoit Cecilia and Jansson 2015, 2020](#); [Dewey and Zheng 2013](#)).

Most analyses of money in sex work focus on survival or the fulfillment of immediate needs, what in earlier decades was referred to as ‘wage slavery’ among the working classes ([Hallgrimsdottir and Benoit 2007](#)), to the exclusion of satisfying other material and consumer desires ([Zembe et al. 2013](#)). This can have the unintended effect of collapsing the diverse experiences of people in sex work, who have different motivations for doing sex work and unique interpretations of their participation in the industry. It also leaves the impression that people might only engage in sex work out of financial desperation, whereas research shows that sex workers, including those who identify as cis and transgender, have many reasons beyond sheer survival to participate in sex work ([Benoit Cecilia et al. 2017](#); [Day 2007](#)).

There are some exceptions, however. Through the lens of affection and kinship in North Eastern Brazil, [Garcia and Olivar \(2020\)](#) reveal how trading sex for money is normative among cis women and understood as an agential use of their bodies to support themselves and sustain cultural notions of helping and motherhood. Likewise, [Kay Hoang \(2011\)](#) demonstrates how female workers and their male clients in Ho Chi Minh forge

distinctive types of intimate relationships that are structured by class, capital, and duration of encounter. Similarly meaningful experiences are documented among trans workers, for whom the sex industry can be a space of social bonding (Matthen et al. 2018) and gender affirmation (Bunch 2014; Levitt and Ippolito 2014; Lyons et al. 2017; Poteat et al. 2015; Sevelius 2013; Weinberg et al. 1999). Sex work participation can also provide opportunities for trans people to feel empowered and confident, which may help deflect or manage transphobia and racism (Fletcher 2013; Laidlaw 2018; Lyons et al. 2017). The sex market may additionally enable trans workers to mobilize certain social markers associated with their marginalization in broader society, including pleasure and embodied power: “Being ‘beautiful’, feminine and virile gives them an advantage within the market as they can simultaneously negotiate and control their own bodies, sexualities and pleasure” (Vartabedian 2019, p. 239).

The ways in which people in the sex industry describe their work and sense of self varies widely. Rachok (2020) uses the term entrepreneurial subjectivity when analyzing how her Ukrainian participants wove ideas about authenticity, honesty, and “usual” notions of work into their narratives about doing sex work. Their embodied capital is within their control and enables them to generate income that is vital for their survival and the acquisition of mundane items of everyday life. The transactional literature examines how factors like peer pressure and the normalization of “sugar daddy” arrangements shape the social and material desires of young women, who trade sex to access items associated with living a “modern lifestyle” (i.e., fashion, alcohol) and establish financial independence (Ranganathan et al. 2018). They may also use their earnings to renegotiate aspects of class inequality such that they appear “equal” to other socially mobile, economically well-off young woman in the community (Zembe et al. 2013). Women in these settings often refer to themselves as girlfriends or lovers, not sex workers, which is also seen in studies about “sugar dating”, where the sexual exchange is positioned as a lifestyle choice (Nayar 2017).

In this paper, we extend these insights about the diverse socio-material, class-oriented and gender diverse uses of sex work earnings by threading in attention to self-care, an issue that is under-explored in the literature. Against dominant notions of self-care as the commodified management of physical health, well-being and safety (Michaeli 2017), we use this term to highlight how the cis and trans people in our study cultivated a sense of agency, integrity, and emotional resilience through sex work. Thus, participating in the sex industry emerges as a technique of self-care that reflects peoples’ decision-making about sex work (Burnes et al. 2018) and other socio-material desires related to their gendered subjectivity and independence as flexible workers in the post-industrial economy.

### 3. Results

#### 3.1. Participant Profile

Our qualitative study included cis women (n = 33) and transgender people (n = 5). The cis women were between 18 and 55 years old, with an average age of 34 years. The majority identified as White, while a minority identified as Indigenous, and two participants said they were as Women of Colour. The trans participants were younger, averaging 27 years of age, and all identified as White. Most participants had finished high school, and some had taken college courses in the fields of nursing, accounting, medical technician training, and office administration. One third of our sample was originally from the research site of Kitchener-Waterloo and most grew up in nearby towns or small cities. Several participants were from other provinces and in three instances other global regions, including Europe and the Caribbean.

The initial study focus was street-based sex work. However, during the interviews it became clear that both participant groups had taken part in multiple kinds of sex industry work, which was important to include in our analysis to round out our understanding of their diverse experiences. This is common in other studies we have conducted on the sex industry in Canada (Benoit Cecilia et al. 2017, 2020; Orchard et al. 2012). The cis women struggled with securing safe housing and many had experienced homelessness

and emergency shelter stays at some point in their lives. At the time of the study, five of these participants lived in motels. These locales were some of the primary places where their sex work occurred, as well as in cars, clients' homes, parks, and massage parlours.

The duration of sex work involvement among the cis participants varied from between two months to twenty years, and among trans workers it ranged from a few months to five years. Compared with cis participants who only sometimes used digital platforms to mediate their exchanges, transgender participants relied heavily on online sites and apps, alongside private parties or events. In conjunction with sex work and other kinds of formal and informal employment, many participants received government support related to their financial need and, in some cases disability-related supports, related to physical injury as well as mental health conditions. Below we report on making money and self-care, the two main themes emerging from our thematic analysis.

### 3.2. Thematic Analysis

#### 3.2.1. Making Money

##### The Basics

The amount of money many of our participants earned was significant. The cis women made between twenty-five and fifty U.S. dollars per transaction, which were often quick exchanges that lasted between 5–15 min. They saw four or five clients daily, giving them an approximate daily income of two hundred dollars, which is more than twice what they would make working for eight hours at a minimum wage job in the province of Ontario (where the minimum wage is \$14.25/h). The amount of daily earnings varied depending upon on services rendered and time spent with clients. As Layla said: "A couple hundred depending up to, like, it could be thousands depending on who you got, what you charged and what you did, how many you got also". In some encounters sexual services were not exchanged, like when Poppy was offered five hundred dollars from a client who "doesn't want to come or touch anywhere near me. He just wants me naked in a pose while he is high". The recurring motif of "easy" and convenient was used by many participants to describe making money through quick, well-paid transactions. Emma clearly laid it out, "It's become this big thing that it's all about money for me, easy money".

While trans participants did not specify with as much detail the amount they made per transaction, nor their average number of transactions, in general they reported fewer clients and charged higher rates than cis women. Among these participants, cash was not always the primary motivation. As Jade said: "I don't do it for a living, um I just get extra stuff. I got a nice leather jacket from a guy . . . I got clothes from a few guys let's just say". Similarly, Ari had traded sex for an assortment of nice things: "I've posted an add to have casual sex without money. When somebody says that they are generous then I'm like, 'What do you mean by generous?' . . . It's not always money and I'm ok with that because I like all sorts of things".

Some cis participants, including Kelsea, framed sex work as a viable way to earn "extra money" that enabled her to get beyond subsistence living and buttressed her moral standing as good mom:

It is extra money that I do need because, living on your own one of the things that you love to have is the nice things. I have a 13-year-old son who I adore, so I buy whatever he wants, whatever he needs. You know I'm a very good mom, I'm a good person.

Violet discussed the possibility of getting back into sex work should the need and opportunity present itself: "I don't do it anymore like I did but . . . if the opportunity presented itself, the money was right, there's a good possibility that I might". Her statement reflects the value and security afforded by the sex industry, along with the degree to which it was normalized as an occupational option. In the same vein, Nova mapped out her pathway to improved financial standing and secure housing, a plan that depended upon sex work: "I want to get good credit so I can get a place of my own. As soon as I get a place, I just want

to work until I find a job. I don't want to stop this and have no money because that will get me back in the shelter".

#### More than Easy Money

Alongside discussions of easy money, our data revealed tensions pertaining to sex work as an activity that is routinized and potentially dangerous. As Phoebe, a cis participant, said: "Then you get used to it . . . And you kind of don't have the respect for money. I mean you work for it, don't get me wrong, you pay for it in a different way. Yeah, you know, it's fast, easy money". Similarly, Sage acknowledged the harshness of sex work and repeatedly described it in facile terms: "I just do it for the money now. And it's easy, like to have sex for money; it's not hard. It can be hard when you're getting robbed or beaten or something else, but the majority of it isn't". Sophia also referred to sex work as easy and noted the threats that sex work posed to her sense of propriety, which she navigated with considerable dexterity while folding sex work into her life and sense of self: "I had to pay a lot of bills and I had no money. I had to lower myself to do that, but once you get there, it's easy". One trans woman, Jade, was very clear about the dangers trans workers face, especially in street settings: "That's not safe to me, like I just don't see how a person feels safe doing that, and safety is really important, I don't need to be killed doing this. It's just like to make money, right"?

Other participants discussed how, as individuals with few economic options, the structural forces of poverty and gender impacted their decision to do sex work. An older cis participant, Mia, reflected on her initial foray into the industry in the mid-1990s, which was in response to unforgiving socio-economic cutbacks under the former premier of Ontario, Mike Harris:

I was getting a grade twelve diploma and getting a good job, there was never enough money with Michael Harris cutbacks. You had an apartment that was six hundred and a welfare cheque for six hundred. Where was the hydro going to come from? Where was the food going to come from? . . . Shit, oh well, I'll just do that once a week again, it won't hurt.

In our discussions the view emerged repeatedly that exchanging sex for money, shelter, and sometimes substances was an essential resource that participants had at their disposal to support themselves. As Kira, another cis participant, said:

Somebody without a full education and no skills for work, they have no other way to make money. The easiest way to make money as a woman is through selling themselves . . . Yeah, it's kind of gross but I'm keeping myself alive by sleeping with random people.

For some trans workers the economic hardships they experienced were connected to transphobia, which prevented them from realizing certain educational opportunities and more traditional forms of employment. Camilla pointed to the "employment boundaries" "financial obstacles" and mental health issues that kept her from "just having a quote unquote normal career".

#### Trans Capital

Trans participants spoke extensively about trading on their gendered sexual capital, although the nuances of this depended on their gender identity and expression. They often linked their identities to a niche sex market that both advantaged and disadvantaged them in terms of earnings. Jade, a transwoman, spoke about "a market for trans women" and described being a "demand item". Ari, who is gender non-conforming used the terms "rarity" and "a unique flavor" to describe the marketability of their transness, which was enhanced by their racial uniqueness as one of the few "White T-girls". Cameron, a trans man, describes how "being an oddity can . . . work in my favour". Yet they also added that they would be "doing a lot better" if they were cis female, adding the insight that "If my gender reduced my ability to earn in this profession [that] is like crazy, to think that



even sex work is affected by being trans". This ambivalence gives a sense of the complex experiences among trans sex workers working in smaller cities, where earning significant sums of money was harder than in larger urban centres.

Some transgender participants, like Ari, linked their participation in sex work to underground sexual cultures that appealed to them for multiple reasons, including those related to making money. Indeed, they expressed a desire to do sex work "as a business", which included paying taxes: "I would love to pay taxes. I would love to charge taxes. I would love to contribute to the economy, it bugs me endlessly that I can't". They also indicated feeling joy, pleasure and belonging in the sex positive community they associated with sex work:

I see connection between the underground economy and other cultures that exist in our society. So, LGBT culture and trans culture typically is very under surface. Kink, swinging, multiple partners again under the surface. For me it's just a natural fit and I love it.

For this participant, sex work took place in a context removed from the expectations of mainstream heteronormative society and was experienced as a positive expression of sexual and gender identity. Alongside participating in an alternative economy, Ari flagged the importance of legitimizing sex work through government financial regulation similar to other forms of paid labour.

### 3.2.2. Self-Care

#### Reclaiming Identities

Rather than focus on commodified practices of bodily calm, psycho-social healing and emotional regulation that are often associated with the term "self-care" (Michaeli 2017), we use this term to highlight how our participants cultivated a sense of agency, integrity, and emotional resilience through sex work. These sentiments were reflected in Olivia's description of the positive impact of sex work on her identity formation: "It has made me the person that I am . . . I feel like I am a good person and I contribute to being a good person and to helping other people out". The term "self-care" is also used to acknowledge the ways that our participants reclaimed their subjectivities as valuable people through the practice of sexual exchange. This reclamation is significant given the pervasive socio-economic, sexual, and gendered stigmas associated with sex work, which often presuppose that only desperate people who have little-to-no care for themselves participate in the industry (Pheterson 1996; Yu 2013). Our findings reveal that the opposite is true.

Take Ava's account of feeling good about who she was and taking care of herself, both of which were directly tied to sex work participation: "I feel better about myself because I have enough money and I can take care of myself. I got my nails done, like I feel gross when I don't have my nails done . . . I can take care of myself, so". Kelsea's reflections were equally self-affirming and reflect her emotional resilience: "I've accepted it, like hey you know if I want to do it, I don't find nothing degrading or bad about it... I was wanting [attention] from everyone else, like if nobody else cares why should I care? I woke up one day, I picked myself up. I'm very strong, I cared for myself". Similarly, Ruby framed sex work as a special part of who she was, such that she wanted to share this aspect of herself with a future partner: "It's important for me and I do think it is an important part of me and hope I could share that with someone".

Where Olivia, Ava, Kelsea and Ruby are all cis women, Camilla, a trans woman, echoed these feelings of self-respect as she described her shift from internalized stigma to self-acceptance: "One of the large differences between then and now is how much I value what I do and how much I respect myself. I'm worth it!" Jade, another trans participant, highlighted how doing sex work enhanced her mental health: "I actually feel like being able to do sex work has given me a major mental health boost". Notably, unlike research that demonstrates how sex work can be gender affirming for trans workers (Fletcher 2013), our participants did not describe sex work in this way. This was, in part, because they spoke of their gender identity as a given and as something established. However, Camilla

did point out that her perceived desirability to clients in sex work contrasted with a sense that she is undesirable due to her gender in her personal dating life.

Exchanging sex for money allowed our study participants to take care of themselves better than with casual employment or social assistance because it demanded less time and garnered far more income. Sex industry work also generated opportunities for them to express their autonomy and self-worth in ways that were not possible in other aspects of their lives. Sometimes this meant contesting mainstream society's negative ideas about people in sex work. Isla, a cis participant, resisted this stigma by recognizing it as a form of discrimination and choosing to not spend time with people who judge her. In doing so, she expressed an agential desire to cultivate self-respect and have respectful relationships: "I'm not going to feel guilty for the rest of my life. I'm not going to feel shame. If you can't handle that, that's too bad. There's no room for you in my life". Sage, another cis participant, also rejected narratives that cast her as an object of pity: "I don't like other people feeling sorry for me because I can't change anything about it. Like, you can't go back and fix anything. You just have to move on. You can't forget that it happened, but it's a lot easier than talking about it".

#### Propriety along the Continuum

The people who took part in our study spoke about certain personal qualities that were important to their sense of self-respect and ability to manage life's ups and downs. Humor, in particular, emerged as a critical source of emotional resilience during periods of heavy substance use, which Isla reflected on with gritty wisdom: "There is one thing I can say this drug has not taken from me, my sense of humour. Because if you lose your sense of humour you are fucked... I don't see humour in everything in life, but if I don't look at it as a little bit of laughter in there somehow, then I can't live". Likewise, assertiveness and good communication skills were highlighted as key to cultivating self-confidence and personal safety. Zoey, a different cis participant, discussed these traits with pride as someone working in settings where it is rare and sometimes dangerous for women to stand up for themselves:

There is one guy in particular that follows me, and I will say 'stop following me' because I'm direct like that. Whereas a lot of the girls wouldn't feel comfortable to do that and like it's such a frowned upon thing that somebody has the self-confidence to say: 'You don't get to treat me like that.'

Trans participants also advocated for themselves to maintain their self-respect, which at times involved educating clients about their gender, sexuality, and interpersonal boundaries. Jade, a trans woman, shared the communication strategies she adopted with coarse clients who called her a tranny or talked about her body in offensive ways:

If I think they are gross, I let them know straight up, you know 'I don't appreciate that' or . . . 'most people don't want to hear it called that' and then I just, like, have a quick conversation about it. Like, not that I'm trying to run around making everybody into a better person when they are fucking clients. But you know I just don't want, at the same time, I don't want to feel like crap when I'm around these people.

Importantly, not all of the interactions where trans participants had to educate clients were antagonistic. They also described being met with desire and curiosity by clients who lacked knowledge about trans bodies and sexuality. Educating clients, even when it seemed tiresome, was also framed as way of caring for themselves, as Cameron, a trans man, shared: "I actually get . . . a ton of questions like just about everything to do with myself and my body". Similarly, Ari said: "The male penis is fairly simple. The trans female penis is a wildly different creature. I have to do a lot of education with different people".

Although vital to participants' sense of agency and propriety, these self-care practices did not cancel all negative associations with sex work. This may explain why many of

our participants did not identify as “sex workers”, including Rey, a cis participant who panhandled and traded sex: “I do it [sex work] occasionally when I am financially unable to make money because I don’t, um. I am not an escort or a working girl on the corner. I panhandle . . . when I don’t have enough money”. Some individuals’ non-identification as sex workers may also be linked with the intermittent, supplementary nature of the sex trade in their lives, along with its criminalized status in the Canadian context. When discussing their work, they typically used terms like “working”, “out here”, “on the streets”, and “prostitution”.

#### 4. Discussion

Using data from a qualitative study about health, gender, and sex work in two medium-sized Canadian cities, this article examined how cis and trans people reflected upon their experiences of making money and self-care, issues that are underexplored in the sex work landscape. The participants did not all identify as “sex workers” per se; rather, they talked about themselves as people who exchanged sex for money, substances, and other valuable commodities as their socio-economic and health-related needs arose. Doing sex work was essential to their financial independence and it shaped participants’ views of themselves as people with integrity and resilience, such that we position sex work as a form of self-care. This analysis of sex work earnings and self-care was conducted through a unique non-binary lens and contributes fresh insights to the current sex work literature about agency, gender, and subjectivity in late capitalism.

The study participants engaged in sex work of their own volition and with relatively little evidence of internalized stigma. This complicates the dominant discourse about the oppression and internalized stigma that is often assumed to be central to sex workers’ self-perceptions (Benoit Cecilia et al. 2017, 2019; Benoit and Unsworth 2020; Laidlaw 2018; Ross 2018; Serano 2007, 2013). People in the industry often refute sex work stigma by positioning it as something external to their self-identity, which enables them to attribute other meanings to it (Orchard et al. 2013, 2014). This was true for many of our participants who see themselves as practical people making choices to survive economic hardship, for some, to score the substances they need, for others, to acquire “nice things” through which they can gain social capital or be good mothers for their children, and participate as valued members of sexual/gender minority communities. In this light, sex work is seen as a job that supports and provides valid work (Burnes et al. 2018; Morcillo 2019).

Sex work ebbed and flowed in our participants’ lives and was determined by structural, social, and individual factors, including unemployment, substance use, interpersonal relationships, and their desires for additional money to support the life they wanted. Unlike research that positions sex work as a survival occupation that enables people to just “get by” (Laing et al. 2015; Maher 1997; Rosen and Venkatesh 2008), the cis and trans people in our study indicated that doing sex work helped them achieve short and long-term financial goals and gain access to various forms of social capital they desired for their own pleasure. This finding aligns with literature about how risk and integrity are woven into the ways that people manage their sex industry work: “We highlight the salience of emotions in sex work risk management, in which the preservation of dignity is of prime importance” (Simić and Rhodes 2009, p. 4).

Along with financial independence, the acquisition of material goods, and maintaining social and kin obligations, doing sex work was intimately associated with our participants’ ability to take care of themselves with pride. This was reflected across the sample, as cis and trans individuals discussed how vital sex work was to their sense of self, which was sometimes voiced in opposition to their experiences of sex work stigma, but not exclusively because our participants did not internalize this stigma in a wholesale way. They provided numerous examples of how sex work has enabled them to be the “good” people they are today, and in some instances, it improved not only their material standing, but also their mental health. These are powerful illustrations of the mutually constitutive relationship

between sex work and agency, integrity, and emotional resilience in the formulation of their subjectivities.

Importantly, trans people in sex work grappled with different forms of gender discrimination than cis women, sometimes playing a role of educators about trans gender and trans sexuality with clients. Their experiences of sex work stigma were also often interconnected with transphobia, which the cis participants did not report. Additionally, the trans workers were unique in the ways that some of them identified sex work with their sexual identities, desires, and pleasures (Williams et al. 2016). Since very little research has been conducted with trans people in sex work in Canada, (Namaste 2000; Lyons et al. 2017; Fletcher 2013; Laidlaw 2018), our efforts to center diverse trans realities alongside cis women is novel. In doing so we introduce a queer/trans lens that invites us to look differently at interplays of money, labour and agency in terms of sex work subjectivities and narratives about the work itself (Benoit Cecilia and Jansson 2015, 2020; Orchard et al. 2013). This can help shift the focus from an imaginary “predicated on . . . the female worker and male client” (Smith and Laing 2012, pp. 518–19), to an industry that holds many motivations and meanings for people along a diverse gender spectrum.

Finally, our study found that there *are* trans people involved in sex work in smaller urban centres, and their daily realities may be, in some respects, both similar to and different from those in larger urban centres. As with trans workers in metropolitan cities, our trans participants understand themselves as constituting a niche market, albeit with fewer clients and a smaller community of other trans sex workers than is the case in large cities. Given the predominant research focus on trans women (including our own original criteria), it is noteworthy that of the five trans people in our study, one identified as male and the other as nonbinary. It is abundantly clear is that more research is needed to understand the experiences of various trans people in sex work in small cities and larger urban centres alike.

## 5. Materials and Methods

### 5.1. Study Setting

This project was set in the twin-cities of Kitchener-Waterloo (KW), which is home to approximately 560,000 people in an industrialized sector of Southern Ontario, the most populous province in Canada. Once dominated by automotive factories and manufacturing, the region has undergone significant socio-economic change in the past fifteen years. Technology and start-up industries now overshadow the industrial sectors, owing to various shifts in global and local post-industrial economies. Along with relatively affordable real estate, KW boasts several research-intensive universities and is home to a high caliber technical workforce. Our participants lived primarily in the downtown area, which is where the street-based sex work scene and many service provision agencies were located.

### 5.2. Data Collection

Our qualitative study was designed to learn about cis and transgender women’s experiences relative to health, occupational risks, and the organization of sex work itself. Purposive sampling techniques were used, and recruitment posters were distributed at local agencies that serve people in sex work. Staff members at these agencies also helped spread the word about our project. Our inclusion criteria were very broad (i.e., 18–60 years of age, identify as a cis or trans woman, live in the study area, have been or currently involved in street-based sex work), which helped generate a robust sample. While the recruitment materials specified cis and trans women, some trans respondents identified as non-binary or men during interviews. Between March 2015 and May 2016, individual interviews were conducted with thirty-three cis and five trans people, including three trans women, one gender non-binary person, and one trans man. We knew at the outset that our transgender sample would be small, for, as the literature shows, sexual and gender minorities tend to migrate to urban centres to avoid discrimination (Matthen et al. 2018). Despite this small sub-sample, the contribution these data make to the existing literature is

significant because of the gaps in research with trans people in sex work, especially those who identify as non-binary and men.

The individual interviews ranged from thirty to ninety minutes and took place in service agencies and restaurants selected by participants. Prior to beginning our discussions, we described the project aims and our interests in sex work research. The issues of anonymity, voluntary participation, and on-going consent were also discussed. The trans interviews were conducted by a local transwoman and the cis interviews were carried out with female cis team members. Along with the tape-recorded interviews, social mapping exercises were completed to understand the spatialization of health, risk environments, and sex work itself (See [Orchard et al. 2018, 2019](#)). The participants received \$60.00 for their participation and the study received Ethics Approval from the lead author's academic institution.

### 5.3. Data Analysis

Data analysis was organized according to six principles for thematic analysis developed by [Braun and Clarke \(2006\)](#), beginning with familiarization with the data by closely reading the interview transcripts and mapping information. The first, third, and fourth authors jointly coded several interviews to reach consensus about the textual information vis-à-vis the key study aims. The second author also engaged in detailed coding during the analysis. The data were organized into master code files, which were reviewed using line-by-line coding to identify emergent themes. The analysis concluded with defining our themes and writing up the findings, which were informed by critically oriented, queer, trans, and feminist approaches that highlight how intersecting structural and everyday factors impact the sexual, gendered, and emotional terrain of cis women's and transgender people's sex work experiences ([Bilge and Collins 2016](#); [Davis and Craven 2011](#); [Jones 2020a](#)).

It is significant that trans people who did not identify as women self-selected into the study, despite our intention to recruit only women-identified participants. This pressed us to reconsider how we were framing gender and asking participants to identify with gender categories, which resulted in a more nuanced analysis. By including the voices of trans participants along with those of cis women, we contribute to making visible the stories that are often erased. We deconstructed binary understandings of gender and decenter the heteronormative lens that positions people in sex work as sexual minorities because they participate in sexual practices that are outside White, middle class, heteronormative realities ([Bailey 2011](#); [Bailey 2011](#); [Ross 2018](#)). A non-binary gender analysis draws attention to unique dimensions of and meanings in sex work research.

## 6. Conclusions

The constituting distinction of sex work, what renders it an unacceptable, socially degraded form of labour, is that it involves paid sexual transactions in the public rather than the private sphere ([Benoit Cecilia et al. 2019](#)). Yet for our participants the income generated by sex work was not tainted because they relegated this stigma as something external to themselves. Not once did participants describe their earnings as "dirty" money or something they were wholly ashamed of, quite the opposite. Sex work income was described across the gender spectrum as easy, extra money.

Our study participants did not necessarily identify as sex workers, but rather as people who strategically participated in the sex industry when they needed to. This does not delegitimize sex work identities and labour; it merely highlights the fact that narratives about sex work and sex worker identities unfold differently in different contexts. These identification choices also draw attention to the fuzzy borders between sex work and other kinds of independent paid labour. This is useful to think about empirically in terms of what constitutes sex work through the eyes of the people doing it, along with the vital role sex work plays in the cultivation of self-care practices and agential forms of subjectivity employed by many of our participants.

Diverse socio-economic needs and desires, not just mere survival, drove study participants' intermittent participation in sex work. They exchanged sex to obtain various forms of capital that circulate and produce meaning in everyday life, and they spent their earnings on urgently needed items, luxuries, and things of medial value. Research on trans people in sex work show that sex work in itself can be gender affirming and contribute to social bonding and a sense of belonging (Chakrapani et al. 2018; Kulick 1998; Matthen et al. 2018; Nuttbrock 2018). While this was not borne out in our study, sex work did affirm the trans participants' self-perception as strong, competent, and entrepreneurial people with street savvy and the wherewithal to do what needs to be done with confidence and a sense of humor.

The analysis featured in this article acknowledges a separation between sex work identity and its practice and approaches gender as a heterogenous category, which helps make deeper sense of our findings that contest commonly held ideas about the relationship between sex work, money, and subjectivity. O'Connell Davidson (2014, p. 521) reminds us that more than labour is commodified in sex work because "the product of that labour—the 'thing' or 'experience' it produces and to which a monetary value is attached—is indivisible from the socially marked body of the worker". This is compatible with how our participants viewed their sex work involvement, which extends beyond the normative parameters of stigma, extinguished notions of selfhood, and the term "sex work". In doing so, they revealed pragmatic approaches to life, work, and who they know themselves to be within the context of social realities constrained by global capitalism. This suggests that the experiences in the exchanges are vital sites for continued exploration in future sex work research.

**Author Contributions:** The First Author (T.O.) was the nominated Principal Investigator of the study upon which the paper is based and she conducted the preliminary analysis and draft of the paper. This author continued to closely edit the paper as the other authors contributed and also managed the submission process. The Second Author (K.S.) was a key Research Assistant in the data analysis and writing up stages of the project, and she contributed significantly to the development of the manuscript. The Third Author (M.B.) was a Co-Applicant in the project and provided essential insights, analysis, and reference material to the manuscript as it took shape. The Fourth Author (C.B.) was the Co-Principal Investigator on the study and provided critical suggestions, edits, and leadership during the submission process. All authors have read and agreed to the published version of the manuscript.

**Funding:** This research was funded by the Canadian Institutes of Health Research (Operating Grant MOP-137145).

**Institutional Review Board Statement:** The study was conducted according to the guidelines of the Declaration of Helsinki and was approved by the Institutional Review Board of Western University (File Number 106039, 29 January 2015).

**Informed Consent Statement:** Informed consent was obtained from all subjects involved in the study.

**Data Availability Statement:** The data presented in this study are available on request from the corresponding author. The data are not publicly available because that was not detailed in the Informed Consent procedures developed for this study.

**Acknowledgments:** The authors gratefully acknowledge the cis and transgender participants who took the time to share their experiences related to sex work, money, agency, and self-care. Their insights are helping to refine and extend our understanding of these vital issues. We also thank the Canadian Institutes of Health Research for providing the monies that made this study possible, which was funded through the Institute of Gender & Health (Operating Grant MOP-137145).

**Conflicts of Interest:** The authors declare no conflict of interest.

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Article

# Brothels as Sites of Third-Party Exploitation? Decriminalisation and Sex Workers' Employment Rights

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**Abstract:** Decriminalisation is arguably essential to protecting the human rights of sex workers. Nonetheless, there are suggestions that decriminalisation has less influence on sex workers' experiences of working than many assume. This paper explores management practices in brothels in the context of decriminalisation in New Zealand, focusing on sex workers' employment status, managerial control and agency. We interviewed 14 brothel operators and 17 brothel-based sex workers in this study. The findings suggest that there remain challenges for sex workers in that brothel operators treated them as employees rather than independent contractors. Brothel operators retained control over shift times and pricing of services, and working conditions were unclear. Most sex workers understood their rights, but when operators impinged on their rights, it was often more expedient to move place of work than make an official complaint. However, decriminalisation did have a meaningful impact on the way sex workers negotiated potentially exploitative dimensions of brothel-based work. Decriminalisation has provided the context where it is possible for sex workers to experience safer and more supportive work environments than they otherwise might, where they can (and sometimes do) contest managerial control.

**Keywords:** decriminalisation; employment; human rights; sex work; exploitation



**Citation:** Abel, Gillian, and Melissa Ludeke. 2021. Brothels as Sites of Third-Party Exploitation? Decriminalisation and Sex Workers' Employment Rights. *Social Sciences* 10, 3. <https://dx.doi.org/10.3390/socsci10010003>

Received: 9 November 2020

Accepted: 21 December 2020

Published: 24 December 2020

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## 1. Introduction

Amnesty International formally adopted a policy in 2016 endorsing the full decriminalisation of consensual commercial sex to protect the human rights of sex workers globally. New Zealand is the only nation that has decriminalised sex work (although one state and one territory in Australia have done the same). Several countries have legalised sex work, but there are important differences between decriminalisation and legalisation. Decriminalisation applies to sex workers in all sectors of the industry, whether this be brothel-based, street-based or online-based sex workers. Third parties, including clients, brothel operators and pimps are also decriminalised. Legalisation, however, is only relevant to licensed brothels. All sex workers and third parties outside of licensed brothels remain criminalised. Some countries adopt the so-called "Nordic Model", which decriminalises sex workers but criminalises all third parties.

The literature to date on the different ways of legislating sex work and their pros and cons is prolific (e.g., Östergren 2017; Pitcher and Wijers 2014; Sanders et al. 2018; Scoular 2015; Sullivan 2010; Benoit et al. 2019). Agustin questioned the centrality of legal and regulatory approaches when thinking about sex workers' agency and rights in her blog, seeing it as "bizarrely irrelevant, except for its symbolic value . . . prostitution law is often vague and unenforceable, in the end having less impact than people assume" (Agustin 2009). Scoular (2010, p. 38), however, whilst agreeing with Agustin that law should be de-centred, states that it cannot be excluded as "it is imbricated in the everyday world" and "operates alongside other normative ordering practices to shape subjects, identities, practices, and spaces". The ongoing debate that has ensued has resulted in calls for research to consider nuanced experiences and environments that shape sex workers' agency in the

labour market, and the broader cultural landscapes and spaces within which sex workers operate (Hammond and Attwood 2014; Bungay et al. 2011; Agustín 2005; Weitzer 2012; Van Meir 2017).

Most sex workers work in the indoor sector (Bowen 2015; O’Doherty 2011; Bungay et al. 2011; Harcourt and Donovan 2005). Safety is an important “pull” factor for indoor work, particularly for those new to sex work (Brents and Hausbeck 2005; Zangger 2015). Brothel-based sex workers experience little to no violence, especially when compared to their street-based counterparts (Prior et al. 2013; O’Doherty 2011; Brents and Hausbeck 2005; Church et al. 2001; Sanders and Campbell 2007; Zangger 2015; Prior and Crofts 2014). Brothels provide a context of protection through “collective control” (Sanders and Campbell 2007, p. 10), where the physical environment and material resources affords a sense of security and confidence. This includes safety measures such as presence of other staff, security cameras, alarms and opportunities to screen clients thoroughly (Zangger 2015; Brents and Hausbeck 2005; Sanders and Campbell 2007; Sullivan 2010; Van Meir 2017). Nevertheless, brothels also hold the greatest environmental potential for managerial control over sex work labour. Largely, the ways in which sex work is managed affect the safety and protection afforded to sex workers (Sanders and Campbell 2007; Orchiston 2016; Bungay et al. 2011; Brents and Hausbeck 2005; Bruckert and Law 2013).

Before decriminalisation in New Zealand, brothel-based sex workers (or parlour-based as it was known then) were subject to particularly “manipulative management strategies . . . (which pushed) them towards risky practices” (Plumridge 2001, p. 212). Sex workers’ agency was severely restricted. The Prostitution Reform Act (PRA) (2003), which decriminalised sex work, intended to safeguard sex workers’ rights by limiting the power of brothel operators. The Act provides protections for sex workers by making inducing or compelling persons to provide sexual services an offence (Section 16) and stating that a person may refuse to provide a sexual service at any time, even if they had previously entered into a contract to provide such service (Section 17). Research carried out shortly after decriminalisation, however, suggested that decriminalisation had not eradicated poor management practices and that there was inadequate monitoring or enforcement of provisions under the PRA (Mossman 2010). Sex workers did, however, exercise some agency, as brothel operators in Mossman’s study reported that they found “controlling” sex workers in the new context difficult. There were tensions about how they could run a viable business when sex workers had the right to refuse to provide certain services or refuse to see a client at any time (Mossman 2010).

A more recent study in New Zealand (Zangger 2015) explored labour conditions for sex workers in Auckland in both the managed and private sector. Brothel workers in this study expressed concerns about three key areas of poor practice. Firstly, they indicated that their right of refusal was subject to limitation and “good reason”. Secondly, managers failed to uphold shared responsibility for safe sex practice. Thirdly, there was coercion to work longer and less flexible hours and/or with more clients than desired through the utilisation of shift fees, fines and bonds (including penalties for arriving late or leaving early). Despite this, sex workers in that study considered brothels a favourable industry entry point. Inexperienced workers preferred to work under management rather than privately, as working privately involved greater responsibility and additional costs. This is consistent with the findings of a study of 772 sex workers in New Zealand, where brothel-based sex workers saw the benefits of working in a brothel as outweighing the trade-offs (Abel and Fitzgerald 2012).

A review by Harcourt et al. (2005) on different legislative approaches across Australia concluded that while not a perfect approach, the decriminalised context in New South Wales appeared to have the fewest pitfalls and was the most effective in terms of improving health outcomes. More recent research by Orchiston (2016) and Sullivan (2010) has compared the impact of decriminalisation and legalisation in different states in Australia (New South Wales and Queensland). Orchiston concludes that ultimately, neither legalisation nor decriminalisation have “any substantive connection to improved labour rights for sex work-

ers" (p. 2) due to the lack of regulatory enforcement of labour protections. Furthermore, Orchiston argues that brothel operators "use the cloak of legality to operate openly and claim legitimacy, without having to adhere to the same requirements as other businesses" (p. 11), while the vague status of workers as employees or independent workers bears considerably on their access to legal protection (Murray 2001). Sullivan notes that while both legalisation and decriminalisation have contributed to an economic integration of the industry, persistent "social ambivalence" (p. 103) and stigma prevent the recognition of sex work as legitimate "work" under either framework.

Overall, available research indicates that while decriminalising brothel-based sex work can increase the safety of workers (Abel 2010), alone it is not sufficient to improve working conditions (Mossman 2010), and intentions can be lost in the implementation of legislation and regulation (Scouler 2010; Wagenaar and Altink 2012). There remains a limited understanding of the power dynamics operating within the indoor sector of the sex industry (Harcourt and Donovan 2005; Weitzer 2009). Few studies have explored the management, organisation structures and working conditions of brothels (Weitzer 2009; Cruz 2013), particularly in decriminalised contexts (Cruz 2013). New Zealand provides an opportunity to explore dimensions of brothel-based sex work that have changed or persisted now that decriminalisation is well-embedded. This paper focuses on sex workers' employment status and agency within brothels in New Zealand.

## 2. Methods

The data for this paper draw from a study aimed at exploring employment rights of brothel-based sex workers in New Zealand's decriminalised sex work environment. The University of Otago Human Ethics Committee granted ethics approval (Ref no: 15/169). A community-based participatory research approach (CBPR) was taken to the research. CBPR bears many similarities to other participatory approaches in that it is participatory, empowering and achieves a balance between research and action. However, a community-based organisation who represent the larger community are involved in the development of research questions and the research design, rather than the participants themselves. All forms of participatory research are acknowledged as best practice, and most ethically appropriate, when carrying out research in the sex industry (Benoit et al. 2005; Wahab and Sloan 2004; O'Neill and Pitcher 2010). New Zealand Prostitutes' Collective (NZPC) was our community partner. They were partners in identifying the research questions, had input into the design of the data collection tools and the recruitment of participants. Participants are less likely to be exploited when there is power-sharing in a partnership-based research relationship and the findings of the research are more likely to reflect their perspectives (Liamputtong 2007).

This was a qualitative study using in-depth interviews to capture the perspectives of 17 sex workers on working as independent contractors in a decriminalised environment. The interviews were semi-structured with no specific questions asked, but topics covered included: their relationships with brothel operators/managers; contractual arrangements; experiences within brothels; and perceptions on stigma. Sixteen of the sex workers interviewed identified as female and one as non-binary gender. In addition, interviews were conducted with 14 brothel operators (eight males and six females) around topics such as: business practices; contractual arrangements; regulations relating to operating a commercial sex business in a decriminalised environment; and perceptions on stigma. Four of the female brothel operators/managers and one male operator had worked as sex workers before operating or managing a brothel; 13 had only operated a business in a decriminalised setting. The first-named author conducted the interviews in the cities of Auckland, Christchurch and Wellington between February and August 2016. Most interviews occurred in NZPC offices, but some took place in a brothel. Each participant was given NZ\$40 in appreciation of their contribution to the research.

All operators and sex workers were operating/working within brothels that operated openly and most situated amidst other businesses in the city (in Auckland and Wellington)



or on the edges of the city or industrial areas, particularly in Christchurch where the 2001 earthquake had forced central city brothels to move out of the central business district. All operators and sex workers had links into NZPC. None of the operators or sex workers were from the more informal, suburban areas, where migrant (mostly Asian) sex workers work, and which are often more isolated from NZPC and other service providers. The findings of this study therefore only reflect the experiences within New Zealand's "visible" brothel-based sex industry, a limitation of this research. It is of course likely that the experiences of sex workers who work from hidden brothels in the suburbs, and who may not be New Zealand citizens, will be very different and more precarious, as described elsewhere (Abel and Roguski 2018; Armstrong et al. 2020).

Interviews were audio-recorded and fully transcribed. Participants' anonymity was protected by providing them with pseudonyms and removing all identifying information from the transcripts. Thematic analysis was then undertaken, which is a method used extensively in qualitative research to identify, analyse and report patterns in data (Aronson 1994; Braun and Clark 2006). Both authors read and re-read the transcripts to familiarise themselves with the data and then coded for features of specific significance. For this paper, we were interested in the talk of both sex workers and brothel operators on management practices. Codes included (amongst many others) the law, contractors, employees, shift fees and fines, resistance, co-dependency and reporting. Codes were then collapsed into overarching themes. This paper focuses on three themes: employment status, the economics of brothel-based work and agency in a brothel setting.

### 3. Results

#### 3.1. Employment Status

Private homes are increasingly becoming the most popular working environment for sex workers in many quasi legal or decriminalised settings, and this shift has been documented in New Zealand since decriminalisation (Abel and Fitzgerald 2012; Prostitution Law Review Committee 2008). Sex workers value working independently as it increases control and freedom, financial independence, flexibility over commercial working spaces, and they can operate discretely (Hubbard and Prior 2012; Prior and Crofts 2014). Many indoor workers aspire and work towards being able to work independently (Bernstein 2007a, 2007b). Nonetheless, the sex workers interviewed in this study saw working in brothels as a way of "out-sourcing" tasks, such as advertising and making bookings, activities that they did not necessarily want to perform themselves. It also provided a place to work away from their own home:

*I don't want to be managing my ads. I don't want to be answering the phone when I'm at home and make the arrangements and find some premises to see the clients at. It's too much hassle, so I see the parlour getting a cut as kind of out-sourcing. (Milly, sex worker)*

Nevertheless, many of the sex workers in this study were concerned that brothel operators and managers tried to exert too much control over them, which was not in line with their independent contractor status. Sex workers in New Zealand have always been independent contractors. This is consistent with the norm in other countries, regardless of the regulatory framework (Cruz 2013; O'Connell Davidson 2014; Cruz et al. 2017). Brothel operators positioned sex workers as no different from any other contractor:

*No different than if you'd employed a plumber to come and fix your plumbing. They're an independent contractor. You don't ask them to sign a contract or anything to come and do that. They look after their own finances. They give you a bill and you pay it. That's how we work it. (Harry, operator)*

Perhaps the comparison to contracting a plumber is erroneous. A plumber is engaged to fix a problem and then goes away, only returning when there is another problem. Brothel operators engage sex workers to provide a service on a regular basis to others accessing the brothel. Brothel operators are able to maintain a high level of managerial control and take

limited responsibility for sex workers through the “loophole” of independent contracting (Murray 2001; Sullivan 2010; Cruz 2013; Cruz et al. 2017; Bouclin 2004; O’Connell Davidson 2014; Pitcher 2015). The setup has been termed “notional” self-employment (Sanders and Campbell 2007), “disguised” employment (Orchiston 2016), “false” subcontracting and “dependent” self-employment (Sullivan 2010) and is considered to leave sex workers highly vulnerable to coercive management practices (Murray 2001; Orchiston 2016). It is common that managerial control is exercised over the hours worked (Orchiston 2016; Sullivan 2010). Some sex workers in this study worked in “appointment only” businesses and so only went into the brothel when they had appointments with clients, as one brothel operator explained:

*We do it all by appointment only, so they don’t have to do shift work. They pick their own hours, so they just choose. Like today, Monday, tomorrow they’ll be texting, “Hey, [Ingrid], my hours this week are this, this and this. Like I’m free all day Wednesday except I’ve got a lecture between 2 and 3”, so I work around that.* (Ingrid, brothel operator)

Sex workers in “appointment only” businesses seemed to be happy with this arrangement. Those who worked in “walk-in” brothels, however, had to agree to pre-determined shifts. Brothel operators in walk-in brothels suggested that they were mindful of the requirements of the PRA and so left it up to individual workers to tell them when they would be available:

*The Prostitution Act specifically says these girls, they can come and they can go anytime they want. So I just follow actually the rules to tell the girls, “I don’t actually ask you to be here all the time, but at least if you guys can give me the timetable for the week, so it’s easier for us to manage your bookings. So you save your time, and we save our time”.* (Robert, brothel operator)

However, many sex workers in walk-in premises contradicted this. They indicated that management tried to exert control over them by requiring them to work ten-hour shifts. Furthermore, they claimed that brothel operators used unfair rostering and did not allow them to take leave. They argued that this challenged their independent contractor status:

*They’ve got a lot to answer for, certainly they do. When we’re not employees in a brothel and yet they’re treated like employees and without any of the rights of an employee . . . expected to work ridiculous shift hours. Like most, every brothel I know has a minimum requirement of 10 h which is ludicrous. . . . Some girls would be a lot like, “Oh I want some time off and I’m afraid to ask”. They’d say they wanted Friday night off and he’d say, “No, I’m doing the roster. No, you can’t have Friday off, you can have Saturday off”. So yeah, they would, they would say no sometimes to girls, which if you’re a contractor, they haven’t got the right to do.* (Cynthia, sex worker)

Most contractors are able to take a meal break during a ten-hour shift. However, Nyla received a telling off when she went out to collect some lunch:

*The receptionist, when I came back, said, “Oh where were you?” and I said, “Oh, I went to go get some food”, and she was like, “You can’t leave. You know, you can’t just leave”. And I was like, “Oh I was just getting some lunch”, and she was like, “No, you know, we can’t have the girls leaving, blah blah blah” . . . . She kind of tried to tell me off. I didn’t want to have an argument with her cause I wanted to work there. So I was just like, “Okay, you know, cool, I’ll just bring my lunch next time, whatever”. I didn’t really care about it, but I was like, “That’s not cool. People should be allowed to leave and get their lunch. And you wouldn’t have that in any other workplace”.* (Nyla, sex worker)

There was a quandary for brothel operators who argued that they were trying to run a viable business that required sex workers to be on the premises should clients arrive, but they were aware that under the PRA, they could not compel anybody to be there to provide a sexual service. While they may negotiate with sex workers to be at work for an entire 10-h shift, there was little that they could do to enforce this. Written contracts were rare



and seen as unenforceable. Some sex workers in this study, like Eve, said they had signed one but could not recall what was in the contract and did not have a copy of it themselves:

*They kept the contract and I never received a copy, and in the last 6 weeks I tried to follow up and obtain a copy of that contract, which I never ended up getting . . . to be honest I don't think I looked through the contract as such very well. (Eve, sex worker)*

One brothel operator questioned the value of the contract anyway given that some workers signed them with false names:

*I mean it's a waste of paper really [contracts]. We were hiring women, they were coming and going all the time, and they only signed it by their working name anyway, so what is that? They could say, "That's not me. I'm not Christina. No, my name is whatever". So what's the point, you know. I mean, yeah. (Ingrid, brothel operator)*

Not all sex workers wanted written contracts as they saw it as a threat to anonymity. Nyla, in particular, indicated that she claimed a benefit in addition to working in a brothel and was concerned that government officials would be able to access information from brothels on contracted workers:

*One of the sex workers had thought that contracts were a good idea for workers' rights, so she was sort of into union-y stuff and she said, "We should have contracts blah blah blah" . . . I was like, "Yeah, and what about if, I don't know, Ministry of Social Development come in and say, 'We want to see your records', and then my name's on file or record and I'm on a benefit". I wasn't going to sign. I was like, "I do not want to put my name on that, and you know, I'm not really keen to work under those sort of conditions". (Nyla, sex worker)*

House rules often took the place of contracts and were mostly about not using drugs on the premises and always using a condom for penetrative (and sometimes oral) sex. Operators indicated that these rules were normal and applicable to any other workplace, and if broken, they were within their rights to tell the sex worker to leave:

*Everything that is in a normal workplace is in our place. You come to work stoned, you get sent home. You do drugs at work, you're fired immediately. You get verbal warnings, just like anywhere else for things. But 'cos they're an independent contractor, of course we can get rid of them immediately. Okay, but at the same case, they can leave immediately. There's no forcing of anybody to be anywhere or do anything. (Harry, brothel operator)*

There remain concerns about the employment status of brothel-based sex workers in New Zealand. Some participants saw the requirement to work long shifts as a threat to their independent contractor status. However, there was ambiguity around contractual arrangements. Whilst verbal contracts may be legally binding, enforcement is difficult as the terms, conditions and rights of the contractor are not clear ([Prostitution Law Review Committee 2008](#)). It seems, therefore, that decriminalisation has not been successful in advancing a formalisation of the working relationship between sex workers and operators. The control management exercised over sex workers' income was one particularly grey area in the relationship between the two, and we discuss this in the following section.

### 3.2. The Economics of Brothel-Based Work

Most independent contractors are able to negotiate a price for their services with business owners. Business owners then add a percentage on to this price, which would be their cut. However, sex workers have no say in setting the price of particular services in brothels. The brothel operator sets the price as well as the house cut, which is standard for all sex workers working on the premises. Operators in this study took cuts ranging from 30% to 40%. They justified the size of the cut as necessary because of taxation and overhead costs:

*We supply everything. And then you get the girls that don't appreciate anything . . . they don't see the overheads, the advertising, you know, and I have to pay some tax. (Frank, operator)*

*We charge the girls [a] service fee, like providing them the premises, safety, guardians, and actually we put all the advertising fees on us, so all these costs altogether, we charge the girls \$69 for each job for an hour. (Robert, operator)*

Managers and operators commonly explained their working arrangement as sex workers paying them for a service as opposed to the other way around:

*Obviously we run the place more like a hotel, more like a motel. I hire out the rooms . . . They're free to just make a booking and come when they have a booking. We have a little lounge where they can wait if they wish. . . . They pay us for the room. (Burt, operator)*

Clients pay their money to reception when they arrive and sex workers usually receive their money, minus the cut, at the end of the evening or the next day, depending on the arrangement with the establishment. Some sex workers do experience some problems getting their money on time. "Safe malfunctions" and other management lapses led to Bridget feeling devalued:

*There's supposed to be a window when you collect your pay. It's supposed to be between 8 and 9 [the next morning], although if you're working that night, you can just go in later in the night. But the safe malfunctioned and my pay was locked in, and although I have enough in savings, I didn't desperately need that money right then, I was still really upset by this just because it had come after a booking that had been allowed to go overtime, and just, and come after two weeks of still no new light bulb and just other things where it made me feel really not valued as a worker. And it stresses me out not having access to my money, I guess, in that I've had times when I've been quite broke doing this work, and so I don't like management holding on to my money when it's mine. (Bridget, sex worker)*

In addition, some brothels took a further cut when clients used a credit card and sometimes delayed payment to sex workers. This was to cover the bank fees for credit card charges and to allow time for the transaction to clear:

*If someone pays card it's \$30 extra, but it doesn't, I don't think it costs that much to do a card transaction. (Carrie, sex worker)*

*Apparently credit cards can take quite a few business days for it to process through and the funds to become available to the owners, it can be anywhere from 3 to 5 business days before the girls will receive their money. Now as far as I'm aware, legally they're not actually allowed to hold on to money like that, but there are places that do do that and the girls just go along with it. (Roz, sex worker)*

Costs for advertising are supposed to come from operators' cut of sex workers' money. Brothel-based sex workers are dependent on operators for advertising their services and securing business for them. Most operators spent large sums of money annually on advertising, and sex workers were reasonably happy with this. However, a few sex workers were frustrated at having to take control of advertising themselves. Pam considered that management did little to attract clients. They did not have a company website and did not advertise individual workers on the main sex work platforms. Consequently, the number of clients had diminished considerably, with the knock-on effect of decreased income. She argued that in order to make a living, they had to pay for their own advertising over and above the standard cut:

*I don't think they're doing much to generate more business for the girls. You know, they're on and on and on about, you know, having staff, but, you know, you need to spend money in the business to make money as well . . . the girls are having to do it, they're having to do it for themselves to generate the business. (Pam, sex worker)*

Management are also able to make price changes with no prior consultation. One sex worker said that overnight her pay per hour appointment went down by \$15:

*[I was paid] \$135 an hour, and then I guess something changed, I don't know, whether their [management's] rent went up . . . And then [the manager] got me at the beginning of one of my shifts and goes, "Now look, we've had management change. Do you still*

*want to work here because now the hourly rate you'll get paid is \$120"? Yeah, so it could be what lots of companies do now, just cost cutting and trying to keep some more money in their pocket. (Vicky, sex worker)*

Brothel operators and managers have traditionally applied economic sanctioning as a mechanism to assert power and control over sex workers (Cruz et al. 2017; Orchiston 2016; Sullivan 2010; Dziuban 2016). Orchiston (2016) argues that this control is financially rewarding for operators, shifting economic risk onto sex workers in order to reduce overheads and maximise profits. This was also the case in New Zealand prior to 2003 (Mossman 2010; Prostitution Law Review Committee 2008; Plumridge 2001). The PRA now explicitly prohibits any form of coercion to provide services. Paul was the only operator who admitted to fining sex workers:

*Look, it's a hard, hard industry. Yes, we fine them, because we're still a business, you know. If I don't make \$50,000+ a month, I'm losing money, you know, and you have to have girls on the floor for that. So that's why parlour owners fine. (Paul, brothel operator)*

One sex worker said that an operator fined if you repeatedly did not arrive for shifts "because he has to pay for the ads. And so he'd fine you like the amount of money he'd put into an ad if you didn't show" (Deena). Another sex worker said that the receptionist at the brothel she worked at had fined her for being late for a shift, but knowing her rights, she complained to management who immediately reimbursed her:

*It was just a receptionist that did the fine to kind of spite me because she thought I was rude to her on the phone when she called me asking me where I was. So she just did it because she was angry, and then when I talked to them—I talked to her about it and she just wasn't really listening to anything I had to say. So I was like, "Well fine, I'll talk to the manager". So I talked to the manager and she was like, "Oh I'm sorry. I'm giving you your money back straight away". (Serena, sex worker)*

Although sex workers knew they had rights and did not have to put up with fining, they had to think of possible repercussions if they did try to recoup their losses. As independent contractors, they are required to declare their earnings and pay taxes but many do not:

*I was losing a lot of money . . . getting too much money taken off me. I wanted to try and get it back, but, you know, I was scared, I guess, that if I did something about it, then they might report me to IRD, you know, for not—cause as an independent contractor, you know, I was not paying taxes on the money that I earned. Even because I had a child as well, you know, and if I got exposed for working in the sex industry, you know, it would look bad. (Eve, sex worker)*

There is, thus, a great deal of management control over sex workers' earnings, and some practices continue to infringe on sex workers' rights. It is widely argued that decriminalisation protects sex workers' rights and enables them to organise for better working conditions (Abel 2010; Baratosy and Wendt 2017; Kim and Alliance 2015; Wijers and van Doorninck 2016). In many ways, sex workers in this study displayed a level of control and autonomy over their work, yet there were also times when there they were hesitant about exercising their rights.

### 3.3. Rights in the Workplace

All of the operators interviewed in this study argued that they were "good" and ethical business owners and treated sex workers fairly. All were well aware of the requirements for operating a brothel and the inbuilt protections for sex workers under the PRA. They indicated that sex workers who worked in their brothels understood their rights and felt that with NZPC's support, they knew how to enforce those rights. Frances argued that there would always be "dodgy parlours", but NZPC mitigated this by providing support and information on rights to sex workers:

... in saying that, like the girls ... once they've been around for a little while, they do know their rights. ... I send my girls in here (NZPC), ... as long as PC's [NZPC] around, the girls will know that they can't be treated like that. (Frances, operator)

Although some sex workers in this study indicated that there were still some exploitative practices happening within brothels, overall, they felt that management was good and in most cases, respectful:

*I feel like actually of those 6 owner/manager people [that she had worked for], 5 of them have actually been quite, quite fine and respectful. Yeah, actually pretty cool towards the sex workers, even though, you know, some of the places I haven't loved working at, but I feel like that actually the owners have been, besides that one, have all been really good. (Nyla, sex worker)*

Sex workers expected good treatment from operators, as they had the flexibility to leave at any time:

*Being self-employed and choosing where we want to go, there's got to be something there to keep us, keep us working there, otherwise we're like, "Oh I'm just going to give this other place a call and see if they can take me tonight". (Milly, sex worker)*

Sex workers commonly move between venues to access improved working conditions and environments (Bungay et al. 2011). Managers and operators in this study found depending on a highly mobile workforce challenging. This is consistent with New Zealand research carried out shortly after decriminalisation in New Zealand (Mossman 2010). They recognised that treating sex workers well was a key business strategy to retain as well as attract workers:

*We recognise the fact that without the girls, we don't have a business. So if you're going to treat them like shit and they all leave, then it's your own fault ... If you treat them well, and they all stay, then kudos to you ... I think the greatest thing that's come about from all this [decriminalisation] then must obviously be the fact that the girls do have a choice ... they are free to make that choice, and if you run your business poorly, one would think it's going to hit the wall because you're not going to have workers. (Burt, operator)*

Although managers have traditionally exercised high levels of control over the "aesthetic labour" of sex workers through explicit rules on appearance (Hardy 2013, p. 47), the workers in this study indicated that while management could offer suggestions, they held the ultimate control over their self-presentation:

*They definitely would give suggestions for other things that we should be wearing and stuff like that. But with us it's, I mean I normally wear sort of like an evening dress or stuff like that, so we can choose. We don't have to wear lingerie or stuff like that. We can if we want, but also they don't [push]. (Carrie, sex worker)*

Operators frequently backed down when sex workers vocally resisted infringements of their rights. The sex workers in this study understood that any contractual arrangement they had with management was ultimately not legally enforceable. They demonstrated an awareness of their rights and argued that sex workers less aware of their rights under the PRA were more vulnerable to be treated as employees:

*I said I was taking all of January off because I was spending it with my daughter and going to be touring round. They said, "Then how can you do that? Have you asked for the time off"? I said, "I don't need to ask for time off, I'm not an employee, I'm a self-contractor". But see, I'm an educated woman, so I understand the differences, and there's a lot of girls that go in there, they don't have any idea what they're entitled to, what their rights are. (Cynthia, sex worker)*

Section 16 of the PRA states that no person may induce or compel anyone to provide commercial sexual services. A conviction under this section could attract up to 14 years imprisonment. One sex worker used this section to counter an operator's insistence that they come into work when they are not well:

*I said, "Oh actually I'm not really feeling very well, so I'm not going to come in today ... " "if you don't, yeah, so then you'll have to reimburse us our share of the cost" ... That's clearly trying to pressure me into having sex when I didn't want to ... I left and I texted her and I said, "You should try running your business within the law because it's illegal for you to try and pressure me into work when I don't want to".*  
(Nyla, sex worker)

Plumridge (2001) noted that brothel operators in pre-decriminalised New Zealand sometimes marketed particular services without consulting sex workers, which meant that sex workers had to engage in certain sexual practices against their wishes. This led to them feeling degraded. Sex workers could also not refuse to see a client—Plumridge (2001) cites one sex worker forced to accept a client who had just vomited on her. Brothel operators most frequently sided with clients against the sex worker. The operators in this study emphasised that, consistent with the intention of the PRA, sex workers now had the ability to "call the shots" in terms of what services they would or would not provide:

*I mean one of the reasons why the girls like working for us is they can work as hard as they want or as little as they want. . . . We're now in a normal working environment. They can, at my place they work whatever hours they decide. They take breaks whenever they want. If they don't like a customer, they don't see them. There's no penalty, no nothing. There's a customer that they don't particularly like, we won't book them again for them. I mean they call the shots. They're an independent person. We can't control them in any way except for the quality of our business. The hours they work, the things—they don't have to kiss if they don't want to kiss. But that's all up to them.* (Harry, operator)

*You know, they're all independent. They come in any time they want, they leave at any time they want. They do any service they like. They refuse any service they don't like, they are 100% independent. . . . we don't force them to do anything they don't like.*  
(Max, operator)

Operators/managers and sex workers in the study emphasised that the right to refuse any service at any time enhanced sex workers' control and autonomy in the workplace. Most operators/managers said that sex workers (and not them) controlled the services they engaged in. Brothels operated by offering a standard service package, with extra services and payment negotiated only between the worker and the client.

*All I know is now, where I work, I feel like I have total, total control. . . . But no, it's never, ever, no brothel owners have ever told me to do things that I didn't want to do.*  
(Candy, sex worker)

However, there were ways some operators used to get around "rights of refusal" whilst still operating within the law. One so-called high-end brothel-operator stated that she would not, and could not, force sex workers to do anything that they did not want to do. However, she implied that she would not have anybody working for her who was too selective about the services they would provide. This veiled threat meant that only compliant sex workers were able to work for her:

*Women who come in and I say, "Legally there is none of those things I can enforce of you. If you don't want to kiss, I cannot make you kiss a client. It's your choice. If you don't want to have a man go down on you, I legally can't make you do it, but if you choose not to do those things, you won't get work with us and this is not the agency for you".*  
(Ingrid, brothel operator)

This operator went on to state she would not book clients for a sex worker who did not comply with her rules, saw clients privately, or generally did not fit with the "image of the agency". She would cut off their earnings to force them into moving to other premises:

*So if for any reason that woman's not working out, her work just goes down, down and down and she leaves of her own accord. It's kind of like, "It's not really working out. Maybe you should try another agency for whatever reason".* (Ingrid, brothel operator)

Most sex workers reported being aware of options to report and lay complaints against third parties and referred to NZPC as a key source of information and support in this process.

*From a working girl's point of view, I just think having it decriminalised has been such a breath of fresh air and such a release of stress, I guess, knowing that there are organisations like NZPC as well that have our backs, and also that we don't have to shy away from calling the police if things do get out of control with the clients. (Roz, sex worker)*

However, many sex workers remained concerned about a threat to their anonymity if they put in a formal complaint. The social stigma attached to sex work is still very much present in a decriminalised context and there remains a fear of a public disclosure of their "real name" in court proceedings:

*I've thought about it, but, you know, too much hassle and I didn't want to get my real name involved which might have to happen. I have mentioned, you know, some small things like that happening at NZPC, but never taken it further. (Milly, sex worker)*

In many cases, NZPC act as mediators in disputes between brothel operators and sex workers to try to reach a resolution outside of the formal complaint system. Some sex workers, however, stressed the importance of standing up for their rights regardless of threats to anonymity, as it would pave the way for other workers to do so:

*I'm a very discreet person. I have two very different lives. I have two jobs, very, very busy outside of this work as well, and the last thing that I would need is to be named and shamed or anything come out in the public eye that kind of changes people's opinion about me, especially where my other job is concerned . . . but I would definitely, I will not stand for any bullshit for myself, and when it happens to others, all I can do is encourage them . . . people forget too, you know, since they [decriminalised] this, our rights, you know, I just feel like I'm going to stomp up and down, "This is a work place, so, you know, I have more rights than you realise, buddy". (Pam, sex worker)*

One worker who did speak out and take action against a brothel manager who sexually harassed her argued that through standing up for her rights, she could set an example for other sex workers that they did not have to put up with bad treatment within the industry:

*My thinking was that if I could show other girls that they will be listened to if they're in the same situation, like either with a boss or a client or whatever, that there is a place that will listen to them. And if it helps one girl come out and speak about bad experiences or whatever, then I'm happy . . . it just takes one person to stand up and go through it to help others come out as well. (Kyra, sex worker)*

In the main, management practices appear to have adapted to fit with the legal requirements of the PRA, but there are still questionable strategies evident in some management approaches. Sex workers, at least the ones in this study, argue that they have high levels of control through knowledge of their rights in the workplace, and there is a readiness to enforce these rights. However, they have to weigh up enforcing their rights against possible exposure.

#### 4. Discussion

Brothel operators perform a necessary function for some sex workers who do not want to engage in the business-side of their work. They advertise their business as well as the individual workers within that business, which removes the onus of marketing from the sex workers. They provide a room with all the amenities so that sex workers can keep their home life separate from their working life. In other words, as [Bruckert and Law \(2013\)](#) have argued, sex workers are able to free up time by avoiding tasks they do not want to do. Most sex workers in this study therefore saw their relationship with brothel operators as symbiotic.

As in most countries, brothel-based sex workers in New Zealand are independent contractors. Brothel operators function merely as the middle-person between sex workers and clients. However, sex workers in this study argued that brothel operators sometimes



over-stepped this role and treated them as employees. People who are self-employed in the mainstream labour market are predominantly autonomous, but management within brothels is often to such a high level that sex workers' autonomy is questionable (Cruz et al. 2017). Means and Seiner (Means and Seiner 2015, p. 1511) argue that the only way to determine whether a worker is an independent contractor or employee is to ask the question: "How much flexibility do individuals have in determining the time, place, price, manner, and frequency of the work they perform"? Those who are able to exert control over all these variables are more likely to be functioning as independent contractors and not employees. There is no question that brothel-based sex workers in this study had some flexibility over all these variables but not total flexibility. Shift times were contentious, brothel operators set the price and percentage cut, and the lack of contracts made conditions of work unclear.

Employment rights are not easily enforceable or gained while operating under an often-vague status as independent contractors (Gall 2016; Murray 2001). Only an employee can take a grievance to the Employment Court in New Zealand. However, a 2004 amendment to the Employment Relations Act 2000 made provision for those not in an employment relationship to take disputes to the Department of Labour and obtain free mediation services (Prostitution Law Review Committee 2008). Alternatively, sex workers who experience a breach of human rights in the workplace can take the matter to the Human Rights Tribunal. Some sex workers in this study reported willingness to seek recourse when denied their rights, either through interaction with the police, or through such formal complaint mechanisms. However, frequently, the first port of call is NZPC, who play a mediating role between brothel operators and sex workers, and issues have been resolved in many instances to everyone's satisfaction. There is a cost to pursuing complaints further up the chain than NZPC. One of the costs is the possibility of having their sex work status exposed. Sex workers see this as a very real risk in spite of the fact that to-date, all sex workers who have reported incidents have had name suppression. Sex work still carries a stigma in a decriminalised context. Additionally, as independent contractors, sex workers are required to pay taxes and contribute to the Accident Compensation Corporation (ACC). Some sex workers do declare their earnings, but many do not. Some sex workers also top up their income from sex work by claiming unemployment benefits. Putting their head above the parapet by filing an official complaint against an operator for unfair practices therefore carries a significant risk. They see it as simply more expedient to move to work in another brothel.

## 5. Conclusions

This study contributes to a body of research that indicates that decriminalisation increases the likelihood of commercial sex being practised consensually and in a more worker-controlled manner and therefore can be considered a prerequisite for the realisation of sex workers' rights (Pitcher and Wijers 2014). The brothel environment in New Zealand today is vastly different from that which Plumridge (2001) discussed in her late 1990s study. Exploitative practices were commonplace in brothels, and sex workers could do little about it. Sex work remains precarious work in New Zealand. Sex workers receive no base fee and no guarantee that they will get clients on their shifts, and they are vulnerable to dismissal without warning. However, decriminalisation has contributed to an important recognition of sex workers' rights and provided them with protections in the workplace. It is now possible for sex workers to experience safer and more supportive work environments than they otherwise might, where they can (and sometimes do) contest managerial control. The addition of the right to refuse to provide commercial sexual services in the Prostitution Reform Act has been particularly crucial to changing management practices in brothels and had a meaningful impact on the way sex workers in this study negotiated potentially exploitative dimensions of brothel-based work. They were prepared to challenge brothel operators who impinged on their rights, which meant that often operators backed down. They were prepared to entertain the idea of laying official complaints against offending



operators—and some did. While the majority might decide against such measures, they at least do have the opportunity. This opportunity is less viable when sex work is criminalised. There may still be some exploitation in New Zealand brothels, but the power of brothel operators has diminished considerably with the recognition of sex workers' rights. Emphasis in the future should be on encouraging more sex workers to challenge their working conditions, as well as the stigma and discrimination they experience because of their occupational choice.

**Author Contributions:** G.A. conceived and designed the study, undertook the analysis and interpretation of the findings, and produced the final draft of the paper. M.L. produced the first draft of the paper, and edited and approved the final version. All authors have read and agreed to the published version of the manuscript.

**Funding:** The University of Otago Medical Research Foundation provided the funds needed to support this research.

**Institutional Review Board Statement:** The study was conducted according to the guidelines of the Declaration of Helsinki, and approved by the the University of Otago Human Ethics Committee (Ref no: 15/169 on 15 December 2015).

**Informed Consent Statement:** Informed consent was obtained from all subjects involved in the study.

**Data Availability Statement:** The data presented in this study are available on request from the corresponding author. The data are not publicly available due to confidentiality agreements with participants.

**Acknowledgments:** We acknowledge our research partners, New Zealand Prostitutes' Collective, and in particular Dame Catherine Healy who has provided valuable input to this paper.

**Conflicts of Interest:** The authors declare no conflict of interest.

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ISBN 978-3-0365-1861-9