

VCUG3001
FINAL PORTFOLIO

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Rationale

I chose sex work as the topic for my portfolio because I find it to be a compelling and important issue that intersects with a number of fields that interest me, notably feminism, public policy, and the consequences of globalisation. This positioning of sex work is also what helped me conceptualize it as a complex problem, as considering it from each of these perspectives helps to peel away the layers of complexity. I chose to split my portfolio into three different essays, which are independent but complement each other, in order to provide an overview of the different aspects of sex work that contribute to its complexity. As such, I have focused on expressing these issues and presenting some different ways of looking at them, rather than making a case for a solution, or even a particular perspective to be adopted. This is mostly because I do not know of such a solution, and research into this topic has shown me the dangers of believing that a unilateral solution exists.

However, there are some positive prescriptions I wish to argue for throughout my portfolio. These are mainly issues that do not seem to be considered when drafting policy on sex work or when discussing sex work in academia or in other situations. This is why, I think, sex work is 'dually complex'- the very issue is complex, but so is the way we talk or do not talk about it. This is the main idea I hope to make clear in my portfolio, and for me, it is strongly related to the need to integrate philosophy more explicitly in how we talk about social issues. Throughout these essays, I hope to show that a lack of consideration of what it means to be engaged in sex work, of why sex work is considered differently to other types of work, and of how we can understand 'coercion' in the context of a globalized capitalist economy, has created a gap in understanding the underlying issues at play. All of these questions enter the realm of philosophy, as they bring us to ask important (and very complicated!) questions about freedom, about the distribution of wealth and rights, and of

what principles we value in today's Western democracies.

Like any portfolio, there are so many issues that I have not had the chance to touch on explicitly in my essays. However, I hope that the ideas discussed are broad enough that they serve as lenses through which to look at other topics within sex work policy, such as child sex work, the porn industry, and even the emerging robotic sex market. All of these issues are fascinating and complex in themselves, and I hope my portfolio sheds some light on how we can best talk about them, by focusing first and foremost on those who would be most directly affected by the regulating or banning of these industries.

1: Failed policy and the multiplicity of experience

One of the clearest ways to introduce the issue of complexity as it relates to public policy is to look at some examples of policies that have failed to solve issues around sex work due to their unintended consequences. Instead of looking at policies that categorically ban any type of prostitution, I will focus on some policies that try to find a middle ground between trying to reduce trafficking and other types of coercion, and protecting those voluntarily working in the sex industry. These policies are interesting because they show some desire to engage with the complexity of the issue, and recognise that this ‘problem’ will not go away simply by ignoring it. Hence, these policies reflect a desire to protect sex workers and make sex work safe, and this is the metric by which I will be assessing them. I will first look at one of the most popular “liberal-democratic” policies, the Swedish model, followed by a policy that is used to regulate the sex work industry after decriminalization, mandatory STD testing.

The Swedish model, which makes the purchase of sex a crime, has been implemented in many countries, with the aim of reducing the demand for sex work while not targeting sex workers directly. This model has most notably been applied in Sweden since 1999¹, but this policy has been introduced in France since 2016. At first glance, this law may seem like a clever and just compromise between the desire to reduce the amount of people who practice sex work, and the recognition that an outright ban will only hurt those employed in the industry. In fact, such criminalisation policies are often touted as a triumph of liberal-democratic values, as they are seen as a way to discourage sex work from both the demand and supply side, while not barring

¹ Michael Goodyear & Ronald Weitzer, ‘International Trends in the Control of Sexual Services’ in *Policing Pleasure*, eds. Dewey & Kelly (New York: NYU Press, 2011), 16.

sex workers from receiving vital protection that they would be prevented from accessing were their profession criminalised². However, this policy comes with negative side effects that are obvious to those in the industry, but remain overlooked by policymakers. The issue, in economic terms, is as follows: a reduction in demand, the immediate effect of a criminalisation of buying sex, will lead to a reduction in price. Why is this so dangerous for sex workers? Firstly, their real wages decrease, meaning sex work because a less lucrative activity. For sex workers, this often means that they must work more, rather than seek other employment, as the law hopes³. Because sex work is so heavily stigmatised, sex workers are reluctant to leave the industry, as few employers are willing to hire a former sex worker, and sex workers may fear being ‘outed’ to the wider community even after they exit the industry⁴. Additionally, evidence from sex workers shows that it is not only the number of clients that is reduced by criminalising those who seek out sex, but also the quality of those who still do so⁵. Indeed, turning solicitation into a criminal act only leaves those who are comfortable breaking the law as potential clients. Due to the reduced demand, not only to sex workers have to lower their prices, they also lose the ability to discriminate between clients (for fear of financial ruin), and

² Megan Tyler, “Selling Sex Should be Banned in Australia”. *The Conversation*, December 4, 2013. Available from <https://theconversation.com/buying-sex-should-be-banned-in-australia-21079>

³Ruth Jacobs, “The Swedish Model Criminalising the Purchase of Sex Is Dangerous: The European Parliament Should Have Rejected It”, *The Huffington Post Blog*, February 27, 2014. Available from http://www.huffingtonpost.co.uk/ruth-jacobs/prostitution-laws_b_4851224.html

⁴ Jane Green, “Sex Work is a Game of Risk, Repeated Outings, and Marginalisation” *The Star Observer*, January 6, 2014. Available from <http://www.starobserver.com.au/opinion/soapbox-opinion/sex-work-is-a-game-of-risk-repeated-outings-and-marginalisation/114457>

⁵ Thierry Schaffauser, “Loi Anti-Prostitution, 6 Mois Après: un Premier Bilan Catastrophique” *L’Obs*, November 19, 2016. Available from <http://leplus.nouvelobs.com/contribution/1567576-loi-anti-prostitution-6-mois-apres-un-premier-bilan-catastrophique.html>

are forced to accept even potentially dangerous clients, that they would have rejected if the demand was larger⁶. The Swedish model has had some positive results, for example reducing the number of people trafficked into countries with similar laws⁷. However, for those left in the industry, it has made controlling clientele and finding safe places to practice more difficult, pushing the industry underground. The negative consequences of this law illustrate the importance of considering how intervention in a market will affect it in the long run, as well as how focus on one part of a market, in this case, sex trafficking, can obscure the flow-on effects to other parts of the market.

The second example of an incomplete policy solution I will examine is a policy that is implemented in places where sex work is fully decriminalised, such as Victoria or New South Wales. Just like the Swedish model, the practice of mandatory STD testing for registered sex worker make seem like a common sense policy; it would theoretically protect all parties involved, protect public health, and help clients make informed decisions. However, this policy also reveals a lack of understanding on the part of policymakers about the lived experience of sex work, as well as a disregard for the potential counter-productive effects of regulating the sex market in this way. Until it was relaxed in 2011⁸, the Victorian law required monthly HIV and STD testing for sex workers employed in brothels, but no such record had to be provided by any client. This shows that this policy comes out of a system which perpetuates assumptions about sex workers, rather than drawing on empirical evidence to

⁶ Ibid

⁷Michelle Goldberg, “Swedish Prostitution Law Is Spreading Worldwide- Here’s How to Improve It”, *The Guardian*, August 9, 2014. Available from <https://www.theguardian.com/commentisfree/2014/aug/08/criminsalise-buying-not-selling-sex>

⁸ Julia Medew, “STD Testing Rules Relaxed for the States’ Workers” , *The Age*, May 28, 2011. Available from <http://www.theage.com.au/victoria/std-testing-rules-relaxed-for-states-sex-workers-20110527-1f8o7.html>

determine how to make the sex market as safe as possible. Professor of Sexual Health at Melbourne University, Christopher Fairley points out that in Australia, “you are at lower risk of catching an STI if you have sex with a sex worker than if you have sex with a member of the public”⁹. In fact, the risk of contracting STDs depends much more on external factors like poverty and intravenous drug use than it does on whether or not one is a sex worker¹⁰. As such, an effort to reduce the transmission rate of HIV and other STIs will not be effective if it targets only a small percentage of the population, who are more likely to use protective methods during intercourse. Policies that enforce strict regulatory controls over the bodies of sex workers can be read as more symbolic than practical. In fact, Kelly argues that by “placing sex workers under its watchful eye, the state asserts control in ways far more beneficial to the state than to those the state is regulating”¹¹. The major effect of this policy, rather than a reduction in STDs, is that it perpetuates the stigma that those who participate in sex work are dirty and unclean, and that their bodies need to be more controlled and regulated by the state than is already the case.

These examples of ‘fixes that fail’ in regards to controlling the sex market illustrate an essential difference about sex work, that makes it a very challenging space for state control to operate effectively. As a market that has mostly been underground, and that exists mainly in private residences, it is very adaptive the changes in regulation. As such, solutions that might work in other industries are not always successful when translated to solve issues determined

⁹ Julia Medew, “Monthly Sex Worker Tests Are Ridiculous, Health Experts Say”, *The Age*, May 31, 2011. Available from <http://www.theage.com.au/victoria/monthly-sex-worker-tests-are-ridiculous-health-experts-say-20110530-1fctn.html>

¹⁰ World Health Organisation, “Consolidated Guidelines on HIV Prevention, Diagnosis, Treatment and Care for Key Populations”, Report, 2016, xvii. Available from <http://www.who.int/hiv/pub/guidelines/keypopulations-2016/en/>

¹¹ Susan Dewey & Patty Kelly, “Introduction: Sex Work and the Politics of Public Policy”, in *Policing Pleasure*, eds. Dewey & Kelly (New York: NYU Press, 2011), 12.

by policymakers in the sex market. Many failed policies also share the characteristic of being paternalistic, or at least designed without considering all consequences, not just intended ones. In both cases I have discussed, sex worker advocacy groups were categorical in arguing that the policies implemented would have negative consequences, but these voices were drowned out by more powerful or 'respectable' ones. It may seem commonsense to argue of a policymaking process that consults with the groups it seeks to protect, but in the case of sex work policy, this crucial element is often ignored.

2: Framing sex work

Why is sex work, perhaps more than any other social issue, so fraught with irreconcilable arguments? One way to answer this question is to step back from a policy based discussion and to look at the role sex work occupies in feminist and legalist discourse, as well as the various ways the issue is framed. Debate over sex work is, of course, very prevalent within feminist discourse, however the feminist movement has not been very active in pushing for better sex work policies due to the high level of disagreement. In this essay I will look at one popular ‘radical feminist’ view of sex work, in order to show how different experiences are mobilized to construct convenient, rather than accurate, narratives.

Some feminists and policymakers, resting mainly on the experiences of those who have been trafficked or otherwise coerced into sex work, argue that sex work is essentially patriarchal, and thus can never be reconciled within an egalitarian liberal framework. Proponents of this view evoke the imagery of rape and domination in order to construct an image of sex work that is always coercive, never the result of a free choice, and necessarily involves a woman being degraded and abused by a man¹². Importantly, scholars like Christine Stark and Melissa Farley do not simply argue that these things occur within the sex work industry, but that the industry itself is exploitative and abusive, and that the act of “selling one’s body” is fundamentally degrading. This view was expressed during the parliamentary debate that preceded the passing of the criminalisation of sex purchase in Sweden by Social Democrat Ulla Pettersson, stated that “by accepting prostitution society tolerates a humiliating perception of women. The view that women can be bought for money expresses a disdain

¹²Melissa Farley, “Prostitution, Trafficking, and Cultural Amnesia: What We Must Not Know in Order to Keep the Business of Sexual Exploitation Running Smoothly” *Yale Journal of Law and Feminism*, Vol. 18, n 102, 2006. Available from <http://www.prostitutionresearch.com/pdfs/FarleyYaleLaw2006.pdf>

for women as human beings”¹³. Those who hold this view strongly oppose the normalisation of sex work as just another job. Farley argues that if prostitution is seen as labour, “the predatory, paedophilic purchase of a human being by a john becomes a banal business transaction”¹⁴. As such, the exploitation view sees no real difference between sex work and trafficking.

In order to show how the constructed narratives on sex work and the sex work industry affect public policy, I will use a method of analysing public policy elaborated by Carol Bacchi¹⁵, who looks at policies from the perspective of how they frame and create problems. This is an incredibly important way of analysing policy, especially sex work policy, as the laws passed in this area are often more symbolic than practical due to difficulties with implementation. The policies discussed in the previous essay make many assumptions relating to what the problem at hand truly is, namely that sex work is a social problem, and that the responsibility for solving this problem lies in the hands of the individuals who engage in the industry, and only these people. Even more dangerous is policy that frames the problem as the very existence of sex work, rather than the violence that often accompanies it. This leads to policies, such as criminalisation, that aim to reduce both the demand and hence supply of sex work, often motivated by the assumption that most sex workers would be better off if they were not employed in the sex industry, rather than making sex work safe for all parties.

Another aspect of Bacchi’s analysis of policy is the “silences” of a given policy, or the problems that policies do not address, and this is perhaps where framing becomes most apparent. There are many silences in sex work policies,

¹³ Dewey & Kelly, *Policing Pleasure*, 16.

¹⁴ Farley, “Prostitution, Trafficking, and Cultural Amnesia”, 103.

¹⁵ Carol Bacchi "Introducing the ‘What’s the Problem Represented to be?’ approach" *Engaging with Carol Bacchi: Strategic Interventions and Exchanges* (Adelaide: Adelaide University Press, 2012), 21.

but I would like to focus on one that is common to the large majority of policies around the world, namely that sex work is not the only type of physical exploitation, especially in developing countries, and that it is only a choice insofar as we choose to live in a system in which our labour is exploited for profit. Dewey and Kelly make the point that an understanding of sex work is incomplete without a consideration of the wider changes brought about by a neoliberal world, where responsibilities are "shifted onto the shoulders of individuals-who are now expected to be "free choosers" and to bear in the full consequences of their choices"¹⁶. Indeed, labour rights have been slowly eroded by an increasingly casualised and globalised economy, leading workers around the world to be forced to accept more dangerous working conditions at lower wages. It is important to realize that for someone who chooses to enter the sex work industry, the choice is not between sex work and a more fulfilling and stable job, but between sex work and a job that may be equally dangerous or challenging, for a lower pay. Arguably, this is more applicable in developing countries which lack labour regulations altogether, but it still stands even in countries like Australia, where sex workers can choose the profession to get through school or provide a stable source of income for their dependents. In an article for *Jacobin*, Hennessy Williams argues that “discourse that refuses to see sex work as a legitimate job, instead arguing that it is necessarily exploitative and a form of modern slavery, is dangerous because to obscures the larger issue of debt coercion”¹⁷. Going back to the feminist viewpoint considered, recall the metaphor of engaging in sex work as “selling one’s body”. Is this phrase not applicable to other professions, such as textile production, mining, or housekeeping? Our cultural assumptions about the

¹⁶ Dewey & Kelly, *Policing Pleasure*, 9.

¹⁷ Hennessy Williams, “The Work In Sex Work”, *Jacobin Magazine*, May 12, 2017. Available from <https://jacobinmag.com/2017/05/sex-work-criminalization-trafficking-labor-rights>

sanctity of sex and the body, particularly women's bodies, here have the very tangible consequence of separating sex work from other jobs, although in all the previous examples, what is being sold is simply a very physical type of service, and never one's entire body. If we accept these similarities, what are we to do about the millions of people employed in dangerous mines or clothing factories?

It is not hard to see why policymakers may choose to look at sex work in a decontextualized way, rather than considering "the macroeconomic context of feminised labour as a whole"¹⁸. The issue of labour and debt coercion is perhaps one of the biggest wicked problems that global policymakers have to consider today; perhaps progress in sex work policy would be paralysed if they turned their minds to the problem of economic coercion as a whole. Again, this essay seeks not to prescribe a certain policy or even a certain representation of sex work, but to highlight how philosophical stances filter through discourse, and received by policymakers who may take them at face value. As such it is necessary to examine preconceptions we may hold about women's bodies and the reality of the labour market, in order to clarify the terms of this debate and fully engage with the complexity of this issue.

¹⁸ Dewey & Kelly, *Policing Pleasure*, 9.

3: Quantifying Sex Work

The previous essays have shown that there is a large amount of analysis to be done on sex work, who engages in it, and how, before we even reach the realm of empirical analysis. This is perhaps why there is a scarcity of good statistics and other methods of data collection in the conversation on sex work. In fact, one commentator points out that the debate over the introduction of the Swedish model “was lacking in empirical referents and rooted instead in claims about gender relations and the threat that prostitution posed to women in general”¹⁹. In this essay, I will look at how the taboos surrounding sex work have skewed the empirical data surrounding this issue, and how they reveal the wider limitations of quantification. I will then look at projects that aim to fill the gap in both quantitative and qualitative data on sex work.

Issues around representing the sex work industry challenge the notion that empirical information is always objective and can be used to represent any situation accurately and completely. There are two problems with this view as it relates to sex work: the first is that empirical data is lacking and incomplete, and the second is that the data that does exist over-emphasises some issues to the detriment of others. Ronald Weitzer highlights that most statistics around sex work focus on ‘street’ sex workers, despite the fact that a large part of sex work takes place indoors²⁰. We can see this as both a symptom of stereotypes about sex work, and as a contributing cause to these misconceptions. The perception that all sex workers work on the street leads to it being controlled much more tightly than other forms of sex work, despite it being generally safer than working in private locations²¹. Weitzer also argues that this focus

¹⁹ Goodyear & Weitzer, ‘International Trends in the Control of Sexual Services’, 16.

²⁰ Ronald Weitzer, “Sex for Sale: Prostitution, Pornography, and the Sex Industry” (New York: Routledge, 2000), 10.

²¹ Tamara O’Doherty, “Criminalisation and Off-Street Sex Work in Canada” *Canadian Journal of Criminology and Justice* Vol. 53, n 217 2011, 226.

represents a fixation on the individual's role in sex work, and as such organised sex work²². As a result, the systemic conditions in which sex work occurs is largely left out of collected data. Another glaring gap in data collection relates to men. In fact, studies on any type of sex work tend to focus on women, with the exception of studies that look at the effects of porn on viewers²³. This is a major deficiency of data collection, notably when aiming to assess the impact of johns (or pimps) as informal regulators of the sex trade. Weitzer notes that the “invisibility” of men represents both a reflection of stereotypes of sex work, and a positive legal bias towards men, as pimps are rarely arrested in jurisdictions where profiting from sex work is illegal. If we zoom out and look at how sex trafficking is framed in the larger conversation, there is also evidence of an excessive focus on sex trafficking over other types of trafficking, when in fact there are “more than three times as many people are trafficked into work like domestic, garment and agricultural labour than those trafficked for sex”²⁴. As these examples have shown, data collecting is rarely conducted in an objective way, but as a reflection of the public stereotypes around sex work and who is engaged in it.

Even if data were collected in as preventative a way as possible, would quantification ever be able to fully express the complex realities of sex work? Sally Merry puts pressure on this claim in her book, *The Seductions of Quantification*. As she argues, “the process of translating the buzzing confusion of social life into neat categories that can be tabulated risks distorting the complexity of social phenomena”²⁵. She stresses the need for a critical view of

²² Weitzer, “Sex for Sale”, 10.

²³ Weitzer, “Sex for Sale”, 12.

²⁴ International Labour Organisation Press Release, “21 Million People are now Victims of Forced Labour”, Available from http://www.ilo.org/global/about-the-ilo/newsroom/news/WCMS_181961/lang--it/index.htm

²⁵ Sally Merry, *The Seductions of Quantification*, (Chicago: University of Chicago Press, 2016), 1

‘indicator culture’, which assumes that information can be distilled into simple, comparable metrics that give clear results to policymakers. Of course, indicators such as those developed by the UN Office of the High Commission for Human Rights²⁶ serve as valuable starting points, and benchmarks with which to measure the impact of global initiatives to fight sex work. However, the data collected to create such indicators is hampered by the difficulty of defining important terms like ‘coercion’ or ‘violence’ as well as the secretive and hidden nature of sex trafficking and the sex trade in many parts of the world. Merry describes the task of statistical reports on sex trafficking as the attempt to “measure the unmeasurable”²⁷.

Due to the difficulty and inaccuracy of most quantitative data collection, many academics focus on ethnography as a powerful and accurate way of measuring and understanding sex work. Ethnography is a sociological tool that seeks to privilege social customs and interactions, and understand how peoples’ daily lives are affected by the larger forces at play. As Dewey & Kelly put it, ethnography permits an exploration of the diverse nature of sex work, and allows researchers to “move beyond a binary debate about structure versus agency and exploitation versus liberation”²⁸. Due to the case-based nature of ethnography, it is a tool rarely utilised in policy formation. However, we can see the urgent need for a more complex understanding of sex work in the policy sphere. Privileging vignettes that give a greater understanding of what being a sex worker is actually like may be one of the keys towards a better future for sex work policy.

²⁶ Merry, *Seductions of Quantification*, 161.

²⁷ Merry, *Seductions of Quantification*, 114.

²⁸ Dewey & Kelly, *Policing Pleasure*, 3.

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