

Governmentality gone wild:

How the separation of sex workers from ‘communities’ contributes to violence against sex
workers

By

Megan Danielle Lonergan

A thesis submitted to the Graduate Program in Gender Studies

In conformity with the requirements for the

Degree of Master of Arts

Queen’s University

Kingston, Ontario, Canada

July 2016

Copyright © Megan Danielle Lonergan, 2016

Abstract

Sex workers are members of our communities, whether they are local or national communities. In law, mainstream media representations, and research sex workers are positioned as outside of or in opposition to communities. Even within marginalized communities sex workers are excluded when appeals to respectability politics are made. In this thesis I analyze three analytic sites from three areas of social life. The first chapter performs a textual analysis of *The Bedford Decision* (2013) and the resulting *Protection of Communities and Exploited Persons Act* (2014) as an examination of law. The second chapter is an analysis of filmic discourse on community, sex workers, and violence in the mainstream film *London Road* (2015) as an examination of mainstream media. The third chapter draws upon empirical research, i.e. in-depth interviews with three current and former sex workers in Ottawa, Canada and analyzes the transcripts using interpretative phenomenological analysis (IPA) to center how sex workers' understanding of their work, community, and the laws and policies that are supposed govern and protect them. In my preface and conclusion I discuss some of the ethical dilemmas I encountered while conducting this research. My findings suggest that sex workers are being positioned and understood as outside of communities in ways that contribute to violence against sex workers. The implications of this research suggest that people who speak in the name of communities—communities in the sense of local neighborhood communities, activist communities, and national communities—need to recognize that sex workers are part of their communities and be accountable to ensuring they are treated as members. Researchers who conduct research on sex work and sex workers need to be accountable to their participants and the impacts their research may have on laws and policies. Sex workers are an over-researched population yet their voices are largely misappropriated or silenced in popular research and policy debates.

Acknowledgements

For Shirley Ellis, who always said I was too smart & for Matt Courneya, who taught me life is too short.

I would like to thank my parents and my brother Myles for their love and support over the years. Thank you to my partner Charlie for his love and support during my graduate studies at Queen's; I could not have done this without you. Thank you to Margie and Bill for their kindness and support. Thank you also to Dorian for his patience and kisses.

I would also like to thank my amazing supervisor Dr. Trish Salah for all of her patience, support, feedback and inspiration. I could not have asked for a better supervisor and feel incredibly fortunate to have had the opportunity to have had her as a mentor. Her belief in my abilities has meant more to me than she may ever know. I would not have finished this M.A without you!

Thank you to the participants of the research that makes up the third chapter of this thesis, as their words, input, and support are the heart of this thesis.

Thank you also to Dr. Jackie Davies for her support of my work since day one and for all of her feedback as my second reader. Thank you to Dr. Lisa Kerr for agreeing to serve as my external, and Dr. Barrington Walker for chairing my thesis defense. I would also like to thank Dr. Scott Morgensen and Dr. Margaret Little for their early feedback which helped shape my methodology and thinking on this project.

A special thank you to Dr. Melissa Houghtaling for her mentorship and friendship during the past two years. We'll always be disgruntled sociologists.

Thank you to Cuba Pictures for providing me with a copy of the shooting script for *London Road*.

I would also like to thank the professors who encouraged my passion for research and social justice during my undergraduate studies at UOttawa: Dr. Chris Bruckert, Dr. Naomi Goldenberg, Dr. Shoshana Magnet, and Dr. Deb Landry—I would not be where I am today without all of you. Thank you also to Andrew Pump, my mentor, my T.A, and my friend.

Finally, I would like to thank the undergrads I was lucky enough to T.A during my two years at Queen's. Your passion for learning and engagement was a reminder of what I was doing here when I needed it the most.

Table of Contents

Title Page	
Abstract	i
Acknowledgements	ii
Table of Contents	iii
List of Tables	vi
Key Terms	vii
Preface	ix
Chapter 1: Colonialism, Community & Prostitution Law: The <i>Bedford Decision</i> and <i>The Protection of Communities and Exploited Persons Act</i>	1
1. Introduction.....	1
2. Theoretical Framework.....	3
3. Choice of Ottawa as Analytic Site	8
4. The Four Major Models of Legal Responses to Sex Work.....	9
1. <i>Prohibition</i>	9
2. <i>The Nordic Model</i>	11
3. <i>Legalization</i>	11
4. <i>Decriminalization</i>	12
5. A Brief History of Canada	14
6. The History of Prostitution Laws in Canada.....	15
1. <i>The Feminist Sex Wars</i>	18
1. <i>Radical Feminists et al.</i>	19
2. <i>Sex Radical Feminists et al</i>	19
2. <i>Think of the Property Values: Gentrification & Sex Work</i>	20
3. <i>The Fraser Committee</i>	23
7. <i>The Bedford Decision</i>	27
1. <i>Living on the Avails of Prostitution</i>	29
2. <i>Public Communication for the Purposes of Prostitution</i>	30
3. <i>Keeping, Being an Inmate of, Or Being Found in a Common Bawdy-House</i>	30
4. <i>Community Safety</i>	31
8. <i>The Protection of Communities and Exploited Persons Act</i>	32
1. <i>The Canadian Model</i>	33
1. <i>The Criminalization of Advertising</i>	34
2. <i>Redrafting Living on the Avails of Prostitution</i>	35
2. <i>The Violence Against Women Discourse</i>	36
3. <i>Future Charter Challenge?</i>	36
9. Red-Zones for Prostitution Offences in Ottawa.....	37
10. Violence Against Sex Workers in Canada & Missing and Murdered Indigenous Women	40
4. <i>The Murder of Pamela George</i>	40
5. <i>The RCMP Failure to Apprehend Robert Pickton</i>	41
6. <i>The DNA Database For the Not-Yet-Dead</i>	44
11. Conclusion.....	45
Chapter 2: Visual Criminology & An Analysis of the film <i>London Road</i>	47
1. Introduction.....	47
2. Introduction to Visual Criminology.....	48
1. <i>The History of Visual Criminology</i>	49
2. <i>Criminology & Photography</i>	50
3. <i>Missing & Murdered Mug Shots</i>	51
4. <i>The True-Crime Genre</i>	52
3. Introduction to <i>London Road</i>	53
4. Theoretical Framework.....	54

5. Methodology.....	55
6. Analysis & Findings	57
1. <i>Representations & Discourses on Prostitution & Prostitutes</i>	58
2. <i>Representations & Discourses on Community</i>	60
3. <i>Who are the Victims?</i>	61
4. <i>The Community v. Sex Workers</i>	63
7. Physiognomy & Criminal Profiling in Musical Numbers	66
1. <i>Xenophobia/Ant-immigrant Sentiments</i>	66
1. <i>“Everyone is Very Very Nervous”</i>	67
2. <i>“It Could be Him”</i>	69
3. <i>“A Bit of the Shudders”</i>	73
4. <i>Abjection, Violence & Bodily Fluids</i>	76
8. Representations & Discourses on the Media	77
9. Generic & Stylistic Choices.....	78
1. <i>Verbatim Theatre</i>	78
1. <i>Ethical Considerations & Verbatim Theatre/Film</i>	80
2. <i>Musical Numbers</i>	81
3. <i>Fourth Wall Breaks</i>	83
10. Solidarity with Sex Workers & the Politics of (Self) Representation.....	84
11. Conclusions & Implications.....	85
Chapter 3: Sex work, Community & Research: Conversations with Some Real Experts	87
1. Introduction.....	87
2. Methods	88
1. <i>Data Analysis</i>	89
2. <i>Pre-Understanding and Impact of the Researcher</i>	90
3. Results.....	91
1. Violence.....	91
1. <i>Personal Experiences of Violence</i>	92
2. <i>Friends and Loved Ones’ Experiences of Violence</i>	92
3. <i>Police Violence</i>	92
4. <i>Violence by Clients</i>	94
5. <i>Institutional Violence</i>	95
2. Law and Policy	96
1. <i>Understanding of the Purpose of Law & Policy</i>	96
2. <i>Experiences of the Effects of Law & Policy</i>	98
3. <i>Failure of Recognition by Law & Policy</i>	99
4. <i>Rights Discourse</i>	100
5. <i>Suggested Changes to Law & Policy</i>	100
3. Community	101
1. <i>Communities Participants Feel They Belong To</i>	101
2. <i>Sex Workers as a Community</i>	102
3. <i>Importance of Communities</i>	103
4. <i>Neighbourhood Communities as a Site of Emotional & Physical Harm</i>	104
5. <i>Neighbourhood Communities as a Site of Policy & Police Focus</i>	104
4. Research.....	106
1. <i>What Sorts of Research Needs to be Done</i>	106
2. <i>Who Should Do this Research.</i>	106
3. <i>How This Research can be more Ethical</i>	107
4. <i>Research for Political and Social Change</i>	108
5. <i>Encouragement for this Researcher</i>	108
4. Discussion.....	109

1. <i>How Politicians & Policymakers can Address Violence Against Sex Workers</i>	110
2. <i>Limits and Advantages</i>	111
5. Conclusion.....	112
Conclusion	113
1. Summary and Future Research.....	114
References	120
Appendix: Queen’s University Research Ethics Approval	132

List of Tables

Table 1 - Interview IPA Themes.....	91
-------------------------------------	----

Key Terms

Apartheid: A political and social system of segregation, usually based on white supremacy.

BBC: British Broadcasting Company

BLMTO: Black Lives Matter Toronto

The CNN Effect: A term originating during the 1991 Gulf War, the concept refers to how instant communication between states and leaders forces leaders to adopt policies that they would not otherwise, as well that the 24 hour news cycle contributes to people being “addicted” to the news (Gilboa 2005: 327).

The CSI Effect: The perception held by criminal justice actors, as well as the general public, that crime televisions shows such as *CSI* influence jurors to have unrealistic expectations regarding the “availability, efficiency, and efficacy of forensic evidence” and could effect trial outcomes (Maeder & Corbett 2015: 84).

Interpretative Phenomenological Analysis (IPA): A method of interpreting which seeks to explore how participants make sense of their social world and experiences, particularly the meaning those experiences have for the participants.

Genocide: Definition from the *1948 U.N. Convention on the Prevention and Punishment of the Crime of Genocide*: Genocide means any of the following acts committed with the intent to destroy, in whole or in part, a nation, ethnic, racial or religious group, as such: (a) killing members of the group; (b) causing serious bodily or mental harm to members of the group; (c) deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part; (d) imposing measures intended to prevent births within the group; (e) forcibly transferring children of the group to another group.

Governmentality: A term referring to how a state exercises control over the populace.

Kerb-crawler: British slang for a person, usually a man, looking to pick up and employ the services of a sex worker on a public street

Master Status: The primary characteristic by which a person is known, an attribute that comes to define an individual

Moral Panic: Political moments during which morally repressive attitudes are channeled into political action and social change. They are often not rooted in a real social problem; rather cultural fears are projected onto a particular population that is deemed a threat to the moral order and in need of immediate action.

NIMBY: Not In My Backyard, a reference to when members of a neighborhood organize against a group of people or something they do not want coming into what they see as their space.

OPS: Ottawa Police Service

Panopticon: Jeremy Bentham’s architectural design for a prison with a tower in the center in which the guards could see into the cells but those incarcerated could not see the guards in order for the inmates to

never be sure when they were being watched and thus feel as though they might always be being surveilled.

Phrenology: The pseudo-science of studying the skull and brain. As a tool of scientific racism popular in the 1800s it was believed that the size and shape of the brain could scientifically explain white supremacy and be used to predict criminality.

Physiognomy: The pseudo-science of studying the body, especially the face, was also used as a tool of scientific racism in the same way as phrenology in the same period.

POWER: Prostitutes of Ottawa-Gatineau Work Educate Resist

Privilege: Institutionalized and systemic unearned rights and benefits unconsciously afforded to particular people for their perceived or real membership in a particular group, e.g. white privilege.

RCMP: Royal Canadian Mounted Police

Red-zone: A red-zone is an area a person is prohibited from entering for a period of time as part of release or probation conditions. These conditions were commonly used for prostitution related offences and are still used for drug related offences.

Settler-state: A settler state is a nation-state that occupies lands appropriated through the displacement and/or extermination of the indigenous peoples of the land and replaces their traditional systems with that of the colonizer or a similarly colonial system.

Sex work: The exchange of money or material goods or services in exchange for sex or sexual services. While in the context of this thesis refers almost exclusively to prostitution, sex work refers to forms of paid erotic labour more broadly including rent boys, erotic dancers, cam workers, phone sex operators, people working in pornography, etc. In 1978 Carol Leigh (better known as Scarlot Harlot) coined the term as a gender-neutral term to encompass the diversity of jobs within the sex industry.

S/m: Sado-masochism

Subaltern: Originally a military term for officers below the rank of captain, the word was borrowed by Marxist theorist Antonio Gramsci and has become shorthand for any oppressed person or group (Loomba 2005: 48-49). The term is most commonly associated with Gayatri Spivak's essay "Can the Subaltern Speak?" (1988:271-313), wherein she discusses Western knowledge production about and intellectual discourses on marginalized populations.

Verbatim Theatre: Verbatim theatre relies on scripts made up of the actual words used by people exactly as they were originally said.

Preface

I was sure that I supported sex workers' rights before I was sure that I was a feminist. I enrolled in an Introduction to Women's Studies course my first semester at the University of Ottawa ready to defend pornography as being more than a violent expression of patriarchy, as a potential tool of exploring and expressing sexuality—one that could be reclaimed and repurposed for more educational and equitable ends. This was the first time I experienced the stigma associated with sex work; when my neighbors in residence discovered the subject of my paper they assumed that I had worked or was working as an actress in pornography. I was forced to confront the fact that although I believed in sex work as a legitimate form of labour, my discomfort at being labeled as a sex worker highlighted that I had more unlearning to do. I went to discuss this experience with my Women's Studies professor, since I had few friends in university to discuss this with at the time, and I was corrected on my naive belief that feminism was unified in its position against sex work. It was this conversation and her continued support of my interest in sex work and feminism that led me to some of the scholars at the forefront of the struggle for sex workers' rights, some of whom conveniently taught in my major—criminology.

Criminology is a discipline still perhaps too often associated with phrenology and the *Stanford Prison Experiment* and still too often co-opted to support the prison-industrial complex. But it is also the social science for scholars committed to the pursuit of social justice and of how law and policy affect people's lives. Many criminologists are particularly committed to social justice for marginalized communities, who are often historically and contemporarily criminalized populations, such as Indigenous people, people of colour, queer and trans people, sex workers, drug users, poor people, people living with mental illness, and the homeless.

While I found Women's Studies useful for unlearning hegemonic discourses, challenging how I was formally taught and informally socialized to understand my place in the world, ideas of fairness, and interlocking systems of privilege and oppression, I have found criminology to be a toolkit for addressing systemic inequity and pursuing social justice. Criminology provided the tools to poke holes in the walls using scientific methods and reasoning which are often privileged over other ways of knowing and speak

the language that politicians, the police, and policymakers understand (with of course no guarantee that they will then listen). In this way, criminology is both analytically useful and politically efficacious.

My last semester of courses during my undergraduate degree was in the fall of 2013. I was fortunate enough to be enrolled in both a fourth year seminar on indigenous issues in criminology and a fourth year seminar on sex work and sex worker organizing in Canada. It was a convenient time to be a student interested in sex work attending university in Ottawa that semester as sex workers, sex worker rights advocates and organizers, and a whole host of other interested parties waited with bated breath for the Supreme Court of Canada to hand down their decision on *Canada v. Bedford* (2013).

On the cold snowy morning of December 20th, 2013 the Supreme Court upheld Justice Himel of the Ontario Superior Court in her ruling that all three laws being *Charter-challenged* by Terri-Jean Bedford, Valerie Scott, and Amy Lebovitch were unconstitutional and would be struck down; Parliament was given one year to draft new legislation on the governance of prostitution in Canada. On that morning I stood in the snow with sex workers and members of Prostitutes of Ottawa-Gatineau Work Educate Resist (POWER) holding red umbrellas. We were waiting for the decision, of course, but we were also demonstrating that people cared about this decision, that *people* are sex workers and there are other people who support sex workers— this mattered enough to get up early on a Friday morning and stand in the Ottawa cold to prove it. A few people from the abolish prostitution camp came to stand at the steps of the Supreme Court as well. When I looked at the number of people who were there waiting, shaking from anticipation, or the cold, or both, the disparity in the number of people there in support of sex workers compared to the number of people in favour of criminalization was symbolic of the debate around sex work in Canada. There are certainly a lot of people with a lot of loud opinions, but who shows up when the time comes says a lot about who is invested in the legal and political outcomes of these debates and whose lives it most directly effects.

Being at the *Bedford decision* taught me a lesson about community. Some blending of my natural shyness and my attempts to check my privilege, recognize my position, and know my place in activist organizing had made me decide to take off quickly after the verdict was announced. Many of the folks

there had other ideas—no one seemed to care much that I was not a sex worker. I had shown up to stand with them in solidarity in the snow, and I should come with them to celebrate the favorable decision and talk about what the future of sex work in Canada might look like now that new laws would have to be drafted and put to Parliament.

Acknowledging and being aware of one's social location, of one's privileges and oppressions and the relationships and interconnectedness of both is important. But identity-based politics can only get us so far. It is essential to understand the importance of solidarity work in order to achieve real equity, social change and justice, and freedom. When the voices and experiences of people who live the realities of particular intersections of oppressions are centered there are ripple effects that extend beyond the people directly affected. Accountability to people and communities is necessary in order to try to ethically navigate the embedded labyrinth of social inequity.

I knew early in my undergraduate degree that I wanted to go to graduate school, to create my own research for social change, to contribute to the available literature on the failure of laws and policies to achieve the social justice and political goals they claim to be attempting to create. I wanted to investigate how laws and policies were successful at maintaining systems of oppression and domination such as settler colonialism, white supremacy, heterosexism, transphobia, ableism, capitalism and poverty. I knew that as a queer-identified woman from a working class background that sex workers were targeted for criminalization and stigma because of their gender, their sexual practices, their class position and race. I believe now, as I did then, that we cannot end violence against women while violence in all of its forms is permissible against sex workers. As long as whore¹ is an insult to keep women from expressing their sexuality, women's sexuality will be not be free. In a hyper-sexualized culture all women are viewed as sex workers and so all women and folks invested in women's survival and thriving should be working in solidarity with sex workers for their right to safety and survival.

¹ Sex work and human trafficking scholar Laura Maria Agustin notes that until approximately the time of the French Revolution “‘Whoring’ referred to sexual relations out of marriage and connoted immorality or promiscuity without the involvement of money, and the word *whore* was used to brand any woman who stepped outside current boundaries of respectability” (2007: 101).

I have been pushed to think about the ethics of conducting research on sex work as someone who does not engage in sex work. There have been times during the course of producing this thesis that I have seriously questioned whether I should conduct this research and write these pages. However, among the conversations with colleagues, activists, friends, professors, my supervisory committee, and most importantly sex workers, it was my research participants who most encouraged me to keep doing the work as long as I remained accountable and committed to helping contribute to change. Those who raised issues with my positionalities and my research were not sex workers or allied activists, but other scholars. They were not interested in what the research was exactly, the methodology, or my political commitments, nor did they seem to have particular investment in issues facing sex workers. They were bound by assumptions about identities and identity politics.

Sex workers themselves are divided on the issue of outsiders conducting research on the sex industry and those involved in it. Some sex workers do not believe non-sex workers should be conducting research on sex work at all, that it should only be conducted by current or former workers themselves². Other sex workers call for improved efforts on the part of researchers to be ethical, accountable, and produce research that is useful to sex workers. Australian sex worker, researcher, activist, and former President of Scarlet Alliance Elena Jeffreys has written about the ethical dilemmas entailed by outsiders conducting research on sex work, usually by accessing communities through individual sex workers (2010). Jeffreys argues that “In order to create a more reflexive practice, non-sex worker researchers must better interrogate their own motives for researching sex work, and sex workers must be positioned as active, not passive, voices in research about our work” (2010:1). She notes that at the International AIDS Congress in Bangkok in 2004, the top three issues raised at a meeting of 60 sex workers from 20 countries were: 1) police harassment, entrapment, condoms as evidence, bashings, assaults and corruption; 2) the anti-trafficking lobby and its impact on the funding of services and sex worker rights

² When my call for participants was circulated via social media two people responded telling me I should do sex work if I wanted to conduct this research. Despite having access to a private group for sex workers (which I was invited to by an acquaintance who is a sex worker and was aware of my project) there remained an assumption that sex workers and researchers are mutually exclusive positionalities.

globally; and 3) the lack of research which aims to improve the conditions and health of sex workers and the unacceptable level of unethical research on sex workers (Jeffreys 2010: 7). Like when conducting research with any other marginalized communities additional ethical considerations need to be made by outsider researchers. Given the history of carelessness, creation of deliberately anti-sex work outcomes, and the negative effects that have been the outcome of outsider researchers conducting research with sex workers in particular, researchers need to be critical of their own assumptions and practices in order to prevent further damage and distrust between sex workers and researchers (Jeffreys 2010: 5-7).

I am concerned about identity politics becoming entangled with respectability politics within activism and research, largely because of the limitations of both respectability politics and identity politics in their own ways. As Janzen et al. note, “The performance of respectability requires that Canadian women be continually engaged at some level in a practice of distancing themselves/ourselves from the deviant and defiled street sex worker” (2013: 153). Writing more specifically about the disavowal of black rage in respectability politics Michelle Smith notes:

On one hand, like all democratic politics, respectability politics seeks to realize collective aspirations whether grand [...] or pedestrian [...] on the other, respectability politics evidence a distinct worldview: marginalized classes will receive their share of political influence and social standing not because democratic values and law require it but because they demonstrate their compatibility with the ‘mainstream’ or non-marginalized class (Smith 2014).

In this way, respectability politics reinforces the position of privilege as the norm, and as something to aspire to in order to be legitimized in one’s demands of equity and social justice.

Similarly, Deborah Thompson both addresses the issues with identity politics and suggests a potential alternative to identity-focused politics in her article on fag-hags (2004). While Thompson recognizes the progress identity politics has made, especially for particular segments of the queer community, she writes:

I do think there is now a felt need for a new kind of identity politics that moves beyond this impasse—but without losing the important work done by earlier, identity-based politics. This new kind of identity politics might be thought of as an identification politics, one based on identifying *with* as much as on identifying *as* (emphasis original) (Thompson 2004: 39).

However, even this alternative politics is also not without its potential problems. Perhaps most obviously,

this could come in the form of someone like Rachel Dolezal³, who identifies as black despite not experiencing systemic racism, and has appropriated black aesthetics and culture for her own gain. Unlike racialized people Dolezal could choose to return to her white identity and associated privileges. Other forms of cultural appropriation are also a risk within politics centered on identifying with as opposed to identifying as, when the line of who belongs to a particular culture or community becomes purposefully more blurred. The danger of identifying *with* based politics, as opposed to politics based on identifying *as*, is the same danger inherent to visibility politics, “Another danger with the emerging visibility of [identification with] as a viable model for a new identity politics has to do with the inherent problems of visibility politics itself. Visibility politics produces—or perhaps has as its condition of possibility—surveillance” (Thompson 2004: 49). The danger of surveillance is that it reifies a particular understanding of an identity or community in which some people belong and some people do not, and who is in a position of power to define those boundaries. Thus, within a politics of visibility there remains a policing of who is seen to represent an identity and who is understood to belong to an identity or to/with a community. As long as sex workers and other non-status people⁴ are denied access to the rights of all other inhabitants of Canada to life, liberty, and security of the person, of freedom of speech and association, of mobility; as long as sex workers are denied access to conditions to make their labour safer; as long as there is a refusal to address the conditions which make sex work an unnecessarily precarious form of employment, such as settler colonialism, poverty, and lack of access to health care, then I will keep researching and writing to try to make people aware of the problems facing real people in this country and that there are real and practical solutions to these problems. People are not social problems

³ See Tim Wise’s article “Mimicry is not solidarity: Rachel Dolezal and the creation of antiracist white identity” (2015).

⁴ Sex worker rights are intricately connected to migrant labour rights as some sex workers are migrant workers and some migrant workers are sex workers, and both are heavily surveilled, criminalized, and denied the rights afforded to other populations based on where and what they do to make money to survive. In particular, with the rise of anti-trafficking discourses and criminalization through legislation, which are supposed to protect both of these groups, they have actually become more precarious in some ways (Chateuvert 2013: 6-7). Criminalization also produces a lack of legal status as an effect, as is the case in labour migration. As Augustin notes, European policies “promote the idea that migrants can be easily divided into legal and illegal,” despite the complexities of the realities of both migration and labour (2007:22).

and the elimination of people is never a solution that should be tolerated (or encouraged) in a supposedly free and democratic society.

Chapter 1:

Colonialism, Community & Prostitution Law: The *Bedford Decision* and *The Protection of Communities and Exploited Persons Act*⁵

1. Introduction

Sex sells and research on sex work is often perceived as a “sexy” field even as a stigmatized one⁶—not unlike jobs in the sex industry themselves. As the editors of *Selling Sex: Experience, Advocacy, and Research on Sex Work in Canada* note: “There are few subjects that garner more interest and intrigue than prostitution and other forms of sex work. This interest, however, often takes the form of sensationalist or inflammatory reaction to concerns—real or imagined” (van der Meulen et al. 2013: 1). My hope is not to reproduce the reduction of sex workers or their experiences to objects of knowledge. My political priority is to contribute to research grounded in sex workers’ experiences and expertise. The research I am conducting will critically examine inflammatory reactions to sex work, street-based sex work in particular, as well as the real and imagined harms associated with work in this industry in contemporary contexts.

The title of this thesis is intentionally provocative and seeks to redirect the shock (too) many people cling to regarding expressions or discussions of sexuality and direct it to the shock (too) few people have for the violence against sex workers, trans women, and the phenomenon of Missing and Murdered Indigenous Women in Canada. While the presence of street-based sex workers can be seen to be reflective of some realities of society—gender discrimination, transphobia, heteronormativity, the breakdown of the social welfare system, poverty, colonialism, and racism—it is not reflective of the loose morals of women and the end of some imagined standard of social morality. The girls have not gone wild.

⁵ An earlier version of this chapter was presented at Choose your own adventure: Exploring law and change through interdisciplinary research, new legal realism and other perspectives at Osgoode Law School, Toronto on February 19th, 2016.

⁶ See Natalie Hammond and Sarah Kingston’s article on the experiences of stigma for researchers on sex work in both their personal and professional lives (2014).

Governmentality has gone wild. Governmentality studies highlight the construction of a problem through its governance (Lippert & Stenson 2010: 479). From this perspective sex work is understood as a social problem because the government and other social actors have contributed to this discourse and created technologies of control over people engaged in the sex industry, including through criminal law⁷.

Central to my thinking in this thesis is an understanding that:

[...] discourse is both an *effect* and an *instrument of power*. Materiality refers to the material conditions that govern knowledge and truth claims, the sites at which truth claims take place and are accepted: the structures that either generate discourse as knowledge and cement it as knowledge/power, or censor and limit it (Janzen et al. 2013: 144).

A central element of governmentality is that the failure of one set of policies is always linked to attempts to propose new programs that would work better (Lippert & Stenson 2010: 480). Failure to control women's sexuality through patriarchal family relations leads to gendered, classed, and racialized vagrancy laws⁸, then white-slavery laws, prostitution laws, and the latest incarnation in the Canadian context-- the *Protection of Communities and Exploited Persons Act*. Sociologist Christopher Campbell notes that as the public's fear of crime rises, politicians respond by creating and orienting campaigns and policy initiatives towards "fighting crime" and more punitive measures for offenders (2015: 184).

Foucault highlights social technologies that produce, manage, and operate through fears and give promise of security, such as public campaigns against disease, sexual anxieties regarding risk, deviance and 'degradation,' news stories of crime, and the creation of crime as a genre of novels (Foucault 2008: 66). Governmentality also requires disciplinary techniques that ensure the productivity of individuals and thus the increase in profit from their labour (Foucault 2008: 67). Sex work is associated with disease, is regarded as sexual deviancy, is criminalized, and not recognized as a legitimate form of labour—making it a prime target of surveillance, regulation, of research and 'knowledge.'

⁷ For a detailed history of the creation of "prostitution" as a category and the history of social interventions to both help and control them see "Chapter Four: The Rise of the Social and of 'Prostitution'" in Laura Maria Agustin's *Sex at the margins: Migration, labour markets and the rescue industry* (2007). New York: Zed Books, pp. 96-133.

⁸ Vagrancy is also heavily racialized and classed. Irish immigrants were cast as a moral threat, and visible minorities such as the Chinese, Japanese, black, and East Indian as both physical and moral contagions. Aboriginal women were assumed to be prostitutes, or at best concubines (Sampson 2014: 143).

2. Theoretical Framework

In this thesis I take an institutional ethnographic approach, which is “[...] a *reflexive* approach to sociology, wherein the experiences, perceptions, and needs of the community under investigation occupy a central component of this research” (Namaste 2000: 48). As will be described in more detail in a later section, my third chapter contains an analysis of the empirical field data I gathered from interviews with three current and former sex workers in Ottawa, as I believe it is important both that sex workers’ voices be heard in research and policy conversations and that research focused on a particular population benefit that community.

I also utilize the work of Michel Foucault, specifically his concepts of governmentality, biopower, knowledge/power, and discipline. I employ a Foucauldian poststructuralist framework which:

[...] challenges [the assumption that individual social agents are the masters of their lives, identities, and worlds] and asks us to consider the ways in which subjects are constituted in and through social institutions and the language employed by these administrative bodies (Namaste 2000: 16-17).

And like Foucault, I take the legal system and law as site of analysis in all three chapters of this thesis.

While the use of both an institutional ethnographic approach and poststructuralist approach may seem to present somewhat of a contradiction (as it also does in Namaste’s *Invisible Lives* (2000)), I follow Namaste in arguing that an institutional ethnographic approach is not in opposition to a constructivist approach, and takes participants’ experiences as a beginning point into the study of macrological social relations (Namaste 2000: 49). Namaste also notes: “[t]his approach is consonant with a poststructuralist emphasis on the productive nature of power. It is also in keeping with the terms of a critical social science⁹” (2000: 49). This thesis both critically examines texts as central to understanding everyday life and attempts to make sense of people’s experiences of social phenomena. Using both an institutional ethnographic and poststructuralist approach allows me to do so without focusing exclusively on

⁹ Namaste describes a critical social science as one that involves “both an ideological critique and explanation of social changes in view of the real needs of the individuals involved in those changes” (2000: 49).

theorizing the relationship between texts and society or forgoing the possibility of agency, or reifying unmitigated experience (Namaste 2000: 54).

I approach this research using Marxist, feminist, anti-colonial, and cultural criminological theories¹⁰. Sex work is a complex phenomenon; the people who work in the sex industry are complex individuals. I have utilized mixed methods from a variety of disciplines from clinical psychology to film studies to legal analysis in order to attempt to address these complexities. Sex work, in its contemporary form, is first and foremost a by-product of white supremacist heteropatriarchal capitalism; the issues of exploitation related to and associated with sex work are related to all workers under these conditions. The highly gendered nature of sex work is not unique to erotic labour, but seems to only be cause for concern when public morality is perceived to be at stake.

In this thesis I will argue that when sex workers, and street-based sex workers in particular, are imagined as separate from communities¹¹. This imagining and its related practices, such as lack of social responsibility, contributes to violence against sex workers. I will utilize three distinct analytic sites to explore three pillars of social regulation: law, media, and research. In the first chapter I will discuss the socio-legal context of sex work in Canada by examining the history of prostitution laws, the *Bedford decision* (2013), and the *Protection of Communities and Exploited Persons Act* (2014). I will also examine the use of red-zone conditions in Ottawa to highlight the historical and contemporary connection between prostitution laws and the colonial desire to criminalize and control indigenous women. I briefly discuss the other four major models for the governance of prostitution in order to contextualize Canada's approach to sex work in a larger context.

In the second chapter I will analyze the film *London Road* (2015), a peculiar mainstream film based on verbatim interviews with residents of London Road following the murder of five street-based

¹⁰ Cultural criminology “[...] tends to take place within an imprecise dynamic of method, style, and emotion, and so tends to reproduce in its results the messy uncertainty of people and their problems” (Ferrell et al. 2008: 159).

¹¹ By communities I mean three distinct but interrelated shifts in scale, from: 1) Benedict Anderson's imagined community of the nation-state (2006), 2) the neighborhood or local community, and 3) sex workers as their own real or imagined community within a neighborhood or city. I demarcate shifts in scale by referring to community as a stand in for as all three more specific sites in general, and the others as described above.

sex workers in Ipswich, England, which were then turned into a musical. While the film is commendable in its efforts to focus on the community and not on the killer Steven Wright, the community is not presented as including surviving sex workers or the friends of the murdered women. The film goes so far as to present the residents of London Road as the victims of both Wright and the sex workers (both the murdered and remaining), and fails to critically engage with the phenomena of violence against street-based sex workers or measures to prevent future violence. *London Road* reproduces the spectacle of the deaths of sex workers and relies on the dangerous social belief that violence against sex workers is inevitable, understandable, and sometimes even a positive thing for the greater community.

In the third chapter I present the results of my empirical field research in which I conducted interviews with three current or former sex workers in Ottawa, Canada. The interviews were analyzed using interpretative phenomenological analysis (IPA), and following this methodology, quotations from the transcript were coded for similarities between interviews and grouped by themes. Using this methodology I, as the researcher, sought to interpret the participants' understandings of the phenomena of their experiences as sex workers. This chapter seeks to center the experiences and voices of sex workers, and to locate the critical conversation in the expertise of sex workers about their own lives, working conditions, and the effects of law and policy on both of these areas.

In the conclusion of this thesis I address how local and national communities, laws and policies, the media, and researchers can help address violence against sex workers. I call for accountability to sex workers as an imagined community¹² (Anderson 2006) and as individuals when represented and researched by non-sex workers, in legal and policy conversations and decision-making, and media representations.

In her article "Rethinking Commodification and Prostitution: An Effort at Peacemaking in the Battles over Prostitution," Marjolein van der Veen traces the divide among both Marxists and feminists

¹² "It is *imagined* because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion [...] Communities are to be distinguished, not by their falsity/genuineness, but by the style in which they are imagined" (Anderson 2006: 6).

over the phenomenon of prostitution/sex work (2001)¹³. I agree with her reading of Marx's early writings that "In capitalism labour not only *produces* the commodities that are sold in markets, but labour itself *becomes* a commodity" [emphasis original] (van der Veen 2001: 39). In this Marxist feminist tradition, I am seeking to explain how:

[t]he social world functions, with particular emphasis on the unjust distribution of resources, the creation and maintenance of entire groups of people who labour for the benefit of a privileged few, and the political strategies needed to create and sustain a more just world (Namaste 2015: 2).

All waged labour is exploitative under capitalist conditions; sex work is not unique in its exchange of use of a body's labour for money. As will be discussed throughout this thesis, sex work is sometimes the most desirable choice available to people who engage in this industry. Thus a labour-based positioning of sex work as work and advocacy of decriminalization locate sex workers as actors and agents deserving of full labour and human rights (van der Meulen et al. 2013: 20)¹⁴.

The implications of this research are that in order to actually address violence against sex workers communities (members, leaders, government officials, etc.), both local and national, need to recognize that sex workers are part of their communities. Researchers who conduct research on sex work and sex workers need to be accountable to their participants and the impacts their research may have on laws and policies. Sex workers are an over-researched population yet their voices are largely misappropriated or silenced in popular research and policy debates. Viviane Namaste notes that social science can sometimes succeed in being both useful to a community and refusing to reduce people to objects of study:

[d]rawing on interviews, media images, field research, and historical inquiry, social science sometimes succeeds in examining the lives of transsexual and transgender people without reducing them to objects of curiosity or fascination, or useful cases to illustrate a particular position (Namaste 2000: 23).

¹³ van der Veen notes that divides amongst both Marxists and feminists is largely whether one understands what is being sold is one's self/body or services and the morality of such exchange (2001: 30-34).

¹⁴ I hope to contribute to the field as scholar and activist Emily van der Meulen has as a sex-positive Marxist and sex workers' rights activist (2011: 376).

Engaging in critical social science research and work that centers the voices and experiences of sex workers to produce accountable research that can be used by the community with which the research is being done can be a powerful tool for social justice and ending violence against sex workers.

By examining differences amongst systems of governing sex work one can unpack the inherent ideological understanding of the phenomenon in different contexts. The *Bedford decision* highlights the failure of the previous prostitution laws and how they contributed to working conditions for street-based sex workers that made them more vulnerable to violence. The new *Protection of Communities and Exploited Persons Act* not only fails to see sex workers as members of local and national communities, but fails to see them as worthy of consulting about what policy and legal measures need to be taken to help ensure their protection from violence when their master status is that of victimhood (Bruckert and Hannem 2013a: 48). In the film *London Road*, the neighborhood community is presented as the victim of both the murdered and surviving sex workers as well as of bad press, with no virtually no grief over the deaths of sex workers and some appreciation for the murderer expressed. In my interviews with three current and former sex workers in Ottawa I heard stories of violence by clients, by police, and by community members. While violence is popularly theorized as somehow inherent to sex work and thus the violence experienced by sex workers can apparently be met with apathy instead of outrage, my overall findings suggest that sex workers being positioned and understood as outside of communities contributes to violence against sex workers.

When people blame sex workers for the violence they experience, when they believe their property values and moral comfort are more important than peoples' safety and lives, their ignorance, apathy, and self-centered worldviews contribute to the violence and death of people who are members of their communities. We as communities need to be accountable for the structures that give some people comfort at the expense of other people's safety and lives.

3. Choice of Ottawa as an Analytic Site

Ottawa was chosen as the geographic site for the interviews conducted in chapter three of this thesis “Sex work, Community & Research: Conversations with Some Real Experts” based on its significance as the capital of Canada and as the land the city is situated on is unceded Algonquin territory. Ottawa thus becomes a symbol of both settler-state nationalism and ongoing Indigenous resistance to colonialism and genocide.

Ottawa is also the location of the Supreme Court of Canada. I discussed my personal experiences of being present at the *Bedford Decision* earlier and will unpack the decision in a later section of this chapter. The disparity between the Supreme Court’s decisions in *Bedford* regarding the need to make working conditions safer for street-based sex workers, the notoriety of the Ottawa Police Service (OPS) abuse of sex workers in the city, and the significance of sex worker self-organizing and resistance in the city via Prostitutes of Ottawa-Gatineau Work Educate Resist (POWER) makes Ottawa a significant site in which to locate power dynamics and resistance regarding sex work in Canada. However, OPS continue to take punitive measures against sex workers (CBC 2016). POWER’s resistance and mobilization against police abuses and other forms of violence through research, activism, and lobbying exemplifies how power is not merely a top-down phenomenon, and that where there is oppression there is also resistance.

Ottawa was also selected because there was, and perhaps still is, a killer targeting sex workers in the city (OPS 2015). In 2013 Marc Leduc was charged with murdering Pamela Kosmack in June 2008 and Leanne Lawson in September 2011, as well as with an additional eight charges in the sexual assault of another woman (Hempstead 2013). Although that case is now beginning jury selection (Dimmock 2016), the Ottawa police have not changed their website as it still reads¹⁵: “The Ottawa Police Service has been advising women to exercise caution in light of a potential pattern of homicides involving sex trade workers in the City of Ottawa” (OPS 2015). While the website most likely has not been updated because the trial of Leduc is only now beginning (and he will be presumed innocent until found guilty in a court of

¹⁵ 2015 appears to be the year the website was last updated.

law), sex workers are often targeted for violence due to their vulnerability and lack of access to police services (Lowman 2013: 241). Thus even if Leduc is found guilty and incarcerated this will not address the systemic conditions which make sex workers vulnerable to violence and death.

4. The Four Major Models for Governance of Sex Work

The purpose of the legal system is social control. The basic premise of law and freedom in liberal society is that we as individuals give up a certain amount of freedom in exchange for protection and rights granted or recognized by the state. While liberalism posits that all people are free and equal under this system, critical analysis reveals that social institutions, including the legal and criminal justice systems, uphold interlocking systems of oppression which privilege some people at the expense of marginalizing others. Indeed, the Canadian legal system upholds and supports the ongoing colonization of indigenous nations and peoples and it is important to note that: “The colonial project (past and ongoing) has always been racialized, gendered and sexualized” (Jackman & Upadhyay 2014: 200). The regulation of sex workers through laws that make their working conditions more precarious is part of the colonial project.

There are four major models used by various governments for the purpose of governing sex work. As Wright et al. note, “laws that regulate prostitution vary from country to country and tend to reflect the social conception of sex work within the specific jurisdiction” (2015: 265). Each model takes a distinct ideological and moral stance on sex work as a socio-economic phenomenon. The popular feminist-affiliations with each model are also briefly discussed. The models are discussed in the subsections below and are listed from the most to least punitive approach for sex workers.

4.1 Prohibition

The prohibition model of governance for sex work insists upon and operates through the full criminalization of sex work. Ethics scholar Scott Anderson’s article on making sense of the prohibition of prostitution focuses on the United States, as it is one of the few Western countries in which virtually all

elements of prostitution are criminalized¹⁶ (2002: 748-749). Anderson notes that despite the criminalization of prostitution:

[Prostitution] continues to occur widely; in fact, one might now reasonably question whether these laws have a purpose beyond simply controlling some aspects of the practice—mainly those that offend middle-class sensibilities—while underwriting a moralistic disdain for those who engage in it. Adding injury to insult, the prohibition of prostitution is widely believed to exacerbate its harms (2002: 749).

Thus, claims regarding legislation that prohibits and criminalizes elements of sex work need to be critically examined; especially regarding who was allowed input during the legislative process and whose interests are served by the legislation.

Within feminist discourses, radical feminists tend to align themselves with movements to criminalize all aspect of sex work in order to end both demand and participation in the industry. Prohibitionists argue prostitution is violence against women and compare it to sexual slavery (van der Meulen et al. 2013: 14). However, according to Anderson, radical feminists have failed to explain how selling sexual services makes things worse for women than the conditions that already exist under patriarchal capitalism (Anderson 2002: 750). While Anderson's claim is controversial, it is clear that radical feminists claims rest on the belief that all sex work is violence against women as it reduces women to their use or participation in sexual activities¹⁷. This brand of carceral feminism, which contributes to the prison-industrial complex, suggests that women are better off incarcerated than in sex work¹⁸.

¹⁶ Regulated brothels are allowed to operate in small rural counties in the state of Nevada (Anderson 2002: 749). It is important to note that public health policies in Nevada's licensed brothels are focused on protecting brothel owners and tourism interests (Chateauvert 2013: 97). Nevada's approach to STIs before the AIDS crisis did not allow workers to demand condom usage, and afterwards became one of the first states to criminalize seropositive sex workers, mandate AIDS testing (paid for by the worker), and a mandatory condom policy (Chateauvert 2013: 97). Nevada does not recognize sex workers as entitled to employee and health benefits available to others in the state's entertainment industry (Chateauvert 2013: 97).

¹⁷ The irony of the radical feminist position that reducing women to their genitalia (for the purposes of sexual activities) is demeaning, while considering women to only include people with particular genitalia or chromosomes and be trans-exclusive has been thoroughly discussed elsewhere.

¹⁸ It is important to note that some radical feminists support the Nordic model over outright prohibition. Similarly, there are radical feminists who reject carceral feminism.

4.2 The Nordic Model

The Nordic or Swedish Model¹⁹ of governance for sex work is partial criminalization, wherein law prohibits the purchase of sexual services but the selling is not criminalized. This position comes out of a belief that sex work is harmful not only to the individual worker, but society at large and thus there should be a focus on exit rather than on harm reduction (Dennermalm 2014: 231). “Sex work is not even a word used in the Swedish discourse, which favors ‘prostitution’ or ‘sex trade.’ In Swedish the definition of ‘prostitution, by default, signifies a degrading act of violence that does not only affect the individual woman (e.g. a ‘prostitute’), but all women” (Dennermalm 2014: 230).

Although some feminists argue that the Nordic model is a compromise between some radical feminists’ prohibitionist stance and sex-radicals’ emphasis on decriminalization, the Nordic model retains both a conservative perspective on consent, sex, and law, as well as proving ineffective in achieving a reduction of either the number of people engaged in the industry or in combating violence:

As stated in an open letter signed by over 300 experts in the area, a ‘large body of scientific evidence from Canada, Sweden and Norway (where clients and third parties are criminalized), and globally clearly demonstrates that criminal laws targeting the sex industry have overwhelmingly negative social, health, and human rights consequences to sex workers, including increased violence and abuse, stigma, HIV and inability to access critical social, health, and legal protections’ (Johnson 2015: 259-260).

An argument for criminalizing and ending “the demand-side” of prostitution also disregards sex workers’ agency and self-determination (van der Meulen et al 2013: 15).

4.3 Legalization

The legalization model for governing prostitution allows for the buying and selling of sexual services from licensed providers and establishments only, such as in some counties in Nevada as discussed earlier, as well as Germany and the Netherlands. Some argue that legalization is somewhat of

¹⁹ The naming of this system is the result of Sweden being the first country to implement such legal policies, with several other Nordic countries following suit soon after (Dennermalm 2014: 233).

an improvement over both prohibitionist and Nordic models as it recognizes workers' agency to enter the industry and:

Unlike prohibitionism, where sex work is seen as a social evil that needs to be eradicated (by punishing the perpetrators and those in demand of sexual services), the legalization stance perceives sex work as a necessary evil that requires strict rules to keep it under control" (van der Meulen et al. 2013: 15).

However, there remains a clear moral judgment of sex work that is clear in the rhetoric of it being a necessary "evil" and requiring strict rules and government control. Some sex workers worry that legalization could produce more intense governance than criminalization, such as was previously discussed in the case of Nevada. The legalization of sex work often results in sex workers experiencing heightened forms of regulation that are not applied to other businesses (Lutnick and Cohan 2009: 43).

Some proponents of legalization would continue to criminalize street-based sex work (Johnson 2015: 264). The issue with criminalizing street-based sex work within this model is that it reinforces the class privilege of some sex workers to access indoor work. By criminalizing street-based sex work, poor people, racialized workers, trans folks, and seropositive sex workers would be disproportionately impacted.

4.4 Decriminalization

Decriminalization as a model for the governance of sex work removes specific laws attempting to manage the sale and purchase of sexual services between consenting adult parties and "[t]hey propose that standards, guidelines and policies concerning workplace conditions and employment benefits be upheld for sex workers and the civil and criminal laws of general application be enforced to ensure safety" (Johnson 2015: 264). This would contribute to de-stigmatizing sex workers, as it would normalize sex work as a legitimate form of labour.

New Zealand was the first country in the world to decriminalize sex work in 2003, and sex workers there report "better working conditions, enhanced security, access to occupational health and

safety protections, and improved relations with the police” (Bruckert 2015: 2). This suggests that decriminalization may be the best model of governance for reducing violence against sex workers.

New Zealand is useful as a comparison to the Canadian context, and as a potential model for changing how prostitution is governed, as both countries share a history of settler-colonialism and genocide against indigenous peoples. In contrast to Canada, Sweden and the other Nordic countries have achieved higher standards of gender equality, remain socialist in their government commitments to social welfare, and do not bear the ongoing legacy of being settler-states²⁰ (Davies 2015: 81). Thus any approach to the governance of sex work must be cognizant of the colonial context in Canada.

Indigenous scholar and activist Sarah Hunt is critical of the Aboriginal Women’s Action Network (AWAN) in Vancouver for taking a prohibitionist position²¹ and arguing “[...] that sex work is inherently violent and that greater legislation is needed to stop demand for women’s and children’s bodies. Further, it claims to speak on behalf of Indigenous women from both urban and reserve communities across the country” (Hunt 2013: 91). Hunt is similarly critical of the Native Women’s Association of Canada (NWAC)²², which has argued for the Nordic model of decriminalizing those who experience the “sexual exploitation” they believe to be inherent in prostitution, and criminalizing “johns and pimps” (2013: 91-92). The Aboriginal Sex Worker Outreach and Education Project, is a joint project between the Native Youth Sexual Health Project (NYSHP) and Canada’s oldest sex-worker-run organization Maggie’s: Toronto Sex Workers Action Project, and the first program by and for indigenous sex workers that focuses on harm reduction (Hunt 2013: 91). Hunt champions this project saying: “Indigenous

²⁰ It is important to recognize that there is an indigenous population in what is referred to in the contemporary context as Norway, Sweden, Finland and parts of Russia, called the Saami. While the Sami have relatively lower suicide rates than northern Canadian indigenous nations, they are still elevated in comparison to the majority populations in the Nordic countries and are related to loss of culture and identity, as well as exploitation of their land (Stoor et al. 2015: 10).

²¹ However, a poster for an International Women’s Day event in 2009 claims that AWAN supports a Nordic approach (Embracing Dignity 2009). In either case the organization believes prostitution to be violence against women and “that prostitution cannot be made safe through decriminalization or regulation” (Embracing Dignity 2009).

²² Hunt also notes that in the final report from NWAC’s Sisters in Spirit Initiative dedicated only half of one page in a report of more than a hundred pages to the issue of sex work and claimed it was not a factor in the phenomenon of Missing and Murdered Indigenous Women in Canada (2013:92).

organizations like NYSHN are beginning the important work of centralizing the voices of Indigenous people in talking about issues of sexuality, sex work and decolonizing our bodies” (2013: 91). Hunt is in favour of allyship and solidarity between indigenous communities and sex workers’ rights noting that indigenous sex workers are part of indigenous communities (2013: 91). Sampson agrees, as she argues that Indigenous communities need to assume a leadership role in matters of health, support, identity formation, and addressing violence on and off reserves which contributed to and exists in tandem with street-based sex work that prioritizes decolonizing and harm reduction practices (2014: 169). Indigenous sex workers are part of their local communities and nations; indigenous sex workers’ health, safety, and spiritual well-being must be recognized and supported by their communities as part of larger decolonial politics.

Sex worker rights advocates, sex-radical feminists, and others who define sex work as a form of labour that should be governed like other forms of work support the decriminalization of sex work (van der Meulen et al 2013: 16). The removal of prostitution laws would not suddenly leave sex workers unprotected, “[...] there are existing federal provisions that protect against extortion, sexual assault, forcible confinement, and threat with a weapon—crimes that prohibitionists claim are inherent to sex work” (van der Meulen et al 2013: 16). Indeed, sex workers are already supposed to be protected by the statutes of the *Criminal Code of Canada* and the *Canadian Charter of Rights and Freedoms*; however, these rights are not always respected nor protection given to sex workers in Canada and elsewhere.

5. A Brief History of Canada

Canada is a settler-colonial apartheid state. It is perhaps easiest to trace the legal control of people in spaces in Canada by beginning at what is considered from that perspective to be the beginning—European contact—ignoring the ways of living and nations already existing on Turtle Island before then. What is perhaps the most obvious example of law as a tool for colonization at first European contact is the legal principle of *terra nullius*. This legal concept means “settlement or acquisition of territory that was previously unoccupied or is not recognized as belonging to another political entity,” and is one of

four ways under British law by which a state can justify acquisition of new territories (Asch 2002: 23-24). Because this land was neither unoccupied nor unused, as a multitude of peoples and nations stretched from coast to coast, the claim rests on the latter condition—that the peoples that settlers encountered were not recognized as belonging to another political entity and were regarded as too “primitive” to have a form of sovereignty and title that required recognition by colonial authorities (Asch 2002: 26). Thus, the land was obtained by the rendering of the legal status of indigenous peoples as uncivilized.

Canada is distinguished for the first use of chemical warfare through the purposeful spreading of both diseases such as smallpox and of alcoholism to destroy individual Indigenous people and communities (Hodge 2010; Lawrence 2002: 38). Communities and people who survived the more explicit attempts at genocide were confined to reservations. Audra Simpson notes that the theft of indigenous lands was *legally* executed by the settler colonial state (2014: 108). White supremacist settler colonial law legitimates and reinforces white supremacist settler colonial domination. This is perhaps why Simpson promotes “refusal” as a political practice for indigenous peoples in opposition to politics of recognition, as recognition is unlikely to contribute to real material change, whereas refusal does not “buy into” or further legitimate the colonial legal system. Indeed, indigenous peoples in Canada continue to be explicitly governed by the *Indian Act*.

6. The History of Prostitution Laws in Canada

After colonial contact between European traders and indigenous peoples some fur workers and merchants, many of whom had wives and families in Britain, formed relationships with indigenous women (Phillips 2009: 249). Some formed stable relationships, while others “[...] had more fleeting and asymmetrical relationships, taking lovers and offering little in return [...] Liaisons such as these left important legacies throughout the British Empire, not least in the form of mixed-race and culturally hybrid offspring, including the Métis” (Phillips 2009: 249). Part of the colonial project was to have indigenous people intermarry and have children with white European settlers in order to absorb indigeneity into whiteness. This project sought both to annihilate indigeneity and to remove competing

claims to the land (Probyn-Rapsey 2013: 41). However, some scholars note that, especially in the context of the fur trade, indigenous groups sought out unions with Europeans to create socio-economic bonds via kinship networks (Van Kirk 2002: 1).

In the 1800s, before confederation and Canadian independence in 1867, the criminalization of prostitution-related activities was focused on reducing residential brothels, street-prostitution, vagrancy,²³ and protecting the defilement of girls and women under the age of twenty-one (van der Meulen et al. 2013: 5). The editors of *Selling Sex* underscore that “the laws were, in part, based on a social understanding of the monetary and proprietary value of women in relation to a male counterpart” (van der Meulen et al. 2013: 5). Thus, from their inception prostitution laws were focused first and foremost on reinforcing patriarchy and not on ensuring the safety of women—as women were the only people thought to be doing sex work at this time.

In the 1860s the British began to introduce the Contagious Diseases Acts and Ordinances²⁴, in order to address these mixed-race and other illicit relationships, such as prostitution (Phillips 2009: 247). Between 1860 and 1915 prostitution was explicitly a status offence, meaning women could be subject to vagrancy charges and detained by police for simply being prostitutes (van der Meulen et al. 2013: 5). This remained true until 1972, “when it was argued that the status offence of vagrancy was a violation of the 1960 Bill of Rights, that the whole of the vagrancy legislation was revoked and replaced by laws that prohibited soliciting” (van der Meulen et al. 2013: 7-8). This change in 1972 is also the instance that decriminalized *being* a prostitute in Canada, although the activities surrounding prostitution were criminalized (van der Meulen et al. 2013: 8).

In 1869 *An Act Respecting Vagrants* was passed by Parliament, which “maintained the existing status offence for prostitution and added new provisions that criminalized men who were found to be ‘living on the avails’” (van der Meulen et al. 2013: 6). Canada’s first federal Criminal Code was codified

²³ Legal scholar Angela Campbell notes that street-based sex work has historically been treated as a form of vagrancy in both Canada and the United Kingdom (2015: 30).

²⁴ These laws required women to submit to medical examinations and incarceration if they were diagnosed with a sexually transmittable disease, such as syphilis or gonorrhea (Phillips 2009: 247).

in 1892 and contained a wide array of provisions for offences against morality and prostitution, as well as making bawdy-house offences stricter and moving them from the purview of the *Vagrancy Act* to the Criminal Code (van der Meulen et al. 2013: 6).

The approach of treating prostitution as a form of gendered violence is a very recent development in Canadian law and policy (Campbell 2015: 30). However, the gendered focus on women as prostitutes and the moral panic regarding the coercion of women into the sex industry is not a recent development. In the early twentieth-century white slavery panic induced Canada, as well as international bodies, to create policies to prohibit white women and girls from being “lured into prostitution” (van der Meulen et al. 2013: 7). Little to no distinction was made between naïve “child-like” white slaves and willing harlots, as both church and state organizations promoted the surveillance and saving of such women (Valverde 2008: 192).

The moral panic over white slavery was not so much about helping women who were forced into sexual slavery escape, but a panicked attempt to reinforce sexuality within the confines of monogamous marriage and within the private sphere of the home. Gayle Rubin notes,

“Because sexuality in Western societies is so mystified, the wars over it are often fought at oblique angles, aimed at phony targets, conducted with misplaced passions, and are highly, intensely symbolic. Sexual activities often function as signifiers for person and social apprehensions to which they have no intrinsic connection. During a moral panic such fears attach to some unfortunate sexual activity or population (1999: 163).

Working class women were socially evaluated based on their perceived distance from prostitution, which was understood as a female working class vice (Valverde 2008: 78). By making sex public (and explicitly commercial) prostitution challenged the social split of private and public²⁵, and called attention to women’s roles in both sexuality and commerce (Valverde 2008: 79). The moral panic of white slavery was also deeply tied to racist anxieties about immigration²⁶ and keeping British North American and post-

²⁵ Some scholars argue what is most subversive about prostitution is its open challenge “both to the identification of sex acts with acts of desire and to the opposition between erotic/affective activity and economic life” (Zatz 1997: 277).

²⁶ For more information on this see “Racial Purity, Sexual Purity and Immigration Policy” in Mariana Valverde’s *The Age of Light, Soap, and Water: Moral Reform in English Canada, 1885-1925* (2008: 104-128).

confederation Canada white (Valverde 2008: 105-106). Prostitution laws in Canada from 1860 to 1915 continued to focus on protecting women, as well as reducing public nuisance, and from 1915 to 1970 remained virtually unchanged (van der Meulen et al. 2013: 7). However, during the Great Depression and Second World War campaigns were mobilized against prostitution built upon the understanding of sex workers as vectors of disease who were spreading venereal disease to men (Janzen et al. 2013: 155).

6.1 *The Feminist Sex Wars*

In the late 1970s American feminists were increasingly frustrated fighting pro-choice battles they had believed they had already won, pregnant women losing additional food allowances when on public assistance, and the beginning of Reaganism²⁷ (Strossen 1995: 74). Former President of the American Civil Liberties Union Nadine Strossen suggests that this may have contributed to increased feminist focus on pornography and focus on pornography as a root source of patriarchal and sexual violence (1995: 74).

S/m scholar Ummni Khan notes that “S/m was a key area of dispute, but there was also heated disagreements about pornography, butch-femme lesbian identity, public sex, transgenderism, sex work, monogamy, heterosexuality, bisexuality, dildo use, and in fact any sort of vaginal penetration for sexual stimulation” (2014: 54). Like Khan, I make no claims to neutrality; and I also align myself with sex radical feminists and question whether the feminists sex wars ever truly reached a resolution (2014: 54-55). As was discussed in the previous sections regarding the various models of governing sex work, feminists remain divided in their understandings of sex work as a socio-legal phenomenon and how it should be governed both through social and legal means.

²⁷ In the U.K and Canada the political shift towards neo-liberalism and the cutting of social welfare programs was also felt under Margaret Thatcher and Brian Mulroney respectively.

6.1.1 Radical Feminists et al.²⁸

One of the main points of contention between radical and sex radical feminists is the role of commodification in sex work and what is understood as the commodity; for radical feminists “individuals (usually seen to be women) sell themselves or are sold into prostitution; women are bought and sold on the market like any other commodity” (VanderVeen 2001: 32). Thus the product being sold is women’s bodies or women’s “selves.” It renders a person into an object who becomes alienated:

The buying and selling of sexuality for the client’s own use transforms the body into a vessel or an object; the body becomes alienated as it is used as a ‘thing’ for someone else. This process of objectification is also seen to spill over to the objectification of all women (VanderVeen 2001:33).

Sex work in this context cannot be understood as a personal choice or exercise of personal agency as the consent of an individual woman to be objectified contributes to the objectification of all women under patriarchy.

6.1.2 Sex Radical Feminists et al.²⁹

The reduction of a woman to her body parts or her job, depending on how generous a radical feminist perspective is being utilized, is somewhat ironic given that this is the patriarchal understanding of women as the parts available for sexual and reproductive purposes. For Marxist scholar Marjolein VanderVeen:

To me, what is striking in this view of ‘the self’ (in which all body parts and acts are inextricably tied to ‘the self’) it is embracing and reductionist conception of the ‘self.’ The selling of sexuality (or a sexual service) becomes the defining feature of that person: a sex worker is defined by that particular identity rather than by the multiple, other identities she may have as mother, sister, daughter, artist, and so on. To the extent that it reproduces the narrative of women as victim and subordinated to male domination, it leaves no space for women to carve out empowered subjectivities (2001: 35-36).

²⁸ Khan notes that there were a variety of subgroups, including lesbian feminists, lesbian separatists, political lesbians, dominance feminists and anti-pornography feminists (2014: 54). For simplicity sake I will refer to this camp as the radical feminists, as the sex wars are popularly conceptualized as radical feminists versus sex radical feminists.

²⁹ Sex radical feminists here standing in for: anti-censorship feminists, sex-positive feminists, butches, femmes, sadomasochists, and others (Khan 2014: 55).

This reductionist perspective also holds sex workers and clients responsible for their choices to engage in prostitution and thus contributing to and reinforcing patriarchal domination and violence. This perspective fails to critically examine the socio-economic contexts in which sex work occurs, particularly transphobia and legal protections to combat workplace discrimination against trans people (Fletcher 2013: 66), and the fact that women are not the only people involved in sex work.

In contrast to the radical feminist position sex radicals argue that prostitution and sex work can be understood as the exchange of sexual services for money, goods or services, and thus what is being sold is not a body or self but a service (VanderVeen 2001: 32). Indeed, VanderVeen notes, “[s]ex radicals have put forward representations of sex workers as entrepreneurs, as successful self-employed and empowered agents who use their sexuality to their advantage, thus countering the associations of prostitution with degradation and enslavement (2001:36).

Some scholars highlight that the sex industry is not the only industry that is male-dominated and degrades women, and would argue “that for some women to get paid for what all women are expected to do for free is a source of power for all women to refuse any free sex” (Delecoste and Alexander 1987: 273). Indeed, I agree with the position that:

It is not sex work per se that promotes oppressive values of capitalist patriarchy but rather the particular cultural and legal production of a marginalized, degraded prostitution that ensures its oppressive characteristics while acting to limit the subversive potential that might attend a decriminalized, culturally legitimized form of sex work (Zatz 1997: 291).

It is not by ending sex work that patriarchal oppression is undone; but by undoing patriarchal and other forms of oppression sex work can be made a safer and less stigmatized form of paid labour.

6.2 Think of the Property Values: Gentrification & Sex Work

In the late 1970’s in Canada “[...] urban spaces were gentrifying as middle-class residents were increasingly moving from suburban areas into what were then becoming more desirable downtown locations. Inner-city geographies, which had been home to sex workers and the urban poor, were becoming contested spaces” (van der Meulen et al. 2013: 8). Uncoincidentally, it is at this time sex

workers and their allies began organizing across Canada in defense of sex workers' rights (van der Meulen et al. 2013: 8).

Prostitution in particular is policed with a significant spectrum of policing styles and intensities depending on a number of factors including policing and city mandates and priorities, the relationship between local sex worker organizations and the police, the socio-economic makeup of the area the sex work is taking place and the intersectional social position of both the workers and clients. It is well documented that street-based sex work is significantly more heavily and punitively policed than other forms of sex work (Socias et al. 2015: 967; Bruckert & Hannem 2013b: 302, 306). The implications of this are a cyclical relationship of incarceration and homelessness for many street-based sex workers, and with it higher risk of gendered and workplace violence (Socias et al. 2015: 972). Researchers on a recent study of street-based sex workers in Vancouver concluded: “[...] interventions and policies aimed at increasing access to safe and affordable housing and indoor workplace options for women in sex work are urgently needed (Socias et al. 2015: 972). However, sex workers also suffer from social stigma, community exclusion and harassment.

Not only are sex workers displaced when their communities become gentrified and they can no longer afford to live there, as Deering notes that, ‘the actions of small numbers of community members who oppose visible sex work in their neighborhoods can also have a substantial impact on neighborhoods where sex work occurs and sex work environments within neighborhoods’ (Deering 2012: 20). Often this is referred to as “NIMBY”-- which stands for “not in my backyard”--when local residents take action to protest or remove something (someone or some people)³⁰ they dislike from what they view as their own space (Deering 2012: 20).

As Foucault says, where there is power there is also resistance; however sometimes resistance to structural stigma is constrained. For instance:

³⁰ NIMBY is not unique to sex workers, as people with mental illness (Deering 2012: 20), the homeless (Lyon-Callo 2001), deinstitutionalized people (Piat 2000), drug users and needle exchanges (Strike et al. 2004), services for immigrants (Maney & Abraham 2008), amongst others, are often also targeted and protested in attempts to displace them from spaces which become contested by particular residents (Deering 2012: 20).

[...] We also see that resistance to structural stigma is constrained, for reasons that range from lack of access to resources, to invisibility, to a lack of collective will. Specifically, the intra-group stigmatization engaged in as a form of identity management by stigmatized individuals is counter-productive to collectively challenging structural forms of stigma (Hannem & Bruckert 2012: 5).

Some sex workers do sex work to survive and may not have the time or financial security to engage in organized political resistance and some, do not want to be “out” about their job due to the consequential stigma. Within sex work itself there is a hierarchy with “high-end” escorts and erotic dancers at the top and street-based sex workers at the bottom; the logic of the hierarchy is based on how much physical or sexual contact a worker has with a client and the general rate of pay, as well as a white-supremacist and cis-sexist hierarchical understanding of the category of “woman”. In order to combat the structural stigma of sex work, sex workers must first be accountable to others in the sex industry and break down the hierarchy within, working in solidarity with each other to tackle systemic oppressions that are not unique to sex work and exist outside of the industry as well.

As has been touched upon in earlier discussions, sex work has historically been a working-class job, with prostitutes being members of working class communities. However, through moral and criminal regulation sex workers became increasingly outcasts amongst working class communities, “Prostitutes, who had been part of the general working-class population, became increasingly isolated as members of an outcast group” (Rubin 1999: 156).

Sex workers sometimes find community amongst LGBT communities, who are also criminalized and stigmatized for their sexual practices. Rubin notes that despite the differences between sex workers (who are stigmatized for the sexual practices related to their labour) and gay, bisexual, and lesbian people (who are stigmatized for their sexual practices related to their personal lives and identities) and trans people (who are stigmatized for their gender identity):

Nevertheless, they share some common features of social organization. Like homosexuals, prostitutes are a criminal sexual population stigmatized on the basis of sexual activity. Prostitutes and male homosexuals are the primary prey of vice police everywhere. Like gay men, prostitutes occupy well-demarcated urban territories and battle with police to defend and maintain these territories. The legal persecution of both populations is justified by an elaborate ideology which classifies them as dangerous and inferior undesirables who are not entitled to be left in peace (Rubin 1999: 156).

This connection is perhaps best exemplified by the Stonewall Riot³¹ in New York City in 1969, when the police attempted to raid a popular hangout for trans and cis sex workers, and queer folks across the spectrum and were met with resistance from the local community. For decades afterwards vice squads and other police were sent to surveil and control sexually deviant communities, including queer and trans people, and sex workers. These police surveillance and attempts at control were not only about protecting the social moral order but again about controlling territory, “Gay men, prostitutes, and sometimes transvestites are sufficiently territorial and numerous to engage in intense battles with cops over particular streets, parks, and alleys. Such border wars are usually inconclusive, but they result in many casualties”(Rubin 1999: 162). Stonewall was not unique as a battle ground between police, trans folks, queers, and sex workers, neither in the confrontation of sex workers, trans and queer people and the police or in the resulting injuries sustained³². As marginalized communities continue to be gentrified out of their neighborhoods there will be continued resistance, especially to claim spaces, as space serves an important and symbolic function in group identity.

6.3 The Fraser Committee

The feminist sex wars began and their ideological battles over the “problem” of prostitution/sex work both spilled and arose from the mainstream of Canadian politics and public debate:

With mounting pressure from the courts, police associations, residents’ groups, and mayors of the country’s largest cities, the federal minister of justice, appointed by the ruling Liberal Party, decreed that the national ‘problems’ of prostitution and pornography needed a national solution (van der Meulen et al. 2013: 8).

³¹ Lest we forget that the first Pride was a riot. Given the backlash against Black Lives Matter Toronto’s sit-in during this year’s Pride Parade it would seem that white queers and allies need a reminder of the history of the LGBT rights movement and its deep connections and relations to anti-racist organizing and protests and the existence of queer people of colour. See Joshua Ostroff (2016).

³² An example closer to home in Canada is the Toronto Bathhouse raids. See Sarah Lambie (2009) and Catherine J. Nash (2014).

The Special Committee on Prostitution and Pornography, popularly referred to as the Fraser Committee³³, was tasked with deciding where and under what circumstances prostitution would occur in Canada (Lowman 2004: 147). After three years of research and public consultation and despite hearing from a small number of people doing sex work, the Fraser Committee concluded that the provinces should not be prevented from permitting and regulating non-residential prostitution establishments with adult workers, and that small numbers of sex workers should be allowed to organize their activities out of a place of residence (van der Meulen et al. 2013: 9).

Instead of following the suggestions of the Fraser Committee, in 1985 the newly elected Progressive Conservative government rewrote the street-based prostitution laws to criminalize communicating for the purposes of prostitution, making convictions easier for the police to obtain (van der Meulen et al. 2013: 9; Lowman 2004: 147). Indeed, the new law removed the provision that solicitation had to be pressing or persistent and turned parked cars into public spaces (van der Meulen et al. 2013: 9).

When the law was reviewed three years later it was found that the new provision was ineffective in deterring street-based sex work and had only served to displace workers to other areas, that sex workers now simply had longer criminal records, and there were reports of an increase of violence on the streets and more punitive policing measures (van der Meulen et al. 2013: 9). Researcher John Lowman also notes that in the twenty five years preceding the introduction of the new law eleven sex workers were murdered in the province of British Columbia and in the fifteen years after the new law approximately one hundred were murdered (2004: 147). Lowman has also argued “[...] the communicating law created a symbolic marginalization of sex workers that contributed to their displacement and made them easier targets of violence” (in van der Meulen et al. 2013: 10). This was the beginning of an out-of sight-out-of-mind approach to the existence of sex work and sex workers. Despite rhetoric about protecting women the laws only addressed the perceived nuisance of street-based sex workers in gentrifying and gentrified

³³ So nicknamed for Paul Fraser, the chairperson of The Special Committee on Prostitution and Pornography (van der Meulen et al. 2013: 9).

neighborhoods. It appears the existence of poverty, racialized people's bodies, trans people's bodies, addiction, and sexuality made some people uncomfortable and the elimination of the people associated with these bodies and practices was easier and more tolerable than actually providing support and interrogating the structural oppressions at play.

In response to continued violence against sex workers, particularly in association with the missing and murdered women of Vancouver's Downtown Eastside, the Subcommittee on Solicitation Laws Review was formed in 2006 with the mandate "[...] to review Canada's prostitution policies in order to make recommendations to reduce exploitation and violence" (van der Meulen et al. 2013: 10-11). Unlike the Fraser Committee, the Solicitation Laws Review heard from over a hundred sex workers and significantly, both sex workers and researchers consulted were nearly unanimous in their support of decriminalizing sex work (van der Meulen et al. 2013: 11). All but one member of the committee was in support of at least partial decriminalization; however, in their final report the committee "[...] members agreed on just six recommendations, including increased resources to combat youth sex work and trafficking, increased education to prevent people from entering sex work, and better exit strategies for those who want to leave" (van der Meulen et al. 2013: 11). Thus while making a gesture towards its purpose of making recommendations to reduce exploitation and violence against sex workers, the committee refused to address either the material conditions which make people choose to engage in sex work, such as poverty, or the existing laws which were contributing to their symbolic marginalization and physical marginalization out of their previous communities into more precarious locations.

Criminologist Steve Bittle notes that the *Bedford* case is a stark reminder of how Canada's prostitution laws "[...] force[d] many sex workers to meet clients in secluded and dangerous locations so as to avoid running afoul with the law—a policy decision with deadly consequences for many women" (2013: 282). It was this continued physical and symbolic marginalization that Bedford, Lebovitch, and Scott sought to address when they mounted a constitutional challenge of the prostitution laws at the time in 2007 and retained lawyer Alan Young to represent them. Young notes:

The challenge was well based upon the well-recognized constitutional doctrine that the principles of fundamental justice under section 7 of the Charter of Rights and Freedoms prohibit the enactment of arbitrary and irrational laws that do greater harm than good. The constitutional challenge was designed to attack the law's complicity in, or its contribution to, the daily violence faced by sex workers (2013: 324).

On December 13th, 2013 the Supreme Court of Canada ruled in favour of Bedford, Lebovitch, and Scott and declared all three sections of the Canadian Criminal Code that they were challenging as unconstitutional and struck them down. Parliament was given a stay of the decision for one year to draft new prostitution legislation³⁴.

Unfortunately, the same strategy used by the Solicitation Laws Review of focusing on getting sex workers to exit the industry can be seen with the law drafted by the most recent Conservative government, under which the *Protection of Communities and Exploited Persons Act* was written, passed, and enacted. Along with the new legislation the Conservative government pledged twenty million dollars “to help sex workers get out of the trade” (Sampson 2014: 139). Chris Bruckert notes that just under half, or almost ten million dollars, is being allocated to law enforcement agencies and the rest to exit-programs (2015: 2). Bruckert also highlights that none of this money is being diverted to address the fundamental income needs to sex workers and even minimal monetary support would then be based on workers “recognizing their need for ‘rehabilitation’” (2015: 2-3). This is problematic as it would require sex workers to corroborate the discourse that sex workers are deviant and in need of rehabilitation in order to access financial support while leaving the industry. This is coercive, as it requires sex workers reproduce state narratives even if they do not represent their own experiences and understandings of their work and reasons for exiting the industry. It also forecloses access to financial assistance for sex workers who do not want to be “rehabilitated” or exit the industry.

³⁴ The Supreme Court upheld Madama Justice Himel of the Ontario Superior Court's earlier decision in 2010 that those three prostitution laws did violate the section 7 Charter rights of sex workers and could not be saved by section 1, the reasonable limits clause (van der Meulen et al. 2013: 13).

7. The *Bedford* Decision

It was the Supreme Court of Canada's finding in the *Bedford Decision* that the Canadian Criminal Code offences of keeping a common bawdy-house (s.210), the offence of living on the avails of prostitution (s.212) (1)(j)), and the offence of communicating in public for the purpose of prostitution (s.213)(1)(c) violated the constitutional rights of sex workers under S.7 of the *Canadian Charter of Rights and Freedoms*. That is, the plaintiff(s) demonstrated that the specified legislation affected their life, liberty, and security of the person and did so in a way that violated one of more principles of fundamental justice (Stewart 2015: 578-579). If the law is found to infringe on constitutional rights, the government can then argue that the infringement of the plaintiff(s)' rights is justifiable under section 1, the reasonable limits clause, in order to save the legislation (Stewart 2015: 579).

In *Bedford* the Supreme Court reaffirmed what was perhaps already obvious to sex workers, others with connections to the industry, and with sex workers' rights movements: "The Court affirmed that the challenged provisions were 'primarily concerned with preventing public nuisance' rather than sex workers' safety or dignity" (Campbell 2015: 32). And while the Court underscored Parliament's power to regulate against public nuisances, it can be argued it did not have the right to do so at the expense of the health, safety, and lives of sex workers (Campbell 2015: 32). It is significant that the Supreme Court directly states that the safety and lives of sex workers are more important than regulating nuisance, and this point will likely be revisited if (when) the new prostitution law is challenged again in the future.

As University of Toronto law professor Hamish Stewart highlights in his article on *Bedford* regarding *Charter* sections 1 and 7, this Supreme Court decision suggests three important and related developments to understanding principles of fundamental justice (2015: 577). The first is that norms against arbitrariness, overbreadth, and gross disproportionality are not all aspects of overbreadth, but each has distinct roles in constitutional law (Stewart 2015: 577). The second is if one of these conditions is found to impact the section 7 rights of even an individual person to life, liberty, and security of the person, that is cannot be saved under section 1 of the Charter (Stewart 2015: 577). Finally, the third development from *Bedford* regarding constitutional law according to Stewart, is that there needs to be

room within constitutional law to consider “societal or collective interests; that is, the interests of persons other than those whose section 7 interests are directly affected by the law in question” (2015: 577). Thus Bedford is not only significant for its decisions regarding sex work in Canada, but also for constitutional case law.

McGill law professor Hoi Kong explains that the constitutional model used in Canada follows a system called civic republicanism, of which a core principle is non-domination (2011: 250). Non-domination means that it is not justifiable for the state to give effect to preferences of citizens or factions (Kong 2011: 251). In other words, even though Canada is a democracy, the state cannot simply govern at the will and preferences of the majority, especially where the majority would allow harm or oppression to others. Kong writes, “When the state acts in ways that affect citizens’ priorities, civic republicanism requires that to do so on the basis of reasons which appeal to some understanding of the public good” (2011: 251). While Stewart and the Conservatives see an end to perceived public nuisance of street-based sex work as a public good, it is not justifiable to supercede the rights of sex workers to safety—if the legislation had even succeeded. It also does not seem surprising that the laws could not be saved under s. 1, as Kong notes,

[t]he analysis under that section requires the government to show that an impugned measure has a legitimate objective, that the means chosen to advance that objective are rationally connected to that objective, that the infringement is minimally impairing of the claimant’s rights and that any infringement is proportional to the objectives sought (Kong 2011: 269).

While public peace and quiet and trying to combat the exploitation of prostitutes are legitimate objectives, the criminalization of all elements surrounding prostitution when it itself is legal is not rational. When there is overwhelming evidence that these sections contribute to the precarity and violence in street-based sex work it is not rational to save them under s. 1 as the infringement on sex workers’ rights to life, liberty, and security are more than minimally impaired and are not proportional to the intended objectives of the challenged sections. Each of the three challenged *Criminal Code* sections are discussed in detail in the following sections.

7.1 Living on the Avails of Prostitution (Criminal Code 1985, s. 212(1)(j))

The procuring offences include both living on the avails of prostitution and owning or operating an establishment where sexual services are provided for a fee (van der Meulen et al. 2013: 12). It also criminalizes “anyone who is habitually in the company of a prostitute... in absence of evidence to the contrary” (van der Meulen et al. 2013: 12)³⁵. Thus this section essentially operates as a reverse-onus status offence, meaning that the person being charged is guilty for who they are—or at least the relationship they have to a sex worker—and carries the burden of proving their innocence instead of the crown having to prove their guilt (both are unusual in the common law system). This section also criminalized not only people who were exploiting sex workers, such as “pimps,” but anyone who had a legitimate business arrangement to provide goods or services to a person—simply because they were a sex worker. This had the effect of preventing sex workers from hiring bodyguards, drivers, or receptionists, or risking their criminalization (Stewart 2015: 580).

The *Bedford decision* determined s. 212(1)(j) living on the avails of prostitution to be overly broad—but not a violation of section 7 because of the difficulty in differentiating between a pimp and a legitimate manager (Stewart 2015: 583)³⁶. In order to address the overly broad interpretation of the law being applied to both exploitative relationships and not the Court mandated that it be redrafted to be specific to cases of exploitation, as the previous case laws standard of a “parasitic” relationship was overly vague (van der Meulen et al. 2013: 12).

³⁵ While not challenged in *Bedford*, s. 211, the prohibition of directing or transporting, or offering to direct or transport, to a bawdy-house is also of importance. This section is rarely used and is intended to detract from sex workers’ business by criminalizing word of mouth referrals from other clients, hotel concierges, or taxi drivers (van der Meulen et al. 2013: 12). It also criminalizes the personal drivers of sex workers, and like with s. 212(1)(j), contributes to the risk involved in sex work as drivers are often the first person workers contact when they have difficulty with a client (van der Meulen et al. 2013: 12). If the understanding is that sex workers should be contacting the police as a first response, then the police must take drastic measures in order to gain the trust of sex worker communities and combat the abuse of sex workers by officers within their divisions.

³⁶ It is concerning that the courts and police find that distinguishing between an abusive and exploitative relationship and a legitimate relationship or business relationship is so difficult, and begs the question of whether this is because sex workers are again being understood as so different from other individuals, or that violence and exploitation in relationships remains so poorly understood by the police and other factions of the criminal justice system.

7.2 Public Communication for the Purposes of Prostitution (Criminal Code 1985, s. 213(1)(c))

Public communication for the purposes of prostitution accounted for over 90% of prostitution related charges (van der Meulen et al. 2013: 12). Because it was illegal to communicate in public for the purposes of prostitution, sex workers were forced to work in more secluded areas away from where help might be sought if needed, the screening of potential clients had to be done quickly to avoid detection, and body language was more hard to read given both workers' and clients' fear of being detected by either police or residents who might call them (van der Meulen et al. 2013: 12; Campbell 2015: 32).

7.3 Keeping, Being an Inmate of, Or Being Found in a Common Bawdy-House (Criminal Code 1985, s. 210)

Section 197.1 of the Criminal Code of Canada defines a common-bawdy house as “[...] any location that is ‘kept or occupied, or resorted to by one or more persons, for the purpose of prostitution or the practice of acts of indecency’” and was defined as a “serious offence for the purposes of organized crime” (van der Meulen et al. 2013: 11). During *Bedford*, the Court reiterated that “A bawdy-house was any ‘place’ that is ‘kept or occupied’ or ‘resorted to’ for the purpose of acts of prostitution, including the prostitution of one sex worker” (Stewart 2015: 579). It is commonly known that any place used more than one time for sex work—whether it be a worker’s apartment or car—then becomes understood as a bawdy-house. By criminalizing keeping or being found in a bawdy-house this offence had the practical effect of confining lawful prostitution to either the street or out-calls (Stewart 2015: 579). However, if a place cannot be used more than once it would seem that a sex worker would be expected to not do repeat out-calls to the same client at their home—as this would then make it a bawdy-house—thus also contributing to the precarity of sex work, as knowing clients and places over time can help contribute to a workers’ safety.

Canadian case law has set precedent that the definition of prostitution only requires proof that a body was offered for lewdness or commission of a crime in exchange for payment, and thus includes strip

clubs, massage parlors, and dungeons³⁷ as potentially criminalized sites (van der Meulen et al. 2013: 11-12). Khan recalls how Gayle Rubin attempted to draw connections between the oppressions faced by the “sexual fringe” which included s/m lesbians, gay men interested in public sex, transsexuals, and prostitutes³⁸ (2014: 95). This is one site in which specific legislation is utilized to criminalize and incarcerate a number of stigmatized sexual populations that are considered deviant and dangerous. If people identified with sexual and gender *deviancy*, meaning all people understood to be deviants, could come together as a community for political mobilizations it may prove a useful site for social and legal reforms³⁹. This is where a politics of *identifying with* is useful, if people who subvert heteronormative, monogamous, and otherwise privileged sexual and gender identities⁴⁰ and practices can identify with how they differently are oppressed by systemic hierarchies but in similar ways—based on who they are and/or how they have sex. Solidarity politics and practices is one way in which oppressed people can form their own communities when marginalized or imagined out of other ones.

7.4 Community Safety

If people are experiencing violence and being murdered in communities (even if community is understood in the spatial sense of people being in relative distance to each other) then it is hard to understand what qualifies as “community safety.” During *Bedford v. Canada* the Conservative-majority government continued to defend the challenged Criminal Code provisions while evoking notions of “community safety” and suggesting that communities cannot be safe spaces if prostitution exists within them (Wright et al. 2015: 265). The government adopted the ideological position that:

³⁷ The *Bedford decision* was Terri-Jean Bedford’s second trip to the Supreme Court of Canada; her first was a few years earlier to address the raid of her “bondage bungalow” in Toronto, on bawdy-house and related charges. See her book *Dominatrix on trial: Bedford vs. Canada* (2011).

³⁸ Rubin also included pederasts, but that is beyond the scope of this projects’ focus on adults’ consensual decisions and autonomy.

³⁹ Examples of this can be seen in responses to both Stonewall and the Toronto Bathhouse raids.

⁴⁰ See Rubin, G. (1999). “Thinking sex: Notes for a radical theory of the politics of sexuality” in Peter Aggleton and Richard Parker (eds.) *Culture, society and sexuality: A reader*. Philadelphia: UCL Press, 143-178.

[...] the dangers of sex work should not be attributed to the law but to sex workers' decision to go into sex work: anyone could both comply with the law and avoid the dangers of sex work by not engaging in sex work in the first place (Stewart 2015: 580).

It would seem more pragmatic to address the violence within communities than to address the prostitution within it, especially given that violence is criminalized and prostitution itself was not.

Sex work is not inherently violent, at least neither more inherently violent than either sexual acts under heteronormative cissexist patriarchy, nor paid labour under capitalism more generally. The Supreme Court reminded the government that sex work is lawful in Canada and while it problematically relied on gendered discourses about prostitutes lacking agency it did not accept sex work as inherently violent,

The Court rejected this argument on the basis that some people (especially women) have 'no meaningful choice' but to engage in prostitution. Moreover—and perhaps more significantly—the Court emphasized that the choice to engage in sex work was a lawful one (Stewart 2015: 580).

The Court rejecting sex work as inherently violent importantly left room for legislative changes to address the working conditions that contribute to the violence that occurs disproportionality in street-based sex work. When the prostitution laws were struck down as unconstitutional, the Supreme Court gave a one-year stay of the decision in order to give Parliament time to draft new legislation.

After *the Bedford decision* the same government drafted and passed the Protection of Communities and Exploited Persons Act (2014), which again constructed sex workers as threats to community safety, and sex workers as outside of and in opposition to communities.

8. The *Protection of Communities and Exploited Persons Act*

Following the *Bedford decision* sex workers rights activist and scholar Chris Bruckert notes that although this could have been a moment “when Canadian lawmakers listened to sex workers, attended to evidence, and introduced laws that respect the human and labour rights of all citizens, including those in the sex industry” (2015: 1), then-Justice Minister and Conservative Member of Parliament Peter Mackay

did nearly the opposite⁴¹. Despite the evidence presented in the form of “ sworn testimonies, government reports, civil society organization reports and academic papers present[ed] in *Bedford* [that] very strongly supported the decriminalization of certain activities associated with prostitution,” decriminalization was not the direction the new legislation took (Johnston 2015: 266). Mackay drafted Bill C-36, which would become known as *the Protection of Communities and Exploited Persons Act*, and instead of decriminalizing sex work in Canada criminalized the purchase of sexual services for the first time in Canadian history.

8.1 The Canadian Model

The Protection of Communities and Exploited Persons Act (2014) has been called “the Canadian model” for governing prostitution (Davies 2015: 78). While it is based on the Nordic model it contains significant differences. For instance, like the Nordic Model, “under the new legislation, it is illegal to buy sex but not to sell it, except if communication occurs near daycares, playgrounds, or schools” (Wright et al. 2015: 266)⁴². Thus the *Protection of Communities and Exploited Persons Act* criminalizes the purchase of sexual services and decriminalizes selling sexual services, recognizing sex workers as “exploited persons,” but with the potential victimization of children taking precedence over the status of the prostitute as a victim given the exemption of decriminalization where children are likely to be found⁴³. Unlike the Nordic model the so-called “Made in Canada” model then allows for sex workers to be simultaneously both victim and offender. Wright et al. argue that the contradictions in the *Protection of Communities and Exploited Persons Act* of positioning sex workers as both victim and offender:

[a]re not the product of confusion, but in fact are constitutive of the ways in which communities are rhetorically and materially formed. They have structured legislative responses to sex work,

⁴¹ Though this should perhaps be unsurprising given that prostitution laws have “typically emerged from a ‘top-down’ approach, in which policy-makers do not consult the broader policy community” (Johnson 2015: 264).

⁴² As Gayle Rubin reminds us, “For over a century, no tactic for stirring up erotic hysteria has been as reliable as the appeal to protect children” (1999: 146). It would seem that all sexual legislation must invoke protecting the children at one point or another.

⁴³ It is unclear whether the time of day will be taken into consideration, since children should not be expected to be in these locations in the middle of the night and street-based sex work is unlikely to occur in these places during regular business and school hours.

reflect normative conceptions of community, bodies, and public space, and have actively produced unsafe and insecure conditions for sex workers (2015: 266).

Neither Mackay nor the other members of parliament who voted in support of this legislation were ignorant to the social realities of sex workers—particularly street-based and indigenous sex workers—less than one year after receiving the *Bedford decision* and as growing attention was being paid by Canadians and the media to the phenomena of Missing and Murdered Indigenous Women. This legislation was not written to protect sex workers, but to protect the moral sensibilities of middle-class Canadians as well as protect them from the “nuisance” of sex work⁴⁴.

8.1.1 Criminalization of Advertising

The *Protection of Communities and Exploited Persons Act* also marks the first time knowingly advertising offers to provide sexual services by anyone other than oneself has become criminalized. Scholar Lauren Sampson notes that the law now “prevents newspapers and websites from knowingly advertising offers to provide sexual services, while retaining an exemption that protects sex workers who advertise themselves. Penalties included minimum cash fines and jail time” (2014: 139). Toronto’s *NOW* magazine announced the day after the legislation came into effect that it will “stand with sex workers against discrimination and marginalization” and continue to advertise sexual services for sale and drew parallels to the struggle of the LGBTQ community’s struggle for human rights (Klein 2014). This law seems hard to enforce given the contemporary context in which many sex workers rely on the Internet to communicate with clients about their services and arrange dates. Case law would be needed to determine the extent to which a sex worker has to be advertising themselves, whether that means making their own posts through a website owned by someone else, or whether a website owned or hosted by another individual would then lead to criminal charges⁴⁵.

⁴⁴ Angela Campbell notes, “when nuisance is invoked to rationalize the criminalization of sex work, it at once casts the practice as offensive, immoral and harmful” (2015: 28).

⁴⁵ Some scholars also fear that websites will simply charge sex workers more given the increased risk. Not all advertisers are invested in sex workers’ rights but are invested in continuing to make money from their advertisements.

8.1.2 Redrafting *Living on the Avails of Prostitution*

The *Bedford decision* called for the section regarding living off of the avails of prostitution to be redrafted in order to be constitutional. It is still a crime to knowingly receive financial or material benefit that has been derived from the sale of a sexual service, which is punishable for up to ten years in prison (Sampson 2014: 139). However, the law now provides an exemption for people who have a:

[L]egitimate living arrangement with a sex worker, those to whom a sex worker owes a legal or moral obligation, those who sell a sex worker a good or service on the same terms as the general public [...] but do not counsel or encourage prostitution (Sampson 2014: 139).

The section now specifies that living on the avails of prostitution is only a criminal act in cases of exploitation and was designed to combat “pimping⁴⁶.” Leslie Ann Jeffrey and Gayle Macdonald note that the mythology of the pimp is based in deep racial and sexual bias against black men in North American culture, “Indeed, the racist undercurrent of the pimp mythology is most likely the root, and not a branch, of the myth. The fear of the black male, and black male sexuality, goes back to the days of slavery and imperialism” (2006: 95). It is critical to be aware of the deeply embedded racial (read: racist) implications of “pimping” discourses-- particularly as they relate to legislation and the criminal justice system—given the historical and continued disproportionate impact of the system on people of colour.

This new specificity addresses the issue of criminalizing the friends, roommates, significant others, babysitters, managers, bodyguards, drivers, and other third parties which existed under the previous living on the avails law (Bruckert and Law 2013). It also potentially creates legal space for sex workers to work together in order to look out for one another and keep each other safe. However, the

⁴⁶ Discourses surrounding pimping are not only often racially stereotyped, but are also entangled in what might alternatively be considered intimate-partner violence or abusive relationship behavior (Chiricos 2004: 363; Weinkauff 2010: 17-30; Day 2009: 3). I argue that the abuses associated with pimping are not unique experiences to sex work, but occur within abusive relationships more broadly. This is also true of how violence by clients or “pimps” against sex workers is seen as unique and somehow removed from intimate-partner violence, transmisogyny, and violence against trans and cis women more broadly. What would it mean to think about the similarities between violence against sex working and non-sex working women and feminine identified people? I suggest that by focusing on violence against sex workers by pimps and clients the everyday transmisogynistic and misogynistic intimate partner violence and other forms of violence are erased, feeding into the cultural understanding that domestic violence is what happens to “someone else.”

likelihood of the law being used in good faith to help ensure sex workers' safety is not supported by many policing approaches to manage sex workers. This was exemplified during Bedford, when:

“The Court directly referenced Pickton in opining that a ‘law that prevents street prostitutes from resorting to a safe haven such as Grandma’s House while a suspected serial killer prowls the streets is a law that has lost sight of its purpose’ (Sampson 2014: 142-143).

Similarly, although red-zone conditions might be intended to keep sex workers and drug users away from sources of criminality the effects of red-zones only contribute to the precarity of street-based sex workers and drug users by creating barriers to necessary supports and services.

8.2 The Violence Against Women Discourse

Bill C-36 The *Protection of Communities and Exploited Persons Act*, which was subsequently passed through Parliament, the Senate, and received Royal assent and came into enactment December 6th, 2014. December 6th is National Day of Remembrance and Action on Violence Against Women in Canada to commemorate the fourteen young women engineering students murdered during the massacre at l'École Polytechnique de Montréal on December 6th, 1989. While this may be a coincidence based on when the Bill was finally passed and the process before it must go through before coming into force, it reinforces the idea that prostitution is understood by the government of Canada to be violence against women. Bruckert notes that the preamble to Bill C-36 states: ““whereas the Parliament of Canada has grave concerns about the exploitation that is inherent in prostitution and the risks of violence posed to those who engage in it”” (2015: 1), reinforcing the underlying assumption that the risk of violence is inherent to sex work and is somehow unrelated to the context in which it occurs.

8.3 Future Charter Challenge?

The *Protection of Communities and Exploited Persons Act* is constitutionally uncertain not only because it failed to address the constitutional issues raised regarding the previous prostitution laws during *Bedford*, but “[t]his new Bill’s constitutionality is uncertain, particularly because it advances the interests

of ‘communities’ without recognition of sex workers’ membership within such communities, and in a manner antithetical to workers’ social, political and personal security interests” (Campbell 2015: 29).

According to *Vice* reporter Sarah Ratchford, both Prime Minister Justin Trudeau and current Justice Minister Jody Wilson-Raybould have said the law needs to be revisited. However, Trudeau did not mention it in his throne speech earlier this year, and neither politician has made any actions toward revisiting the legislation (2015).

9. Red-Zones for Prostitution Offences in Ottawa

A red-zone is a commonly used term to refer to police or court imposed boundary restrictions associated with a Form 11, also known as a promise to appear. They “are notable for their exclusionary impact” (Bruckert and Hannem 2013b: 303). Four streets define a red-zone as an area that an individual is prohibited from entering. The consequence for doing so (and being caught) results in additional criminal charges and the individual being sent back to jail to serve additional time. The creation and enforcement of red-zones by the police and courts in Ottawa contributed to both the physical marginalization of sex workers by pushing them out of certain spaces and neighborhoods, and the symbolic marginalization of sex workers from the imagined community of the Canadian nation-state. In her thesis on area restrictions and street-based sex work in Canadian cities Adrienne Macdonald notes that there is a discrepancy between when service providers say OPS began using red-zone conditions⁴⁷, which service providers trace to increasing gentrification particularly in the Byward Market, while OPS claims that they have used such conditions for prostitution offences for the last fifteen to twenty years (2012: 267-69). I will argue that red-zoning is a practice that reproduces the historical location of some in spaces of privilege and dislocation of others from privileged spaces (home, community, neighborhood, the land, the nation).

I want to conceptualize this form of punishment outside of the prison cell (and often before a prison cell) as an extension of the prison. In *Discipline and Punish* (1995), Foucault reminds us that:

⁴⁷ Macdonald states that there is no record of when OPS began officially using red-zones against sex workers in Ottawa (2012: 267).

[the prison] had already been constituted outside the legal apparatus when, throughout the social body, procedures were being elaborated for distributing individuals, fixing them in space, classifying them, extracting from them the maximum in time and forces, training their bodies, coding their continuous behavior, maintaining them in perfect visibility, forming around them an apparatus of observation, registration and recording, constituting on them a body of knowledge that is accumulated and centralized (Foucault 1995: 231).

Red-zones are a form of incarceration in the public sphere, as they distribute particular bodies in space, classify and stigmatize them, train those bodies and code their behavior. Those who are red-zoned are surveilled both officially, via police checking to make sure they obey their boundary restrictions, but also through the effect of the Panopticon, “to induce in the inmate a state of conscious and permanent visibility that assures the automatic functioning of power” (Foucault 1995: 201). To put it another way, people are given red-zone conditions to induce a sense of paranoia that they will be found breaching their conditions and being given additional punishment. Being confined to the settler state sanctioned space of the reservation is also a form of punishment designed to restrict mobility of indigenous peoples and for containment to aid in their surveillance by the state. The expectation is that they will regulate themselves, as they cannot predict whether they may come in contact with an officer or otherwise be detected.

I have argued red-zone boundary restrictions are an extension of the prison in the public sphere and now I will argue that red-zones are also an extension of the reservation pass system forced on Indigenous peoples for nearly a century of formal use. The pass system on reserves required indigenous people to have permission from the local colonial agent to go off of the reserve and into settler towns and cities, “Canada is founded upon a systematic process of colonization whereby both land and rights to it have been taken by white settlers whereas Indigenous peoples have been relegated to particular spaces [...] making early colonial Canada ‘white space’”(Janzen et al. 2013: 145). This system would then keep too many indigenous women with their perceived hyper-sexuality and loose morals from corrupting white men, and the assumption that indigenous women would go to cities to engage in prostitution (Razack 2002: 130). However, this was only one more way the colonial government embodied in white male colonial agents could control indigenous women’s bodies, their movements, and access to resources.

Indigenous women were closely surveilled and could be disciplined for their “presumed” transgressions⁴⁸, as Indian Affairs was particularly concerned with the campaign to force indigenous peoples to conform to Christian forms of monogamous lifelong marriage (Brownlie 2005: 161).

While the pass system was repealed in 1951, other legal tools have since been implemented to control the movement of indigenous people within Canada and in particular, to remove them from particular spaces and while red-zones are not exclusive to indigenous people:

We are all caught up in one another, we who live in settler societies, and our interrelationships inform all that these societies touch [...] [t]he distinction between ‘Native’ and ‘settler’ informs all power in settler societies and their relations with societies worldwide” (Morgensen 2011: 1).

Thus I argue that any attempt to regulate the movement of people in a settler state is an exertion of colonial power, whether specifically directed at indigenous people or not, as indigenous people are disproportionately affected by the criminal justice system and territorial regulation in Canada (Jeffries & Stenning 2014: 448).

According to OPS, red-zones have not been issued for prostitution-related offences⁴⁹ since the enactment of *The Protection of Communities and Exploited Persons Act* on December 6th, 2014 (J.A. Leblanc, personal communication, January 19th, 2016). However, as the participants in the research in *Chapter Three* note, changes to official OPS policy does not mean a material change in their conduct. While OPS must comply with the new legal conceptualization of sex workers as victims and not criminals and thus no longer have red-zoning as a measure to keep sex workers out of particular areas, sex workers report heavy policing in the same areas they had previously been barred from via red-zoning.

⁴⁸ Such punishments for indigenous women who were presumed to have transgressed Euro-Canadian ideals of sexual morality included having their children taken by the colonial government, denying them their treaty and interest payments, or refusing to grant relief in times of need (Brownlie 2005: 163). This was aimed at indigenous women in particular in order to reinforce patriarchal family structures, despite that many indigenous women were and continued to be providers for their families (Brownlie 2005: 163).

⁴⁹ Red-zone conditions are still commonly issued for drug-related offences.

10. Violence Against Sex Workers in Canada & Missing and Murdered Indigenous Women

The need to control sex workers as a population, and the apathy towards the ongoing violence against sex workers, is deeply connected to the phenomena of Missing and Murdered Indigenous Women in Canada and ongoing processes of colonization. It is also connected to the formidable levels of violence against trans women and feminine identifying folks.

The settler-state of Canada is only now just beginning to address the phenomenon of Missing and Murdered Indigenous Women. While a great deal of attention has been paid to the crimes and trial of Robert Pickton (discussed in more detail in a following section), significantly less attention has been paid to the more than 600⁵⁰ indigenous women missing or murdered across Canada (Janzen 2013: 142). While it is clear that the violence and murders of indigenous women are symptoms of larger systemic projects of colonization and genocide against indigenous nations and are related to more general patriarchal violence against women, it is also important to recognize the relationship between this phenomenon and violence against sex workers. Legal scholar Elaine Craig notes that indigenous women are five to seven times more likely to be killed as a result of violence than non-indigenous women (2014: 3).

10.1 *The Murder of Pamela George*

The indigeneity of missing women and the fact that they (or their remains) are often found in rural areas reinforces the imagining of indigenous people “[...] beyond the pale of civilized society—peripatetic wanderers forever in search of the latest fix with no sense of responsibility” (Jiwani & Young 2006: 898). In her article on the murder of Pamela George anti-racist scholar Sherene Razack draws attention to the pattern of white-settler Canadian men murdering indigenous sex workers:

In the early 1990s, John Crawford, a white man, was convicted of murdering three Aboriginal women—Calinda Waterhen, Shelley Napope, and Eva Taysup. In each case, Crawford and another white friend began by drinking and having sex with the woman in question who was possibly working as a prostitute. The women’s disappearance attracted little attention. When their families reported them missing, police appeared to assume that such women were simply transients on the move (2002: 135).

⁵⁰ A more recent article notes that the RCMP say 1,017 indigenous women were killed between 1980 and 2012, and that NWAC claims it is 4,000 women (Tasker 2016).

This is the rhetoric the RCMP has attempted to deploy in order to avoid properly investigating the disappearances of indigenous women and girls.

The murder of Pamela George is one of the more notorious cases of violence against a person who was both indigenous and was known to engage in sex work. The outcome of her trial bears witness to the fact that sex workers are not treated as innocent victims by the justice system, as Razack notes:

Both the Crown and the defense maintained that the fact that Pamela George was a prostitute was something to be considered in the case. The judge sparked a public furor when he instructed the jury to bear this in mind in their deliberations (2002: 125).

That the Crown, the judge, and the defense instructed the jury that doing sex work should have bearing on whether or not murdering someone and attempting to destroy the evidence without remorse actually constitutes a crime is appalling. However, this rhetoric is perhaps only the verbalization of what is more broadly understood: that sex workers are somehow deserving of any and all violence they experience.

Indeed, Razack highlights this in her analysis:

Ultimately, it was Pamela George's status as a prostitute, hence not as a human being, and her belonging to spaces beyond universal justice, that limited the extent to which the violence done to her body could be recognized and the accused made accountable for it (Razack 2002: 150).

The cultural understanding of sex workers as subhuman is deeply connected to the dehumanization of colonial violence against indigenous peoples, particularly women, feminine, and Two-Spirit people. Indeed, the strategic silences of the media to report on the violence and criminality associated with indigenous communities but not the conditions which influence their lives, such as colonial and neo-colonial conditions in Canada also contribute to the idea that indigenous women and sex workers are deserving of the violence they experience (Jiwani & Young 2006: 899). Sex workers need to be understood not only as part of their indigenous nations, when they are indigenous, but also as part of other local and national communities.

10.2 The RCMP Failure to Apprehend Robert Pickton

Robert Pickton is estimated to have murdered approximately fifty women reported as missing

from the Downtown Eastside of Vancouver, British Columbia from 1997 to 2002 (Craig 2014: 3)⁵¹.

While the trial of Robert Pickton shocked the country, it should not have come as a surprise; Pickton was not exceptional for his violence against women, most of whom were indigenous, and many of whom were sex workers. Pickton was also unexceptional in his targeting and mass murder of sex workers⁵², as research estimates suggest that 35% of homicides of sex workers are the result of serial homicide offenders and that the homicide rate for female prostitutes is 18 times higher than for women of the same age and race overall⁵³ (Quinet 2011: 79). Research also suggests, “from the offender’s perspective and to some extent public perception, a prostitute’s social status (or lack thereof) allows the offender to downplay the death and dehumanize the victim” (Quinet 2011: 80).

While this perspective on the offender is disturbing, it is perhaps even more disturbing of a perception coming from members of the public who are not serial murderers. This discourse was apparent both in what Steven Kummerfield and Alex Ternowetsky (the murderers of Pamela George) and Robert Pickton said, but in the minimal public outrage at violence against sex workers. Craig frames the issue this way, “Sereena Abotsway, Mona Wilson, Andrea Joesbury, Brenda Wolfe, Georgina Papin, Marnie Fey and countless others from the Downtown Eastside were rendered subhuman and disposed of well before they encountered Robert Pickton”(Craig 2014: 6). Poor indigenous and non-indigenous women, both those who participate in sex work and those who do not, are marginalized by the majority of the rest

⁵¹ There are a number of obvious police failures involved regarding the Pickton case. One fact that stands out is that despite Pickton becoming a person of interest to the police in early 2001(Craig 2014: 6), he became a person of interest both long after he began murdering people and long before the RCMP would finally arrest him.

⁵² “The Green River killer” Gary Leon Ridgway, who has the highest number of convictions for serial murder in the United States for murdering 48 women all of whom were sex workers, explicitly said: ‘I picked prostitutes as my victims because I hate most prostitutes and did not want to pay them for sex. I also picked prostitutes as victims because they were easy to pick up without being noticed. I knew they would not be reported missing. I picked prostitutes because I thought I could kill as many of them as I wanted without getting caught’ (in Quinet 2011: 81).

⁵³ Additionally, the workplace homicide rate for female prostitutes is approximately 204 per 100,000, which is staggering when compared to the rate for male taxi driver at 29 per 100,000, which is considered to be a high-risk occupation (Quinet 2011: 79). “Prostitution as an occupation involving sales and service is like other high risk occupations involving working alone, in dangerous areas, at night, and with cash on hand” Quinet 2011: 79).

of society, and are made vulnerable to violence when the violence and their humanity are allowed to go unrecognized.

In 1998 the Vancouver Police Department responded to media reports suggesting a serial killer might be involved in the increasing disappearances of women from 1978 onward, denying that a serial killer might be involved (Jiwani & Young 2006: 897). In addition to the media's correct suspicion that there was a connection between many of the disappearances—indeed a serial killer—there were three dominant narratives in the press regarding the disappearances of women from the Lower Eastside. 1) The inefficiency of the police, which was supported by the missing women's families and friends; 2) the crisis of legitimacy with so little being done that the mayor offered a \$100,000 reward for information regarding their disappearances; and 3) the 1999 *America's Most Wanted* story on the disappearances that focused on the spectacle and speculation of the involvement of a serial killer and reinforced the stereotypical casual explanations of “bad neighborhoods” and particular women's vulnerability to violence (Jiwani & Young 2006: 897). Despite the lack of adequate investigation on the part of the police into the disappearances and murders, “Police reaction and response to the investigation dominated most of this coverage, and their arguments re-inscribed the prevailing view of these women as itinerant workers—always on the move and hence culpable in their murders or disappearances” (Jiwani & Young 2006: 897). Despite some criticism in the media of the lack of adequate investigating or results, the dominant media representations reiterated the cultural narrative that the police were trying to serve and protect and displaced the blame to hold poor, indigenous, and sex working women culpable for their own disappearances and murders, instead of holding the police culpable for being unable to locate them.

When the families or friends of the missing and murdered women were mentioned it was towards the end of news stories which focused on the police investigation, and the stories about healing circles being held near the farm were used to remind readers of the indigeneity of the victims (Jiwani & Young 2005: 906). The friends and families of the victims could not be the focus of media stories because this would neither be a spectacle of the violence nor the vicarious sadism of it. The friends and families of the victims of the women could also not be the focus of the stories because that would be mean representing

the women as not only indigenous and or sex workers, but as people with people who care about them and with communities to which they belong.

Feminist scholars Jiwani and Young note the significance of the fact that Pickton was quickly dubbed “the pig farmer” by the media, despite the fact that the family farm he helped run included a variety of animals and was not a commercial hog farm, “The term ‘pig’ evoked a lexical history and/or imagery that referred to sex workers from the medieval period to the early 20th century [...] once again reinscribing these women as others” (2005: 905). Pickton was also represented in a way that reinforced the notion that only deviant and/or mentally ill men could commit such despicable sexual and violent acts (Jiwani & Young 2005: 905). Indeed, by focusing on Pickton as a deviant *individual* the greater Vancouver and Canadian communities could turn a blind eye to their own complicity in the ongoing processes of settler colonialism and social inequality and poverty produced by free-market capitalism, “Each fact about Pickton combined to create a portrait of purely *individual* deviancy. Ignoring any socio-economic or political factors that could have contributed to these women’s deaths. In other words, Pickton’s excoriation was the community’s pardon” (Sampson 2014: 157). When women go missing for decades without serious media coverage, police coverage, or widespread outrage we, as a national community, are complicit in letting extraordinary violence become the mundane daily reality.

10.3 DNA Database for the Not-Yet-Dead

The DNA of thirty-three missing women was found on Robert Pickton’s farm. He was charged with murdering twenty-six women, and additional charges against him were recommended with respect to several other missing women. Canadian legal scholar Elaine Craig notes that following Pickton’s conviction for murder in only six of these cases, the provincial government of British Columbia conducted a public inquiry into “police failures to investigate the disappearances in a timely manner” (2014: 3-4).

In her chapter in *Selling Sex* activist and scholar Jane Doe discusses Project KARE, an investigational unit of the RCMP created to examine the deaths of several “high risk” missing persons

found in rural areas surrounding the city of Edmonton, Alberta (2013: 187). Project KARE is similar to programs in other jurisdictions which have begun creating data banks in which sex workers can register their DNA, photographs and personal information, as an attempt to “[...] address unsolved and largely uninvestigated murders of women working as prostitutes” (Doe 2013: 187). Project KARE does not attempt to *prevent* violence against or murders of sex workers; it simply collects potential identifiers of bodies while people are still alive. Perhaps if the RCMP and other criminal justice agencies focused more attention and resources on working with sex worker communities to help ensure safer working conditions and access to police when needed, there would be no need for Project Kare. There is an old adage in criminology that it is a better use of resources to investigate where and why bodies are being dumped into the river and floating down stream than to spend all day pulling bodies out down river. It would seem to be a better use of police resources to try to investigate current crimes and missing person reports and to prevent future violence than to focus on identifying the bodies of future victims. By the police assuming sex workers will come to a violent and tragic end they are reinforcing that violence is inherent to sex work and that sex workers are a disposable population, particularly indigenous, trans, and poor women.

11. Conclusion

In this chapter I have traced the history of law as a tool of oppression, particularly with regards to the colonization of the land now called Canada, sex workers lack access to justice within the legal system. Thus how the colonial legal system function an oppressive system that is not the key to social justice. I outlined my reasoning for choosing Ottawa as my analytic site, including the former use of red-zone conditions and the recent serial killer targeting sex workers in the city. I situated the use of red-zones as an extension of the colonial reservation pass-system and made connections between the settler colonial state’s desire and determination to control indigenous women and its desire to control sex workers, and violence against indigenous women and violence against sex workers, particularly where these identities overlap. This chapter explained *The Bedford Decision*, the four major models for the governance of sex

work used worldwide and situated Canada's approach so-called new legal approach via *The Protection of Communities and Exploited Persons Act*.

It is important that sex workers, indigenous peoples and nations be recognized under the protections of human rights via international law and the rights afforded to them under the *Canadian Charter of Rights and Freedoms*. The issue with relying on the institution of law to address systemic inequalities and oppression is that the purpose of the legal system is to uphold the inequalities and apartheid organization of the settler state. The root of our prostitution laws resides in our history of British colonization and rule. Canadian independence in 1867 was not an act of decolonization as it continued genocide against indigenous peoples and failed to grant or recognize indigenous nations' sovereignty. The Canadian government simply stepped into the place of the British and continued to use law to perpetuate social inequity and white supremacy. Special legal protections have more symbolic value as gestures of the state than of addressing material conditions.

When sex workers are governed through special legislation it demarcates them from the general public. By treating sex workers as "vulnerable persons" not covered by legislation intended to protect "communities" it positions sex workers at the margins of society, not only creating barriers to accessing social services—such as was the case with the use of red-zone conditions—but also by signifying that they are a deviant population. Scholars Chris Bruckert and Stacey Hannem note:

There are ample provisions in the Canadian *Criminal Code* to protect *all* citizens from criminal acts, including trafficking in persons, physical assault, sexual assault, forcible confinement, and harassment [...] sex work-specific laws reify symbolic forms of stigma, rendering discrimination and civic exclusion acceptable public reactions to sex workers (2013: 54a).

The issue is not that sex workers are a particularly vulnerable population in need of special legislative protections; their vulnerability to violence is the result of social stigma and marginalization. The issue is that sex workers, and street-based workers in particular, do not have access to legal protection and justice afforded to non-sex working citizens. In order to address violence against sex workers national and local communities need to take responsibility for the sex workers in their communities and contribute to their social inclusion, not expulsion.

Chapter 2: Visual Criminology & An Analysis of the film *London Road*⁵⁴

1. Introduction

In this chapter I will use the 2014 BBC musical film *London Road* as an analytic site to examine how cultural representations of street-based sex workers, like legislation governing prostitution, position sex workers as outside of and in opposition to communities. *London Road* also shows how this positioning of sex workers as outside of and in opposition to communities contributes to violence against sex workers, as the film's story centers on the real-life murders of five street-based sex workers in Ipswich, England in 2006. As socio-legal scholar Ummni Khan notes, "In legal, feminist, and cinematic narratives, disgust with the sexual other has epistemological force: encoded in the body is the knowledge of how to protect itself from harm" (Khan 2014: 201). I argue that cultural representations of crime, particularly within the true-crime genre, are important analytic sites and can be situated within the branch of criminology referred to as "visual criminology." In this chapter I will trace the history of visual criminology to the development of photography and its immediate adoption by police departments, and soon after to the rise of true-crime as a genre in literature, and later in television and film.

Using *London Road* as an analytic site I explore the ethics of the generic and stylistic choices to create the theatrical play that the film is based upon and the film itself in the verbatim style and to make them into musicals. I explore the representations and discourses of prostitutes and prostitution, community, victimology, media, and expertise. I include a close textual reading and analysis of a number of songs from the film to demonstrate the themes discussed.

Finally, in this chapter I discuss film as cultural archive and the politics of self-representation. I use Sarah Lambie's work on the trans archive via the annual Trans Day of Remembrance (2008) to critique popular practices of remembering and representing the murdered of marginalized communities. I

⁵⁴ An earlier version of this chapter was presented at the Communication Graduate Caucus Play/Rewind Conference at Carleton University March 4th & 5th 2016.

use Mirha-Soliel Ross' performance *Yapping Out Loud: Contagious Thoughts of an Unrepentant Whore* (2002) to contrast sex worker self-representation to the representations and discourses of *London Road*. I argue that media self-representation by sex workers, at least in this comparison, is more realistic and attentive to the complex socio-political realities of sex workers.

2. Introduction to Visual Criminology

Returning to my earlier comments in the introduction of this thesis regarding how criminology is popularly understood, both inside and outside of academia, and the radical ways some scholars are taking up the discipline, I would like to discuss visual criminology. Cultural criminologists Ferrell et al. ask, "How, today, can there be a viable criminology that is not also a visual criminology?" (2008: 184). But what is visual criminology? These scholars describe it as such: "At its best, then, visual criminology becomes an essential method in cultural criminology's attempt to account for meaning, situation, and representation, and to confront the harms of injustice and inequality" (Ferrell et al. 2008: 187). Visual criminology is thus a method within the discipline of criminology to understand cultural representations of crime, violence, and justice as part of larger projects of addressing systemic forms of injustice and social inequality. Visual criminology is a marriage between the humanities and social sciences.

I deliberately chose to include an analysis of a popular film representation of the relationships between sex workers, community, violence, from the true-crime genre as I believe it is critical that social sciences take seriously cultural texts as important analytical sites and sources of data. The everyday experience in the contemporary cultural context is saturated with images, including images (and other representations) of crime, and the fluidity of these images from one medium to another has expanded their circulation. When they become part of the collective consciousness they become a fundamental way by which we make sense of crime and control (Ferrell et al. 2008: 184).

2.1 *The History of Visual Criminology*

Traditional social science methods are limited in addressing popular cultural texts. Ferrell et al. argue, “the tradition of social scientific criminology is no foundation on which to build a late modern visual criminology. But there are other foundations. We can usefully turn to the long tradition of documentary photography” (2008: 185). Indeed, visual criminology has its roots in the tradition of photography in criminology and policing.

Eamonn Carrabine traces the history of photography and its use in criminal profiling, documenting of prisoners and crime scenes, and the tensions between photography as a representation of the real and as an artistic method of representation (2014). He notes that this is rooted in the early origins of photography, which moved in two separate directions simultaneously:

The first towards the astonishingly real, and the second, through image manipulation towards the fantastic. The former gives rise to the documentary tradition promising to deliver a visual record of the way things really are, while the latter is bound up with theatre, wonder and illusion (2014: 135).

Thus the complicated politics of representation are revealed, wherein a material representation is not simply the revelation of some truth. When a visual text presents itself as documenting and representing reality while also incorporating the fantastical it can create confusion for the audience as to what is an accurate representation and what elements have been subjected to artistic liberties. It is also important to consider the troubling implication that what is remembered is limited to what can be pictured, “transforming history into an entertaining spectacle, resulting in an extremely partial understanding of the past” (Carrabine 2014: 138).

I argue that this is also true of the true-crime genre of film, in which films are either styled in the genre of documentaries or otherwise adapted to be fantastical, taking substantial liberties with the original source material⁵⁵, such as with *London Road* (2014), which will be analyzed in detail in this chapter.

⁵⁵ The film *Gone Girl* (2014) is another bizarre example of this phenomenon. This film however claims only to be based on the Gillian Flynn novel of the same name. However, it is clear on how the film was marketed via the trailer and the film itself that the film carried the specter of the audience’s memory of the Lacy Peterson murder on Christmas Eve in 2002 and the subsequent drama. It is curious that both *Gone Girl* and *London Road* were released in the same year. I would like to examine this potential trend further in future research.

2.2 Criminology & Photography

In a relatively short time after the invention of photography in the early 1800s, the potential of the camera to identify criminals was realized in the 1840s (Carrabine 2014: 138). As Carrabine notes, however, “it was not until the 1880s that a French bureaucrat, Alphonse Bertillon, devised the techniques that standardized police records and which was quickly adopted, especially in the United States” (2014: 138). Scholarship on 19th century photography highlights the intimate relationship of photography with “the prevailing social, political and scientific ideas of the age and nowhere was this more pronounced than in the burgeoning pseudo-science of physiognomy and phrenology” (Carrabine 2014: 138).

Sir Francis Galton, who is today most well remembered for his involvement in the eugenics movement,⁵⁶ was influential in using photographs and physiognomy to create physical profiles of “criminalistics” characteristics, so that criminality might be rendered legible off of a person’s body (Carrabine 2014: 141). Edward du Cane, the Inspector of Prisons, took the first photographic composites of prisoners, and supplied them to Galton while suggesting he study the images and devise a physiognomic system of identifying criminals⁵⁷ (Carrabine 2014: 141). In 1882, a Paris police clerk by the name of Alphonse Bertillon found a practical use for photographs of criminals,

These formalized images became what we know as ‘mugshots,’ and which Bertillon called ‘speaking likeness,’ but alongside them he also took pictures of various parts of the face and head [...] that makes plain the physiognomic principles informing his system (Carrabine 2014: 141).

However, by the start of the 20th century physiognomy was being replaced by the more efficient and accurate science of fingerprinting for identifying previously arrested criminals (Carrabine 2014: 142).

Bertillon also standardized the *photographie stétérométrique*, the way photographic evidence was gathered at crime scenes, by which the front and side view of the same object is photographed for

⁵⁶ Galton is perhaps secondly remembered for being the cousin of Charles Darwin.

⁵⁷ Galton’s thinking informed the work of Cesare Lombroso regarding his theories that many criminals were atavistic throwbacks to an earlier form in evolution. Havelock Ellis (author of the first medial textbook on homosexuality) also included these photographs in his book *The Criminal* that made Lombroso’s ideas accessible in English to British and American audiences (Carrabine 2014: 141).

documentation (Carrabine 2014: 142). This is also the same style in which police record photos, commonly referred to as mug shots, are photographed.

2.3 Missing & Murdered Mug Shots

While the Lower East Side of Vancouver has over time become a visual spectacle for artists, journalists and researchers alike to document the effects of colonialism, drug use, sex work, and poverty (Sampson 2014: 160), the residents themselves have not been safe from photographic representations of these effects. The victims of Robert Pickton and their relationship to sex work, health problems, and death has been memorialized in the repeated publication of a poster composed of their mug shots (Janzen et al. 2013: 156). And as Jiwani and Young note,

[The] poster circulated by the police and press at the time featured mug shots of the missing women—although photos of some of the women were not available and therefore left blank. Nevertheless, these closed-cropped shots not only reinforced the women’s association with criminality, but also highlighted the Aboriginal heritage of many of the missing women (2006: 898).

I would argue that the purpose of the poster was to re-establish the criminality of the victimized women. If the purpose was to humanize the victims by showing their photos, then “It bears asking why [...] did they continue to reprint these pictures despite the availability of pictures showing life beyond the Downtown Eastside? But then it also bears asking why women would need to be humanized at all” (Janzen et al. 2013: 156). They continued to reprint the mug shots to reinforce the murdered and missing women as deviant, reinforcing the virgin/whore dichotomy and the cultural understanding that women’s sexual deviance can be expected to be met with violent consequences, even that sexual deviation is deserving of violent consequences. Recall in earlier discussions how for sex workers their whole identity is not the complex identity of a person as their occupation becomes their master status, they become reduced to being understood as “just a prostitute”. Lastly, if criminalized people were humanized perhaps more people might question the state-sanctioned violence of the prison industrial complex.

2.4 The True-Crime Genre

During the 18th century true-crime stories were amongst the most popularly sold stories (Lindemann 2008: 131). Like with legal documents, true-crime stories are embedded with political agendas (Lindemann 2008: 132). For example, the Hamburg Syndic Garlieb Sillem composed an analysis of the events surrounding the death of Joseph Visconti. He called it a *Geschichts-Erzählung*, and despite its official character, combined history and theatrical drama to “make its case,” and indeed, Sillem produced it as a stage play (Lindemann 2008: 134-135).

The true crime genre is neither strictly true nor strictly fiction. True crime is a voyeuristic genre that allows the audience to take a voyeuristic position,

The known world of true crime is the observed world—and the knowing and observation of that. Forensic realism takes as a given, then, the compulsion to observation and self-observation that is a precondition of modernity. This means that forensic observation—conditional and counterfactual—is the known world as the scene of the crime, the CNN effect is, in effect, coupled to the CSI one (Seltzer 2008: 14).

True crime allows for a blurring of the real and fantasy world. It can be a site of play between what happened historically, what might have or could have happened, and what the audience then *thinks* happened—whether or not it is reflective of historical fact. Indeed, in some cases “[...] the violence-media complex would read like really bad fiction if it were not the banal and everyday realism of really bad fact” (Seltzer 2008: 15). In a context where shocking and sometimes absurd violence has become routine (or at least routinely appears in the headlines) some news stories read as though they were fiction, and fictionalized stories of violence do not seem so unrealistic.

True crime is also perhaps the only genre in which cliché is both at least somewhat expected and excused by the audience. Cultural understanding and literacy is required in order for the audience to be able to pick up on the clichés relied upon in true crime:

There is no doubt evident enough; the self-evidence, even banality, of true crime is part of the story. If true crime forms a body of more or less mediocre and clichéd words and images, the point not to be missed is that (as everyone knows) the cliché (what everyone knows to be known) is the sense of community at its purest (Seltzer 2008: 15).

Thus, the audience is brought together as a sort of community in that their understanding of the cultural references and tropes being relied upon in a true crime narrative connects them all. This may suggest that the recognition of cliché is part of the pleasure of true crime as a genre and that it is a genre that functions communally. Together they all return to the aftermath and scene of the crime in its (re)representation in the form of a true crime cultural text. However, there are distinctive problems posed by the now generic practice of representing crime images in artistic contexts (Carrabine 2014: 150), such as in the case of *London Road*.

3. Introduction to *London Road*

Canada and the United Kingdom share similar approaches to the governance of sex work in the contemporary period. In both contexts, concerns regarding public nuisance and community have been prioritized over safer working conditions: “Nuisance and community interests have been invoked as tropes within the historical and contemporary governance of sex work in the United Kingdom and, even more prominently, in Canada” (Campbell 2015: 28). This suggests that a return to viewing sex workers as a public nuisance is not unique to Canada, although it is perhaps more explicit in the Canadian context, and that this discourse is able to grow alongside the victim-narratives and moral panic associated with the conflation of sex work with human trafficking⁵⁸.

Given the similarities between British and Canadian socio-legal contexts of sex work and communities and due to its recent release by BBC films, a major film production company, I have selected the film *London Road*⁵⁹ (2015) as an analytic site to analyze representations of sex work and community responses to street-based sex work and violence against sex workers. *London Road* recounts the murders of five female sex workers in the English town of Ipswich in 2006. The film focuses on the

⁵⁸ See Annalee Lepp’s “Repeat Performance? Human Trafficking and the 2010 Vancouver Olympic Games” (2013); Julia Davidson O’Connell’s *Absolving the State: The trafficking-slavery metaphor* (2012); Jane Scoular & Anne Carline’s *A critical account of a ‘creeping neo-abolitionism’: Regulating prostitution in England and Wales* (2014), and Lowman (2004: 147).

⁵⁹ *London Road* first debuted as a stage play in April 2011.

neighborhood community who lived on London Road—the home for ten months of Steven Wright and his place of residence when he was finally caught. The film breaks from traditional true-crime films by relying on original interview transcripts with community members to create a verbatim script that was then turned into a musical.

This chapter will argue that although the film’s purposeful non-representation and lack of focus on the murderer as an attempt to break from the sensationalization of violence is well intentioned, the focus on the residential community as the victim overshadows the women who lost their lives and reinforces a conception of sex workers as not belonging to the community. As with other fictional and non-fictional representations of sex work in the mainstream media the lives and deaths of sex workers become both spectacle and framed as inherently tragic as with other fictional and non-fictional representations of sex work in mainstream media. What is at stake when the “community” is not thought to include the sex workers who work there? What can we extrapolate from the depiction of the residential community as the victims of the serial killer in place of the women whose lives were taken, and their friends, families, and other workers? This chapter will draw connections across the history of representations of crime in order to place the analysis of *London Road* and other true-crime representations in the media within the contemporary field of visual criminology. This chapter will argue that the film’s representation of an opposition between those who are considered to be members of a “community” and sex workers, and of community as the victim of sex workers—despite the recognition of violence against sex workers—reinforces stigma against sex workers and contributes to the violent conditions of their labour.

4. Theoretical Framework

This study borrows from the work of Viviane Namaste, who develops the idea of “oversight” as a way of theorizing the politics of representation. Namaste develops oversight from Marxist theorist Louis Althusser’s concept of overdetermination, which “seeks to understand how the economic influences

social and cultural forces—not in the crude sense of cause and effect, but rather in the complex and even contradictory relations of economic and social forces within particular historical contexts” (2015:2-3). Namaste uses the notion of oversight in two ways: the first to refer to what has been overlooked, unexplored, and remains untold or invisible; the second refers to the ways in “which what appears visible has been overdetermined by specific social, activist, cultural, and economic contexts” (2015: 1-2). This is essential to understanding representations of sex workers as I argue mainstream media is guilty of oversight in both of the described meanings; sex workers are overlooked and unexplored as full and complex human subjects, and representations of the complexity and diversity of people who participate in sex work are largely untold, as they do not fit the dominant stereotypes associated with the deviant whore or tragic sex worker.

The limited representation of sex workers as either the repentant *Pretty Woman* (1990) who has exited the industry and found monogamous matrimonial bliss or the addicted, dying or dead hooker is predetermined by standards of middle-class respectability and persistent cultural belief about the need to control women’s sexuality and labour. While my analysis in this chapter is predominantly focused on cis women sex workers it is critical to note that trans women sex workers have an even more limited representation in mainstream media, and the representations of men in sex work are largely based on comedy à la *Magic Mike* (2012), *Deuce Bigalow: Male Gigolo* (1999), and *The Full Monty* (1997). There is a lack of representations of trans men, gender fluid, and non-binary people in sex work. The focus on cis women in sex work reinforces discourses of prostitution as violence against women, wherein other peoples’ participation in sex work is unthinkable or considered irrelevant.

5. Methodology

The methodology for this chapter was selected based on its appropriateness to visual criminology within the larger school of cultural criminology because it takes a cultural text as the site for analysis and theorizing about how crime and criminality is not understood in a cultural context. Researcher David Altheide has developed the method of “ethnographic content analysis”, an approach that:

[S]ituates textual analysis within ‘the communication of meaning,’ and conceptualized such analysis as a process of ongoing intellectual give and take. Rejecting the myth of content analysis as objective textual measurement, he instead acknowledges the importance of deep involvement with the text, such that the researcher is able to develop a thickly descriptive account of the text in all its complexities of ‘information exchange, format, rhythm, and style’ (Ferrell et al. 2008: 189).

Following this framework, I conducted an in-depth reading not only of the film as a text, but also supplementary texts, including a copy of the shooting script for *London Road* (provided by Cuba Films for this project) and a study guide for the stage production in Toronto (2014).

The methodology included watching and re-watching the film *London Road* (2015) three times: the first time without taking notes, the second time taking detailed notes on the whole film, and the third time taking notes on dialogue, songs, or scenes of particular interest or significance. I used a process of open coding, and then focused on the patterns I saw arising in my notes (van den Hoonaard, D. K. 2012: 119). I then coded a copy of a shooting script for the film for references to prostitution, prostitutes/sex workers or community and related themes such as references to media and expert knowledge such as references to crime statistics. Differences between the shooting script and the final version of the film were minimal and there were not differences significant to the plot or dialogue. The use of both the film and shooting script as analytic sites ensures accuracy of the dialogue in the film⁶⁰.

The document *Study Guide: London Road* (2014) was also consulted in order to better understand how the director wanted the stage play on which the film is based to be understood and the major themes and messages she feels are important for the audience to take away. This document was particularly useful to analyze the ideologies of the story being told and the political perspective being utilized because it was written for elementary and secondary school students. I wanted to be sure that I was not missing an ironic tone in the presentation of the neighborhood community of London Road as the victims of the murder of five sex workers. The murder victims and their families and friends should have (more ethically) been represented as the victims—both the victims of the violence and of community support of

⁶⁰ While the film is in English, the British accents are hard to fully understand at times.

criminalization which contributed to the precarity and made conditions for violence more possible for sex workers in the area.

The film *London Road* was chosen as the analytic site as it is a recent mainstream film about sex work and community in a post-*Bedford decision* (2013) context and in the current context of the internationalization of the Nordic model of sex work. *London Road* is also unique in that it is based on the actual murders of sex workers in a true-crime fashion, but as a musical blurs the distinction between fictional and non-fiction through its sensationalization and purposeful lack of attempt to suspend the disbelief of the audience. This film is exemplary as it is explicitly focused on the themes of community and sex work as is the current legislation in Canada and the United Kingdom and, as I argue in this paper, an example of mainstream media as a machine reproducing moralistic sexual norms and upholding misogynist social norms and normalizing violence against sex workers, and women more broadly.

6. Analysis & Findings

London Road is a film supposedly about community; a film about community members coming together to overcome what they perceive to be unfair stigmatization and reclaim their neighborhood for the enjoyment of the residents. Heralded as “a profoundly moving open hearted film” (The Daily Telegraph), “deeply inventive...bold... life-affirming,” (Dave Calhoun, Time Out) and winner of a number of theatrical awards, it is clear that the film intended to portray the residents of London Road (on whose interview answers the script and songs are based upon verbatim) in a positive-light, that the audience is supposed to be sympathetic to their plight and share in their joy during the final scene of their community garden party.

The film is centered on the murder of seven women⁶¹, at least five of whom were known to be involved in sex work and the subsequent consequences of those affected. However, the dominant

⁶¹ Steven Wright was charged and convicted of five of these seven murders. Little information was available on the other two murders. Both the film and shooting script note seven murders early in the film, and then only five are ever referenced again. This is important as it perpetuates the exclusion of people and events outside of the narrow framing of the particular narrative being expressed in the film. In British sex work researcher Sophie Day’s article

narrative of the film positions residents of London Road as the utmost victims of not only Steven Wright's crimes but also as victims of the women who were murdered and other women engaging in sex work in the area. The deaths of Gemma Adams, Tania Nicol, Anneli Alderton, Annette Nicholls, and Paula Clennell⁶² are presented as not only conventional and inevitable given the work they engaged in, but as convenient for the residents who are *grateful* that those sex workers are gone and other sex workers now avoid the area. The film naturalizes and legitimates dominant legal discourses that sex workers (so-called "exploited persons") are extraneous to the community and that whatever social nuisance they are understood to cause is a more pressing concern than the safety and very lives of sex workers.

6.1 Representations & Discourses on Prostitution & Prostitutes

Although there has recently been an increase in the number of stories and films about sex work, there has not been an equivalent increase in the diversity of narratives being told,

This illustrates what Foucault described as 'a system of rarefaction'. By this he meant that what appears as an infinite array of discursive possibilities is, in fact, a repetitive dearth of choices, heavily restricted by socially determined notions of the acceptability and appropriateness of speech acts [...] That is to say, the amount of recent coverage has not opened up what can be said about sex work or sex workers in the public sphere (Janzen et al. 2013: 144).

This can be perhaps be traced to the perseverance of old morality-laden stories which reinforce patriarchal cultural prescriptions on women's sexuality, and indeed sexuality in general, as needing to be limited to the confines of non-commercial heterosexual life-long monogamous marriage. Or as previously mentioned, the cultural love affair with the hooker with the heart of gold who is both saved and reformed. Perhaps most of all, representations remain limited because non-sex workers produce the majority of representations of sex work and sex workers.

on legislative changes to prostitution laws in the U.K following the Ipswich murders she also only mentions five murders (2009).

⁶² The victims are referred to as Clara Martin, Anna Reynolds, Emily Collingwood, Sonya Farell, and Michelle Simmons in the film; it is unclear why the film chose pseudonyms for the victims in a verbatim film marketed as a truthful representation of events. In a film that ignores the subjectivity of sex workers it seems to only further dehumanize the victims. The names of the victims are easily accessible to the public due to the extensive media coverage.

Given the intense stigma and whorephobia surrounding sex work it should not be surprising that many sex workers are reluctant to be “out” about what they do to make money⁶³ or to publically make counter-claims about the realities of sex work which deviate from dominant discourses and representations. However, some are and are talking back to the stigma surrounding sex work. Bruckert, and other former and current workers in the sex industry who participated in her research, discuss the stigma surrounding sex work and the material consequences of “coming out” or being out” as a sex worker (Bruckert 2012: 55-78). One participant even notes that the non-sex working public largely develop their understanding of sex workers from what they see on television (Bruckert 2012: 58). Thus the limited number of and lack of diversity within representations of sex work in the mainstream media become more significant.

Ummni Khan notes in her book *Vicarious Kinks: S/M in the Socio-Legal Imaginary*:

The popular film industry, like psychiatry and feminism, is a truth-machine, an apparatus that articulates and forms ideology. As such, film is in a dynamic relationship with the social construction of reality that both reflects and produces popular notions of the sexual order (Khan 2014: 117).

Movies then, like laws within the legal apparatus, and interviews within social science research, can be used as texts revealing how reality is constructed and reflecting popular notions of sex work while simultaneously contributing back to the larger discourse. When sex workers are represented as deserving the violence they experience it becomes abundantly clear that “poetic justice is political” (Khan 2014: 117). The purpose of poetic justice is that dominant morals and conceptions of justice and punishment are reinforced.

⁶³ Returning to earlier discussions regarding the identity politics of who can do research and advocacy, the rhetoric that one must be a member of a particular marginalized identity in order to ethically conduct research or activism relies on people being “out” as a member of that identity. Given the intense stigma and precarity sex workers experience it is incredibly problematic that sex workers be compelled to out themselves in order to engage in such work. This is similarly true of trans activists who have been living publically as their gender, and do not wish to have their status as trans known.

6.2 Representations & Discourses of Community

Who is understood as belonging to a community is contentious. The victim/offender dualism in both the British and Canadian governments' positions is reflective of this, "'Community' is configured as simultaneously inclusive of everyone, including sex workers, as well as that which needs to be defended against the perceived dangers posed by sex work" (Wright et al. 2015: 266). This is clear in *London Road* as even though the vast majority of the film focuses on the residents of London Road, sex workers are included in the film, acknowledging at least their marginal connection to the community, whether or not they are understood as truly part of the community. Indeed, it does not appear sex workers were invited to the neighborhood meetings or events, as the only time a sex worker is present within community activists is the final scene of the film, when a solitary sex worker moves virtually unnoticed⁶⁴ through the garden party and silently climbs the water tower to overlook the festivities from a vertical distance.

The issue of community is not only the problem of the films biased understanding of community to predominately mean the residents of London Road and not the sex workers who work there

[...] There's [also] the problem of bias, as well as artistry, too. *London Road* looks at the aftermath of the Ipswich murders almost entirely through their impact on the residents of the ordinary street where the murdered women sold sexual services. [...] But the reason these residents were so happy to chat is because they saw the women as some kind of suburban scourge—feral⁶⁵ and swearing—and like it or not, we see the murder through their uncompassionate eyes (Saville 2015: para. 7).

Blythe did not seem to think through the ethical considerations of focusing on the residents for their retelling of the sex work that occurred in the area or of the Ipswich murders. By relying on the verbatim testimonies of people who regarded the victims and other sex workers as a nuisance to be eliminated and not human beings she gave a platform for people to reinforce the socio-political understanding of sex

⁶⁴ A small child notices the sex worker and gives her a yellow balloon, when the sex worker reached the top of the tower she waves down to the little girl before the girl runs off and the sex worker releases the balloon into the sky.

⁶⁵ In a later section in this chapter I examine Mirha-Soleil Ross's performance *Yapping Out Loud* (2002) as an example of sex worker self-representation which plays with characters, experiences, and draws connections to animal rights activism. Saville's description that community members saw street-based sex workers in animalistic language reiterates the devaluing of human life by comparing it to non-human or animal life, which is understood to be of less importance or value.

workers as sub-human and disposable, that the murder of sex workers can somehow be understood to have positive benefits for the wider *community*.

Poet and activist Audre Lorde reminds us that, “Without community there is no liberation, only the most vulnerable and temporary armistice between an individual and her oppression. But community must not mean a shedding of our differences, nor the pathetic pretense that these differences do not exist” (Lorde 2007: 112). The tragedy of five women being murdered presented an opportunity for the community to truly come together, to recognize sex workers as part of the community and to organize with them in order to protect them from further victimization. Instead, the neighborhood community of London Road agreed to be interviewed for this verbatim spectacle of apathy and violence, that one day they may come to regret participating in, but now is part of the historical archive of true-crime films.

6.3 *Who are the Victims?*

While there is surely an argument to be made that the residents of London Road were the victims of a media invasion following the arrest of Steven Wright this is hardly comparable to loss of life. As was discussed in the previous section, sex workers themselves consistently identify the contradictory nature of ideas of community and the harm that results from them (Wright et al. 2015: 266). When community residents understand sex workers as external to the community it gives them cause to call the police to report both prostitution-related offences, but also nuisance and loitering offences as well.

As Deering describes, “City officials and police generally prefer that sex work be geographically concentrated; usually these areas of concentration are located in undesirable and hidden neighborhoods, unlikely to bother the average resident and easier to manage by law enforcement” (Deering 2012: 21). In turn, this also contributes to sex workers’ vulnerability to sexual and physical violence, and less access to services (Deering 2012: 23). This is related both to the problems associated with criminalizing offences related to prostitution as described in chapter one, how the Canadian model of prostitution governance legally constructs schools and daycares as sites threatened by close proximity to sex work, and is also

related to the use of red-zone boundary restrictions as people are often red-zoned out of residential and other popularly frequented spaces⁶⁶.

When the residents of London Road lay claim to the status of victim it has profound implications on how both the residents understand their role in the tragedy in Ipswich and how the subsequent audience of the spectacle makes sense of the situation. When I refer to the audience of the spectacle, I refer both to the historical/real or otherwise first-person audience which consists of the other neighbors who came to the street to watch the news crews and police cars, watched the original news stories on television or read about them in the paper, participated in town gossip, went to the courthouse and so on; I also refer to the more obvious audience, the viewers of the play and the subsequent film version of *London Road*. Indeed, as Namaste notes: “[An] emphasis on the semiotic, linguistic, and discursive production of subjectivity has profound implications for the names social actors call themselves, as well as the ways in which they can situate themselves in the everyday world (2000: 73). In other words, the residents of London Road understanding themselves as the victims of the tragedy above and in place of the murdered women and their friends and families potentially furthers the residents’ lack of empathy and feelings of social responsibility towards sex workers. It is difficult to theorize whether this contributes to the audience’s lack of empathy or makes room for asking critical questions about the resident’s lack of empathy. Having watched the film with a small number of other people, the film seems to reinforce for the audience the empathy they had for street-based sex workers previous to watching *London Road*, or reinforce that they were a menace to the neighborhood and sympathize with the residents.

Regardless of the claims of the residents of London Road or the opinions of the creative team which produced *London Road*, it is important that the murdered women and their friends and families are understood as the primary victims of the tragedy in Ipswich. This is imperative not only moving forward to ensure future violence against sex workers is not made easier either to commit or to get away with, but out of respect for the humanity of the murdered victims and humanity of sex workers everywhere.

⁶⁶ The zoning of “community” has developed as a key thread in this thesis and I hope to develop it further in future research.

6.4 *The Community v. Sex Workers*

As was discussed earlier, solicitation offences in both Canada and the United Kingdom are rooted in the perception that street-based sex work is a public nuisance (Campbell 2015: 33). Despite the Bedford decision finding that public nuisance cannot take priority over sex workers' safety and lives, legislation continues to be developed which prioritizes "communities" over sex workers, based on the understanding that sex workers are somehow not part of whatever is understood as a community. The dichotomy between communities and sex workers, which is made explicit in the *Protection of Communities and Exploited Persons Act*,

[...] concomitantly advances an understanding of sex workers as at once menacing and victimized. Such a policy approach bears internal incongruence: sex workers are at once menacing and victimized. This embedded dichotomy is commensurate with a neoliberal trend, identified prominently within contemporary British feminist conversations, of setting up ideological binaries about sex work. These binaries imagine individuals as either 'in' or 'out' of the community (Campbell 2015: 33).

One potential explanation of this understanding of the idea that sex workers are outside of and in opposition to communities is the stigma⁶⁷ associated with sex work. As noted by one of the most influential sociologists of the twentieth century Erving Goffman: "By definition, of course, we believe the person with a stigma is not quite human. On this assumption we exercise varieties of discrimination, through which we effectively, if often unthinkingly, reduce his life chances" (1963:5). Thus stigma is something to be avoided, and unfortunately stigma is quite contagious.

Stigma is often compared to a sticky substance; not only can a stigmatized individual not remove the stigma attached to them (at least not very easily) but others who come into too close of proximity to a stigmatized person may become stuck with a piece of stigma—referred to as a courtesy stigma. Sex work is also associated with sticky bodily substances. Bruckert notes that

⁶⁷ It is interesting to note the origin of the word "stigma", which was first used by the Greeks to refer to bodily signs that were supposed to act as a signifier to expose something bad or unusual about the moral status of a person, such as branding to mark someone as a slave or criminal. This was later modified and adopted as Christian stigmata -- being a sign of holy grace, and in medicine with the same term for the bodily physical disorder (Goffman 1963: 1). In this way stigma is in various contexts: a social signifier of deviance or sub-humanness, or a Christian miracle, or a physical medical condition.

[...] sex work differs from other ‘tainted’ jobs [...] Not only is sex work on the margins of legality, and subject to a specifically moral stigma, but the occupational stigma is constructed as a personal attribute so that the implications extend beyond the sphere of work and the label becomes a master status that has permanence across social *space*. It also adheres across *time*—even [...] being an *ex*-sex worker is an identity marker that can be ascribed definitive value [emphasis original] (2012: 58).

She also notes that partners, families, and friends of sex workers are particularly vulnerable to courtesy stigma (2012: 58), which is reflected in the earlier discussion of the misuse of the offence of living on the avails of prostitution (formerly C.C. s.212(1)(j)) to charge people with “pimping,” even in relationships where no exploitation of the sex worker was present.

Stigma also exists beyond individual judgments and interactions at the micro/ interpersonal level. At the structural level, as Hannem and Bruckert note in their book *Stigma Revisited: Implications of the Mark*, “Structural stigma occurs when stigmatic assumptions become embedded in social policies and practices. Through the language of risk, particular groups are identified as ‘dangerous’ (to health, to moral order, to security, etc.), which in turn legitimize myriad forms of surveillance and intervention” (2012: 5). Sex workers are thus a population to be watched, lest they contaminate *civilized society* with their disease and immorality. When sex workers do breach the borders between undesirable spaces and desirable land or communities, attempts are immediately initiated to remove them from the space—sometimes one way or another.

Scholar Kathleen Deering agrees with John Lowman’s observation that community groups wanting to “get rid of” sex work contributes to the social acceptability of violence against sex workers (2012: 23). As if this was not disturbing enough, she also notes that community members are then more likely to understand sex workers as deserving of violence they experience (Deering 2012: 24). This is clear in *London Road* as a number of residents make claims in relief of the sex workers being gone, even if it is the result of serial murders.

While it is clear that sex workers are understood as a threat to communities, there seems to be a lack of interest or discussion about how communities harm sex workers. Wright et al. notes that:

“Denied in these contexts is any sense that the prevailing regulatory climate itself may produce unsafe conditions for sex workers (which was the basis of the Supreme Court ruling striking

down Canada's anti-prostitution laws in the first place), and that harm may indeed flow from community to sex workers, not just the reverse" (2015: 266).

Indeed, as has been previously discussed, community efforts to remove sex workers contribute to harm against sex workers whether that be forcing them to work in unsafe industrial areas away from residential areas with residents to harass them or call the police. Support for legislation that makes the conditions in which sex work is done more precarious also contributes to violence against sex workers.

A study on the factors underlying the selection of prostitute homicide victims in the United Kingdom found several consistent factors:

"[a]vailability; opportunity; expressive motivations (hatred of prostitutes and sexually active women); lack of public interest in the welfare of prostitutes; the secretive, unprotected, isolated, and solitary nature of prostitution work; the location of prostitution in high crime areas; the unwillingness of prostitutes to talk to the police; and complex forensic DNA sampling due to multiple client partners may all contribute to an increased risk of homicide in this population" (Quinet 2011: 82).

The hatred of sex workers (or even sexually active women⁶⁸) and lack of public interest in the welfare of sex workers is clearly related to community apathy and exclusion of sex workers. It seems ironic that the complex DNA sampling of sex workers is a factor, given the existence of projects like KARE as was described earlier, which promotes sex workers giving intimate information and DNA in order to help police identify their bodies. The unwillingness of sex workers to talk to the police should be unsurprising at this point in the discussion, and will be even less so after chapter three.

Finally, the last piece of the discussion of the issues that arise when communities mobilize against sex workers is that, "Every moral panic has consequences on two levels. The target population suffers most, but everyone is affected by the social and legal changes"(Rubin 1999: 163). Thus, when

⁶⁸ This again should evidence the need for non-sex working women to be responsible allies to sex workers as the hatred of sex workers is rooted in the hatred of sexually active women and women who break the bounds of patriarchal understandings of acceptable female sexual practices. Janzen et al. notes that "In constituting street sex workers as a threat to civilized society, we are constantly redrawing boundaries between 'me' and 'Not me. Not that'" (Janzen et al. 2013: 145). In attempts to combat violence against all women—trans and cis, sex working and not, economically dis and advantaged, etc.—politically we need to be trying to break down constructed differences, the boundaries between "me" and "not me," to create an expanded idea of community that is built on accountability and justice.

neighborhood communities rally together to limit the rights and mobility of sex workers they also, however inadvertently, limit their own rights.

7. Physiognomy & Criminal Profiling in Musical Numbers

In *London Road* there are a number of instances in the first part of the film during which characters attempt to theorize who the so-called Ipswich ripper might be. While Carrabine refers to the use of pseudo-sciences in the past to attempt to detect deviance, similar techniques continue to be employed, including in the film. Carrabine reminds us:

Both [phrenology and physiognomy] were used to classify and order the social world into discrete hierarchies and moral groupings. Critically they offered a way of distinguishing between strangers in the crowded spaces of the 19th century city and appealed to a popular enthusiasm for ‘typology’ classification reassuring middle-classes that ‘its convenient generalizations’ could make the dangerous masses ‘seem more familiar.’ Focal points of anxiety gathered around madness, race and sexuality, but crime provided one of the earliest opportunities for the camera to explore these social differences (Carrabine 2014: 139).

The residents of London Road and the surrounding community are presented as not knowing each other well, virtual strangers in a context of great suspicion and distrust. Indeed, the anxiety in the small community is rooted in the perceived madness and sexual nature of the crimes, and as discussed in a following section, xenophobic anxieties over immigration.

7.1 Xenophobia/Anti-immigrant Sentiments

Below is an excerpt from the shooting script for the film in which people are discussing the murders in a local café.

“Stella: “But they do say it was somebody—either a policeman⁶⁹ or a lawyer (beat) or a (beat) priest. This was on the radio! Always utter rubbish on Suffolk Radio. Erm—“

Wayne: “We hoped it was an immigrant (beat) from nish-noff land—“

Graeme: “—And if it is an immigrant there’ll be uproar—“

Wayne: “—And they’ll send the fuckers all back”

Ron looks up from his paper.

Graeme: “Like I—I’m n’, I’m not like that. I mean I’m sure you’re not really like that deep down.

⁶⁹ Noel O’Gara runs a conspiracy website called www.thesuffolkstrangler.com which theorizes that the police were mistaken in their arrest and conviction of Steven Wright and that the murders were actually committed by a police officer named Tom Stevens.

Wayne: I fucking am. (beat). I reckon it's one polish bastard. (beat) We'll fucking have him"
Ron sneers and goes back to his paper" (Blythe & Cork 2014: 15).

In this scene we can see how there is immediate gossip in the small town about who the serial killer might be, starting with what their profession might be. All of the suspected professions are masculine and are jobs that have suspicious social connotations: police for their corruption and violence; lawyers as untrustworthy; and priests (especially in the U.K) are still associated with sexual abuse from the ongoing scandal of the Catholic church covering up the abuse of children by priests. However, the tone in which Stella speaks may also suggest that she is offended at the suggestion that someone working in a representatively traditionally patriarchal position could possibly be a violent criminal.

Graeme rightfully assesses that if the murderer is an immigrant that there will be uproar (and perhaps relief amongst white British citizens). While Graeme and Ron are clearly unhappy with Wayne's comments, neither speaks up in defense of immigrants or against his xenophobia and racism.

7.1.1 *"Everyone is Very Very Nervous"*

"EXT. LONDON ROAD. IPSWICH.—DAY

JULIE carries on up the road. A police car drives past, slowly. JULIE confides with the camera.

JULIE: Everyone is very very nervous, uhm
And very unsure of everything
basically
Everyone is very very nervous, uhm
And very unsure of everything...

She continues walking and we pause on the road sign: LONDON ROAD

JULIE (CONT'D)

JULIE: ... basically

CUT TO:

"EXT. MARKET PLACE. IPSWICH—CONTINUOUS

A large Santa is singing a distorted version of **The Most Wonderful Time of the Year**, rotating on its pedestal.

DODGE, another long time resident of London Road and a window cleaner by trade, walks up and lights a fag. He is a solid looking man in his fifties with a weather beaten face, scruffy hair and an earring. He looks around warily with inquisitive eyes.

DODGE: Everyone is very very nervous and very unsure of everything basically

DODGE looks around the market at the solemn shoppers, various traders, a policemen in florescent jacking handing out leaflets. We see SIMON NEWTON and SEB from SUFFOLK TODAY getting ready for their next live broadcast. The shoppers and market traders are all uneasy.

EVERYONE: Everyone is very very nervous
And very unsure of everything
basically

DODGE reaches the Evening Star stand. The front page reads “**Don’t go out alone” women told.** [sic](Blythe & Cork 2014: 3-4).

The scene continues around the market where a local radio station is handing out personal safety alarms to women. All dialogue is either spoken in a sing-song way or sung. The choreographed chorus made up of shoppers who sing and move in unison is unnatural and seems intended to make the audience uneasy. This is the first song in the film and quickly introduces the audience to the genre of the film and that this is a true crime story presented in a way that does not attempt to convince the audience that this film is anything but a musical version of historically accurate events.

This is also the first scene in which we see a sex worker, as she enters before the last reprise of “Everyone is very very nervous.”

“We become aware of VICKY, who works as a prostitute to fund her drug addiction and whose once pretty face now bears the scars of her desperate lifestyle. She observes the scene from the walkway above the market.

(NB This is a motif; Vicky placing herself above the scene, looking down like the angel of death.)” [sic](Blythe & Cork 2014: 6).

Vicky is the primary sex worker represented, and is never named during the course of the film. The motif noting that Vicky is supposed to look like the angel of death is clear in all of the scenes in which she appears; usually silently moving through scenes unnoticed by other characters and usually positioned high above as though she were watching over the community. This is interesting given that London Road is positioned as not being *her* community and that what is considered her community—other sex workers—have been murdered or displaced, and thus are not there to be watched over, their deaths expected as inevitable.

Referring to Vicky's sex work and drug use as a lifestyle is cliché. Representing her as the angel of death also positions the sex workers who are still alive as occupying a liminal position between the living and the dead which reinforces sex workers as not really living human subjects; it suggests that although she survived Wright that because she is a sex worker that it is only a matter of time before the specter of violence returns.

7.1.2 "It Could be Him"

This is the ear-worm song in *London Road*, almost guaranteed to be stuck in the audience's heads for days after listening to it. "It Could Be Him" follows almost directly after the conversation in the café speculating that the killer is an immigrant.

" SCHOOL GIRL 1 has her cappuccino. She has noticed RON.
SCHOOL GIRL 1: You automatically think it could be him.
SCHOOL GIRL 1 (CONT'D): /That's the scary thing, you know
SCHOOL GIRL 2: Yeah.
SCHOOL GIRL 1: he could be amongst us an loo' walking about with us every day ad we, we don't know./ Which-Like anyone. It
SCHOOL GIRL 2: Yeah.
SCHOOL GIRL 1: could be anyone in here/ for all we know which has now really scared me/
now
SCHOOL GIRL 2: Yeah.
SCHOOL GIRL 1: thinking about it. I'm just gonna like cry. Ha ha ha
SCHOOL GIRL 2: Ha ha ha.

The Christmas lights go on across the ceiling.

[The pace of the song and singing increases]
SCHOOL GIRL 1 (CONT'D): You automatically think: it could be him
Looking over at WAYNE.
SCHOOL GIRL 2: Yeah.
Looking at GRAEME.
BOTH SCHOOL GIRLS: You automatically think it could be him.
SCHOOL GIRL 1: That's the scary thing, that you know that he could be amongst us and look... walking around with us every day and we're..., we don't know.
SCHOOL GIRL 2: Yeah
BOTH SCHOOL GIRLS: We don't know.

Taking in all the men in the café seeing them as potential serial killers, as they slowly walk to the door.

SCHOOL GIRL 1: You automatically think it could be him
SCHOOL GIRL 2: Yeah

BOTH SCHOOL GIRLS: You automatically think it could be him
SCHOOL GIRL 1: Like anyone. It could be anyone in here
SCHOOL GIRL 2: Like anyone. It could be anyone in here
SCHOOL GIRL 1: Like anyone. It could be anyone in here
BOTH SCHOOL GIRLS: Like anyone. It could be anyone in here
SCHOOL GIRL 1: f'rall we know which has/now really scared me now thinking about it. I'm just gonna like cry.
SCHOOL GIRL 2: Ha ha ha ha.
BOTH SCHOOL GIRLS: Ha ha! You automatically think it could be him you automatically think it could be him you automatically think: it could be him. It could be him.

RON leaves, fed up with the girls. The SCHOOL GIRLS follow him.

CUT TO:

EXT. A STREET OFF THE MARKET PLACE. IPSWICH.—DAY

The SCHOOL GIRLS walk through the Christmas Tree area, stalking RON, who buys a christmas tree.

SCHOOL GIRL 1: Erm, well some serial killer, seems to be on the loose! And erm, has sort of attacked prostitutes from in the Ipswich area. And they've bin found dead, naked, in, various different areas surrounding Ipswich. One, ten minutes away from my house, which is slightly scary and it was it was found on the body on the land of a girl that goes to my school, so that's a bit scary.

SCHOOL GIRL 2: Yeah I used to to go out every Friday and Saturday nigh, an I jus' I jus don't go out any more Iss not safe for young girls an' women out in Ipswich any more it's not safe.

SCHOOL GIRL 1: Yeah

SCHOOL GIRL 2: as it used to be. Iss quite scary to know the world's come to this

They have crept closer and closer. Suddenly RON turns up and the two girls shriek and run off into a nearby clothes shop.

CUT TO:

INT. CLOTHES SHOP. A STREET OFF THE MARKET PLACE.—DAY.

The shop is full of male mannequins. LADIES IN SHOP appear between them.

LADIES IN SHOP: You automatically think: it could be him. Yeah. You automatically think: it could be him. Yeah.

SCHOOL GIRL 1: Yeah, like anyone, it could be anyone in here!

SCHOOL GIRL 2: Like anyone, it could be anyone in here

SCHOOL GIRL 1: Like anyone, it could be anyone in here

LADIES IN SHOP: Like anyone, it could be anyone in here

SCHOOL GIRL 1: f'rall we know which has/now really scared me thinking about it. I'm just gonna like cry.

SCHOOL GIRL 2: Ha ha ha ha.

BOTH SCHOOL GIRLS: Ha ha! You automatically think: it could be him. You automatically think: it could be him. It could be him.

The SCHOOL GIRLS come across a partially naked [male] mannequin.

SCHOOL GIRL 1: something like this happens and you realize that there's so much...

The shoplifting alarm goes off because of their fooling with the mannequin. Their already excited mood turns to hysteria.

SCHOOL GIRL 1 (CONT'D): It's so many things that are bad in the world. That's the fire alarm we're all going to die!

They run out as soon as they can in a fit of giggles.

EXT. A PASSAGEWAY OFF THE MARKET PLACE. IPSWICH.—DAY
The girls scurry along hysterically.

BOTH SCHOOL GIRLS: Ha ha ha ha ha ha ha ha ha ha

SCHOOL GIRL 2: But it's exciting!

As they make their way down the street towards the bus stop, a stream of zombie-like men pass by them and their levels of fear and excitement continue to build with every one they see.

SCHOOL GIRL 1: but it's quite exciting cos nothing ever happens in Ipswich This is the first bit of like local scandal we've had

SCHOOL GIRL 2: Yeah. Ha

SCHOOL GIRL 1: Being girls gossip mongers h'we're like it's quite exciting

SCHOOL GIRL 2: Yeah. Yeah

SCHOOL GIRL 1: It's quite exciting, Yeah yeah

SCHOOL GIRL 2: Yeah, yeah, yeah, yeah

SCHOOL GIRL 1: You automatically think: it could be him

SCHOOL GIRL 2: Yeah

The bus wipes the frame

CUT TO:

INT. TOP DECK OF BUS. IPSWICH TOWN CENTRE—CONTINUOUS

The SCHOOL GIRLS make their way up the stairs to the top deck, which is full of young girls. Grahame Cooper sits at the front of the bus, with all the girls behind.

GIRLS ON THE BUS: You automatically think it could be him

BOTH SCHOOL GIRLS: Yeah

SCHOOL GIRL 1: Like anyone it could be anyone in here!

GIRLS ON THE BUS: Like anyone, it could be anyone in here!

SCHOOL GIRL 1: f'rall we know which/has now really scared me now thinking about it. I'm just gonna like cry.

SCHOOL GIRL 2: Ha ha ha ha.

SCHOOL GIRL 1: Ha ha.

The wheels on the bus go round.

SCHOOL GIRL 1 (CONT'D): it could be anyone in here/

SCHOOL GIRL 2: Yeah. Ha ha ha ha

SCHOOL GIRL 1: which has now really scared me now. Just thinking about it! I'm just gonna like cry.

ALL GIRLS: Ha ha! You automatically think: it could be him. You automatically think: it could be him. It could be him.

SCHOOL GIRL 1: You automatically think: it could be him.

SCHOOL GIRL 2: Yeah

The bus stops. GRAHAME COOPER stands up and looks down the bus. The tone changes [becoming more serious].

SCHOOL GIRL 1: You automatically think: it could be him. That's the scary thing, that you know he could be amongst us and look... walking around with us every day and we're..., we don't know.

SCHOOL GIRL 2: Yeah

SCHOOL GIRL 1: We don't know

GRAHAME COOPER: You've got this feeling of suspicious by everybody (beat)—upon everybody else

SCHOOL GIRL 2: Is it him, is it him?

They [the two school girls] turn their attention to out the back window of the bus. They see MARK, a taxi driver, sitting in the driver's seat of the taxi parked behind them.

SCHOOL GIRL 1: Is it him, is it him...? I don't know

SCHOOL GIRL 2: Yeah." [sic] (Blythe & Cork 2014: 16-22).

The girls at times appear as genuinely nervous and perhaps even afraid for their safety in light of the recent murders of sex workers in the small town they live in, but the girls' sexual gaze towards Mark the taxi driver can also be read as a mixing of fear and desire, and the implied danger of their desires which may somehow lead them to sex work themselves. Thus victim blaming becomes extended further to potential-victim blaming. This also reinforces the need to protect children and young adults from sexuality and sexual behavior in order to protect them from violence. This song demonstrates how the spectacle of the tragedy in Ipswich was also a source of entertainment for a least some of the residents.

Foucault reminds us that:

The pleasure that comes of exercising a power that questions, monitors, watches, spies, searches out, palpates, brings to light; and on the other hand, the pleasure that kindles at having to evade this power, flee from it, fool it, or travesty it. The power that lets itself be invaded by the pleasure it is pursuing; and opposite it, power asserting itself in the pleasure of showing off, scandalizing or resisting [...] These attractions, these evasions, these circular incitements have traced around bodies and sexes, not boundaries not to be crossed, but perpetual spirals of power and pleasure (Foucault 1990: 45).

Some of the local townspeople, certainly the two school girls, derive pleasure from the media circus and mystery surrounding who the serial killer murdering sex workers is and what the motive behind their crimes might be. Their concerned parents and guardians who fear for the safety of women closely watch

the schoolgirls and children in Ipswich, however only known sex workers were being murdered. The does not appear to be concern for the safety of sex workers or preventative measures in place to protect them from the known predator, only some sympathy *after* their bodies are discovered violated and murdered.

By running around the market playing at detective the girls are appropriating the power of surveillance of the policing institution. There is cheeky irony in that we do not see active police investigation in the film trying to solve the murders, which provides a site of identification with pleasure in looking for the audience. The police are only part of the story after they have decided to arrest and charge Steven Wright at 79 London Road for the crimes. Indeed, as one journalist highlights:

Before the murders, the Ipswich police had embarked on a series of arrests and crackdowns on prostitution which had forced the women into the London Road area—and, perhaps, encouraged them to rely on murderer Steve Wright as a friend who'd let them use his spare room to see clients (Saville 2015: para. 8).

The police crackdowns on street sex work in the area potentially contributed to the precarity of sex workers in the area, and made trusting Wright more attractive than it otherwise might have been. The police were also questionable in how quickly and effectively they investigated the murders. The only boots on the ground detective work we see is that performed by the girls. Unlike the character Mark in the next song, the girls note that the serial killer could be any (man) in their town, reinforcing that violence—even sexual violence and serial murder—is not committed by monsters or the incurably criminally insane—but real human people who have connections to their communities.

7.1.3 “A Bit of the Shudders”

Immediately following “It Could Be Him” the song “A Bit of the Shudders” begins between Mark (the taxi driver the school girls see) and his fare. This song is between a resident of London Road taking a taxi home from a day of Christmas shopping and discussing the murders of the sex workers, why someone might have done it, and who murdered might be with the taxi driver⁷⁰.

⁷⁰ Hollywood star Tom Hardy was cast as Mark the taxi driver and was a top-billed actor, despite appearing only in this one scene in the film. While the script describes his character as “The driver MARK is impenetrable, slightly sinister-looking” [sic] (Blythe & Cork 2014: 22), the two school girls transition out of their musical number “It

“INT. TAXI. IPSWICH TOWN CENTRE—DAY

The driver MARK is impenetrable, slightly sinister looking. He looks back up at the girls in the back window of the bus as JAN, a London Road resident gets into his cab. She is in her fifties and is fretful.

JAN: London Road please.

As she settles herself and her many shopping bags, she hears the radio. He starts the car and moves off.

KELLY MCCORMACK (ON RADIO): And of course there now, there are reports that the net is closing on potential suspects and er although police won't be drawn on the exact figure it's thought there're around fifty people they're very interested in talking to.

MARK tunes into another station.

[the dialogue become sing-songy]

JAN: It'sa—it's hard to fathom out (beat)—anybody doing it really, isn't it?—wha—what what was their motive behind it? Were there signs of this type of behavior? It just...

MARK: (assured) He's a white male aged between twenty three and forty seven. He'll live in the local area. He would have been fascinated with murders in his younger youth.

Silent Night plays on the radio. MARK looks piercingly in his rear view mirror at JAN.

RADIO: Silent night.

JAN Looks a little unsure of the situation.

MARK: He would have tortures animals growing up till his mid teens as well. Then he'd progress hed've have a number of numerous relationships up until he was about twenty five twenty six. They'll've been failed, he's probably been married, lives on his own but with a partner.

RADIO: All is calm all is bright

MARK: an he'll definitely, definitely, definitely know all the victims apart from one, realistically and that'll a been his one he's mucked upon cos the other ones would have been absolutely fine with going with him and it's probably why 'e strangled her

RADIO: /Round yon virgin mother and child

MARK: Because she panicked

JAN: It'sa—it's hard to fathom it (beat)—anybody doing it really, isn't it?—wha—what what was their motive behind it. It's juss... It's juss

The car slowly passes streetlights, fields, a playground, deserted but for the figures of HAYLEY, VICKY, and SARAH. They are ghostlike.

MARK: I uhm. I, I've studied serial killers since in my mid teens and it doesn't mean I'm wa I am one bur err...

JAN: Oh right.

RADIO: Sleep/in heavenly peace

MARK: Just er, find it interesting. Bu', But as I say y'know just the emphasise it doesn't make me a serial killer so

JAN (CONT'D): Gives me a bit of the shudders—

RADIO: Sleep in/ heavenly peace

JAN: Quite honestly

Could Be Him” by looking down from the bus at him in his cab and looking at him in a way that recognizes Hardy’s attractiveness.

MARK: His failed relationships will be because erm he became violent when he was drunk. Actually he'll be an alcoholic or he'll have trouble with substance abuse as well. and also in the last six weeks actually 'bout the last two—two months approximately he'd have probably quit his job or he'd been off sick or to that effect.

RADIO: Silent night, Holy night

JAN: It's horrifying, isn't it?

RADIO: Silent night

MARK: I uhm. I, I' I've studied serial killers since in my mid teens and it doesn't mean I'm wa I am one but err...

JAN: Oh right.

RADIO: Sleep/ in heavenly peace

MARK: Just er, find it interesting. Bu', But as I say y' know just to emphasise it doesn't make me a serial killer so

JAN (CONT'D): Gives me a bit of the shudders—

RADIO: Sleep in/ heavenly peace

JAN:-- quite honestly

MARK: He er. He'll be in the local pubs. He'll be a bit of a loner. But er tht's spot on who he is. (Beat) I guarantee it.

The car passes a road sign saying LONDON ROAD

RADIO: Holy infant

JAN: It's horrifying isn't it?

RADIO: so tender and mild

MARK: I uhm. I, I' I've studied serial killers since my mid teens and it doesn't mean I'm wa I am one but err...

JAN: Oh right.

RADIO: Sleep/ in heavenly peace

MARK: Just er, find it interesting. Bu', But as I say y' know just to emphasise it doesn't make me a serial killer so

JAN (CONT'D): Gives me a bit of the shudders—

RADIO: Sleep in/ heavenly peace

JAN: --quite honestly

The car stops. JAN quickly gets out, paying him through the window. She shudders as she looks him direct in the eye. He drives off. JAN is left on the pavement with her bags, shaking with fear. She crosses the road, looking after the taxi.

Suddenly a horn jolts her back to reality, and she scuttles off the road as a police car drives back” [sic](Blythe & Cork 2014: 22-26).

Mark exemplifies the most explicit attempt of town residents to profile the serial killer, as well as highlighting how all men in the town are potential suspects. Mark also embodies the man as expert, as he takes it upon himself to speak with authority on the case and serial killers and educate his female passenger.

7.1.4 Abjection, Violence & Bodily Fluids

London Road is successful at highlighting how social reactions to violence are a messy combination of both abjection and horror and of curiosity. Janzen et al. note in their analysis of newspaper reports on missing and murdered women in Canada, that “[t]he violated sexual body and blood are commonly linked in newspaper accounts of sexual violence against street sex workers” (2013: 154). Indeed, while the corpses are never shown in the film (perhaps because the presence of corpses would darken the happy-tone of the film in a way from which it could not so easily recover) their bodies are referred to at multiple points, and an entire scene is devoted to how forensic teams were recovering DNA evidence from the bodies of the murdered victims.

“EXT. LONDON ROAD. IPSWICH.—EVENING

Outside number 79 SEB is rigging up SIMON. The house is still boarded up, however the weeds have been cut back around the door.

Simon Newton: Impossible to report because I can’t use, I use the word semen.

Seb: Can y’not?

Simon Newton: Can’t use the word semen at lunchtime and I can’t use it at six o’clock. I can use it at ten o’clock but I can’t use it before tea time.

Seb: So what do you use/ instead?

Simon Newton; So how the hell/ I don’t know really what I can say

Seb: Ha. Love Juice.

SIMON stands in front of the camera and SEB checks his view through the lense. He readjusts SIMON’S position [sic]

Simon Newton: Bodily fluids. Well that’s just taste reasons cause we, we can’t basically have er, wha-what our editors call a ‘Mummy what’s semen? moment.’ Erm, in the trade, Male bodily fluid, male bodily fluid. Sounds as if he was going round spreading it all over Ipswich.

Seb: Boy juice.

SEB smiles proudly at his joke. SIMON refocuses his mind and gets ready for a take” (Blythe & Cork 2014: 58).

A small detail that would be hardly noticeable in the film is made clear in the shooting script. In the description of the scene in the quoted portion above it notes that Steven Wright’s house is still boarded up, but that the weeds have been cut back from the door. There is a subtle cleaning up of the gardens on London Road, which is symbolic of how the neighborhood community is beginning to heal. It is also

telling that the community healing is largely focused on appealing to middle-class respectability both through the expulsion of sex workers and by beautifying their properties with flowers and ornaments.

The relationship between the media as experts and community members as experts regarding the murders of the five (seven) sex workers, the police investigation, and subsequent arrest and trial of Wright is circular; the community members rely on what they learn from the media and the media largely disseminates what they learn from community members in addition to the limited information provided by the police.

8. Representations & Discourses on the Media

Playwright and film writer of *London Road* both for the stage and film versions, Alecky Blythe, has said in an interview that the performance that is meant to be critical of the media's invasion of London Road and subsequent disturbance of community members. Blythe is critical of the media's representation of London Road as a "red-light district" or area known for street-based sex work and the subsequent contact stigmatization of the residents, as the residents' interview comments reveal as their primary concern. However, as Janzen et al. note, "In their search for controversial topics, the media exploit th[e] hypervisibility [of street sex work], and consequently most media coverage of sex work focuses on street sex work" (2013: 143). Thus Blythe is not above the news media in her selection of the Ipswich tragedy as the central story in her film, she too relies on the controversy and hypervisibility of street sex work.

Is it significant that important information about what is going on in London Road and the trial of Wright is disseminated via the media throughout the film either via characters watching television, listening to the radio, or watching media personalities recording their broadcasts live on the scene? In this way, while the film is critiquing the media take-over of London Road it re-centers the media as a vital tool for disseminating knowledge, keeping people informed, connecting people to the goings on in the community, and as a key strategy for moving the plot forward by updating the audience. In this way, the

film functions as a unique take as a backstage musical, portraying a musical about, disseminating, and consuming news.

Indeed, interviews with community members are framed as though the audience was the interviewer, with participants talking into the camera and with the frame steady even at times cutting off characters' heads when they are out of that framing. The effect of this is positioning the audience as a member of the media implying that the audience is part of producing the narrative of the film itself and as being endowed with the expertise of professional journalism. However, the result ends up being voyeuristic in the one-sidedness of the audience viewing the subjects being interviewed, but unseen by the interviewees because the reality is that the film is pre-recorded at the time of viewing, and the positioning of audience as participating as a reporter is a fantasy.

9. Generic & Stylistic Choices

From the opening scene of *London Road* the audience assumes the position of the camera operator or interviewer for a new media crew. This is clear from the framing of the scenes in the film in which neighborhood residents respond to unheard interview questions while looking in the direction of the camera at the audience. In some scenes the tops of characters' heads are cut off from the frame, as the camera remains steady, not following characters as they move within the framed space of the scene. This technique immediately makes the audience part of the film, not only is the audience watching a reproduction of public violence but they are invited to actively participate, "There is everywhere a doubling of act and observation, such that public violence and mass death are theatre for the living" (Seltzer 2008: 14). In *London Road* public violence as theatre for the living is quite literal, as the story was first a stage play and then a film, and in both cases a verbatim musical.

9.1 Verbatim Theatre

Verbatim theatre is theatrical performance is based on the word-for-word transcripts of

real dialogue performed exactly as they were originally said⁷¹. As Gallagher summarizes, “Verbatim theatre uses the actual words of people, often in direct first-person address or testimonial style, to raise issues relevant to a particular community and to activate broader social engagement” (Gallagher 2012: 28). Key to the use of verbatim theatre techniques in *London Road* is “to raise issues relevant to a particular community and to activate broader social engagement.” For *London Road* and the residents who participated in the interviews with Blythe, the issue is the nuisance of street-based sex work and the contact stigma of sex work occurring in one’s neighborhood community.

It is easy to see the connection between journalism and verbatim theatre, as both create texts via interviews with subjects, and in both cases the texts have the dual task of educating and entertaining the audience. However, theatre journalist Saville notes that in the current British wave of verbatim theatre the playwright-as-journalist is invisible (2015: para. 5). Indeed, this genre of theatre—and perhaps even more so in cinema—can be confusing and uncomfortable for the audience as it is neither quite true-crime documentary nor fictionalized musical, “Verbatim theatre gets around this discomfort by acting as a kind of performative journalism, a powerful way of sucking the audience into the whirling vortex of stories and characters that surround major news events⁷²” (Saville 2015: para. 4). In adopting a performative journalistic approach to retelling and representing the murders in Ipswich, the subsequent trial, and community garden party Blythe chooses to privilege the audience’s entertainment and interest by positioning the audience as the journalist, both replacing her as the journalist and by doing so her responsibility to journalistic ethics.

⁷¹ “Blythe’s use of verbatim is distinctive for its exactness, for retaining every of theses ‘um’ and ‘err’s from her original interviews. In both play and film the actors rehearsed with headsets to exactly replicate their source’s accents and intonation, with a level of perfection congratulated by the original, real voices being played at the piece’s end” (Saville 2015: para. 6).

⁷² American playwright and actress Anna Deavere Smith’s *Fire in the Mirror* based upon the testimonies she gathered and performed herself, from 26 people about the Crown Height Riots in Brooklyn in 1991 was the first big success of verbatim theatre (Saville 2015: para. 4).

9.1.1 Ethical Considerations & Verbatim Theatre/Film

Sex workers have spoken back against the representations in *London Road*. As *exeunt Magazine* journalist Alice Saville notes, during the post show question and answer period:

Cari Mitchell, spokeswoman for the English Collective of Prostitutes stood up. ‘I don’t know where to start,’ she began, but her takedown of the film’s politics was fluent and devastating. As she explained, a majority of women go into sex work to support themselves and their families, rather than to maintain drug addictions, as depicted in *London Road*. Most are mothers. The reason they are forced to work on the streets is the ban on brothels, which rules out safe, collective ways of working [sic] (2015: para. 8).

Indeed, the representation of sex workers as silent specters, drug-addicted, and simultaneously pitied and despised by the residential community, is unoriginal, stereotypical, and insulting to sex workers. The director of *London Road*, Rufus Norris was dismissive in his response to Mitchell, and suggested,

[...] he’d barely considered the politics of a work that allows the story of five murdered woman to be told by the community that desperately wanted them gone. He argued that since the police weren’t allowed to publically comment on their work, it was wrong to expect them to be included. He mentioned some of the families had given their blessing. He suggested that the most important thing, here, was Alecky Blythe’s artistic achievement—even as he used the verbatim nature of the performance as a kind of cloak for her creative autonomy” (Saville 2015: para. 9).

I agree with Saville’s condemnation of the carelessness of Norris and Blythe in creating a cultural text while only being invested in its artistic contribution and failing to consider the ethical implications, particularly its potential impact on the sex worker community in the U.K and beyond. The fact that Norris tries to use the claim that *some* families gave their blessing for the play and the film (which cannot be substantiated without contacting the families to confirm), we can not be sure what the victims themselves would have thought about the production(s) of *London Road* and how both sex workers and the rest of the events were portrayed.

London Road has become a cultural archive as well as a historical one for the tragedy in Ipswich, and how they are remembered after the fact. As Carrabine notes, “The key consequence is that the archive itself becomes the principle institutional apparatus for organizing photographic [or in this case videographic] meaning [...] But the crucial implication is that all archives need to be interpreted, as they are never neutral and are always contradictory in character” (Carrabine 2014: 142). Thus the creators of *London Road* could have perhaps attended more carefully to the fantastical elaboration within both the

play and the film; while the musical elements are clearly artistic license, the focus on the verbatim quality of the script creation suggests to the audience that the story is a true-telling. To return to Carrabine's point, no archive is ever neutral and there are certainly contradictions to be raised between *London Road* and historical fact if the story had been told from an alternative perspective, other than from the position of select residential community members.

Regarding the complex ethics of the archive, I would like to draw on the work of Sarah Lamb in her article "Retelling Racialized Violence, Remaking White Innocence: The Politics of Interlocking Oppressions in Transgender Day of Remembrance" (2008). Lamb acknowledges the crucial role the sister websites of Remembering Our Dead project and the TDOR website have played in raising public awareness regarding the issue of extreme violence against trans and gender-variant people. Lamb is critical of the projects' focus on a single aspect of a person's identity and claiming transphobia as the cause of the violence a victim has experienced (Lamb 2008: 24-25). In particular,

Underlying this article is more than a debate about what version of a story is told, how particular persons are presented, or who is included and excluded—I wish to address a broader concern about what kinds of spaces for resistance narratives of remembrance help create and how those narratives determine the boundaries and possibilities for enacting change (Lamb 2008: 25).

Indeed, narratives as practices of remembering have material effects, which are neither politically neutral or without social consequences (Lamb 2008: 25). Like with social science research, ethical concerns must be addressed when archives are utilized as apparatuses for remembering.

9.2 Musical Numbers

What is perhaps most unusual about *London Road* is that it is a musical. Musicals, such as *London Road*, that integrate musical numbers into common situations and realistic actions are called integrated musicals (Corrigan & White 2004: 308). While since the 1927's *The Jazz Singer*, musicals changed to reflect cultural predicaments (Corrigan & White 2004: 307), the murder of sex workers would seem to be perhaps too dark and serious of a topic to be presented as a musical. Indeed, musicals:

[a]s social markers, musicals are the flip side of melodramas, highlighting the joy of expression rather than the pain of repression [...] both [melodramas and musicals] focus on

personal emotions, but in musicals, song and dance become the longed-for vehicles for the repressed and inexpressible emotions of the melodrama. In musicals, the present easily usurps the past. There are certainly romantic crises, social problems, and physical dangers in the narrative, but in most cases, these obstacles are secondary and any difficulties can be remedied or at least put into perspective by the immediacy of song, music, and dance (Corrigan & White 2004: 307).

While in *London Road* song and dance do act as a vehicle for emotional expression, focusing on the contemporary, and indeed addressing perceived social problems, these obstacles are obscured by the songs, music, and dance instead of being put into perspective via these tools. I argue that by telling the story that at its heart, about the deaths of sex workers, as a cheery feel-good musical about property owners coming together to celebrate the removal of sex workers from their property and surrounding public property (because those who do not own property are not thought to belong in the public sphere anyways, particularly women) completely and purposefully relies on dehumanizing and ignoring the humanity of sex workers in order to portray the community committee as the victims in their place.

Lady Saika of the online blog *Lady Geek Girl*, a sex-positive supporter of sex workers' rights, notes that the portrayal of sex workers in musicals is troubling at best: "As with many other forms of media, prostitution is shown as pretty much the lowest possible rung a woman can reach [...] if you're a sex worker in a musical, odds are you're gonna have a bad time" (2013). Indeed, the sex workers in *London Road* are underrepresented in terms of screen time and shown as addicts who are only engaging in the exchange of sexual services for money in order to continue to buy and use illegal substances. The murder of five sex workers on which the plot centers around while not depicted on screen is only referred to as inevitable, tragic, or convenient for the home-owning residents of London Road.

This is not to say that stories about sex workers' experiences with addiction, drug use, poverty, violence, and survival should not be represented in the media at all. Sex workers have diverse experiences in their work and lives:

And certainly even today there are sex workers whose situations are hard and who are in the profession because of a lack of other options—but I think it's also important that we focus on showing stories about women who are not bowed under the weight of their job. Sex work is a profession just like any other, and although it comes with its risks and downsides, it's not fair to portray it as a purely tragic and negative experience (Saika 2013).

By only representing sex work as tragic and inherently violent the media contributes to the societal understanding of violence against sex workers as normal and unavoidable. When sex workers self-represent or contribute to representations of people in the sex industry more diverse representations become available (Desyllas 2013: 772).

9.3 Fourth Wall Breaks

London Road is also unusual in its use of fourth wall breaks, which are rare in both theatre and film. A fourth wall break is when,

[...]dramatic conventions governing the separation of real and fictional worlds are deliberately violated so that, for example, a character comments on story events in an aside to the audience or an omniscient narrator reports story events directly to the audience as fictional events (Thompson-Jones 2007: 91-92).

While one can argue that the whole film functions as one long fourth wall break as the audience is positioned as a reporter covering the stories being told in the film, there are also a select number of clear and deliberate fourth wall breaks in which a character turns to the camera, outside of the context of an interview, and says something to the audience. What is bizarre about fourth wall breaks as a film technique is that they deliberately interrupt the audiences' willing suspension of disbelief and heighten the awareness of the audience's voyeuristic consumption of the film. However, in *London Road* this willing suspension of disbelief is already threatened during the musical numbers, as people in the "real-world" do not spontaneously break into choreographed song and dance routines⁷³. While fourth wall breaks are conventional in musical theatre, they are unusual in realist and documentary work.

While the positioning of the audience as the interviewer/reporter, as was described earlier in this chapter, in some ways draws in the viewer it creates a tension again between making the scene more real

⁷³ Flash-mobs are the exception to this rule regarding people breaking out into choreographed song and dance in public spaces in real life.

by placing the audience inside the world of *London Road*, while simultaneously making the story itself seem less true. This is described by film scholar Thompson-Jones as,

A shot of a film character narrating directly to the camera could be followed by a series of expositional shots controlled by the character. If the character controlling the image track tells the story as fiction, it is reasonable to assume that he or she is showing us the story as fiction (Thompson-Jones 2007: 93).

From the first scene the character of Julie breaking the fourth wall to speak directly to the audience guides us; she speaks as though explaining the situation/scene to a reporter (as the person who gave the interview her dialogue was lifted verbatim from did). However, by breaking the fourth wall in this way I argue that she unintentionally sets herself up as an unreliable narrator.

10. Solidarity with Sex Workers & the Politics of (Self) Representation

While it is perhaps unsurprising that the mainstream media is rarely the site for radical resistance to dominant discourses, and that “[...] although there has been full coverage of violence against street sex workers, *being the subject* of news is not the same as a *subject being* in the news” (Janzen et al. 2013: 158). Even within *London Road*, “How much more powerful it would have been to let her speak⁷⁴ [the sex worker on the water tower at the conclusion of the film] [...] and to let them film end by commemorating the women who died, not the social cleansing of a suburban street” (Saville 2015: para. 12). By changing the final scene of the film the entire tone of the film could have been redeemed because the over-arching theme of the film would be remembering the impacts of the tragedy (however unevenly) instead of the disturbing reinforcement of sex workers imagined as outside of communities and as disposable lives.

When sex workers speak their own experiences and represent themselves they often create very different narratives in their cultural texts. In her performance art piece *Yapping Out Loud: Contagious*

⁷⁴ The director of the film Rufus Norris explained that many more interviews with sex workers were gathered than were used in the script, but does not elaborate to why more were not included (Saville 2015: para. 12).

Thoughts of an Unrepentant Whore Mirha-Soleil Ross performs a number of monologues talking back to dominant discourses and representations of sex work (2002).

Ross uses the figure of the coyote, not only to draw connections between her sex worker rights and animal rights activism, but also as a nod to the first sex workers' rights organization C.O.Y.O.T.E (Call Off Your Tired Old Ethics) (Salah 2007: 65). Indeed, both in her monologue as "women's sciences graduate student" and cable show host Judy Cuty Q and in her final character of "the Whore Hunter," Ross highlights narratives about how to "deal with" sex workers which draws on comparisons to how animals are controlled (Salah 2007: 65). In the case of Judy, she suggests scaring prostitutes off in the same manner one might try to scare off a bear (Ross 2002). The Whore Hunter, in a much more sinister manner, recalls the first time he shot a prostitute in the same manner a deer hunter might stalk their prey and states that this is "the future of whore management" (Ross 2002; Salah 2007: 66).

In her article on the performance Trish Salah observes that Ross:

Uncovering the ground shared by feminist discourses that purport to rescue prostitutes, 'shame the john campaigns,' and serial murderers of prostitutes, Ross both provides analysis and enacts a theatre in which audience members' affective implication in anti-prostitution attitudes is surfaced. But Ross does not summon this affect in order to dispense with it, a la Aristotelian catharsis; her mobilization of audience discomfort, anxiety, irritation, animosity, shame and/or apprehension is sustained throughout the performance, reconfigured and deployed to keep her audience busy with thinking (2007: 66).

Ross not only performs as a sex worker critically engaging with her audience about discourses around sex work, but she speaks as herself and yet her monologues are not strictly autobiographical, which is significant as transsexuals are often limited to speaking to discourse using an autobiographical narrative (Salah 2007:66; Namaste 2000: 273).

11. Conclusions & Implications

In conclusion, representations of particular populations in mainstream media are powerful tools for creating and upholding dominant narratives and stereotypes. It is important that both the creators and consumers of cultural texts be critical in either their creation or consumption, especially with regards to the ethical implications for those being represented in the text, "Hence, uncritically consuming stories of

horrifying violence against other bodies and other women is indicative of a lack of compassion that threatens our own identities as subjects” (Janzen et al. 2013: 159). This should be particularly true within the true-crime genre, as there are a “[...] particular set of ethical responsibilities images of atrocity bring in more detail, and asking how the power of the camera to capture violent events can be harnessed to challenge political inequalities (Carrabine 2014: 152). While *London Road* harnesses the power of trauma and loss to reinforce the understanding of residents of London Road as the *real* victims—of both the nuisance of street based sex workers and of Steven Wright himself; Ross harnesses the power of trauma to challenge the dominant narratives about sex workers—both their inherent status as victims and that violence is an appropriate and expected way to govern sex workers. The spectacle in *London Road of*: “The division—between members of ‘decent’ society and those who are seen to be a threat to the moral order—reinforces and maintains the stigmatization of sex workers and their location on the margins of society” (Lewis et al. 2013: 201). Cultural texts can reinforce the marginalization of stigmatized populations by relying on whorephobic and stereotypical tropes or can be a force for social change by challenging dominant narratives, and are especially powerful when marginalized populations are given or take control to represent themselves and their own communities.

In the following chapter I present interview data collected from interviews with three former or current self-identified street-based sex workers in Ottawa. The data is interpreted through interpretive phenomenological analysis (IPA) in an attempt to highlight and center how sex workers make sense of sex work as a socio-economic phenomenon, the effects of prostitution laws and policies in the city of Ottawa, and their insights on how to combat the violence and marginalization of sex workers. Self-representation is essential as part of the process of breaking down interlocking systems of oppression. While this chapter (indeed this thesis) is not work of self-representation by a sex worker it attempts to work in solidarity with the sex workers who participated and the communities they belong to.

Chapter 3: Sex work, Community & Research: Conversations with Some Real Experts⁷⁵

1. Introduction

Sex work and prostitution⁷⁶ remain one of the most controversial and polarizing areas of feminist philosophy, theories, and political organizing. Since the feminist sex-wars of the 1970s and '80s, feminists have remained largely polarized on the socio-economic phenomenon of sex work, with a large divide between those who understand sex work as work and those who consider prostitution as violence against women.⁷⁷ This polarization can also be seen in public policy, legal frameworks, feminist and other theorizations, and social science research. While they are not always heard, sex workers are speaking for themselves, despite being pre-determined to be a subaltern group in Canada either via their gender, class, race, stigma, settler colonialism, or accusations of false consciousness.

In keeping with the feminist tradition of centering experiential knowledge (Wolf 1996: 13), this study investigates sex workers' experiences in Ottawa, Canada pre and post *Bedford decision* (2013). Interviews were conducted with three current or former self-identified sex workers. The interviews were analyzed using interpretative phenomenological analysis. IPA focuses on how a participant understands a particular phenomenon in a particular context. This useful in trying to center how sex workers understand their experiences of participating in sex work and related experiences. Major themes that arose include: *violence, law and policy, community, and research*. According to the sex workers in this study *The Protection of Communities and Exploited Persons Act* (2014) has not positively impacted the safety of street-based sex workers in Ottawa nor is it addressing the major contributors for risk of violence

⁷⁵ An earlier version of this chapter was presented at the Gender, Wellbeing, and the Politics of Imagination Conference hosted by Feminist Legal Studies at Queen's University, Kingston on February 27th, 2016.

⁷⁶ In solidarity with sex workers I use "sex workers" where other scholars may use "prostitution" or these two terms interchangeably. While these words attempt to describe the same phenomenon the ideological underpinnings and distinctions between the two are significant. I refer to prostitution laws, as this is the legally recognized terminology.

⁷⁷ The assumption that all sex workers are women ignores the reality that up to 20% of sex workers are men (Hanger et al. 2006:14), as well as often taking a cis-normative and trans-exclusionary understanding of the category of "women". According to the National Transgender Discrimination Survey transfeminine respondents were twice as likely to participate in the sex trade compared to transmasculine respondents (13.1% vs. 7.1%); however, transmasculine respondents still comprised 26.4% of all sex trade participants (Fitzgerald et al.2015: 13).

discussed in the *Bedford decision*. This study suggests that politicians and policymakers are more concerned with punitive policing and protecting communities from nuisance than with the safety of sex workers.

2. Methods

The interviews were conducted in a community center in Ottawa, Canada. The interviews were semi-structured with broad open-ended questions. They lasted approximately half an hour, and were audio recorded. The research question guiding the interviews and the subsequent analysis was: How do sex workers in Ottawa understand and articulate their experiences of phenomena related to sex work particularly with regards to laws, research, communities and policing?

Participants were originally recruited via informational posters on online sex worker websites and social media groups and via a local sex worker rights organization. However, a local harm-reduction organization connected the researcher to the initial participant and afterwards snowballing recruitment was utilized to find the additional two participants. The first three participants to respond to the call for participants and schedule an interview were selected to be interviewed⁷⁸. All participants self-identified as current or former sex workers who had worked in Ottawa and had received boundary restrictions by Ottawa Police Services (OPS).

The recruitment poster named the following participant criteria: 1) that the participant identify as a sex worker or someone who has done sex work in the past; 2) that they or someone they know has experienced boundary restrictions related to being a sex worker or doing sex work; 3) that they identify as Indigenous, Inuit, Métis, and/or hold Canadian citizenship; and 4) that they are over 18 years of age. The recruitment criteria also specified that the participant must be interested in sharing their thoughts and feelings about sex work in Ottawa, feeling a sense of community in Ottawa, and the impacts of red-zone boundary restrictions on sex workers' feelings, relationships, and quality of life. The poster noted that the

⁷⁸ Although it is important to note several additional sex workers were interested in participating, suggesting that there is an interest by at least a number of sex workers inclined to contribute knowledge by participating in research.

research sought to be inclusive and that participation was not limited by gender identity or expression, sexual orientation, Indian status or non-status, identification as a current or former sex worker, and current or previous experiences of red-zone conditions. All participants gave their informed consent, and both the Gender Studies Departmental Ethics Board and Queen's University General Research Ethics Board approved the research.

The research participants chose their own pseudonyms, all participated in street-based sex work in Ottawa and all three were women.⁷⁹ DeeDee self-identified as a First Nations woman, Patty as white, and Candice as mixed race Chinese-white Canadian. All women have a history of substance abuse and addiction with intravenous drugs, but all had stopped using recreational drugs. Two women were no longer actively engaging in sex work: one woman had stopped doing sex work two years before the time of the interview⁸⁰ and the other for approximately one year before the time of the interview. Two of the three women described periods of precarious housing, and the third owns her house. One woman identified as a person with disabilities.

2.1 Data Analysis

The analysis was conducted using interpretative phenomenological analysis (IPA) as described by Pietkiewicz and Smith (2014). The analytical process in IPA is often referred to as a double-hermeneutic as it involves first the participant interpreting their experience to try to make meaning, and then the researcher interpreting that meaning to make sense of their meaning making process, thus trying to understand their experience from the participant's perspective (Pietkiewicz and Smith 2014:8). The focus is on giving full in-depth appreciation to each participant as a case study, and thus sample sizes are quite small, non-random, and homogenous (Pietkiewicz and Smith 2014:9), which is why in this study

⁷⁹ One man who does sex work in Ottawa volunteered to participate but was excluded having had no experiences with the law related to his work or otherwise. Approximately 20% of sex workers are men (Hanger et al. 2006:14) and so while this study made no attempts to be representative, it is interesting that of the 7 people who responded that 14% would be men.

⁸⁰ The participant suggested a correlation between her physical disability and her no longer engaging in sex work, although that was not explicitly stated in the interview.

the number of participants was limited to three. Diane Wolf, in *Feminist dilemmas in fieldwork*, notes that several feminists argue that a phenomenological approach, represented by symbolic interactionism and ethnomethodology, is preferable in part because it is revealing of standpoint (1996: 25). Thus, the methodology attempts to be more transparent of the relationship between the researcher, the participant, and the data.

The researcher transcribed the audio recordings of the interviews verbatim and made note of changes in tone, pauses, laughter, and sarcasm. Transcripts were read over several times while listening to the audio recordings to ensure accuracy. Transcripts were then highlighted for the two major themes of violence and community. Transcripts were then also noted with recurring subthemes theme, which were noted in the right-hand margins, and then compiled in a list under the participant's pseudonym. Major themes were the topics which appeared multiple times in all three interviews, then quotes were sorted into headings and subheadings of these themes. A table was then created of the themes and subthemes based on the most prevalent (see Table 1 below).

2.2 Pre-Understanding and Impact of the Researcher

IPA is a useful methodology to combine with interviewing as it “takes into account the inevitable impact the researcher has on both the collection and analysis of the data” (Svedhem et al. 2013: 340). Thus, questions were framed in a broad and open-ended way, such as “Have you noticed a change in how the police patrol particular neighbourhoods? And if so, which neighbourhoods?” and “What does ‘community’ mean to you?” The interviewer made efforts to allow for participants to answer questions as briefly or as extensively as they wanted, or to not answer particular questions at all. The first priority was to help participants feel comfortable and to acknowledge that many of the stories contained experiences of trauma. Participants were also given a list of contact information for support services in the Ottawa area on the back of their copies of the informed consent form.

3. Results

The themes and subthemes that arose during the analysis are presented in Table 1 and presented in further detail in the sections below.

Table 1 – Interview IPA Themes

Violence	Law & Policy	Community	Research
Personal experiences of violence	Understanding the purpose of law & policy	Communities participants feel they belong to	What sorts of research needs to be done
Friends and loved ones' experiences of violence	Experiences of the effects of law and policy	Sex workers as a community	Who should do this research
Police Violence	Failure of recognition by law & policy	Importance of communities	How this research can attempt to be more ethical
Violence by clients	Rights discourse	Neighbourhood communities as sites of emotional physical/harm	Research for political and social change
Institutional Violence	Suggested changes to law & policy	Neighbourhood communities as site of policy and policy focus	Encouragement for this researcher

3.1 Violence

All participants discussed both personal experiences of violence and mentioned that many other sex workers that they know have also experienced multiple instances of extreme violence. They discussed experiences of violence as being hard to avoid given the legal precarity of sex work both pre-*Bedford* and post-*The Protection of Communities and Exploited Persons Act (2014)*. None of the participants described the violence as being a necessary part of the job. However, all participants suggested policy steps that could be taken to reduce the opportunities for violence and provide workers with an avenue for recourse should violence occur. This study found results comparable to a 2013 study completed in Ottawa by Chris Bruckert and Stacey Hannem based on archival research and twenty-seven interviews with street-based sex workers in Ottawa. Bruckert and Hannem's results suggest that:

stigmatic assumptions regarding sex work are not only interactionally realized but are embedded in social structures and subsequently reflected in institutional policy and practice. [They] submit that the intersection of structural and interpersonal stigma creates the

conditions of possibility for social profiling and ensuing violations of human and civil rights (2013b: 297-298).

The violence experienced by sex workers is partially the by-product of the stigma of sex work, and the lack of access to resources and justice is also related this stigma which is ingrained in institutions such as the police and criminal justice system.

3.1.1 Personal experiences of violence

Two of the three participants spoke candidly about multiple personal experiences of violence from multiple people in various relations to themselves including by clients, pimps, and the police.

Real bad things—I've been burnt, scalded, almost had a curling iron up my tush by [a] pimp, so yeah. (DeeDee)

3.1.2 Friends and loved ones' experiences of violence

Participants not only spoke openly about their many experiences of violence, but also described violence that their friends and loved ones in the sex trade have experienced, as well as the pain of having lost people they cared about to that violence. These shared experiences of violence and knowledge of violence against sex workers across the country and in the United States speaks to a sense of community amongst sex workers in which at least some workers try to look out and care for one another.

“The hardest thing about this is so many of our friends have died and you never know when they're going to die.” (Patty)

“[S]he came across a pig farmer—the one that was killing girls and uh, she ended up with a hammer in the head, and she got away. Now she's got a plate in her head, but still.” (DeeDee)

3.1.3 Police violence

Police violence and harrassment was the most prevelant form of violence discussed by participants. While dominant discourses have been preoccupied with violence against sex workers by clients, this research suggests more attention needs to be directed to the conduct of police regarding sex

workers⁸¹. The harassment and violence included targeting known or perceived sex workers, threats, extortion, and physical assault. None of the participants felt that they could access police services if victimized or in a crisis. All of the participants felt that the attitudes and actions of the police contributed to the barriers and violence experienced by sex workers.

Researcher: “Would you be willing to talk about your interactions with the police [...] and how did these experiences make you feel?”

Well I had, when I was working, 2009-2010 was the worst year. There were these two cops, they were called the enforcers, and let me tell ya—they made our lives a living hell. They, me personally, I’ve seen them do it to many other girls, but me personally I’ll speak for; they would take my purse, they would empty everything, they would break all of my condoms and throw them. They swore at me, everything, they told me they hoped I’d get AIDS ‘cause I was nothing but a little hooker. They broke all of my makeup so I couldn’t wear it, numerous, numerous occasions which means you have to go out and steal because I didn’t have the money to buy more, and I was addicted to drugs that’s why I was prostituting. They physically violated and violently hurt me many many times. They threatened me publically, in front of women and children, they came right up on Sunday morning—Saturday or Sunday morning—saying get out of it, and I was just going to the pharmacy. If I don’t get the fuck out of there they were going to kick me in the cunt so hard I would bleed for a month. I will never forget that, I was so embarrassed. Uhm, on my [...] birthday they came, they knocked on my door and pulled me out of my hour, they took my hands from behind and they pushed my thumb so far back I couldn’t stand the pain, and at the same time the other one was smashin my head in until I started bleeding. They said, uh, happy birthday bitch, fuck off, or something like that. And then they left. (Patty)

It’s really bad because they can do it and nobody, nobody I guess, I don’t know [...] Nobody is willing to take the chance of taking it [...] Like it would be hard because cops, they all stick together. You know what I mean? Say a cop is beating on somebody else, they’re just gonna, they can never take it to court. They’ll never win because they’ve got the other officers to stand by them. (Candice)

When you do challenge a police officer, when you’re back out there it’s hell[...] Because then it’s worse [...] And they do, they make it their point to find you. They come to your house. (Patty)

Researcher: “Do the police make you feel safe?”

Fuck no. (Patty)

They make you more paranoid. (Candice)

No, actually they add to the problem. Or back then [two years ago] they were adding to the problem. (DeeDee)

⁸¹ See “To serve and protect? Structural stigma, social profiling, and the abuse of police power in Ottawa” by Chris Bruckert and Stacey Hannem in Emily van der Meulen, Elya D. Durisin, and Victoria Love (eds.) *Selling sex: Experience, advocacy, and research on sex work in Canada* (pp. 297-313).

Researcher: “Do you feel like you could call the police and be helped if you needed?”

No. (Patty)

No, no. (Candice)

Hell no. Hell no. (DeeDee)

Researcher: “Do you feel like sex workers are targeted by the police and are over-policed? Why or why not?”

Not for our own good, but to try to catch us and to try and stop us. (Patty)

Yeah, yeah. To make themselves look good. (Candice)

Yes. Definitely [...] Because they want some on the side. That’s the way I look at it. (DeeDee)

Researcher: “How do you feel about the term ‘street sweeps,’ which is used by OPS?”

I don’t know if they do them anymore or if they’re even legal anymore, but they used to be hell. Uhm, I got caught up in two or three of them and the last time I had heard that they’re not allowed to take their penis out—no matter what. So I put that theory to the test. This guy drove around, and I’m sure he wouldn’t let me out of the car for close to half an hour, so [he said] ‘just give me a price I’m not gonna take my dick out duh duh duh.’ So I said, ‘listen, how many frickin’ times do I need to say I don’t do anything and there’s no cost to do anything unless you take your penis out and let me touch it. And at this point I’m gonna wrap my mouth right around it first, so you decide.’ After close to half an hour he said ‘get the fuck out of my car bitch.’ I said ‘see you later officer.’ Five minutes later this girl came up to me, she said ‘oh he got you?’ And I said ‘no, he didn’t.’ She said ‘he just finished arresting me, he said there’s [Patty]—I’m gonna go and arrest her.’ I jumped for joy—I’m like, I’m so right on this. (Patty)

There’s a big argument between the police and working girls. The cops are saying no because they still want to get extra cash in their pockets so. (DeeDee)

[...] Male prostitution is even worse than female—the stigmatization, the police harassment, the police brutality. (Patty)

3.1.4 Violence by clients

Only one participant described an incident of violence with a client while working, although all participants acknowledged the vulnerability of street-based sex workers to violence due to stigma, marginalization, lack of access to the justice system, and that this was also negatively impacted by drug addiction. The focus of the participant’s retelling of the incident was on how she had difficulty being believed and receiving recognition for her victimization by the criminal justice system.

I almost died two years ago [...] with a trick. (Patty)

While Patty's retelling of her experience of being raped and almost murdered by a trick while working was both sad and horrifying both to her and to the researcher, what was also disturbing about this story was the media's response to the violence, which was by comparing the violence that happened to her to the garden that was disturbed where the assault took place. It is unsurprising that she believed that the police would not have believed or helped her if there had not been witnesses, when the cultural messages are that her life is somehow worth less because she does sex work.

3.1.5 Institutional Violence

As was discussed in greater detail in chapter two of this thesis the media is a significant institution for producing and influencing the general public's perception of groups of people and social phenomena. As in the film *London Road* (2015), one participant recounted how the media portrayed the story of her brutal sexual assault as being less serious than damaged flowers. It is only when these detrimental and prejudiced representations are called out that the media shows any accountability to the people they are representing.

Two participants also discussed the language of "street sweeps" used by Ottawa Police Services (OPS) to refer to sting operations to target and charge sex workers and their clients. The dehumanizing language used by OPS is revealing of the view of sex workers as sub or non human and not deserving of human dignity or protection under the law. This is exemplified in Patty's second statement below in which she details a brutal experience of being raped and nearly murdered and of the police dismissing the rape and near murder because she was known to be a sex worker. Despite the police being well aware that street-based sex workers are vulnerable to violence they do not acknowledge their responsibility for that violence both as perpetrators and as enablers who refuse to provide justice and protection to sex workers.

They [the newspaper] didn't put all the details. One of the headlines was 'Hooker assaulted, damage to flowerbeds occurred,' allegedly assaulted, something like that. I just think oh my God. I actually got a [formal apology]. – Patty

Well here's a perfect example: I got raped by that guy. I would not have called [the police]. Someone [else] called and he saw it so I had a witness and that's the only reason that, that's the only reason I believe that that guy was found guilty. But a year before that, this guy that had raped me had raped one of my good friends [...] she was pregnant at the time. He threatened to carve the baby outside of her. He brutally raped her, as he did me. I don't believe he was going to throw me out, I believe he was about to kill me. Well, she went to court, to trial, they put both of us together. He was only found guilty of assault. No rape, no nothing. She would have called, which she did—she went to the police station with her DNA and everything. They kept it—thank God—because that's what tied him to uhm, they said, 'well you're just a hooker, it could be anybody.' They didn't even look into it. So why the hell would we call? It doesn't do us any good. (Patty)

Researcher: "How do you feel about the language of 'street sweeps'?"

I think it's pathetic. What are we? Dirt? – Patty

3.2 Law & Policy

The singling out of a specific population through criminal law, especially a population known to be vulnerable to violence and exploitation, needs to be critically examined. As was argued in the first chapter of this thesis, *The Protection of Communities and Exploited Persons Act* (2014) did not keep with the spirit of the Bedford decision (Bruckert 2015). While it has been noted that policy on prostitution is exceedingly difficult to design and sustain (Wagnenaar and Altink 2012), in this researcher's opinion, it would be beneficial to center the knowledge and experiential knowledge of sex workers themselves instead of weighing the opinions of interveners such as scholars, religious and women's rights groups so heavily. Giving more weight to those who would be most directly affected by proposed legislation would be a first step towards a more just approach to governance.

3.2.1 Understanding of the purpose of law & policy

All three participants had a good working knowledge of sex work law and policy, although the current workers and more recently working woman had better knowledge regarding the recent change in law than the woman who had exited the industry before the law came into effect. All three participants were also aware of discrepancies between the stated intended purposes of the laws and policies, how the police enforce them in Ottawa, and their experiences of them as sex workers.

Researcher: “Can you tell me what a red-zone is?”

It’s where you’re not allowed to go. (Candice) and Patty

A red-zone? That’s a bad area. To me, that’s either where the cops are picking ya up or bad dates are hanging. (DeeDee)

Researcher: “Are you familiar with the new prostitution law that came into effect last winter?”

Absolutely. (Patty)

Uhuhm. (Candice)

Researcher: “Do you feel that the Protection of Communities and Exploited Persons Act of 2014 was written to protect sex workers? Why or why not?”

No, it’s endangered them even more. I still worked after the law came out, for the first year, and uh, the cops weren’t as bad I think—they were just gearing up and making their plans and I see it now [...] they’re harassing them, they’re taking them in on breaches [of conditions], they’re making their lives so difficult that they can’t be out there. And what they’re doing is, okay sure it’s okay for the girls to prostitute now but the poor john that is trying to pick you, they swarm them and they surround them and they follow them around and around. Ten, oh more than that, a hundred times more than they used to. They make it impossible. (Patty)

Well I think it was written to protect them, but the cops don’t think so, so like I said it’s a struggle between the two. Like who is right and who is wrong here? It’ll be the same when they legalize weed, like it’s gonna be ‘it’s not legal,’ ‘well yeah it is.’ The government says it is and you’re saying it’s not so, you know. Either way you look at it you’re gonna end up arguing with them, you know. (DeeDee)

Researcher: “According to the Ottawa Police, red-zone haven’t been used for prostitution offences since December 2014 with the new law. Why do you think red-zones conditions were used [previously]?”

So they could stop us from making our money. So the neighbours, so they could appease the neighbourhood. They said, ‘we don’t want that around here,’ but it’s never gonna go away, so what are you actually going to do? (Patty)

Researcher: “Do you think they were used as a form of punishment?”

Yeah. (Candice and Patty)

No, not as a punishment. I think it should be used as a warning, like, especially if you’ve got bad dates out there. You know. If the bad dates are hanging in that area yeah, but not for the working girls. The girls should come and go as they please, do what they—prostitution has been going on for—since before I was born. You know, like Roman days it was legal. You know, so like they should legalize it, but have a house where they can do that, where it’s safe [...] Where it’s safe for them to, to do their tricks and you have nurses on standby and an officer, or even a—some official, some legal official there to make sure no harm is done-- like a parole officer or whatever. You know, somebody that’s, that can do it on their own time more or less, you know. (DeeDee)

3.2.2 Experiences of the effects of law & policy

The participants had all experienced red-zone conditions, which OPS say they have not been enforcing against sex workers since the enactment of *The Protection of Communities and Exploited Persons Act* (Leblanc 2016).

Researcher: Have you ever been red-zoned and can I ask for what offences and where?

No. Well maybe I shouldn't have said that. Years ago, on Rideau, on the Market some guy hollared how much did I charge, and I was drinking and at the time I wasn't working—I was out having a good time—and I hollared 'aw for you a hundred dollars,' and the cops came and arrested me for the purpose of communication for a prostitute, and they told me to never go into the Market again. Of course I still do, that's like years ago. (DeeDee)

Trespassing [...] It's the only way they can get you to go to jail kind of thing [...] I've only been red-zoned going into an apartment building and uh, Ottawa security stopping you 'cause they're idiots and uh, just going in to see your friend and they don't want you there so they find you and kick you out. (Candice)

For me it was, I've been red-zoned for drug trafficking, I've been red-zoned for prostitution, I've been red-zoned for breaches, they like to red-zone around here [...] I've been red-zoned almost the whole city, except for one side of Montreal Road. (Patty)

Researcher: "How did being told not to enter a particular space make you feel?"

Pissed. Defiant a lot. (Patty)

Yeah, especially if you're homeless, and soup kitchens, they'll tell you you're not allowed to go. Well how can you stop a homeless person from going to a soup kitchen to eat, if they're not allowed to go there? Like, I mean. (Candice)

Well to me, it didn't bother me. 'Cause you know I don't go down there, but I'm the type to tell someone 'eff you.' You know, I go where I want, it's my land, I'll go where I please, you know. (DeeDee)

Red-zones, you know what else should be on here is the communication bans. The communication laws against people. They know you don't know anybody else other than other workers, other girls, or other people who use drugs, so they'll say no communication with anybody else with a criminal record. How do you do that? [...] They're just as bad if not worse than red-zones. They're hell. (Patty)

Researcher: "Have you noticed a change with how the police interact with sex workers since the new law of last December?"

Yeah now they laugh—they literally laugh at you. Big smile, 'How's it going? How's business?' And they, they make it impossible and if they see you, they'll go after anyone who tries to stop for you. It's making us have to hide. I'm not personally right now because I'm not working anymore, but they—the girls have to go on the darker streets, way less safe, where they don't

have protection, lights, or the protection of anyone to hear them if they need help. It's endangering their lives, it's doing that. (Patty)

3.2.3 Failure of recognition by law & policy

While it was encouraging that all three participants had access to harm reduction tools like condoms and clean needles, participants felt like their health needs were only mostly being met and only somewhat being listened to in terms of policy decisions. Poverty and access to housing and food is of particular concern.

Yeah, especially if you're homeless, and the soup kitchens, they tell you [the courts and the police] you aren't allowed to go. Well how can you stop a homeless person from going to a soup kitchen and eat, if they're not allowed to go there? You know? [...] And if you, you're damned if you do and damned if you don't. Like, I mean, you go to a soup kitchen to eat and they come along and they [the police] find out you're not allowed there and I don't understand how they can do that. (Candice)

Researcher: "Do you feel like sex workers have their voices heard in policy and political conversations locally in Ottawa, but also nationally?"

No, but it's starting. (Patty)

No, we never did, but it's starting now. People are starting to listen. (Candice)

Yes, I do. If you have an open ear yeah, but some people they just turn their heads, you know. Like, they don't want to hear it. (DeeDee)

Researcher: "Do you feel that sex workers have a voice in health care and have their health care needs adequately met? Why or why not?"

[...] Any sex trade worker I know doesn't really go to the hospital or anything. I think if it's a disease—if you caught a disease or you're pregnant from a trick, I think they treat you with a decent amount of respect. From what I've heard, I've never personally. (Patty)

I wouldn't say totally met, but pretty close yeah. (DeeDee)

Researcher: "Do you have access to harm reduction resources, like clean needles or condoms if you needed them?"

Yes. (Patty and DeeDee)

Researcher: "Do you have access to stable housing? And has your housing ever been affected by your interactions with the law?"

Oh yeah. Absolutely. Right now it's stable.... We'll go with stable. Uhm, but no, in the past because of my drug addiction and prostitution I lost housing over it. (Patty)

Yeah and it's getting harder to uh, to find places because of that. Like jobs, nowadays you have to have a grade twelve diploma or you can't have a criminal record to get a job. So, like, how do you expect people to get out and get a job if you can't even get one because you've got a criminal record? (Candice)

3.2.4 Rights discourse

All three participants expressed their commitments to investing their time and energy in volunteer work to help other current and former drug users or sex workers. Two participants were particularly vocal about the importance of working together and taking care of other people participating in sex work and working to gain rights for everyone.

You stand up for your rights. (Candice)

And the rights of others. All women who choose to do this [sex work]. (Patty)

The participants' commitments to social justice and community work is not surprising given the long history of many sex workers' involvement in activism and carework. From Sylvia Rivera and other trans sex workers at Stonewall in 1969 and those who did solidarity work with the LGBTQ community during the AIDS crisis (Chateauvert 2013: 8-20; 83-117), to contemporary sex worker rights' movement organizations like POWER, sex workers have not only been fighting for their human and labour rights but for the rights and safety of others.

3.2.5 Suggested changes to law and policy

All participants had ideas about changes to prostitution law and policies that would benefit sex workers. One participant in particular proposed a model that would function similarly to Vancouver's InSite clinics for drug users as part of a harm reduction strategy that could potentially appeal to proponents of both legalizing and decriminalizing sex work.

I think, I think we need people in society, in the police and in the government, they need to start thinking of sex trade workers as being normal people; because we are just normal people. We're different, but we're normal. I think that's where we should start with. That's what I have to say. (Patty)

[...] You know, so like they should legalize it, but have a house where they can do that, where it's safe [...] Where it's safe for them to, to do their tricks and you have nurses on standby and an officer, or even a—some official, some legal official there to make sure no harm is done-- like a parole officer or whatever. You know, somebody that's, that can do it on their own time more or less, you know. (DeeDee)

3.3 Community

As was explored in the previous chapter, the “community” element of the *Protection of Communities and Exploited Persons Act* is not thought of as including sex workers. Two of the three participants reflected on this. The third participant did not experience harassment or negative reactions from community members but stated that she did not feel she looked like a sex worker and was careful to be discreet while working to avoid unwanted attention.

Researcher: “What does community mean to you? It's kind of a philosophical question.”

It is kind of philosophical. Uhm, it's taken on a bit of a different meaning for me now. But I was a sex trade worker for about thirty years, twenty seven anyways, it meant the people against me; the people that called the cops; the people who threw things at me; the people who said ‘get the fuck off my corner.’ (Patty)

Community is the whole area, the whole city. That's my community. (DeeDee)

3.3.1 *Communities participants feel they belong to*

All of the participants discussed ways that they are active in their local communities and that this was an important part of their lives and identities.

Researcher: “What is your favourite thing to do in Ottawa?”

Relax. (Candice)

Now? Now my favourite thing would be...It used to be to do drugs, now its more to have fellowship with women at my church. (Patty)

I have prostitution [on my criminal record]—I have nothing, no violence against children on my police record. At my church I want to help out with the Sunday school and I don't know if that's possible because I have prostitution on my criminal record and it requires a criminal record check. Now what the hell does that have to do with looking after kids or having love in your heart? But yet it's there [...] People assume it's so much more than it actually is. (Patty)

Actually my favourite thing to do is cook for [local health and harm reduction program]. I cook once a month and then I go to [another community health organization] and I do my thing there. I cook over there, help out, try to help out the other drug addicts and everything because an ex-drug addict myself [...] I love to cook for people [...] I like to go out and in my chair [...] So I like to drive around and check everything out. I like the scenery, to see what's new, what's going on [...] Winter I can't go too far because of the chair, it gets stuck in the snow and stuff. Spring, I love spring the most of all—the colours are coming out, everything. You know, like new life.
(DeeDee)

3.3.2 Sex workers as a community

All of the participants expressed the idea that they felt they belonged to a sex worker community. Participants stated that it was important that sex workers look out for one another, which for one participant included not lowering prices so that other workers have to lower their own to compete. This is significant as, “some [people] feel that ‘communities’ acting through social movements have more symbolic meaning than families” (Agustin 2007: 76). Ties between sex workers are important in their symbolic value of creating a community and for the compassion and support between some sex workers⁸².

Researcher: “Do you feel you belong to a sex worker community?”

Yes [...] That's why I continue to do the work that I'm doing. I'm out—I don't do the actual prostitution—but I'm out there giving them what they need and saying 'be safe.' (Patty)

Of course [...] You're not going to judge them [...] You're not gonna walk up to them and tell them what they're doing is wrong, and you know, you're going to stand up for them. I wish somebody was like that with me when I was doing it, you know? (Candice)

Yes . (DeeDee)

Well now they're [tricks] really getting cheap 'cause most of the girls are, the ones that are doing drugs, like doing tricks for five bucks that's breaking, you know, breaks the bank for other girls. Like, it makes it hard. (DeeDee)

⁸² I do not want to romanticize the relationships that some sex workers may have with each other, nor suggest that all sex workers are politically engaged. It is important to note that although trans women have a relative competitive edge given the ratio of trans sex workers to clients compared to cis workers to clients, cis sex workers sometimes feel intimidated or jealous of trans sex workers and can be exclusionary and transphobic as a result (Fletcher 2013: 70-71).

3.3.3 Importance of communities

The responses from participants suggest that community is a complex concept for sex workers, with multiple meanings. The participants seemed aware of the duality of the word in relation to sex work as demonstrated in the *Protection of Communities and Exploited Persons Act* (2014), i.e. that “community” in some contexts means home-owners and residents and excludes sex workers even when they overlap in these categories. The participants also understood the people they choose to spend time with and do volunteer and solidarity work with as their community, whether that was via harm reduction programs, church, or friendships with other workers. They also suggest that a sense of community and connection amongst workers and in their area is important to their lives and identities. All participants commented on a sense of community and connection amongst workers and in their area and that this is important to their lives and identities.

All participants also said that they feel part of the Ottawa community. This was particularly significant considering two of the three participants described harassment both from OPS and neighbourhood residents. All three participants discussed the difficulties of being economically marginalized in Ottawa and two specifically noted difficulty accessing social services due to stigma and criminalization. While there is seemingly a contradiction between some of the experiences expressed by the participants with other social actors in Ottawa and their sense of feeling that they are indeed a part of a larger Ottawa community, it speaks to the disparate understanding of community between at least some sex workers and non-sex working neighbourhood residents.

For trans women in particular, sex work can be not only a source of necessary income in a capitalist society, but also a community (Fletcher 2013: 66). Many trans people face workplace discrimination and transphobia and there remains an absence of anti-discrimination laws and policies addressing gender identity, precarious employment, and job security (Fletcher 2013: 66). Trans sex worker advocate and former worker Tor Fletcher writes: “The sex industry, itself set up on the margins, provides many trans people, primarily trans women, a platform from which to make a living as well as a place to find community among others who live outside of society’s mainstream” (Fletcher 2013: 67).

While conducting interviews with sex workers in the Maritimes, Jeffrey and MacDonald interviewed participants who echoed this point, that one's identity as transgender and the associated stigma can be a barrier to straight jobs, a barrier that is often not present in sex work (2006: 37-38).

3.3.4 Neighbourhood communities as a site of emotional/physical harm

Researcher: "Do you feel like you belong to the community where you work or used to work?"

No! I still don't. I'm ready to go in on the community meetings though and stand up before them—and I don't care what they throw at me, rotten tomatoes or eggs—and I'm gonna say what I need to say. (Patty)

Yes. (DeeDee)

Researcher: "Have you had interactions with community members in the neighbourhood where you work or used to work?"

Well, other than being thrown on and spit at—I've told them to fuck off. Sometimes I'll just be mad and say 'yeah, your husband was really fucking good last night,' or 'how do you deal with such a little dick?' Because you know, you get tired. (Patty)

I just consider who it's coming from. (Candice)

There's times, you know, because the drug addiction went along with the prostitution and every time—you've been up for two or three days and your abusive boyfriend at home is making you go out or you just need to because you need more drugs and he needs more drugs, or he smoked all your drugs—and you have to be there and you don't want to be there, and you'll get somebody from the community saying some really ignorant rude stuff to you [...] you just get tired. (Patty)

Yes [...] friendly. (DeeDee)

Researcher: "How did that impact your work?"

Tired. You don't really wanna be out there doing it yourself [...] frustrated and angry and you still have to put that smile on your face and try to look sexy for them or nobody's gonna pick you up next time (Patty)

No, they never... I'm not the type to make it look like I'm a working girl. I just, if I'm out there I'll just be looking and I'll just nod, a little wink over towards where to go and that's it. I'd never let anybody know what I was doing. Very private. (DeeDee)

3.3.5 Neighbourhood communities as a site of policy and police focus

NIMBY and community/neighborhood organizations can have significant impacts on how street-based sex work is policed and interactions between residents and sex workers, as was discussed in the

previous chapter. In their research on mapping violence and policing as environmental-structural barriers to health services and syringe availability among substance-using women in street-level sex work in

Vancouver Shannon et al found:

[...] understanding the role of place, both physical setting and social meanings attached to place, have important policy and intervention implications [...] enhanced surveillance and police crackdowns have been shown to deter access to syringe exchange programs and displace drug users to outlying areas, resulting in a redistribution of harm (2008: 141).

While increased police presence in neighborhood communities may feel reassuring to some members, the surveillance and resulting increased criminalization contribute to the harms experienced by street-based sex workers. Increased policing does not eliminate or reduce drug use or sex work, it simply disperses it to other, often more secluded and vulnerable, areas. NIMBYism often simply pushes it from one backyard to another, as it were.

As was discussed in the previous chapters with regards to the *Protection of Communities and Exploited Persons Act* and *London Road*, neighborhood communities are primary sites of policy and police focus. While police are seen to be serving and protecting the community when they are called into particular neighborhood communities at particular residents' request, they often fail to either serve or protect the sex workers in that community. As Campbell notes:

The notion of 'community' within law and policy discourses that pertain to sex work is largely heuristic and rhetorical. It is invoked to conjure a social and political space where propositions can be introduced, developed, tested and disputed. Accessibility to this space, though, depends on citizenship; ideas have purchase within a community when advanced by its constituents (2015: 37).

Thus there is an uneven access to power and to being understood as a community member⁸³. This dichotomy within the understanding of "community member" reflects larger hierarchical systems of both national and sexual citizenships, and understandings of who belongs to spaces. Khan notes "[t]he community of normalcy recognizes itself through the rejection of the sexual other and through its fortification of the boundaries around sexual citizenship" (Khan 2014: 20). Thus the community is

⁸³ Simultaneously there is often unequal access to what is public property by sex workers as compared to neighborhood residents.

considered to include only the *normals*⁸⁴, that is, non-sex workers or at least those not perceived to be sex workers, those perceived to be good tax-paying, home-owning, heterosexual or homonormative couples and families.

3.4 Research

All three participants expressed that they had participated in other research before on a variety of topics and all participants expressed their belief that research for social change is an important tool for convincing non-sex workers and government officials to change their approach to governing sex work.

3.4.1 What sorts of research needs to be done

Researcher: “What sort of research needs to be done in the future to benefit sex workers?”

I think more stuff like this, but more in-depth and it needs to be done by sex trade workers, or women who were sex trade workers, or still are part-time or full-time even. But [they] are really need to do it and put their stories and their life and their heart on those pages for the world to see, for the communities to see, for the MPs to see. (Patty)

3.4.2 Who should do this research

This question was included to address concerns of some other feminist scholars that research on vulnerable populations should only be done by insiders to the group. While this researcher attempts to be accountable to the population with which she conducts research she is not a sex worker⁸⁵. Many marginalized communities, including sex workers, are wary of academic and/or outsider researchers given the history of and continued prevalence of “exploitative research methods and ulterior motives” (van der Meulen 2011: 372).

Researcher: “Did you wonder if I was a sex worker before agreeing to participate in this research?”

⁸⁴ Goffman refers those without stigma, “[...] and those who do not depart negatively from the particular expectations” as the *normals* (Goffman 1963: 5).

⁸⁵ The researcher submitted her research proposal and ethics approval to POWER and filled out their questionnaire regarding the research proposed. The organization subsequently circulated the call for participants to folks who might have interest in participating in the study.

No, I don't think you ever were a sex worker. It doesn't come across. (Patty)

No, not if you're going to college. (Candice)

No, I know people who are putting themselves through university as a sex worker. Are you? Have you been? (Patty)

No because you don't look like one. And I don't look like one either, but, no. It never entered my mind. (DeeDee)

Researcher: "No. Does it matter to you that I'm not a sex worker?"

Absolutely not. (Patty)

No, no. (Candice)

Hell no. It doesn't bother me at all because you know not everybody does it, but sooner or later some do, some don't. Uhm, how can I put that, I don't judge. Okay, and nobody should judge me for what i have or have not done. Yeah, I don't judge you, you don't judge me—that's the way I look at it. (DeeDee)

3.4.3 How this research can be more ethical

As was discussed in earlier chapters, I wanted to conduct this research as ethically as possible. Being aware of the distrust of many sex workers of researchers⁸⁶ (and rightfully so given the long history of both unethical and unhelpful research) I wanted to ask my participants directly for their thoughts on how outsiders can conduct research on sex work more ethically and research that is useful to sex workers as a community.

While there is an obvious self-selection bias given that the participants had already agreed to participate in this research, it was reassuring that the participants were supportive of research even when conducted by an outsider, as long as the end goal was attempting to align with improving the socio-legal context in which sex work is currently operating under in Canada, and especially in Ottawa.

Researcher: "How do you think non-sex worker researchers who do research on sex work can more ethically conduct their research?"

⁸⁶ I had decided very early on in this research that if I had trouble finding interested participants that I would not conduct empirical research, as my assumption would be that people who met the criteria did not think the proposed project was useful or interesting.

By doing exactly what you're doing. (Patty)

Yeah. (Candice)

By talking to sex trade workers. By having an open mind and an open heart. (Patty)

They should have it more often. (Candice)

I think you guys are doing a damn good job now as it is, you don't need to change. (DeeDee)

Just keep doing what you're doing now. As for better, I don't think there is a way of doing it better, unless you can think of extra, different words to come out on your research. I don't think there is. (DeeDee)

3.4.4 Research for political and social change

All of the participants expressed belief in the value of research for social and political change.

This will be discussed further in the conclusion of this thesis.

Researcher: "Do you think there is a role for research in social change?"

Oh yeah. I think this is the tip of the iceberg. I think so much more needs to be done and it needs to be brought to the police, to the government, to the communities and it needs to be—sex workers need to have equal rights and protection. (Patty)

A role? Yeah. (DeeDee)

3.4.5 Encouragement for this researcher

Researcher: "Is there anything you would like to ask me? Because I'm asking a lot of questions."

Yeah. How interested are you in this? And is this just for your thesis? Or do you plan on going on for[ward] with work like this? [...] It's every little step, right—that brings us in the right direction. We can't expect what we need and what we want over night. (Patty)

You know I take one step at a time. Start with baby steps. (Candice)

You know what kinds of research I'm thinking might be helpful for people to understand sex trade workers is their upraising—how they became a sex trade worker—and then maybe people could—because people are seeing them as a profession not as a person right? So see the person as a person. How did, you know? You wanna know how a brain surgeon became a brain surgeon—that interests you—how did you live? Who are your parents? You know? Why not a sex trade worker? Why? Because it's not your lifestyle? Because it's not what you want your children to grow up to be? But there's many people's children who grow up to be that, male and female. (Patty)

Uh, one thing is have I ever been abused [...] You should ask questions about pimps, how they are with their girls, this and that. Have they ever had to come across jumping out of cars or having to run from knives and stuff, yeah. I've had to. So it should be questions like that. I had a [redacted] that was out west, she came across a pig farmer—the one that was killing girls and uh, she ended up with a hammer in the head, and she got away. Now she's got a plate in her head, but still. Questions like what girls should think and how they should prepare themselves and stuff like that you know [...] Don't be shocked though when you hear some other things. You know, you'll hear a lot. So don't be shocked. Just go with the flow, 'cause you will hear some bad things. Real bad things—I've been burnt, scalded, almost had a curling iron up my tush by [a] pimp, so yeah. A lot of things, so don't get squeamish over what you hear. Be brave. That's all I can say, you've gotta be brave. (DeeDee)

4. Discussion

This study reveals that being a street-based sex worker in Ottawa might mean experiencing high levels of violence by a number of actors, including clients, neighbourhood residents, and the police. This research suggests interviewing sex workers to study how they understand the phenomena related to their work is both a more ethical approach to understanding sex work by allowing the participants to help direct the questions asked via the semi-structured approach, one which highlights issues and topics which may have been overlooked by an outsider researcher, and which recognizes the legitimacy of sex workers' own experiences compared to only recognizing the professional authority of legal actors, scholars, and other interested groups⁸⁷. The participants in this study highlighted police violence and neglect to protect and serve sex workers in Ottawa, which needs to be addressed to ensure the respect of their rights and as a starting point to addressing violence against sex workers. This study also suggests that drug use may be common among street-based sex workers in Canada's capital region, although this sample is too small and nonrandom to be statistically representative. Sex workers are part of not only a larger sex worker community, but are part of neighbourhood, city and national communities as well.

⁸⁷ Such as feminists and religious organizations.

4.1 How Politicians and Policymakers Can Address Violence Against Sex Workers

Politicians and policymakers can help address violence against sex workers by acknowledging the human rights of people working in the sex industry. During a Canadian senate committee meeting on legal and constitutional affairs conservative to examine Bill C-36 Senator Donald Plett said “[*O*ff course we don’t want to make life safe for prostitutes we want to do away with prostitution. That is the intent of the bill” [emphasis mine] (Senate Committee 2014). While Senator Plett’s blunt honesty is somewhat preferable to synthetic sympathy or false explanations of the purpose of the Bill, his blatant disregard for human life and safety is deplorable. Allowing violence and murder to physically remove sex workers, street-based sex workers in particular⁸⁸, is not a solution to the issues surrounding street-based sex work. Violence and death is not a solution to public nuisance or to poverty. Addressing the social and economic conditions which contribute to the stigmatization and marginalization of sex work is the only realistic way to reduce the violence and precarity associated with street-based sex work. Finally, asking current and former sex workers about their experiences and for their opinions on how to create better social services, support systems, policies for ensuring safer working conditions, respecting sex worker autonomy, and building better relationships with the police is essential.

Hedrik Wagenaar and Sietske Altink convincingly argue that policy for how to deal with prostitution, as a social phenomenon, is less developed than other areas of policy because it is entrapped within morality politics (2012: 279). Wagenaar and Altink somewhat less convincingly suggest four conditions under which effective and “humane” forms of policy making can be accomplished: First “an awareness among elected officials, administrators, and all other actors that prostitution policy is in the grip of fierce ideological debate,” (2012: 290) and that this causes resistance to social science research to the contrary of ideological based beliefs. Second, “the creation of a stable body of well-trained, experienced administrators who specialized in prostitution policy,” (2012: 290) and while the authors note

⁸⁸ While street-based sex work accounts for 5-20% of the sex industry street-based workers experience significantly higher rates of violence and between 1985 and 2013 experienced 93% of prostitution charges laid (Bruckert 2015: 1, Lowman 2014).

that it takes a long time for administrators to gain the trust of sex workers, fail to explain what other training or qualifications these administrators would have or need. The third condition for humane prostitution policy making is the need for an international body of empirical research (2012: 290). Fourth and finally, they claim “it is imperative that we allow relevant groups, sex workers in the first place, but also clients, proprietors and residents of prostitution areas, to participate in the design and implementation of policy measures”(2012: 290).

Indeed, politicians, lobbyists, activists, researchers, and moral crusaders need to acknowledge that policy and lawmaking regarding sex work is deeply rooted in morality politics, and this must be acknowledged in order for social science research to be given due weight in contributing to decisions of governance. I am wary of creating trained experts on sex work who do not have experiential knowledge of the sex trade, as this does not interrupt a problematic tradition of listening to “experts” in place of sex workers themselves. To the third point, sex work and sex workers are an over-studied population and much empirical research is already available. Their fourth point is the most important; in order to produce just policy on sex work the voices of sex workers must be centered, and the voices of their clients heard as well. While business owners and neighbors have a right to give input, the safety of sex workers must be given priority over personal morality or economic concerns in order for policies to be considered just. If laws and policies cannot recognize the humanity of the population they seek to govern and control than it is impossible for them to be accountable and just.

4.2 Limits and Advantages

When using IPA both the participants’ and the researchers’ interpretations of phenomena are taken into account when performing the analysis; “the IPA study is a dynamic process with the active role of the researcher who influences the extent to which they get access to the participant’s experience and how, through interpretive activity, they make sense of the subject’s personal world”(Pietkiewicz and Smith 2014:8).

There may be a certain amount of selection bias due to not randomly selecting participants and thus, individuals willing to participate in this study may have differing opinions than those unwilling to participate. These interviews are not meant to be representative of all sex workers' experiences but seek to provide one venue for sex workers voices to be heard in conjunction with academic theories. Due to the geographically-centered nature of this research in Ottawa, Ontario and its focus specifically on sex work, similar studies would have to be done with minor adjustments in order to replicate results in other localities or with other similarly criminalized or otherwise marginalized populations.

5. Conclusion

In conclusion, this study has sought to highlight and analyze the experiences of three current and former sex workers in Ottawa, Canada both regarding their experiences before the *Bedford* decision (2013) and following the subsequent enacting of the *Protection of Communities and Exploited Persons Act* (2014) after the previous prostitution laws were determined to be unconstitutionally violating the rights of sex workers in a way that was not in accordance with the fundamental principles of justice. In-depth interviews with each of the three participants were analyzed using IPA in order to discern their own understandings of their experiences as well as the interpretation of their understandings by the researcher. While sex workers are an overresearched population and many sex workers are speaking their own truths about their experiences, other interest groups and so-called experts from academia are too often the voices heard in law and policy conversations. This research offered an opportunity for sex workers to discuss their experiences and their opinions about how to better address violence against street-based sex workers in Canada and to highlight how the *Protection of Communities and Exploited Persons Act* is not focused on the safety of sex workers nor is it improving their safety or access to justice.

Conclusion

In this thesis I have used two distinct analytical sites to argue that when sex workers are positioned in law and media to be outside of and in opposition to communities this contributes to violence against sex workers. I have also used empirical research via interviews conducted with three former and current sex workers in Ottawa who agree that this positioning of sex workers contributes to violence against and further social marginalization of sex workers. The research participants and I have shown how sex workers have experiential knowledge to contribute to political and policy conversations and decisions about the future of the governance of sex work in Canada, and elsewhere.

As I have both discussed and hopefully proven by producing this thesis, social science is a valuable tool for social change. While recognizing the long history of sciences—both social and natural—being used to commit violence and supporting systems of oppression, there is the possibility for critical social science research. Namaste explains:

Scholars interested in the development of theory that is pertinent to the members of a given population are faced with an enormous challenge. First, their work needs to adequately describe how the individuals under investigation are situated in the world, as well as how they make sense of this location. Second, such theory needs to move beyond a mere description of a particular population, to a critical examination of how the life experiences of these people are shaped and ordered through specific social, cultural, economic, and historical relations. Third, theory needs to be explicitly linked to social practice [...] The production of knowledge both describes and legitimates the world (2000: 28).

I both agree with Namaste's conditions for critical social science research and have attempted to apply them in creating this work. I have located how sex workers are positioned in the world throughout this thesis, and in the third chapter used Interpretive Phenomenological Analysis to understand how sex workers themselves make sense of their location. I have attended to the material conditions that produce sex work at the margins of local and national communities. I have linked these theories to social practice by calling for solidarity with sex worker organizing for decriminalizing and de-stigmatizing sexual labour and fighting for both the human and labour rights of sex workers everywhere—rights not rescue!

The *Bedford decision* was not only an important moment in my life for understanding community and for finding a home for my activist and research passions, it was a significant Supreme Court decision

for its precedence setting within constitutional law as was discussed in chapter one. *Bedford* was also significant for how social science research is now understood in Canadian courts. As Stewart notes:

Bedford was an unusual case because extensive social science evidence was led at first instance and was the basis for some very specific factual findings. Justice Himel considered ‘[o]ver 25,000 pages of evidence in 88 volumes,’ comprising of affidavits of applicants and affidavits of numerous experts ‘accompanied by a large volume of studies, reports, newspaper articles, legislation, Hansard, and many other documents (Stewart 2015: 281).

It was on the basis of this evidence that Justice Himel made the finding of legislative fact that, sex workers, particularly street-based sex workers are at high risk of being the victims of physical violence, but that this risk could be reduced by taking measures such as, “[...] working indoors, hiring staff (including driving and security), taking time to screen clients, and using monitoring equipment.” (Stewart 2015: 281). What is even more striking is that, “*The Supreme Court of Canada not only accepted these findings of legislative fact, but also held that they were entitled to the same degree of deference as findings of adjudicative fact*” [emphasis mine] (Stewart 2015: 282). This means that social science research now has greater impact on constitutional decision-making in future cases. This new significant weight afforded to research should serve as a reminder to social science researchers that their research needs to be held to the highest methodological and ethical standards, and that how others could take up the results of research must always be considered before, during, and after a research project—particularly how it may affect the community related to the study as it may end up being relied upon as expert evidence in Supreme Court decision making.

2. Summary & Future Research

In this thesis I have prefaced this research by explaining my history and interest in sex work and sex workers’ rights, in feminism, and in research. I have located both my positionality and my politics within broader systems, histories, and movements. While I agree with Tor Fletcher’s assertion that “Laws do not change attitudes and cannot legislate against stigma, exclusion and transphobia” (2013: 67), I contend that legislative changes to ensure laws do not contribute to harm against marginalized populations, including trans people and sex workers, is a necessary step in ensuring the safety of both

populations. This thesis has not taken the liberal approach of arguing for more legislative protections because indeed the law cannot change attitudes or remove stigma; however, removing legislation that targets sex workers as inherent victims, as outside of and in opposition to “communities” is a step towards ending institutional and social stigma. Grass roots sex worker and allied activism remains a hopeful space for removing the stigma surrounding sex work and changing social attitudes⁸⁹.

The first chapter addressed the colonial history of the settler state of Canada, the history of laws utilized to surveil and control the movements and sexualized actions of indigenous women and the relationship of these laws to historical and contemporary prostitution laws. I have outlined the four major models for the governance of prostitution from prohibition to decriminalization, and the new “Canadian model.” This chapter discussed the significance of the *Bedford decision* by the Supreme Court of Canada in 2013 and the specific Criminal Code sections *Charter challenged* in the case. The details of the *Protection of Communities and Exploited Persons Act* that was subsequently passed in 2014 were discussed, as well as its failure to address the issues raised in *Bedford* regarding legislation that makes sex workers more vulnerable to violence, and the constitutional issues which may see this legislation challenged in the future. Some of the most notorious murder cases against sex workers in Canada, including the murder of Pamela George and the as-many-as 59 victims of Robert Pickton, were highlighted in discussion of the targeting of sex workers for violence and death and the lack of public surprise or empathy. The police focus on identifying bodies instead of protecting sex workers from violence was also critiqued.

The second chapter traces the history of visual criminology, the development of the use of photography in policing and crime scene evidence, and the rise of the true-crime genre of novels and later

⁸⁹ I choose to be more optimistic than Janzen et al. who are adamant that “[t]he public *is* educated and still we choose not to act” (Janzen et al. 2013: 147). While Janzen believes that people are aware of the social and legal conditions facing sex workers and choose not to help in productive ways, I contend that the dominant discourses of sex workers as victims in need of rescue and of non-sex workers speaking for and over sex workers contributes to the general public’s apathy to and support of recent prostitution legislation. In my experience, most people are willing to engage and learn more about the complex socio-legal situation of sex work in Canada and elsewhere.

in film. The 2015 film *London Road* served as an analytical site for examining how violence against sex workers is represented when adopted in mainstream film. The ethics of verbatim theatre, and in this case film, as well as other generic choices were critiqued for their spectacularization of violence against sex workers and reinforcing the dichotomy of community versus sex workers, and community as the victims of sex workers—even when sex workers are the victims of serial murders. The physiognomy and criminal profiling employed in a number of musical numbers, such as the coffee shop folks discussion of the profession and country of origin of the killer, the “mansplaining” taxi driver, and the two young girls suspicious of all of the men in town and delight at playing at detective together, the celebration of community in *London Road* comes when grief and remembrance from a community might otherwise be expected. Popular film as cultural archive and the politics of remembering were examined in this chapter. Finally, a comparison of representations of sex workers and community was conducted between *London Road* and Mirha-Soleil Ross’ *Yapping Out Loud* which highlighted the differences that appear when sex workers speak for themselves through film performances.

The third chapter consisted of interviews conducted with three current and former sex workers in Ottawa, Canada during the winter of 2016. The interviews were semi-structured in-depth interviews, which were audio recorded and transcribed by the researcher. The transcripts were coded using the clinical psychology method of interpretative phenomenological analysis to discern the participants’ understanding of the phenomena related to their experiences as sex workers, such as interactions with the Ottawa police, neighborhood residents, and red-zone conditions, as well as violence and community. This method was chosen as it centers the words and experiences of the participant and allows the researcher to frame and interpret the participants’ own interpretations of their experiences. While sex workers are a highly researched and discussed population in the media and in politics, sex workers voices and experiences are too rarely given the weight they deserve given that legislation on sex work first and foremost affects their lives and livelihoods and they have experiential knowledge of how to address violence against sex workers and other conditions which make their work more precarious than it needs to be.

I hope to build upon this research during my doctoral research in Law and Legal Studies at Carleton University this fall. I am interested in conducting a discourse analysis of legislation to critically examine three pieces of Canadian legislation that explicitly name “community” in their title: the Safe Streets and Communities Act (2012), the Protection of Communities and Exploited Persons Act (2014), and the Respect for Communities Act (2015). I will further make use of Foucault’s concepts of biopower and governmentality (2010; 2007) I will argue that the omnibus nature of all three pieces of legislation, their use of “community” in the title, and the discourse used highlights how the state seeks to control particular bodies, as well as who is seen to embody an acceptable community member locally, and nationally as a citizen. Following Gayle Rubin’s argument that a radical approach to sex will focus on the political stakes of sexual oppression and the ways certain behaviors are deemed natural or unnatural, and allocated or denied privileges and affirmation respectively (in Khan 2014: 104), I hope to draw on the historical and contemporary allyship between sex worker and queer communities in particular to intersectionally examine these three pieces of legislations’ impact on sexually marginalized communities. In her book my future doctoral supervisor Ummni Khan notes “The courts, of course wield the ultimate power of expulsion, as sadomasochists [or as I argue sex workers] can be evicted from the public sphere through a jail sentence, allowing law to reconstitute societal identity in opposition to those who practice non-normative sexuality” (Khan 2014: 23-24). I am interested in thinking through how law constitutes identity in opposition to Others, particularly in Canada, which popularly relies on being “not the United States.”

I would also like to conduct interviews with grass-roots sex worker activist community members and discourse analysis of their counter-discourse to government narratives. I will examine specific organizations based on their having a public profile organized around evaluating state discourses, most likely Prostitutes of Ottawa-Gatineau Work Educate Resist (POWER), Maggie’s Toronto Sex Worker Action Project, and Stella, l’aime de Maime in Montréal. I hope to show how sex worker organizations model critical discourse analysis of the state by analyzing their publically available counter-discourses on

sex work, and that they are aware that their experiences and stories are being manipulated or discounted when they exist outside of or in contradiction to the narratives that the state demands.

I feel privileged and grateful for the opportunity to be conducting graduate level research⁹⁰. I am particularly grateful for my interview participants for taking the time to speak with me about their experiences, for trusting me, and in one particular case seeking to build connection (or dare I say *community*) with me. While this thesis is unlikely to have any influential impact on the laws and policies governing sex work in Canada, it is my hope that in some small way it contributes to available literature that highlights the ways in which the current legislation, and indeed legal system, is built on ongoing systems of colonialism and oppression. While I have never done sex work, in some limited ways I can empathize or *identify with* the struggles of sex workers, as a bisexual working class woman I am stigmatized for my sexual practices and class location, and experienced fear and violence because of both my gender and my sexuality. My politics and my research stand in solidarity with my sisters in sex work. While I do not believe the way community is mobilized by law contributes to justice, I do believe that research for social change that is accountable to communities and serves their needs brings people together, and together we can build a socially just community.

Finally, I would like to end with a quote written in part by my first mentor in sex work activism and research, as a reminder that: “Stigmatized individuals may not scatter their texts with the words of Foucault and Goffman, but that does not mean they do not have profound and deeply insightful understanding of stigma. Nor does it mean they cannot speak the truth to power” (Hannem & Bruckert 2012: 2). I have argued that the separation of sex workers from “communities” contributes to violence against them, and this includes not only physical and psychological violence, but also epistemological violence. I have attempted to conduct this research ethically and to contribute to the work already being done by sex workers and other allied activists to fight for the human and labour rights of sex workers and

⁹⁰ As the first person in my family to attend university, graduate research was not something that I even really dreamed of until halfway through my undergraduate studies.

an end to the oppression of and violence against marginalized members of all understandings of “community”.

References

- Agustin, L. M. (2007). *Sex at the margins: Migration, labour markets and the rescue industry*. New York: Zed Books.
- Anderson, B. (2006). *Imagined communities: Reflections on the origin and spread of nationalism*. New York: Verso.
- Anderson, S. A. (2002). Prostitution and sexual autonomy: Making sense of the prohibition of prostitution. *Ethics*, 112(4), 748-780.
- Asch, M. (2002). From *terra nullius* to affirmation: Reconciling aboriginal rights with the Canadian constitution. *Canadian Journal of Law and Society*, 17(2), 23-39.
- Bedford, T. J. (2011). *Dominatrix on trial: Bedford vs. Canada*. Bloomington, IN: iUniverse.
- Bill C-36, *Protection of Communities and Exploited Persons Act*, 2nd sess., 41st Parl., 2014. *Criminal Code*, RSC 1985, c C-46.
- Bittle, S. (2013). "Still punishing to 'protect': Youth prostitution law and policy reform" in Emily van der Meulen, Elya D. Durisin, and Victoria Love (eds.) *Selling sex: Experience, advocacy, and research on sex work in Canada*. Toronto: UBC Press, pp. 279-296.
- Beyer, G. (2003, June 11). Prostitution reform bill—in committee. Retrieved from:
http://www.parliament.nz/en-nz/pb/debates/debates/speeches/47HansS_20030611_00001073/beyer-georgina-prostitution-reform-bill—in-committee
- Blythe, A., and Cork, A. (2014). *London road* (shooting script, pp. 1-98). London: Cuba Pictures.
- Brownlie, R. J. (2005). "Intimate surveillance: Indian affairs, colonization and the regulation of Aboriginal women's sexuality" in Katie Pickles and Myra Rutherdale (eds.) *Contact zones: Aboriginal and settler women in Canada's colonial past*. Toronto: UBC Press, pp. 160-178.
- Bruckert, C. (2012). "The mark of 'disreputable' labour: Workin' it: Sex workers negotiate stigma" in Stacey Hannem & Chris Bruckert (eds.). *Stigma revisited: Implications of the mark*. Ottawa: University of Ottawa Press, pp.55-78.

- Bruckert, C. (2015). Protection of Communities and Exploited Persons Act: Misogynistic law making in action. *Canadian Journal of Law and Society*, 30(1), 1-3.
- Bruckert, C, and Hannem, S. (2013a). Rethinking the prostitution debates: Transcending structural stigma in systemic responses to sex work. *Canadian Journal of Law and Society*, 28(1), 43-63.
- Bruckert, C, and Hannem, S. (2013b). "To serve and protect? Structural stigma, social profiling, and the abuse of police power in Ottawa" in Emily van der Meulen, Elya D. Durisin, and Victoria Love (eds.) *Selling sex: Experience, advocacy, and research on sex work in Canada*. Toronto: UBC Press, pp. 297-313.
- Bruckert, C. & Law, T. (2013). Beyond pimps, procurers, and parasites: Mapping third parties in the incall/outcall sex industry. *Rethinking in the Adult and Sex Industry Project*.
- Campbell, A. (2015). Sex work's governance: Stuff and nuisance. *Feminist Legal Studies*, 23(1), 27-45.
- Campbell, C. M. (2015). Popular punitivism: Finding a balance between the politics, presentation, and fear of crime. *Sociology Compass*, 9(3), 180-195.
- Canada (Attorney General) v. Bedford, 2013 SCC 72, [2013] 3 S.C.R 1101.
- Carrabine, E. (2014). Seeing things: Violence, voyeurism and the camera. *Theoretical Criminology*, 18(2), 134-158.
- Cattaneo, P. (Director). (1997) *The full monty* [Motion picture]. United Kingdom: Fox Searchlight.
- CBC News. (2016, February 26). Men arrested in daytime john sweep in Vanier, police say. Retrieved from: <http://www.cbc.ca/beta/news/canada/ottawa/vanier-john-sweep-prostitution-afternoon-1.3465811>
- Chateauvert, M. (2013). *Sex workers unite: A history of the movement from Stonewall to SlutWalk*. Boston: Beacon Press.
- Chiricos, T., Welch, K., & Gertz, M. (2004). Racial Typification of crime and support for punitive measures. *Criminology*, 42(2), 359-389.
- Craig, E. (2014). Person(s) of interest and missing women: legal abandonment in the Downtown Eastside. *McGill Law Journal*, 60(1), 1-41.

- Corrigan, T., & White, P. (2004). *The film experience: An introduction*. Boston, MA: Bedford/ St. Martin's.
- Davidson, J. O. Absolving the state: The trafficking-slavery metaphor. *Global Dialogue*, 14(2), 31-41.
- Davies, J. M. (2015). The criminalization of sexual commerce in Canada: Context and concepts for critical analysis. *The Canadian Journal of Human Sexuality*, 24(2), 78-92.
- Day, S. (2009). Renewing the war on prostitution: The specters of 'trafficking' and 'slavery.' *Anthropology Today*, 25(3), 1-3.
- Deering, K. (2012). Not in my neighborhood: Sex work and the problem of displacement. *West Coast Line*, 46(1), 18-26.
- Delecoste, F., and Alexander, P. (eds.). (1987). *Sex work: Writing by women in the sex industry*. Pittsburg: Cleis.
- Dennermalm, N. (2014). Resistance to the Swedish model through LGBTQ and sex work community collaboration and online intervention. *Digital Culture & Education*, 6(3), 230-239.
- Desyllas, M. (2013). Representations of sex workers' needs and aspirations: A case for arts-based research. *Sexualities*, 16(7), 772-787.
- Dimmock, G. (2016). Jury selection begins in trial of man accused of killing two Ottawa sex workers. *Ottawa Sun*, Retrieved from: <http://www.ottawasun.com/2016/04/18/jury-selection-begins-in-trial-of-man-accused-of-killing-two-ottawa-sex-workers>
- Doe, J. (2013). "Are feminists leaving women behind? The casting of sexually assaulted and sex-working women" in Emily van der Meulen, Elya D. Durisin, and Victoria Love (eds.) *Selling sex: Experience, advocacy, and research on sex work in Canada*. Toronto: UBC Press, pp. 181-197.
- Embracing Dignity. (2009). Prostitution and women's equality—imagining more for women. Retrieved from: http://embracedignity.org/uploads/International__Women%5C's_Day_Flier.pdf
- Ferrell, J., Hayward, K., and Young, J. (2008). *Cultural criminology: An invitation*. London: Sage Publications Inc.

- Fincher, D. (Director). (2014). *Gone girl*. U.S.A: Twentieth Century Fox Film Corporation, Regency Enterprises, and TSG Entertainment [film].
- Fitzgerald, E., Patterson, S. E., Hickey, D., Binko, C., & Harper Jean Tobin National Center for Transgender Equality. (2015). Meaningful work: Transgender experiences in the sex trade. Retrieved from: http://www.transequality.org/sites/default/files/Meaningful%20Work-Full%20Report_FINAL_3.pdf
- Fletcher, T. (2013). "Trans sex workers: Negotiating sex, gender, and non-normative desire" in Emily van der Meulen, Elya D. Durisin, and Victoria Love (eds.) *Selling sex: Experience, advocacy, and research on sex work in Canada*. Toronto: UBC Press, pp. 65-73.
- Foucault, M. (1995). *Discipline and punish: The birth of the prison* (A. Sheridan trans.). New York: Vintage Books.
- Foucault, M. (2008). *The birth of biopolitics: Lectures at the College de France, 1978-79*. London: Palgrave MacMillan.
- Foucault, M. (1990). *The history of sexuality volume 1: An introduction*. New York: Vintage Books.
- Gallagher, K. (2012). Verbatim theatre and social research: Turning towards the stories of others. *Theatre Research in Canada*, 33(1), 24-43.
- Gilboa, E. (2005). Global television news and foreign policy: Debating the CNN effect. *International Studies Perspectives*, 6(3), 325-341.
- Goffman, E. (1963). *Stigma: Notes on the management of spoiled identity*. Toronto: Simon & Schuster, Inc.
- Hammond, N. & Kingston, S. (2014). Experiencing stigma as sex work researchers in professional and personal lives. *Sexualities*, 17(3), 329-347.
- Hanger, A., M.P., & Maloney, J., M.P (2006). The challenge of change: A study on Canada's criminal prostitution laws. Report of the Standing Committee on Justice and Human Rights. (Canada, Parliament, House of Commons). Ottawa, ON: Standing Committee on Justice and Human Rights.

- Hannem, S. & Bruckert, C. (2012). (eds.). *Stigma revisited: Implications of the mark*. Ottawa: University of Ottawa Press.
- HCA. (2001). *Dispelling the myths: Stories on the effects of street-level prostitution on communities* (street-level prostitution, pp.1-30). Ottawa, ON: Hintonburg Community Association.
- Hempstead, D. (2013). Cops make arrest in murders of two sex workers. *Ottawa Sun*, Retrieved from: <http://www.ottawasun.com/2013/02/06/cops-make-arrest-in-prostitute-murders>
- Hodge, A. R. (2010). Pestilence and power: The smallpox epidemic of 1780-1782 and intertribal relations on the Northern Great Plains. *The Historian*, 72(3), 543-567.
- Hunt, S. (2013). "Decolonizing sex work: Developing an intersectional indigeneous approach" in Emily van der Meulen, Elya D. Durisin, and Victoria Love (eds.) *Selling sex: Experience, advocacy, and research on sex work in Canada*. Toronto: UBC Press, pp. 82-100.
- Indian Act, RSC (1985). c I-5, Retrieved from: <http://canlii.ca/t/52fln> retrieved on 2016-05-04.
- Jackman, M. C., and Upadhyay, N. (2014). Pinkwashing Israel, whitewashing Canada: Queer (settler) politics and indigenous colonization in Canada. *Women's Studies Quarterly*, 42(3/4), 195-210.
- Janzen, C., Strega, S., Brown, L., Morgan, J., and Carriere, J. (2013). 'Nothing short of a horror show:' Triggering abjection of street workers in western Canadian newspapers. *Hypatia*, 28(1), 142-262.
- Jeffrey, L. A. & MacDonald, G. (2006). *Sex workers in the Maritimes talk back*. Toronto: UBC Press.
- Jeffreys, E. (2010). Sex worker-driven research: Best practice ethics. In National Centre for HIV Social Research Conference (pp. 1-16). Edinburgh, Scotland: Global Network of Sex Work Projects. Retrieved from <http://www.nswp.org/sites/nswp.org/files/Elena-Jeffreys-Sex-Worker-Driven-Research-1.pdf>
- Jeffries, S. & Stenning, P. (2014). Sentencing, aboriginal offenders: Law, policy, and practice in three countries. *Canadian Journal of Criminology and Criminal Justice*, 56(4), 447-494.
- Jiwani, Y. & Young, M. L. (2006). Missing and murdered women: Reproducing marginality in news discourse. *Canadian Journal of Communication*, 31(1), 895-917.

- Johnson, G. F. (2015). Governing sex work: An agonistic policy community and its relational dynamics. *Critical Policy Studies*, 9(3), 259-277.
- Khan, U. (2014). *Vicarious kinks: S/M in the socio-legal imaginary*. Toronto: University of Toronto Press.
- Klein, A. (Dec. 7, 2014). A statement on Canada's new anti-prostitution law from now editor/CEO Alice Klein: NOW will stand with sex workers against discrimination and further marginalization. *NOW*. Retrieved from: <https://nowtoronto.com/news/now-statement-on-canada%27s-new-anti-prostitution-laws/?version=meter+at+2&module=meter-Links&pgtype=article&contentId=&mediaId=&referrer=https%3A%2F%2Fwww.google.ca%2F&priority=true&action=click&contentCollection=meter-links-click>
- Kong, H. (2011). Towards a civic republican theory of Canadian constitutional law. *Review of Constitutional Studies*, 15(2), 249-279.
- Lamble, S. (2008). Retelling racialized violence, remaking white innocence: The politics of interlocking oppressions in transgender day of remembrance. *Sexuality Research & Social Policy*, 5(1), 24-42.
- Lamble, S. (2009). Unknowable bodies, unthinkable sexualities: Lesbian and transgender legal invisibility in Toronto women's bathhouse raid. *Social & Legal Studies*, 18(1), 111-130.
- Lawrence, B. (2002). "Rewriting histories of the land: Colonization and Indigenous resistance in Eastern Canada," in *Race, space, and the law*. Edited by S. Razack. Toronto: Between the Lines, 21-46.
- Lepp, A. (2013). "Repeat performance? Human trafficking and the 2010 Vancouver winter Olympic games," in Emily van der Meulen, Elya D. Durisin, and Victoria Love (eds.) *Selling sex: Experience, advocacy, and research on sex work in Canada*. Toronto: UBC Press, pp. 251-268.
- Lewis, J., Shaver, F. M., & Maticka-Tyndale, E. (2013). "Going 'round again: The persistence of prostitution-related stigma" in Emily van der Meulen, Elya D. Durisin, and Victoria Love (eds.) *Selling sex: Experience, advocacy, and research on sex work in Canada*. Toronto: UBC Press, pp. 198-208.
- Linder, L. (Producer), & Norris, R. (Director). (2015). *London Road* [Motion picture]. United Kingdom:

- BBC Films & Cuba Pictures.
- Lindermann, M. (2008). Eighteenth-century true-crime, legal histories, and the literary imagination. *Daphnis*, 32 (1/2), 131-153.
- Lippert, R. & Stenson, K. (2010). Advancing governmentality studies: Lessons from social constructionism. *Theoretical Criminology*, 14(4), 473-494.
- Loomba, A. (2005). *Colonialism/postcolonialism* (2cd ed.). New York: Routledge.
- Lorde, A. (2007). *Sister outsider: Essays and speeches*. Berkeley: Crossing Press.
- Lowman, J. (2004). Reconvening the federal committee on prostitution law reform. *CMAJ: Canadian Medical Association Journal*, 171(2), 147-148.
- Lowman, J. (2013). "Crown expert-witness testimony in *Bedford v. Canada*: Evidence-based argument or victim-paradigm hyperbole?" in Emily van der Meulen, Elya D. Durisin, and Victoria Love (eds.) *Selling sex: Experience, advocacy, and research on sex work in Canada*. Toronto: UBC Press, pp. 230-250.
- Lowman, J. (2014). "Prof. John Lowman at the Justice and Human Rights Committee." Retrieved from: <https://openparliament.ca/committees/justice/41-2/33/prof-john-lowman-1/only/>
- Lutnick, A., and Cohan, D. (2009). Criminalization, legalization or decriminalization of sex work: What female sex workers say in San Fransisco, USA. *Reproductive Health Matters*, 17(34), 38-46.
- Lyon-Callo, V. (2001). Making sense of NIMBY poverty, power and community opposition to homeless shelters. *City & Society*, 13(2), 183-209.
- Macdonald, A. A. (2012). The conditions of area restrictions in Canadian cities: Street sex work and access to public space. Unpublished master's thesis, University of Ottawa, Ottawa.
- Maeder, E. M. & Corbett, R. (2015). Beyond frequency: Perceived realism and the CSI effect. *Canadian Journal of Criminology and Criminal Justice*, 57(1), 83-114.
- Maney, G. M. & Abraham, M. (2008). Whose backyard? Boundary making in NIMBY opposition to immigrant services. *Social Justice*, 35(4), 66-82.
- Mann, A. (2016). Why Black Lives Matter is Toronto's most effective LGBT movement: Queer and trans

- people at the forefront of a grassroots success story. *The Daily Xtra*. Accessed May 3rd, 2016 from: http://www.dailyxtra.com/toronto/news-and-ideas/news/black-lives-matter-toronto-effective-lgbt-movement-191488?m=0sites/all/themes/dailyxtra/images/facebook_big.pngsites/all/themes/dailyxtra/images/dailyxtratravel_header_logo.png/terms-of-usesites/all/themes/dailyxtra/images/dailyxt
- Marshall, G. (Director). (1990). *Pretty woman*. U.S.A: Touchstone Pictures and Silver Screen Partners IV [film].
- Mitchell, M. (Director). (1999). *Deuce Bigalow: Male gigolo*. U.S.A: Happy Madison Productions, Out of the Blue Entertainment, and Touchstone Pictures [film].
- Morgensen, S. L. (2011). *Spaces between us: Queer settler colonialism and indigeneous decolonization*. Minneapolis: University of Minnesota Press.
- Namaste, V. (2000). *Invisible lives: The erasure of transsexual and transgendered people*. Chicago: University of Chicago Press.
- Namaste, V. (2015). *Oversight: Critical reflections on feminist research and politics*. Toronto: Women's Press.
- Nash, C. J. (2014). Consuming sexual liberation: Gay business, politics, and Toronto's Barracks bathhouse raids. *Journal of Canadian Studies*, 48(1), 82-105.
- O'Gara, N. (2016). <http://www.suffolkstrangler.com> [Accessed June 4th, 2016].
- Ostroff, J. (July 4, 2016). Black Lives Matter protest proves Pride needs more empathy, less prejudice. *Huffington Post Canada*. Retrieved from: http://www.huffingtonpost.ca/joshua-ostroff/toronto-pride-black-lives-matter_b_10801712.html
- Ottawa Police Service. (2015). Safety and crime prevention: Sex trade workers. Retrieved from: <http://www.ottawapolice.ca/en/safety-and-crime-prevention/Sex-Trade-Workers.asp>
- Phillips, R. (2009). Settler colonialism and the nuclear family. *The Canadian Geographer*, 53(2), 239-253.

- Piat, M. (2000). The NIMBY phenomenon: Community residents' concerns about housing for deinstitutionalized people. *Health & Social Work, 25*(2), 127-138.
- Pietkiewicz, I. & Smith, J. A. (2014). A practical guide to using interpretive phenomenological analysis in qualitative research psychology. *Czasopismo Psychologiczne- Psychological Journal, 20*(1), 7-14.
- Probyn-Rapsey, F. (2013). *Made to matter: White fathers, stolen generations*. Sydney: Sydney University Press.
- Quinet, K. (2011). Prostitutes as victims of serial homicide: Trends and case characteristics, 1970-2009. *Homocide Studies, 15*(1), 74-100.
- Ratchford, S. (Dec. 7, 2015). Justin Trudeau's throne speech makes no mention of reforming unsafe sex work laws. *Vice*, Retrieved from: http://www.vice.com/en_ca/read/justin-trudeaus-throne-speech-makes-no-mention-of-reforming-unsafe-sex-work-laws
- Razack, S. H. (2002). (ed.). "Gendered racial violence and spatialized justice: The murder of Pamela George," in *Race, space, and the law*. Toronto: Between the Lines, 121-156.
- Ross, M. (2002). (Writer). *Yapping out loud: Contagious thoughts from an unrepentant whore*. Canada. [VHS].
- Rubin, G. (1999). "Thinking sex: Notes for a radical theory of the politics of sexuality" in Peter Aggleton and Richard Parker (eds.) *Culture, society and sexuality: A reader*. Philadelphia: UCL Press, 143-178.
- Saika, L. (2013, Aug 22). Theatre Thursdays: Sex work as portrayed in musicals. *Lady Geek Girl and Friends* [Blog]. Retrieved from: <https://ladygeekgirl.wordpress.com/2013/08/22/theatre-thursdays-sex-work-as-portrayed-in-musicals/>
- Salah, T. (2007). What's all the yap? Reading Mirha-Soleil Ross's performance of activist pedagogy. *Canadian Theatre Review, 130*(1), 64-71.
- Sampson, L. (2014). "The obscenities of this country:" *Canada v. Bedford* and the reform of Canadian prostitution laws. *Duke Journal of Gender and Law, 22*(1), 137-172.

- Saville, A. (July 6, 2015). London road: On the ethics in verbatim theatre. *Exeunt Magazine*. Retrieved from: <http://exeuntmagazine.com/features/london-road-its-about-ethics-in-verbatim-theatre/>
- Schachter, E., Charnock, S., Allen, B., and Roberge, A. (2014). *Study guide: London road* (Educator outreach program, pp.1-25). Toronto, ON: Canadian Stage.
- Scoular, J. & Carline, A. (2014). A critical account of a ‘creeping neo-abolitionism’: Regulating prostitution in England and Wales. *Criminology & Criminal Justice*, 14(5), 608-626.
- Seltzer, M. (2008). Murder/media/modernity. *Canadian Review of American Studies*, 38(1), 11-41.
- Seltzer, M. (1997). Wound culture: Trauma in the pathological sphere. *The MIT Press*, 80(1), 3-26.
- Senate Committee on Legal and Constitutional Affairs. (2014, Sept. 9). Retrieved from: <http://www.parl.gc.ca/content/sen/committee/412%5CLCJC/51557-e.HTM>
- Shannon, K., Rusch, M., Shoveller, J., Alexson, D., Gibson, K., & Tyndall, M. W. (2008). Mapping violence and policing as an environmental-structural barrier to health service and syringe availability among substance-using women in street-level sex work. *International Journal of Drug Policy*, 19(1), 140-147.
- Simpson, A. (2014). *Mohawk interruptus: Political life across the borders of settler states*. Durham: Duke University Press.
- Smith, M.(2014). Affect and Respectability Politics. *Theory & Event* 17(3), The Johns Hopkins University Press. Retrieved May 18, 2016, from Project MUSE database.
- Socias, M., Horton, D. M., Nguyen, P., Montaner, J., and Shannon, K. (2015). Social and structural factors shaping high rates of incarceration among sex workers in a Canadian setting. *Journal of Urban Health*, 92(5), 966-979.
- Soderberg, S. (Director). (2012). *Magic mike* [Motion picture]. U.S.A: Iron Horse Entertainment (II), Extension 765, and St. Petersburg Clearwater Film.
- Spivak, G. C. (1988). “Can the subaltern speak?” in *Marxism and the interpretation of culture*. Cary Nelson and Lawrence Grossberg (eds.). Urbana, IL: University of Illinois Press, 271-313.
- Stewart, H. (2015). *Bedford* and the structure of section 7. *McGill Law Journal*, 60(3), 575- 594.

- Stoor, J. P. A., Kaiser, N., Jacobsson, L., Renberg, E. S., and Silviken, A. (2015). "We are like lemmings": Making sense of the cultural meaning(s) of suicide among the indigeneous Sami in Sweden. *International Journal of Circumpolar Health*, 74(1), 10.
- Strike, C. J., Myers, T., and Millson, M. (2004). Finding a place for needle exchange programs. *Critical Public Health*, 14(3), 261-275.
- Strossen, N. (1995). *Defending pornography: Free speech, sex, and the fight for women's rights*. Toronto: Scribner.
- Svedhem, C., Eckert, G., and Wijma, B. (2013). Living with genito-pelvic pain/penetration disorder in a heterosexual relationship: An interpretive phenomenological analysis of interviews with eight women. *Sexual and Relationship Therapy*, 28(4), 336-349.
- Tasker, J. P. (Feb. 16, 2016). Confusion reigns over number of missing, murdered indigenous women. *CBC News*. Retrieved from: <http://www.cbc.ca/news/politics/mmiw-4000-hajdu-1.3450237>
- Thompson, D. (2004). Calling all fag hags: From identity politics to identification politics. *Social Semiotics*, 14(1), 37-48.
- Thompson-Jones, K. (2007). The literary origins of the cinematic narrator. *British Journal of Aesthetics*, 47(1), 76-94.
- U.N. General Assembly. (1948). *Convention on the prevention and punishment of the crime of genocide*. United Nations, Treaty Series, vol. 78, p. 277-282.
- Valverde, M. (2008). *The age of light, soap, and water: Moral reform in English Canada, 1885-1925*. Toronto: University of Toronto Press.
- Van Den Hoonaard, D. K. (2012). *Qualitative research in action: A Canadian primer*. Don Mills, ON: Oxford University Press.
- van der Meulen, E. (2011). Action research with sex workers: Dismantling barriers and building bridges. *Action Research*, 9(4), 370-384.
- van der Meulen, E., Durisin, E. M., and Love, V. (2013). "Introduction," in *Selling sex: Experience, advocacy, and research on sex work in Canada*. Toronto: UBC Press, 1-26.

- van der Veen, M. (2001). Rethinking commodification and prostitution: An effort at peacemaking in the battles over prostitution. *Rethinking Marxism*, 13(2), 32-51.
- Van Kirk, S. (2002). From “marrying-in” to “marrying-out”: Changing patterns of aboriginal/non-aboriginal marriage in colonial Canada. *Frontiers: A Journal of Women’s Studies*, 23(3), 1-11.
- Weinkauf, K. (2010). ‘Yeah, he’s my daddy’: Linguistic constructions of fictive kinships in a street-level sex work community. *Wagadu*, 8(1), 14-30.
- Wise, T. (June 14, 2015). Mimicry is not solidarity: Rachel Dolezal and the creation of antiracist white identity. *Alternet*. Retrieved from: <http://www.alternet.org/mimicry-not-solidarity-rachel-dolezal-and-creation-antiracist-white-identity>
- Wolf, D. L. (ed). (1996). *Feminist dilemmas in fieldwork*. Boulder, CO: Westview Press, Inc.
- Wright, J., Heynen, R., & van, der Meulen, E. (2015). "It depends on who you are, what you are": 'community safety' and sex workers' experience with surveillance. *Surveillance & Society*, 13(2), 265-282.
- Young, A. (2013). “Afterword” in *Selling sex: Experience, advocacy, and research on sex work in Canada*. Toronto: UBC Press, 323-335.
- Zatz, N. D. (1997). Sex work/sex act: Law, labor, and desire in constructions of prostitution. *Signs: Journal of Women in Culture and Society*, 22(1), 277-308.

Appendix I. Queen's University Ethics Board Approval



August 31, 2015

Miss Megan Lonergan
Master's Student
Department of Gender Studies
Queen's University
Kingston, ON, K7L 3N6

GREB Ref #: GGEN-018-15; Romeo # 6016196

Title: "GGEN-018-15 Pushed to the edge: The marginalization of sex workers in Ottawa"

Dear Miss Lonergan:

The General Research Ethics Board (GREB), by means of a delegated board review, has cleared your proposal entitled "**GGEN-018-15 Pushed to the edge: The marginalization of sex workers in Ottawa**" for ethical compliance with the Tri-Council Guidelines (TCPS) and Queen's ethics policies. In accordance with the Tri-Council Guidelines (article D.1.6) and Senate Terms of Reference (article G), your project has been cleared for one year. At the end of each year, the GREB will ask if your project has been completed and if not, what changes have occurred or will occur in the next year.

You are reminded of your obligation to advise the GREB, with a copy to your unit REB, of any adverse event(s) that occur during this one year period (access this form at https://eservices.queensu.ca/romeo_researcher/ and click Events - GREB Adverse Event Report). An adverse event includes, but is not limited to, a complaint, a change or unexpected event that alters the level of risk for the researcher or participants or situation that requires a substantial change in approach to a participant(s). You are also advised that all adverse events must be reported to the GREB within 48 hours.

You are also reminded that all changes that might affect human participants must be cleared by the GREB. For example you must report changes to the level of risk, applicant characteristics, and implementation of new procedures. To make an amendment, access the application at https://eservices.queensu.ca/romeo_researcher/ and click Events - GREB Amendment to Approved Study Form. These changes will automatically be sent to the Ethics Coordinator, Gail Irving, at the Office of Research Services or irvingg@queensu.ca for further review and clearance by the GREB or GREB Chair.

On behalf of the General Research Ethics Board, I wish you continued success in your research.

Yours sincerely,

A handwritten signature in cursive script that reads "Joan Stevenson".

Joan Stevenson, Ph.D.
Chair
General Research Ethics Board

c: Dr. Jacqueline Davies and Dr. Scott Morgensen, Faculty Supervisors
Dr. Jane Tolmie, Chair, Unit REB