

CANADA'S BILL C-36, THE *PROTECTION OF COMMUNITIES AND EXPLOITED PERSONS ACT*: EXAMINING HOW SEX WORK IS PROBLEMATIZED IN CANADIAN POLICY AND MEDIA, AND HOW IT AFFECTS SEX WORKERS

by

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Dalhousie University is located in Mi'kma'ki,
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Table of Contents

List of Figures.....	iv
Abstract.....	v
List of Abbreviations Used.....	vi
Acknowledgements.....	vii
Chapter 1: Introduction.....	1
<i>1.1 Historical Overview of Canadian Sex Work Governance.....</i>	<i>3</i>
<i>1.2 Problematizations And Morality Politics in Sex Work Policy.....</i>	<i>10</i>
<i>1.3 A Note on Terminology.....</i>	<i>12</i>
<i>1.4 Thesis Structure.....</i>	<i>14</i>
Chapter 2: Paradigms and Policy Regimes.....	16
<i>2.1 Sex Work as Moral Transgression.....</i>	<i>17</i>
<i>2.2 Sex Work as Violence.....</i>	<i>20</i>
<i>2.3 Sex Work as A ‘Necessary Evil’.....</i>	<i>30</i>
<i>2.4 Sex Work as Work.....</i>	<i>33</i>
<i>2.5 Concluding Remarks.....</i>	<i>45</i>
Chapter 3: Methods.....	47
<i>3.1 Methods and Theory.....</i>	<i>49</i>
<i>3.2 Data Collection.....</i>	<i>54</i>
<i>3.3 Analytic Strategies.....</i>	<i>59</i>
<i>3.4 Study Limitations.....</i>	<i>64</i>
<i>3.5 Research Challenges.....</i>	<i>66</i>
Chapter 4: Analysis of Problem Representations in Bill C-36, the Protection of Communities and Exploited Persons Act.....	68

4.1 ‘What’s the Problem Represented to Be?’ Analysis.....	69
4.2 Underlying Presuppositions and Assumptions.....	70
4.3 Historical and Contemporary Influences.....	75
4.4 What’s Missing and Left Unproblematic?.....	78
4.5 Sociopolitical Impacts.....	87
4.6 Concluding Remarks.....	90
Chapter 5: Sex Work Representations in Canadian Media.....	94
5.1 Cross-Sectional Analysis.....	95
5.2 Longitudinal Analysis.....	104
5.3 Concluding Remarks.....	106
Chapter 6: Challenging Discourses and Sex Worker Resistance.....	108
6.1 Sex Worker Interviews.....	109
6.2 Police Officer Interview.....	123
6.3 Concluding Remarks.....	133
Chapter 7: Conclusion.....	135
References.....	140
Appendix A: Prostitution-Related Criminal Code Provisions.....	150
Appendix B: Step-By-Step Guide to: What’s the Problem Represented to Be? Policy Analysis.....	154
Appendix C: Coding Scheme.....	155
Appendix D: Interview Guide 1: Sex Worker Participants.....	160
Appendix E: Interview Guide 2: Police Officer.....	162

List of Figures

Chart 1: Frequency of Keywords in Media Discourse on Sex Work in the <i>Globe and Mail</i> (December 6 th , 2013 – December 6 th , 2015).....	164
Chart 1a: Frequency of ‘Paradigms’ in Media Discourse on Sex Work in the <i>Globe and Mail</i> (December 6 th , 2013 – December 6 th , 2015).....	165
Chart 1b: Frequency of ‘Policy Stances’ in Media Discourse on Sex Work in the <i>Globe and Mail</i> (December 6 th , 2013 – December 6 th , 2015).....	166
Chart 1c: Frequency of ‘Venues’ in Media Discourse on Sex Work in the <i>Globe and Mail</i> (December 6 th , 2013 – December 6 th , 2015).....	167
Chart 1d: Frequency of ‘Communities’ in Media Discourse on Sex Work in the <i>Globe and Mail</i> (December 6 th , 2013 – December 6 th , 2015).....	168
Chart 2: Monthly Incidences of Terms in Media Discourse on Sex Work in the <i>Globe and Mail</i> (December 6 th , 2013 – December 6 th , 2015).....	169

Abstract

This study addresses contemporary legislation regulating the Canadian sex industry, focusing on Bill C-36, the *Protection of Communities and Exploited Persons Act*. Bill C-36, described as a ‘neo-abolitionist’ approach to sex work, criminalizes the purchase of sexual services. Drawing primarily on a ‘what’s the problem represented to be?’ and critical discourse analysis of Bill C-36, in addition to a content analysis of relevant news articles and interviews with sex workers and police in Halifax, the study examines how dominant representations of sex work are both disseminated and resisted. I argue that sex work is constructed as a particular kind of social problem in Bill C-36, as well as in the news media, rendering certain policy responses inevitable. However, while Bill C-36 promulgates a (mis)representation of the sex industry which attempts to disregard sex workers’ agency and capacity for self-determination, sex workers exhibit discursive resistance against their ‘victim status’ and its associated stigma, challenging the power structures of society. The study discusses the ethical implications of Canada’s current approach to regulating sex work for both individuals in the sex industry, and the general Canadian public.

List of Abbreviations Used

BIPOC	Black, Indigenous and People of Colour
CDA	Critical Discourse Analysis
CPC	Conservative Party of Canada
HRM	Halifax Regional Municipality
HRP	Halifax Regional Police
LGBTQ+	Lesbian, gay, bisexual, transgender and queer and others
MMIWG	Missing and Murdered Indigenous Women and Girls
PCEPA	The <i>Protection of Communities and Exploited Persons Act</i>
PRA	<i>Prostitution Reform Act</i> (New Zealand)
WPR	‘What’s the Problem Represented to Be?’

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Chapter 1: Introduction

In recent years, we have witnessed a significant transformation with regard to the criminal regulation of the exchange of sexual services for remuneration in Canada. This has occurred most notably through the 2014 introduction of Bill C-36, the *Protection of Communities and Exploited Persons Act* (PCEPA), which criminalized the purchase—but not the sale—of sexual services for the first time in Canadian history. This shift transpired within a broader context of transnational legal reforms and human rights debates about how best to conceptualize sex work over the last several decades. Bill C-36 claims to have three primary objectives: To protect those who sell their own sexual services, protect communities from the harms caused by prostitution, and reduce the demand for prostitution and its incidence (Bill C-36, 2014).

This research examines how Bill C-36 discursively frames sex work as a particular kind of social problem. My primary objective is to unpack the assumptions about sex work and sex workers embedded in—and disseminated through—Bill C-36, to assess what impact the legislative framing of the sex industry has had on those working within it. To achieve this aim, this study first examines how sex work is framed in the legislation, tracing how this representation came about, and how it is also disseminated through the media. Through a ‘what’s the problem represented to be’ approach to policy analysis (WPR) (Bacchi, 1999), I challenge the conventional view that Bill-36 represents a response to the ‘problem’ of sex work and instead investigate the active role played by the bill in creating sex work as a particular kind of policy ‘problem.’ Using critical discourse analysis (CDA), I also examine the ways in which the legislation’s language is fundamentally connected to relations of power and control (Marston, 2004). I argue that the (mis)representation of the

sex industry promoted by the legislation affects not only how sex work is thought about in Canada, but what policy actions are made possible (Bacchi, 2000).

Another aim of this study was to gather sex workers' perspectives on PCEPA, to recognize their capacity as experts on the tangible effects and lived experiences of the legislation. This 'bottom-up' approach involved conducting a small number of semi-structured interviews with sex workers, and police, in the Halifax Regional Municipality (or HRM, hereafter simply called Halifax), Nova Scotia. Little research has been done on sex work in Halifax in comparison to other urban centres in Canada (see Gillies & Bruckert, 2018; Jeffrey & MacDonald, 2006). As a result, the voices of sex workers in the region have rarely been heard or attended to by Canadian policy-makers. Historically Atlantic Canada has also been regarded as socioeconomically marginalized and some scholars have suggested that the region may be expected to produce some of the more 'oppressive' conditions of sex work, namely poverty, unemployment, and addiction (Jeffrey & MacDonald, 2006). Accordingly, sex workers residing in Atlantic Canadian communities—such as Halifax—may also be susceptible to the forms of violence and exploitation that Bill C-36 aims to eliminate. For this reason, I chose to ask what effects—intended or unintended—PCEPA has had on sex workers in the area. I argue that sex workers challenge and resist dominant representations of them and their work in various ways, which calls into question the intent of policies like PCEPA, which are supposedly designed with sex workers' needs and interests in mind.

Historical Overview of Canadian Sex Work Governance

To better understand Canada's most recent attempt to eradicate the sex industry, it is important to reflect upon how, and based on what ideological assumptions, Canadian lawmakers governed the sex industry in the past. The first official Canadian statute to specifically mention 'prostitutes' was passed in Lower Canada in 1839.¹ The statute authorized police to apprehend all common 'prostitutes' or 'night walkers' found in a public area. Thus, it was the *status* of being a 'prostitute' that was rendered unlawful by the Act, rather than the explicit practice of exchanging sex for money. Underlying this gender-specific offence was the view that, because 'prostitutes' diverged from prescribed puritanical roles of female sexual conduct, they were deviant and a nuisance to the well-being of communities (Backhouse, 1985). Broadly speaking, nineteenth-century Canadian policy makers appeared to have been divided over whether to treat 'prostitution' as a 'necessary evil' or as victims of a patriarchal society (Backhouse, 1985). These dissonant perspectives brought forth the inauguration of three distinctive sex work governance approaches during the era: regulation, prohibition, and rehabilitation.

In the mid 1800s an attempt at regulation materialized by way of the *Contagious Diseases Act*, which authorized the detention of diseased 'prostitutes' for medical inspection and forced treatment (male clients were not subject to the legislation).² Implicit in this line of political thinking was an understanding that prostitution could never be eliminated and must therefore be controlled (Backhouse, 1985, p. 390-391). In practice,

¹ *An Ordinance for establishing a system of Police for the Cities of Quebec and Montreal*, 2 Viet. (I) (1839), c.2 (lower Canada). The legislation was extended to the united Province of Canada in 1858, with an amendment authorizing police to arrest the inmates of bawdy houses (Backhouse, 1985, p. 389).

² 29 Viet (1865), c. 8 (Province of Canada).

the policy approach can be seen as a form of gender discrimination, whereby a double standard of sexual morality for men and women was officially sanctioned.

Beginning in 1869 and culminating in the enactment of the *Criminal Code* in 1892, a series of laws were passed in an effort to manage a growing outcry against the sexual exploitation of women, the growth of street ‘prostitution’ in urban industrial centres, and to alleviate concerns over “white slavery” (Backhouse, 1985, p. 393-395).³ Most notably, the newly created Federal Government of Canada (1867) responded by enacting *An Act respecting Vagrants* (1869), which among other things criminalized “prostitutes, or night walkers wandering in the fields, public streets or highways...not giving a satisfactory account of themselves” (note: this statute would eventually be codified as s.175(1)(c) in the *Criminal Code*).⁴

It is important to note that the *explicit* exchange of sexual services for remuneration was not criminalized at this time—a legal particularity which has continued throughout Canadian history. The final decades of the nineteenth century saw a distinctively interventionalist approach to sex work governance, in which every aspect of ‘prostitution’ except the specific act of exchanging sexual services for remuneration was prohibited. Additionally, during this period a significant number of criminal sanctions against behaviour that was seen as contributing to the degradation of innocent women were adopted (Backhouse, 1985 p. 395).⁵ In an effort to eradicate the industry, laws at this time not only targeted sex workers, but clients, pimps and bawdy house owners were all

³ See *An Act respecting offenses against the Person*, 32 & 33 Viet. (1869), c. 20, s. 50 (Canada); *The Criminal code*, 55 & 56 Viet. (1892), c. 29, s. 185, 186, 188 (Canada). Please note: “white slavery” is understood here as “the imagined risk of young white women being lured or forced into sexual servitude, especially for use by racialized men” (Davies, 2015, p. 84).

⁴ *An Act respecting Vagrants*, 32 & 33 Viet. (1869), c. 28, s. I (Canada).

⁵ See *An Act respecting Offences against Public Morals and Public Convenience*, 49 Viet. (1886), c. 157 (Canada).

theoretically subject to criminal punishment. However, when it came to enforcement, the police force and judiciary applied the statutes almost exclusively against female sellers (Backhouse, 1985, p.388).

Thus, ‘the prostitute’ came to be both legally and socially constructed as a deviant woman. This framing unsurprisingly has its roots in religious moral opprobrium. Since Christianity, which dominated and shaped much of nineteenth century Canadian society, focuses “on sexual behaviour as the root of virtue,” sex laws during this era “incorporated the religious attitude that heretical sex is an especially heinous sin” (Rubin, 1989, p. 278). Specifically, the assumption at this moment was that ‘prostitution’ constituted male sexual exploitation of women and girls. This is evidenced by legal statutes at the time forbidding men to “seduce and have illicit connection with any woman of previously chaste character who was above the age of 12 and under the age of 16” (Backhouse, 1985, p. 395).⁶

It is essential to note that discrimination on the basis of race and ethnic origin also figured widely in the enforcement of ‘prostitution’ laws at this time (Backhouse, 1985, p. 401). In particular, through the *Indian Act* (1876), separate—and more severe—criminal sanctions were placed on Indigenous ‘prostitution’ (both female sellers and male procurers), playing into the moral panic of “white slavery” and revealing deep-seated racial discrimination (Backhouse, 1985, p. 420-422).

During this period, policies also targeted ‘rehabilitation of the (white) prostitute.’ Various schemes promoted the rescue and reformation of ‘prostitutes,’ and prevention of children from entering the industry. The discourse portrayed ‘prostitutes’ as blameless, suggesting that they had been “duped by the deceit and predatory wiles of evil men”

⁶ Ibid.

(Backhouse, 1985, p. 415). Effectively, the blame for sexual promiscuity was placed solely on the deviant behaviour of men (similar in manner to present-day Bill C-36). The practical result of these sentiments was the establishment of asylums, women's prisons, and juvenile detention institutions (Backhouse, 1985, p. 415-416). As noted by John McLaren, the “complex of legal provisions which was designed to primarily attack the exploiters of prostitutes was used primarily to harass and victimize the prostitutes themselves” (1986, p. 151). Ultimately, McLaren argues that assumptions underlying the legislation were misplaced from the beginning—policy makers ignored the economic and social forces that led women and girls into ‘prostitution.’ Furthermore, legal historians have argued that this rhetoric of protection explicitly obscures that those whom the government sought to protect (i.e. young, innocent female ‘prostitutes’) did not behave as if they saw themselves as their ‘would-be’ protectors portrayed them. Instead, the vast majority were well aware of what they were doing and had socioeconomic rationales for participating in the industry (Backhouse, 1985; Gorham, 1978; McLaren, 1986; O’Connell, 1988). The harmful outcomes of this puritanical protection approach—namely discrimination against and criminalization of poor, racialized women—persisted in twentieth and twenty-first century policies (Backhouse, 1985, p. 418-419).

During the first three quarters of the twentieth century, the emphasis of Canadian prostitution law on penalizing ‘the prostitute’ as threat to social purity and a public nuisance remained virtually unchanged. In 1972, due to pressure from several feminist and civil liberties organizations, the federal government repealed the above-mentioned s.175(1)(c), or “Vagrancy C” offence of the *Criminal Code*. The ‘status’ offence was

replaced with a prohibition on soliciting for the purposes of prostitution in a public place.⁷ However, the provision's ambiguous terminology left courts uncertain as to what constituted "solicit," i.e. the legislation did not clarify whether solicitation applied to customers, nor what constituted a "public place" (Hanger & Maloney, 2006, p. 38). In this way, the notion of 'nuisance' reappeared as a dominant theme in this statute. Nevertheless, due to court challenges and legal ambiguity, in 1978, the Supreme Court of Canada essentially struck down the soliciting law.⁸

During the 1980's the *Criminal Code*'s section on sexual offences was rendered gender-neutral,⁹ and the Federal Government launched two major national studies into sexual exploitation in Canada: the Badgley Report (1984) and the Fraser Committee (1985). Notably, the Fraser Committee called on the Federal Government to commit to develop long-term programs to address the social and economic conditions faced by women in 'prostitution' (Bittle, 1999, p. 6). The Committee also endorsed moving towards partial decriminalization (Lowman & Louie, 2012). In 1985, ignoring these recommendations, the Federal Government introduced Bill C-49, the "communicating law" (O'Connell, 1988, p. 110-112). Section 213 of the *Criminal Code* made it illegal to communicate in a public place for the purposes of engaging in 'prostitution' or for the purposes of obtaining the services of a 'prostitute.' By focusing strictly on the public aspects of the sex industry, the communicating law— like previous legislation— addressed

⁷ Section 195.1 of the *Criminal Code* stated that "Every person who solicits any person in a public place for the purpose of prostitution is guilty of a summary conviction offence."

⁸ See *R. v. Hutt* (1978), 82 D.L.R. (3d) 95 (S.C.C.).

⁹ See Bill C-127, *An Act to Amend the Criminal Code in Relation to Sexual Offences and Other Offences Against the Person*, SC 1983, c.125. *Criminal Code*, RSC 1985, c. C-46.

the sex industry primarily as a public nuisance problem, rather than considering the root causes of the industry (Campbell, 2015; Hanger & Maloney, 2006; O’Connell, 1988).

In the 1990s, courts continued to adjudicate cases and government studies promulgated several legislative changes. Of particular significance was the 1990, Supreme Court of Canada’s decision to in *R. v. Skinner* (1987) to uphold the constitutional validity of section 213(1)(c) of the *Criminal Code*, i.e. the criminalization of communicating for the purpose of engaging in prostitution. The Court concluded that although the provision violated the freedom of expression as guaranteed by section 2(b) of the *Canadian Charter of Rights and Freedoms*, it was a reasonable limit under section 1 given Parliament’s objective of eliminating street-level sex work and its associated public nuisance. In essence, this decision demonstrates the judiciary position that shielding the public from sex work was of greater importance than upholding sex workers’ constitutional freedom of individual self-fulfillment through expression.¹⁰

In 2007, three Ontario sex workers, Terri Jean Bedford, Amy Lebovitch and Valerie Scott, launched a court challenge to the constitutionality of three provisions of the *Criminal Code* pertaining to prostitution. The government’s opponents in *Bedford v. Canada (AG)* framed their arguments in terms of fundamental Canadian rights (Lawrence, 2015, p. 5). They argued that, in conformity with Canadian values, decriminalization is required to amend the problems created by the policing of ‘prostitution’ (Davies, 2015, p. 86). During the *Bedford* trial, the applicants argued that sections of the *Criminal Code*— namely 210 (keeping a common bawdy-house), 212(1)(j) (living on the avails of prostitution) and 213(1)(c) (communicating for the purpose of engaging in prostitution)—not only created

¹⁰ See ss. 193 and 195.1(1)(c) of the *Criminal Code*, [1990] 1 S.C.R. 1123; *R. v. Stagnitta* (1990), 56 C.C.C. (3d) 17 (SCC).

dangerous conditions for sex workers, but also violated section 7 of the *Canadian Charter of Rights and Freedoms*, guaranteeing the right to life, liberty and security of the person (Casavant & Valiquet, 2014, p. 2). On December 20th, 2013, the Supreme Court of Canada unanimously agreed to strike down as unconstitutional the three impugned provisions and gave Parliament one year to respond to its findings in the *Bedford* decision (Brock & Teixeira, 2014, p. 307).

In response to the potential legal vacuum in the regulation of sexual commerce posed by the Supreme Court ruling, the Conservative government introduced Bill C-36, the *Protection of Communities and Exploited Persons Act*, on June 4, 2014. The bill received Royal Assent on 6 November 2014, and came into force on 6 December 2014 (Bill C-36, 2014). Frequently delineated in the media as a version of the *Nordic model*, the government maintains it is a “Made in Canada” response to the “exploitation that is inherent in prostitution and the risks of violence posed to those who engage in it,” specifically, women and children (Bill C-36 Preamble; Davies, 2015, p. 78).

Bill C-36 puts forward three overarching objectives: 1) protect those who sell their own sexual services; 2) protect communities, especially children, from the harms caused by prostitution; and 3) reduce the demand for prostitution and its incidence (Bill C-36, 2014; Department of Justice, 2018). In addition, two new prostitution-related criminal offences were established by the bill. First, the prohibition of any individual from purchasing sexual services at any time and in any place. Second, the interdiction of advertising the sale of another person’s sexual services (Bill C-36, 2014). Furthermore, Bill C-36 amends the previously existing provisions on procuring and communicating for the purpose of prostitution so as to confer a *certain* degree of immunity to sellers of sexual

services (see Appendix A for Prostitution-Related Criminal Code Provisions). It is important to reiterate that while PCEPA shifts criminal law's focus to purchasers of sexual services, instead of the activities of individuals who sell said services, at no previous point in Canadian history did the explicit sale of sex constitute a crime. At the time of its introduction, Bill C-36 was heralded a progressive departure from the moralistic policies of the past. In this thesis, I interrogate if this is, in fact, the case, or if the contemporary legislation parallels some of the ideological and political doctrines of previous sex work governance in Canada.

Problematizations and Morality Politics in Sex Work Policy

The idea that the way sex work is conceptualized has a direct impact on how it is governed is a primary tenet of this thesis. This research examines not only how the ideological assumptions fixed within Bill C-36 have come about, but also how these 'imposed' interpretations function to engender certain kinds of policy responses (see Bacchi, 1999; 2010). Ultimately, I seek to elucidate the effects produced by Bill C-36's problematization of sex work on those most impacted by the legislation: sex workers. Please note, here I take problematizations to mean the ways in which "problems" are produced and represented in government policies and practices (Bacchi, 2015). As such, an analysis of problematization consists of examining the type of assumptions, of familiar notions, of established, unexamined ways of thinking the "problem" representation is based on (Foucault, 1994 [1981], as cited in Bacchi, 2015, p. 2-3).

Furthermore, the connotation of sex work as a social 'problem' and the very existence of specific laws to regulate the industry, reveals the persistent stigma associated

with the sale of sexual services and the link between sex work legislation and morality (Bruckert & Hannem, 2013). Drawing on the research of Wagenaar and Altink (2012), I consider sex work policy an instance of morality politics, i.e. “a situation where the minimum common ground, that is a condition for engaging in effective collective problem solving, has broken down into irreconcilable conflict over moral positions about what is right or virtuous with regard to the issue at hand” (Wagenaar & Altink, 2012, p. 282).¹¹ Morality politics are distinguished from other ‘conventional’ policies by the open ideological nature of their narratives, in which the moral meaning of categories and definitions are disputed (Wagenaar & Altink, 2012, p. 287). Accordingly, policies driven by morality politics tend to be heavily influenced by the social imaginary, impervious to empirical evidence, permeated with emotionally charged language, and focused primarily on the symbolism of grandiose measures over the specifics of implementation (Wagenaar & Altink, 2012, p. 285). The net effect is, by and large, the restriction of open debate and the impediment of effective, consistent, and reasonable policy aimed at improving social conditions (Wagenaar & Altink, 2012, p. 282). In order to critically investigate the development of Bill C-36, its outcomes, and its impact on Canadian society, attention to the role that problematization and ideological discourse plays in policy implementation is imperative (Bacchi, 1999; van Dijk, 2000; Wagenaar & Altink, 2012).

¹¹ Six intertwined characteristics set morality politics apart from other fields of policy: morality policy is 1) ruled by ideology; 2) a form of lay policy, i.e. it can be appropriated by anyone; 3) it is emotionally charged; 4) it resistant to empirically based facts; and for that reason 5) it focuses on policy formulation and discourses rather than implementation; and 6) it is vulnerable to abrupt and drastic change (Wagenaar & Altink, 2012).

A Note on Terminology

Ways of describing the sale of sex is a productive process, one that helps shape the cultural landscape and involves inescapably political questions regarding the organization of sexuality, labour, and commerce (Zatz, 1997, p. 294). As such, language actively instructs communities to view the world in a particular way. Comprehending this inextricable link between language—particularly in the context of policy—and symbolic power relations is fundamental for unmasking the profound role of discourse in (re)producing dominance and inequality (Marston, 2004; van Dijk, 1993). The choice of language employed by a particular analytical or legislative framework is frequently indicative of one’s political affiliation (Davies, 2015; Maher et al., 2012). Accordingly, there is widespread debate regarding the appropriate terminology for ‘the exchange of sexual services for remuneration’ and for ‘persons who sell sexual services’ (Davies, 2015; Maher et al., 2012; van der Meulen et al., 2013).

Anti-sex work and abolitionist/prohibitionist activists and scholars tend to advocate for the terminology ‘prostitution,’ ‘prostituted person’ and ‘victims of prostitution’ (Davies, 2015; Lerum & Brents, 2016; Maher et al., 2012). They argue that this language works to name the patriarchal violence that women who engage in the exchange of sexual services for remuneration experience (Ferris, 2015, p. xvii). The use of this passive construction— of being prostituted or victimized— functions to underscore that the way these persons are acted upon is bad; victims are, by definition, harmed. The language of ‘prostituted person,’ as opposed to ‘prostitute’ additionally serves to remove blame from those engaged in the exchange of sexual services for remuneration but emphasizes that they are nonetheless engaging in self-harming actions (Davies, 2015, p. 79). According to

scholars in this camp, the sex that men buy in ‘prostitution’ is the “same sex they take in rape—sex that is disembodied, enacted on the bodies of women who, for the men, do not exist as human beings, and the men are always in control” (Barry, 1995, as cited in Razack 1998, p. 353).

The above terminology lies in stark contrast to the language of ‘work,’ ‘labour’ and ‘commerce’ employed by many sex workers, sex work advocates, pro-sex work scholars, and proponents of decriminalization. In opposition to the passive construction of ‘being prostituted’ or ‘victimized,’ the language of ‘work’ seeks to articulate the agency of individuals who sell their sexual services and highlight the economic dimension of sex work (Davies, 2015; Sanders and Campbell, 2007; van der Meulen et al., 2013). Scholars advocating in favour of this language argue that the term ‘prostitution’ is saturated with preconceived notions and imposed meanings about the exchange of sexual services for remuneration that reflect dominant society’s agendas rather than the lived realities of sex workers (Jeffrey & MacDonald, 2006, p. 5). These proponents argue that by conceptualizing the selling of sex as a legitimate and valuable form of labour, not only is the agency of workers accentuated, but the demand for social and economic justice is mobilized (Durisin, et al., 2018). Furthermore, attention to workplace conditions, including exploitative circumstances, is prioritized. Accordingly, insofar as workers have rights and receive recognition for their productivity, the language of ‘work’ within the sex industry has positive connotations (Davies, 2015). Furthermore, it is suggested that the language of ‘sex work’ emphasizes self-determination in the sex industry, characterizing sellers as agents and drawing attention to the economic dimension of their activities. However, scholars employing this language must be mindful not to overlook the experiences of those

for whom the sale or exchange of sexual services is not experienced as a labour activity or is experienced as a form of harm. The conceptualization of ‘sex work’ also risks excluding those who do not consider what they do as a form of labour. Given that many aspects of sex work (in Canada and elsewhere) are criminalized and deeply stigmatized, individuals may be motivated to distance their activities from the category of work (Durisin et al., 2018, p. 4).

While I acknowledge all of these limitations, I have chosen to avoid the terminology of ‘prostitution’ in this thesis, with the exception of referring to particular frameworks and policies that endorse this language.¹² Instead, I utilize the terminology of ‘sex work’ promoted by myriad pro-sex-work scholars, rights activists, and workers themselves. This decision is based on a combination of the preferred language expressed by my interviewees (see Chapter 6), as well as my review of the literature (Beloso, 2012; Bruckert & Hannem, 2013; Weitzer, 2007).¹³

Thesis Structure

With the significance of the role of discourse in mind, Chapter 2 introduces the dominant competing paradigms for conceptualizing sex work and the divergent policy approaches they map onto. In Chapter 3, I present the methods and methodologies used for

¹² Note: Bill C-36, the *Protection of Communities and Exploited Persons Act*, exclusively employs the language of ‘prostitution.’

¹³ For the purpose of this research, the term “sex work” will be used to mean “the exchange of sexual services (involving sexual acts) between consenting adults for some form of remuneration, with the terms agreed between the seller and the buyer” (Amnesty International, 2016a, p. 3). “Sex worker” will be used to mean “adults (aged 18 and older) of all genders who receive money or goods in exchange for the consensual provision of sexual services, either regularly or occasionally” (Amnesty International, 2016a, p. 4). While numerous forms of sex work exist within the sex industry, including but not limited to: pornography, webcamming, skin work (strip or exotic dance), erotic massage, escort and street-based sex work, given that Bill C-36 focuses predominantly on the sale of penetrative and oral intercourse, I will be exclusively examining this genre of sex work (Bill C-36, 2014).

this study, as well as the various research challenges and limitations that I encountered. Chapter 4 introduces my analysis of Bill C-36 and in this chapter, I argue that legislative texts, such as PCEPA, position and invite audiences to embody the particular ideologies they put forth (Marston, 2004). Chapter 5 shifts the focus from the assumptions encapsulated in Bill C-36, to an analysis of how this representation of sex work is disseminated and reinforced to the public. Specifically, I examine the role of news media in advancing and/or questioning the framing of sex work promoted by Canadian policy makers. A primary theme of this thesis is that sex workers have long served as the ‘objects’ of a profusion of authoritative interpretation, by policy makers, police, health professionals, the media, and academics. Accordingly, attending to sex workers’ impressions of, and resistance to, these prevalent interpretations is of crucial importance (Jeffrey & Macdonald, 2006). Chapter 6 presents the interview component of my research, and seeks to highlight the dynamic manner in which sex workers in Halifax exhibit resistance towards their representation in Bill C-36. Finally, the thesis closes with a celebration of the resilience and resistance of sex workers in Canada. The ultimate aim of the thesis is to contribute to the growing literature privileging sex workers’ narratives and expert knowledge in assessments of the implications of sex work laws in Canada.

Chapter 2: Paradigms and Policy Regimes

One of the primary objectives of this thesis is to evaluate how sex work is problematized and regulated in Canadian legislation and via the mainstream media; as such, identifying related debates in the literature, about how to conceptualize and ‘manage’ sex work, is critical. Broadly speaking, there are four main, competing ways to conceptualize sex work that recur in the social science literature, in policy, and in the media: 1) ‘sex work as moral transgression;’ 2) ‘sex work as violence,’ also referred to as the oppression paradigm; 3) ‘sex work as a necessary evil’ or ‘deviant behaviour;’ and 4) ‘sex work is work,’ sometimes labeled the empowerment paradigm (Scoular, 2015; Weitzer, 2010; Weitzer, 2014; van der Meulen et al., 2013). In this chapter, I outline and evaluate the primary tenets of each of these theoretical perspectives, and demonstrate how each maps onto a particular approach for regulating sex work, namely, criminalization, end-demand criminalization, legalization, and decriminalization. Given that a key aim of this thesis is to examine the problematization of sex work in Bill C-36, understanding historical and contemporary influences is crucial for evaluating the assumptions embedded in PCEPA. Similarly, understanding the alternative ways sex work is thought about and governed enables us to consider how Bill C-36 might have been written differently.

Importantly, contemporary sex work scholars (from varying camps) agree that the way that the exchange of sexual services for remuneration is conceptualized has a direct impact on how it is governed (Durisin et al., 2018; Razack, 1998). Since it is through presuppositions and assumptions that policy *creates* ‘problems’ to *react* to (Bacchi, 2010, p. 2). Equally, investigating these linkages illuminates the effects of policy representations, including discursive, subjectification and lived effects (see Bacchi, 2015). In some cases,

the ideas of a particular paradigm can be seen to inform a specific policy approach. In others, paradigms and concomitant policy approaches are tied in more nuanced ways, for example through advocates who argue for them both. While the links between paradigms and policy approaches are not always singular or direct, identifying where and how they are evident sheds light on how different sex work policies, including Bill C-36, reinforce specific assumptions about sex work and sex workers.

Sex Work as Moral Transgression

The ‘sex work as moral transgression’ perspective arises from (often religiously informed) moral opprobrium. Proponents of this paradigm portray ‘prostitution’ as a form of deviant and immoral behaviour (Weitzer, 2007). In particular, proponents of this paradigm condemn the anonymous, recreational, and pleasure-seeking sexual attitudes present in the sex industry, as well as the commodification of sexuality, on the grounds that the corrupt sexuality embodied by the sex industry threatens the well-being of communities and ‘normal’ law-abiding citizens (Bruckert & Hannem, 2013; Davies, 2015; Macdonald et al., 2013).

This viewpoint is rarely supported within the contemporary social science literature, but it does continue to appear in political discourse and media.¹⁴ Sex work advocates adamantly critique this perspective for framing sex work as a form of immoral criminal activity which becomes disassociated from both social norms and ‘legitimate’

¹⁴ A contemporary example of this is in South Africa where the *Sexual Offence Act of 1957* makes it an offence to “have unlawful carnal intercourse or commit an act of indecency with any other person for reward. It also prohibits... soliciting in public places for immoral purposes, and public indecency” (Open Society Foundations, 2016).

labour. They argue that its consequence is to marginalize, stigmatize, and victimize sex workers (Weitzer, 2007, p. 143).

Criminalization

The above paradigm aligns best with criminalization initiatives, specifically the legal framework of prohibitionism.¹⁵ Since proponents of the ‘sex work as moral transgression’ paradigm contend that commercial sex threatens monogamous marriage, the family, and society’s moral fiber, they insist upon government action aimed at eradicating the industry and punishing the ‘deviant’ actors involved (Weitzer, 2012). As such, the assumption that those who sell and buy sex are immoral translates into policy (criminalization) aimed at legally punishing participants in the sex industry for their unethical behaviour. The criminalization of sex work is presently endorsed—either fully or partially—in most parts of the world (Shannon & Csete, 2010). Through the application of criminal law and criminal prohibitions on sex work and/or on certain aspects of sex work, governments which have adopted this approach seek to reduce or eliminate ‘prostitution’ (Barnett & Casavant, 2014, p. 2). Criminal laws specific to sex work—which can apply nationwide or vary in different regions within a country—most frequently target sex workers, clients and/or third parties (e.g. pimps), but can also be directed at family members, partners and friends (Barnett & Casavant, 2014; Scoular, 2015).

¹⁵ Criminalization can be divided into three sub-categories: 1) *Prohibitionism* seeks to eliminate prostitution by criminalizing all aspects of prostitution. 2) *Abolitionism* seeks to reduce the incidence of prostitution and generally calls for the criminalization of public solicitation. 3) *Neo-abolitionism* seeks to end demand for sex work as part of a stated goal to protect sex workers from exploitation, and thus calls for the decriminalization of the activity of prostituted persons themselves, but for the criminalization of all other aspects of prostitution (Barnett & Casavant, 2014, p. 2). Neo-abolitionism will be discussed further in the following section.

Examples of laws that specifically target sex workers include provisions making it illegal to solicit, advertise, and sell sexual services (outdoors and/or indoors) and to work collectively with other sex workers (NSWP, 2014, p. 2). Laws aimed at clients prohibit communicating for the procurement of sexual services and purchasing sexual services. Laws directed at third parties, which may also impact sex workers' families, partners, etc., include criminalizing brothel-keeping, living on the avails of sex work, or assisting a sex worker to migrate or move across borders with the intention of selling sexual services (NSWP, 2014).

The above laws are regularly used to detain persons engaged in sex work. Furthermore, in order to prosecute sex workers and sex work businesses, police authorities sometimes confiscate condoms and/or other personal items as evidence of criminal activity. Finally, the criminalization of sex work frequently results in high numbers of sex workers having criminal records, which can impact opportunities to gain access to housing, employment, education and the right to vote. As a result, critics of criminalization argue that this practice severely impacts sex workers' health, safety and privacy (NSWP, 2014).

The vast majority of scholars, sex workers' rights groups and sex workers themselves oppose criminalization, arguing that such laws effectively deny sex workers agency, violate their human rights and perpetuate the stigmatization and discrimination of those engaged in the sex industry (NSWP, 2014). Research demonstrates that criminalization forces sex work underground, making it more difficult for workers to obtain healthcare and social services (Weitzer, 2010, p. 330). As a result, already vulnerable sex worker populations experience barriers to accessing justice and are exposed to higher levels of risk and exploitation (Scoular, 2010).

Sex Work as Violence

In similar manner to ‘sex work as moral transgression,’ the ‘sex work as violence’ or ‘oppression’ paradigm endeavours to reduce and/or eliminate sex work. However, rather than based on religious moralism, the paradigm is informed by radical second-wave feminist ideology which contends that “sex work is the quintessential expression of patriarchal gender relations and male dominance” (Scoular, 2015, p. 7). According to advocates of this perspective, ‘prostitution’ represents both instrumental and symbolic violence against women (Dempsey, 2010). Instrumentally, ‘prostitution’ is viewed as inherently oppressive, subjugating women to suffering and victimization. Symbolically, the very existence of the sex industry is seen as perpetuating male patriarchal privilege (Sanders & Campbell, 2007; Weitzer, 2007; Weitzer, 2014). According to this view, what occurs in prostitution is not ‘just sex,’ but domination (Razack, 1998, p. 353). Proponents of this paradigm delineate commodified sex as ‘objectified sex,’ which they argue habitually dehumanizes women by establishing them as mere objects for male sexual pleasure (Razack, 1998; Sanders & Campbell, 2007; Weitzer, 2007).

It is pertinent to note that while feminist considerations of the subject of ‘prostitution’ or ‘sex work’ presently dominate the literature, a polarizing debate has emerged between divergent groups of feminists, with some—including radical feminists—advancing an anti-sex work position, and others, such as liberal and frequently

intersectional feminists, advocating for the pro-sex work perspective (Sutherland, 2004; Zatz, 1997).¹⁶ The latter position will be discussed later in the chapter.

The oppression paradigm asserts that the sex industry reproduces and enforces dominant sexual roles in which men violently exploit women's sexuality for their own pleasure, resulting in women being viewed and treated as sexual servants (Halley et al., 2006; Zatz, 1997). In "Prostitution and Civil Rights," for example, Catharine MacKinnon argues that men buy and sell women for sex for the express purpose of degrading them. She writes that, for men, liberty "is often construed in sexual terms and includes liberal access to women, including prostituted ones. So while, for men, liberty entails that women be prostituted, for women, prostitution entails loss of all that liberty means" (1993, p. 14). According to this line of thought, women who sell sex are victims of patriarchal degradation and violence.

Jacqueline Davies (2015) argues that this paradigm's early modern philosophical roots may lie in a Kantian conception of morality and sexual desire. According to Kant, the ultimate moral rule (i.e. the categorical imperative) is to "act in such a way that you treat humanity, whether in your own person or in the person of another, never merely as a means to an end, but always at the same time as an end" (Kant, 1993, as cited in Davies, 2015, p. 83-84). In other words, we ought not to treat people as mere objects. Therefore, treating somebody as an object of sexual desire and using them for one's own gratification would be, from a Kantian perspective, the epitome of immoral behaviour. This holds

¹⁶ As a further note, some feminist scholars, such as Gayle Rubin, have criticized the cultural fusion of gender with sexuality entirely, rejecting the idea that a theory of sexuality must be derived directly out of a theory of gender. Rubin notes that to assume that because feminism is the theory of gender oppression automatically makes it the theory of sexual oppression is to fail to distinguish between gender, on one hand, and erotic desire, on the other (1989, p. 307).

regardless of whether the objectified person consents, because according to Kant, moral people cannot consent to lose their status as agents by permitting themselves to be objectified (Davies, 2015, p. 84).

The persistence of anti-sex work perspectives, including the oppression paradigm in academic discourse suggests that ideas about sex in Western societies are also often grounded in an assumption that the body and sexuality are at the core of individuality, or that sexuality is the property of an individual. If sexuality is considered inalienable property and intrinsic to what it means to be a person, it cannot be bought or taken without violating one's personhood (Davies, 2015, p. 84). Therefore, the commercialization of sexual labour would diminish sovereignty and selfhood (Maher et al., 2012, p. 20). 'Sex work as violence' proponents, influenced heavily by radical feminism and Kantian ethics, conceptualize sex work as a form of gendered exploitation and sexual slavery. From the perspective of this paradigm, it is not possible to consent to engage in sex work, because the very possibility of (women) selling and (men) buying sex occurs within a patriarchal system of property relations (Davies, 2015; Razack, 1998; van der Meulen et al., 2013; Weitzer, 2007).

Frequently radical feminists and sexual conservatives are considered as natural allies by their critics (Dewey & Kelly, 2011; Ferris, 2015; Sanders & Campbell, 2007; van der Meulen et al., 2013). Although both camps express differing ideologies of sexuality and view 'prostitution' in contrasting ways, as a form of violence against women and as a threat to morality, respectively. Because both groups employ the same terminology (e.g. prostitution rather than sex work) and call equally for the eradication of commercialized sexual services, both theoretical perspectives are highly criticized for their one-dimensional

characterization of persons selling sex, in which ‘the prostitute’ is fixed as a universalized *female* victim of male vice and domination (Weitzer, 2014). Accordingly, critics argue that neither model allows for the possibility of the sex worker as an agent— who voluntarily chooses *her, his, or their* occupation (Doezema, 1998; Lerum & Brents, 2016).¹⁷

Furthermore, critics argue that both models overlook similarities between sex work and other forms of service work, which often also includes emotional labour,¹⁸ the production of client subjectivity,¹⁹ and professional and careerist orientation in the workplace (see Carbonero & Gómez Garrido, 2018; Love, 2013; Murphy & Venkatesh, 2006). The aforementioned commonalities between sex work and other forms of service work are argued to highlight that some forms of sex work mimic ‘licit’ service employment. Furthermore, critics argue that, contrary to the discourse of the oppression paradigm, many sex workers “come to see themselves and their work as contributing to society, rather than as a vice of which they should be ashamed,” or as a rational economic survival mechanism (Murphy & Venkatesh, 2006, p. 142).

Some anti-sex work scholars have attempted to overcome the one-dimensional characterization of the oppression paradigm by applying an intersectional approach to their critiques of the sex industry. Notably, Sherene Razack (1998) suggests that in order to end

¹⁷ While the majority of the world’s sex workers are cisgender women, according to Amnesty International, when examined on a per capita basis a larger proportion of the transgender community is involved in sex work compared to the proportion of the population of cisgender women who are sex workers. Furthermore, cisgender men also account for a significant proportion of sex workers in many countries (Amnesty International, 2016a, p. 5-6).

¹⁸ i.e. the commodification of private emotions which are sold for a profit in a capitalistic economy (Hochschild, 2012 [1983]).

¹⁹ As sex work involves commodified intimacy, workers must constantly engage in both surface and deep acting in order to manage client subjectivity—the meanings and feelings they have about themselves (Love, 2013, p. 64). Carbonero & Gómez Garrido (2018) argue that the production of client subjectivity is not unique to the sex industry, rather the production of identity through consumption is a feature of late capitalist society and can be seen across ‘traditional’ service sector employment.

the subordination of *all* women, we need to scrutinize the multiple systems of domination that ‘prostitution’ upholds and, in turn, how these multiple systems engender and sustain ‘prostitution’ (p. 340). She argues that by conflating hegemonic masculinity (i.e. the patterned practices and ideologies that legitimate men’s position in society in a manner which justifies the subordination of women) *solely* with patriarchy, proponents of the paradigm tend to ignore the structural complexities present within the sex industry. A more intersectional approach requires situating one’s analysis of ‘prostitution’ within a historicized context of white supremacy, capitalism, and patriarchy—all of which, Razack contends, are central in the construction of hegemonic masculinity as a structure of dominance (1998, p. 339). She argues that by tracing ‘prostitution’ to these sources, we are able to recognize the dynamic manner in which the sex industry “secures a bourgeois and white social order” and, inversely how a bourgeois social order necessitates ‘prostitution’” (1998, p. 340). She asserts that while the violence experienced in ‘prostitution’ is necessary to the process of objectification, even more so, it is essential to assure bourgeois males of their own identities (Razack, 1998, p. 359). Furthermore, she states that ‘prostitution’ upholds hierarchal relations among women by enabling those not engaged in the sex industry to live lives of lesser violence and, in turn, reaffirming and strengthening their positions in society (Razack, 1998, p. 340). Ultimately, Razack comes to the conclusion that, on an individual basis, it may be possible for a ‘prostitute’ to exercise agency (and even sexual liberation) despite the conditions of hegemonic masculinity in which the exchange of sex for money is situated. However, and most importantly, she maintains that the collective impact of ‘prostitution’ is not resistance against systems of domination, but rather their accommodation and reinforcement (1998, p. 354).

Highlighting the various systems of oppression in which sex work is embedded is of utmost importance. However, pro-sex work scholars maintain that Razack's analysis of sex work—like other proponents of the oppression paradigm—does so at the cost of diminishing the function of agency, choice and consent among women in sex work. These critics argue that by employing highly emotive language (e.g. “sexual slavery,” “prostituted women,” “paid rape,” “survivors”), the oppression paradigm describes *only* the worst examples of sex work and treats them as representative. Furthermore, in the oppression paradigm's effort to prove that exploitation and violence against women are intrinsic to and ineradicable from sex work (transcending historical time periods, national contexts, and types of sexual exchanges), critics argue that research influenced by this paradigm risks producing tainted findings and contrived conclusions—violating a core canon of scientific research (Weitzer, 2000, p. 5).

The majority of social science scholars argue that there is sufficient variation across time and place to demonstrate that sex work cannot merely be reduced to gender, racial, or class oppression (Doezema, 1998; Wagenaar & Altink, 2012; van der Meulen et al., 2013; Weitzer, 2010; Weitzer, 2014). These scholars suggest that while violence and exploitation are undeniably present within the sex industry and critiquing the systems of dominance which produce and sustain hegemonic masculinity is essential, the conceptualization of sex workers—either as individuals or as a community—solely as victims of gendered sexual exploitation and violence, (when applied to policy initiatives) serves to deny sex workers the opportunity to engage in society as free agents and risks perpetuating the very labour conditions that render sex workers vulnerable and marginalized. These include, but are not limited to, violence, harassment, extortion, and assault in the workplace, and of critical

importance, the inability to draw on legal protections available to ‘licit’ workers (Bruckert & Hannem, 2013; Galbally, 2016; Lawrence, 2015). These critics contend that when the oppression paradigm is implemented in legislation, sex workers are framed as incapable of acting as responsible, agentive citizens, and their labour is de-legitimized and thus excluded from civil labour regulations (Bruckert & Hannem, 2013, p. 61). In contrast to other workers, the illicit status of their occupation makes it impossible for sex workers to turn to authorities and labour legislation if they are not paid, or if they experience acts of violence (Bruckert & Hannem, 2013). This is seen as particularly problematic given the material result is that, despite the explicit discourse of protectionism in this paradigm, sex workers become further marginalized by society and consequently more likely to experience exploitation and violence (Davies, 2015; Bruckert & Hannem, 2013; van der Meulen et al., 2013; Weitzer, 2014). Bruckert and Hannem (2013) suggest this contradiction highlights the moral subtext and the deeply embedded paternalism of laws influenced by the oppression paradigm.

End-Demand Criminalization

In recent decades, the oppression paradigm has influenced several governments to adopt end-demand criminalization, also referred to as neo-abolitionism or the *Nordic model*. End-demand criminalization advances the presupposition that the exchange of sexual services for remuneration constitutes a form of gendered sexual violence (Sanders & Campbell, 2007; Scoular, 2015). This political discourse draws heavily on the radical

feminist conceptualization of sex work described above.²⁰ Advocates of the paradigm, additionally, tend to favour end-demand criminalization because it legally enshrines female sellers of sex as victims. Accordingly, this policy approach criminalizes the buyers (presumed to be men), and third-party participants (such as managers and ‘pimps’), but not the sellers (presumed to be women) of sexual services (Bruckert & Hannem, 2013; Galbally, 2016).

In 1999, Sweden became the first country to adopt this model of sex work legislation as part of the *Kvinnofrid law* (Violence Against Women Act) (Sanders & Campbell, 2007, p. 5). Citing gender equality as the primary objective, the *Kvinnofrid law* construed ‘prostitution’ as a serious form of oppression of women and children and aimed to decrease its incidence by criminally punishing procurers and buyers of sex (Sanders & Campbell, 2007, p. 5; Scoular, 2010, p. 17-18).²¹ In addition to criminalizing buyers, the legislation decriminalized persons selling their own sexual services and endorsed social services for prostituted persons to exit the industry (Barnett & Casavant, 2014).

Since the Swedish legislation delineated *all* sex work (voluntary and involuntary) as a form of patriarchal oppression and exploitation, sex work and sex trafficking were effectively treated as one in the same. Critics have argued that this conflation impacted the consideration of trafficking as a separate phenomenon, requiring special efforts and resources (Halley et al., 2006, p. 396). In a like manner, for countries which have since

²⁰ Please note that, in discussions of end-demand criminalization, some pro-sex work scholars perceive it to be “an irreconcilable contradiction to advocate for policy approaches in the name of *feminism* [emphasis added] that have been empirically proven to cause harm to sex-working women and that current sex workers – the population most affected by such policies – have vocally opposed” (Durisin et al., 2018, p. 7).

²¹ Note: the latest enactment of this legislation in Sweden is gender-neutral, however, its ideology continues to be premised on the construction of a deviant male client and a victimized female worker (Khan, 2018, p. 72).

adopted this model of legislation—including Canada—the conflation of sex work and trafficking remains a point of contention.

Furthermore, critics have suggested that, faced with perceived national anxieties over increased migration and European sexual liberalism, Sweden's legislative change was primarily driven by a desire to assert a coherent national identity. Some scholars have suggested that through the *Kvinnofrid law's* discursive framing of sex workers' as victims in need of government salvation, the 'prostitute' came to symbolize the 'status quo' and thus attempts to protect 'her' also represented an attempt to reinforce cultural and geopolitical boundaries (Scoular, 2010. p. 17).

Governments, such as Sweden's, which have adopted end-demand criminalization, have claimed that the criminal risks for customers and third-party vendors set forth by end-demand criminalization have led to significant decreases in sex work and trafficking in their territories (Ekberg, 2004; Scoular, 2010). However, there has been no conclusive evidence that either phenomenon is reduced by end-demand criminalization, instead, scholars suggest that it has been merely displaced from public space (Levy & Jakobsson, 2014). Sex work advocates contend that when sex work is pushed further underground, violence and economic exploitation are amplified (Halley et al., 2006, p. 396-97; Kahn, 2018, p. 73).

Evidence shows that those who have been left selling sex on the street following the legislative change, i.e. those who are most vulnerable and resource poor, now face shorter and more difficult negotiation of acts performed, rate and condom use (Levy & Jakobsson, 2014, p. 600). In addition, said individuals are now subject to a greater dependency on third party vendors and experience barriers in accessing health services and

securing living accommodations (see Amnesty International, 2016a, Halley et al., 2006; Sanders & Campbell, 2007).

Despite assurances from Swedish authorities that the law would not be of detriment to those selling sex, many researchers argue that end-demand criminalization in the country has exacerbated the dangers of sex work through the lack of harm reduction initiatives and the stigmatization of an already marginalized population (Levy & Jakobsson, 2014). It is thus argued that, the legislation has had the paradoxical effect of engendering higher levels of risk and violence for those it purports to protect (Scoular, 2010, p. 20).

The political mainstreaming of the ‘oppression’ paradigm, i.e. the conceptualization of ‘prostitution’ as a form of male violence against women, is not unique to Sweden. As mentioned at the outset of this section, the oppression paradigm has influenced several countries to adopt end-demand criminalization over the last two decades (van der Meulen et al., 2013). This includes Canada’s Bill C-36. The discourse of this policy approach, namely that sex work is a form of violence, that the violence associated with the industry is constant and immutable, and that sellers of sex are disempowered victims, has therefore become a topic of contention amongst myriad scholars and the global sex worker community (see NSW, 2015). Similarly, many human rights’ organizations oppose end-demand criminalization, contending that the *Nordic model* harms sex workers and prohibits practices aimed at keeping themselves safe (see Amnesty International, 2016b, p. 3). Ultimately, critics of end-demand criminalization argue that the oppression paradigm is used to justify laws aimed at the policing and moralizing of public space, rather than the well-being of sex workers, perceived in this context as victims (Levy & Jakobsson,

2014). The impact of the oppression paradigm and end-demand criminalization in the Canadian context will be examined in Chapter 4.

Sex Work as a ‘Necessary Evil’

The third major framework for conceptualizing sex work describes it as a ‘necessary evil’ or ‘deviant behaviour.’ This paradigm asserts that sex work is simultaneously a necessary service and a public nuisance (Bruckert & Hannem, 2013; Scoular, 2015). Although the concept of ‘nuisance’ has been deemphasized in contemporary academic discussions of the sex industry, current public perceptions, policy initiatives and policing practices frequently reflect this paradigm (Davies, 2015, p. 86). Unlike other ways of conceptualizing sex work, this paradigm is less concerned with the causes and consequence of sex work, but rather how to best manage the exchange of sexual services for remuneration.

Proponents of this position generally interpret the sale of sexual services as falling somewhere in between a ‘criminal’ activity and ‘legitimate’ work. The paradigm suggests that while sex work may be socially undesirable, it may be advantageous to tolerate some types of sex work under certain circumstances. In addition, this discussion of the sex industry is often underscored by a distinction between forced and voluntary sex work, thus acknowledging that many have chosen to enter the industry voluntarily (Durisin et al., 2018). As such, many of those who endorse this paradigm argue that the sex industry should be strictly controlled by laws and government regulations, i.e. proponents of the ‘sex work as a necessary evil’ have both historically and in contemporary contexts advocated for the legalization of the industry (Weitzer, 2007).

Legalization

Broadly speaking, legalization can be divided into two sub-categories: *regulationism* refers to the specific regulation of sex work through criminal law, labour law and/or other legislation; and *unregulated legalization* wherein sex work is neither expressly permitted nor legislatively banned and thus occurs in a legally grey arena (Barnett & Casavant, 2014; Scoular, 2015). In this section, I will focus on the effects of regulationism. However, it is important to note that in regions where unregulated legalization occurs, while the sale and/or purchase of sexual service may not constitute a crime, there are no legal safeguards in place to reduce and/or prevent health and safety risks for sex workers, clients, and communities at large.²²

In jurisdictions that have adopted regulationism, the sex industry is managed through sex work specific laws and legally authorized schemes permitting the sale of sexual services under special conditions (Scoular, 2015; Zatz, 1997). This often includes mandatory work permits,²³ the designation of red-light districts and tolerance zones,²⁴ and the licensing of indoor establishments, such as brothels/bawdy houses and escort agencies (Barnett & Casavant, 2014; Doezema, 1998; Lerum & Brents, 2016; van der Meulen et al., 2013).²⁵

²² Please note: as discussed in the introductory chapter, much of historical Canadian sex work legislation reflects this (unregulated) policy approach. Since, prior to 2014, while behaviours and practices associated with sex work were criminalized, the explicit act of exchanging sex for money was neither legally prohibited nor sanctioned.

²³ While sex work permits vary between jurisdictions, they frequently include: the requirement of persons selling sexual services to be of the age of majority, citizens of the country in question, undergo criminal background checks, take mandatory HIV/STI screenings, and registration with municipal authorities, who collect identification information and frequently a small fee.

²⁴ Designated zones for legal street-level sex work, where soliciting and purchasing sex is tolerated at certain times of the day.

²⁵ Commercial establishments are also generally required to be licensed and/or registered. Requirement examples often include criminal background checks for employers and operators, the acquisition of planning permits, and the remittance of annual licensing fees.

The legalization of licensed indoor establishments is promoted as a ‘solution’ to street-level sex work and its associated public nuisance and risk. However, critics argue that the assumption that street-level workers will be directed towards working indoors misunderstands the dynamics of this work, and that sex workers might in some cases prefer the entrepreneurial and flexible nature of street-based work (Sanders & Campbell, 2007, p. 14). Furthermore, in jurisdictions where sex work permits and establishment licenses are difficult and/or expensive to acquire, sex workers can be deterred from setting up their own small businesses. Consequently, legal sex work in countries or states which have adopted regulationism tend to be monopolized by corporatized brothels and agencies (Pyett & Warr, 1999; Sanders & Campbell, 2007; Scoular, 2010). As a result, sex workers who are unable, unwilling, or exempt—by reason of age, nationality, health-status, or drug-use—from working for legal establishments risk criminal penalties (Barnett & Casavant, 2014; Scoular, 2010).

Although the legalization of sex work in countries such as the Netherlands has had some successes, including better accessibility to legal, health, and social services for licit workers, the implementation of isolating and invasive prohibitions, is argued by critics to engender restrictive and stigmatizing limitations on unlicensed sex workers. Thus, contributing to social marginalization and ‘condemnation’ of illicit workers from wider society (Barnett & Casavant, 2014; Weitzer, 2007; Zatz, 1997). It is argued that this results in the transformation of the social geography of sex work, in which the most vulnerable, economically disenfranchised and racially marginalized street-level workers and their clients are removed from gentrified city-centres and displaced further underground. Concomitantly, critics of legalization suggest that societal tolerance for sex work extends

only to a small tier of predominantly white and relatively privileged indoor workers and clients in the legal sphere (Scoular, 2010, p. 22).

Ultimately, the majority of sex work advocates and sex workers themselves assert that this framework—encompassing both the ‘sex work as a necessary evil’ paradigm and the legalization approach—is highly flawed in its attempt to essentialize the social reality of sex work (NSWP, 2019; Scoular, 2015). Many scholars and the global sex worker community state that it is erroneous to assume that the sex industry and those who participate in it are homogenous. Because sex work is a product of historical, geographical and sociocultural developments, it is argued that the industry cannot be understood or adequately ‘managed’ without attending to its diverse and multidimensional nature (Dewey & Kelly, 2011; Zatz, 1997). Due to its resounding emphasis on the control and containment of sex work to designated spaces, intrinsic to regulationism is the ideological notion that sex work is a public nuisance and a threat to communities. However, equally, the discourse frames sex work as a social problem that will never go away. The common trope of “prostitution as the world’s oldest profession” existing universally across time and place, exemplifies the continued prevalence of this discourse in the social imaginary (Zatz, 1997, p. 278).

Sex Work is Work

Over the last 50 years, ‘prostitution’ has increasingly been conceptualized as ‘sex work,’ i.e. as a legitimate and valuable form of labour.²⁶ This approach, often referred to as the ‘sex work is work,’ or empowerment paradigm, is motivated by a desire to direct

²⁶ The term “sex work” was coined by Carol Leigh (aka Scarlot Harlot) at a Women Against Violence in Pornography and Media conference in 1978 (Beloso, 2012, p. 47).

attention to both the ‘work’ itself and the broader occupational milieu in which it is embedded (van der Meulen et al., 2013; Weitzer, 2007; Weitzer, 2014).²⁷ Proponents of this perspective portray sex work as, first and foremost, an income-generating strategy and endeavour to highlight the human agency present within the sex industry. While ‘sex work is work’ advocates recognize that violence and exploitation are present in the sex industry, they also seek to highlight the manner in which sex work can be empowering for workers (Weitzer, 2014). For example, sex work can grant individuals a sense of meaningful control over their bodies and workplaces, engender financial freedom, and produce genuine client relationships, all outside of traditional patriarchal power relations (Murphy & Venkatesh, 2006; Sanders, 2008). Fundamentally, this paradigm holds that not only is sex work legitimate work, it is also valuable work, in which many participants exert agency and autonomy in their decisions to enter the industry.

The conceptualization of sex work as a form of legitimate labour draws heavily on Marxist labour theory (Davies, 2015; Durisin, 2010; van der Meulen et al., 2013; Zatz, 1997). Marx, who is often credited as the first to analogize ‘prostitution’ as work, asserted that “prostitution is only a specific expression of the general prostitution of the labourer” (Marx, 1959, as cited in van der Meulen et al., 2013, p. 17). According to Marx, labour power—as a collection of mental and physical capabilities performed by a human being—exists only within the body of the worker. As such, labour of any kind (including sex work) is inseparable from the individual who supplies it (Durisin, 2010, p. 130). Scholars drawing on this Marxist critique have theorized a diversity of implications of classifying ‘sex work’ as labour, or work. These theories range from sex-work negative to sex-work positive, and

²⁷ For the sake of transparency and recognition of my own bias, please note that this is the paradigm I support.

are broadly dependent on one's interpretation of the ethics of wage labour under the system of capitalism. For instance, some Marxist feminists have interpreted the above analogy to indicate that 'the prostitute' and 'the labourer' are alike, in that both sell their bodies (van der Meulen et al., 2013, p. 17). Therefore, the 'wrongfulness' of prostitution is equivalent to the 'wrongfulness' of wage labour under capitalism more broadly (Zatz, 1997, p. 288). On the contrary, other feminist scholars have expanded upon Marx's rationale to suggest that since "sexual and reproductive labour produces life, satisfies human needs, and reproduces the labouring population, it is a form of productive labour" (van der Meulen et al., 2013, p. 17). As such, according to this perspective, 'sex work'—which satisfies human needs—is viewed as a legitimate and valuable form of labour (Zatz, 1997).

In hegemonic Western culture, sexuality and money are normatively considered as things that should not mix, the 'sex work is work' paradigm challenges this assumption (Sanders, 2008; Zatz, 1997). According to the framework, sex work is fundamentally an income generating strategy motivated by economic reasons and generally, but not exclusively, employed by marginalized working class women (Durisin, 2010; Murphy & Venkatesh, 2006). Pro-sex work feminists argue that a distinction between the commodification of labour power and the commodification of the body—in its entirety—as in the context of slavery, should be maintained (Durisin, 2010, p. 129). In contrast to slave economies which are founded upon forced labour and property relations, exchanges—including the provision of paid sexual services—are motivated by inducements rather than coercion within the wage labour economy (Davies, 2015; Durisin, 2010). This is not to negate the reality that some exchanges based on inducements are

exploitive in nature and manipulate structural inequalities between people, in fact, this is the foundation of Marxist critiques of capitalism (Davies, 2015, p. 87).

Of significant importance in this paradigm is the notion that sex work is an occupational option among other gendered and marginalized forms of work available for women and LGBTQI+ communities (Durisin, 2010; Jeffrey & MacDonald, 2006; Weitzer, 2007). According to Maher et al. (2012), “the centrality of money in women’s [and other historically marginalized groups’] decisions about sex work cannot be overstated” (p. 26). Financial necessity is repeatedly articulated as the primary reason why individuals enter the sex industry (Pyett & Warr, 1999). Numerous scholars have argued that in the present phase of late capitalism—in which all spheres of life have been commodified—service-sector employment, including sex work, is one of the few options many underprivileged individuals have at their disposal to generate income (Dewey & Kelly, 2011). Sex work, in particular, possesses the unusual feature of being “well paid despite being [in a traditional sense] low-skill, labor intensive, and, one might add, female dominated” (Edlund & Korn, 2002, as cited in Maher et al., 2012, p. 26). As such, the decision to engage in the sex industry may be regarded as a fairly rational choice by women and other marginalized groups (Murphy & Venkatesh, 2006, Weitzer, 2014).

Much of the scholarship applying labour theory to the analysis of sex work builds on Hochschild’s (1983) concept of emotional labour, drawing parallels to the deep and surface acting required in most service-sector jobs (Durisin et al., 2018, p. 10). The complexities of intimate relations and emotional labour prevalent within the sex industry contribute to the notion that sex work is not always driven by survival or coercion. Love, for example, writes that sex work is “about emotionally complex relationships that involve

genuine feelings of intimacy; it's about relationships of power; it's about the complex layers of meaning [people] attach to [their] lives and activities" (2013, p. 64). However, sex work is—above all else—about having a job, making a living, and achieving social mobility (Harcourt & Donovan, 2004). In this way, sex work mirrors other forms of 'traditional' service-sector labour, and displays many of the defining characteristics of a career (Murphy & Venkatesh, 2006). Conceptualizing sex work as a form of legitimate and valuable labour enables commonalities, specifically with respect to working conditions, to be drawn between it and other forms of emotional, caring, and/or service work (Durisin, 2010; Durisin et al., 2018). According to this perspective, there is "nothing inherent in sex work that would prevent it from being organized like any other economic transaction" (Weitzer, 2014, p. 509).

Anti-sex work scholars and advocates frequently charge the 'sex work is work' paradigm as a step in the wrong direction, one that risks placing violence against sex workers back into the realm of the invisible (Durisin, 2010, p. 128). This argument is based on the belief that 'prostitution' is the result of institutional male privilege, in which men are granted the right to enact violence against women (Gerassi, 2015). Thereby, in subsuming 'prostitution' under the category of legitimate labour, anti-sex work scholars argue the 'sex work is work' paradigm turns a blind eye to 'exploitation' in the industry. While proponents of the 'sex work is work' framework acknowledge this risk, they argue that it is ultimately less harmful to conceptualize sex work as a form of legitimate labour with the capacity for empowerment under the right circumstances. Pro-sex work scholars and advocates note that sex work—in the context of female identifying workers—may also constitute "a potent symbolic challenge to confining notions of proper womanhood and

conventional sexuality” (Chapkins, 1997, as cited in Weitzer, 2014, p. 510). In this way, sex workers have sometimes been interpreted as sex radicals, contributing to the destabilization of heteronormativity. The dynamic processes which occur in sex work arguably challenge the patriarchal constructions of sex and gender by rejecting the traditional trappings of femininity and domesticity, and contesting the normative separation of sex and money (Davies, 2015).

Moreover, research suggests that sex work can be particularly identity-affirming for gay and transgender workers. Some gay and transgender sex workers report that involvement in the industry can provide a haven from societal rejection and contribute to a sense of pride in their identity (Weitzer, 2014). For example, studies of transgender women in Brazil and San Francisco reveal how sex work can provide a “sense of personal worth, self-confidence, and self-esteem” (Kulick 1998, as cited in Weitzer, 2014, p. 510). For these populations, sex work can provide avenues for emotional, sexual, and economic fulfillment, while strengthening feelings of community and social support (Weitzer, 2014). This is particularly important, given the general lack of discussion around non-female (and/or assigned male at birth) sex workers in the previously discussed paradigms, most notably the oppression paradigm. Ultimately, the ‘sex work is work’ paradigm suggests that sex work has the potential to expand a larger identity politics that challenges conventional heterosexual norms and aids in the empowerment of otherwise marginalized groups (Weitzer, 2014, p. 510). That said, pro-sex work advocates underscore that when sex workers are marginalized and heavily stigmatized through legislation, the positive advantages of sex work are drastically reduced (Weitzer, 2014).

In a similar fashion to other prevalent sex work paradigms, the ‘sex work is work’ framework is frequently denounced by critics for being one-dimensional and reductionist (Weitzer, 2010). Specifically, radical anti-sex work feminists, accuse the ‘sex work is work’ paradigm for celebrating sexual liberation without contextualizing the constraints of gender, class, race, and other factors that structure social life (MacDonald et al., 2013, p. 169). The overt focus on the empowerment potential of sex work is criticized for downplaying the effects of hegemonic masculinity on the industry, namely violence, coercion, and exploitation (Razack, 1998). However, pro-sex work scholars vehemently challenge this critique, claiming that while sex work constitutes a terrain of struggle, it also presents the potential for structural change and for the reclamation of power to determine meaning (MacDonald et al., 2013, p. 169). In this way, sex work is delineated as a site of powerful sexual pluralism, capable of challenging hegemonic constructions of sexuality, gendered labour relations, and structural inequalities (Rubin, 1989; van der Meulen et al., 2013; Zatz, 1997). Durisin (2010), notably contends that by conceptualizing sex work as labour, the role of violence in the industry is further emphasized by connecting it—in all its forms—to other women and marginalized workers’ experiences of violence and oppression (p. 128).

According to ‘sex work is work’ scholars, the broad spectrum of working conditions and experiences which are seen in the sex industry indicates that violence is not an inherent feature of sex work itself. Instead, violence in the industry is mediated by the social, cultural, political, and economic context in which it is embedded (Durisin, 2010; van der Meulen et al., 2013). From this perspective, violence is not a unique feature of sex work, rather, it “is a feature of women’s experiences in the social relations of capitalism, a

part of the logic by which the surplus value of women's labour is exploited" (Durisin, 2010, p. 131). This includes recognition of the global economic inequality of women, and other marginalized groups, that often underpins decisions to engage in sex work, and the racial and colonial hierarchies that historically constructed, and continue to reinforce, stratified labour in the sex industry (Durisin, 2010, p. 132). However, while there is an acknowledgment that sex work can be "risky" and potentially violent, the risks and most of the violence are viewed as being linked to social-structural and more systemic constraints (e.g., the laws that are in place). This is understood to be a form of systemic victimization rather than one linked to individual choice or life circumstances. This "distinction between *being a victim* and *being vulnerable* is an important one, especially if the objective is to build respect for sex workers, improve their working conditions, and address health and safety issues" (Shaver et al., 2018, p. 128).

Ultimately, proponents of the 'sex work is work' paradigm conclude that the best possibility of resistance to conditions of structural inequality, sexism, and racism, exists in connecting the violence women, and other marginalized groups, experience in the sex industry to the sexualized violence and exploitation against other marginalized wage labourers (Durisin, 2010, van der Meulen et al., 2013). They argue that workers who do not conceptualize what they do as legitimate labour, are unlikely to organize, demand better working conditions, and to engage in political resistance. According to the argument, by framing sex work as a form of legitimate labour, sex workers can unite with other oppressed workers to collectively undertake the destabilization of the dominant structures of hegemonic masculinity and white supremacy, and advocate for the improvement of labour standards for *all* (Durisin, 2010).

Decriminalization

Since the emergence of the international sex workers' rights movement (over four decades ago), sex workers and allies (who view sex work as a legitimate form of labour) have advocated for the decriminalization of the sex industry in order to effect social justice for sex worker communities (van der Meulen & Durisin, 2008, p. 305). True decriminalization, found uniquely in New Zealand, establishes sex work as a form of legitimate labour and as such repeals the legal restrictions and criminal penalties for engaging in sex work for both the sex worker and the client (van der Meulen & Durisin, 2008). In place, regulation of the industry relies on generic criminal, labour and health policies to regulate activities and to establish rights and protections for workers (Barnett & Casavant, 2014; Durisin et al., 2018). In this context, sex workers are still protected by the criminal law and subject to it in all related work, private, and public activities. With decriminalization, sex workers are subject to the same workplace regulations, such as health and safety standards, as *all* other workers and are entitled to organize unions, guilds, and associations to protect their basic rights (van der Meulen & Durisin, 2008; van der Meulen et al., 2013).

Since New Zealand is the first and only country to fully decriminalize sex work, I will be focusing on decriminalization in the context there in this section. As a note, considering all prominent sex workers' rights organizations in Canada call for this policy approach, an understanding of the application of decriminalization is of vital importance to discussions of sex work in the Canadian context.²⁸ In 2003, the New Zealand parliament passed the *Prostitution Reform Act (PRA)* and decriminalized all consensual adult sex work

²⁸ See Stepping Stone (NS), Maggie's (ON), Pace Society (BC), etc.

(van der Meulen & Durisin, 2008, p. 307). Under this legislation, the country's sex industry now operates under the same health and safety rules that govern all other New Zealand industries. The *PRA (2003)* set forth the following objectives:²⁹

To decriminalise prostitution (while not endorsing or morally sanctioning prostitution or its use) and to create a framework that –

- (a) safeguards the human rights of sex workers and protects them from exploitation;
- (b) promotes the welfare and occupational health and safety of sex workers;
- (c) is conducive to public health;
- (d) prohibits the use in prostitution of persons under 18 years of age;
- (e) implements certain other related reforms.

Drawing on the 'sex work is work' paradigm, the ultimate aim of the act is to uphold and advance the rights and dignity of sex workers (Durisin et al., 2018, p. 8). The *PRA* provides a framework within which both indoor and street-level sex work are permissible, and independent sex workers are permitted to work in unregulated environments, determining their own working conditions. As such the government of New Zealand did not establish stigmatizing 'tolerance zones' or 'red-light districts.' Moreover, sex workers in the country are not required to register with the police (a requisite stipulated by systems of legalization) and can therefore maintain anonymity (van der Meulen & Durisin, 2008, p. 306). In addition, up to four independent individuals may legally work together, as equals, from the same indoor location without an operator's certificate (as long as no one is in control of anyone else or their work). The law does, however, require that if more than four persons are working together, or work for a third-party, an operator certificate must be obtained (Barnett & Casavant, 2014, p. 7).

²⁹ Note: The *Prostitution Reform Act (2003)* employs the terminology of "prostitution," however, I have chosen to maintain the use of "sex work" in my examination of the New Zealand Model.

The *PRA* does, however, outline some sex trade specific provisions. In order to combat exploitation and human trafficking, the act prohibits the facilitation or assistance of anyone under the age of 18 in providing sexual services. Furthermore, the *PRA* addresses the issue of trafficking by denying immigration permits to persons who intend to work in, invest in, or operate a sex work business in New Zealand or who does so while living in New Zealand on a temporary or limited purpose permit. The act also introduced harsher penalties against exploitative practices by clients and operators in an effort to safeguard sex workers and victims of human trafficking (Barnett & Casavant, 2014, p. 7).

It is important to emphasize that although the system of decriminalization in New Zealand eliminates the legal restrictions and criminal penalties for engaging in consensual sex work (for both sellers and buyers of sex), sex workers are not left unprotected in the face of harm (van der Meulen & Durisin, 2008, p. 306). Critics of decriminalization often claim that without criminal laws to protect them from exploitative ‘pimps’ and clients, sex workers would be left vulnerable to violence. However, with decriminalization, workplace harms and grievances can be adjudicated under more suitable federal, provincial, or municipal policies (Durisin et al., 2018, p. 9). Furthermore, akin to other industries and activities, sex workers, clients and third parties are still bound by provisions embedded in the existing criminal and penal code which protect against rape, sexual assault, fraud, disorderly conduct, bodily harm, etc. (van der Meulen & Durisin, 2008, p. 306). The built-in protections, prioritizing sex workers’ human and employment rights, can be credited to the collaboration of sex workers and allies in the creation of the act (van der Meulen & Durisin, 2008, p. 308).

To evaluate the legislation’s impact, the Minister of Justice established the

“Prostitution Law Review Committee,” which released their findings in May 2008.³⁰ The committee concluded that “[o]n the whole, the PRA has been effective in achieving its purpose, and the Committee is confident that the vast majority of people involved in the sex industry are better off under the PRA than they were previously” (Prostitution Law Review Committee, 2008, p. 168). The research revealed that the sex industry in New Zealand has not increased in size as a result of the PRA, and many of the social harms predicted by those who opposed decriminalization have not been experienced. The Committee concluded that the decriminalization of the sex industry had been positive, particularly in safeguarding the following rights: the right for those under 18 not to be used in sex work; the right for adults not to be forced to engage in sex work, including the right to refuse a particular client/sexual practice; and the right not to be subject to exploitative and/or degrading employment practices (Prostitution Law Review Committee, 2008, p. 45). Nonetheless, the committee highlighted that while the process to eliminate exploitative employment conditions in the sex industry has commenced, it is by no means complete and will require an extended period of relationship building between sex industry participants and authorities before the rights of those in the sex industry will be fully realized (Prostitution Law Review Committee, 2008, p. 168).

In sum, the most poignant lesson to be learned from the New Zealand Model is that “affected communities usually know best about the way their lives can be improved” (Healy as cited in Chrichton, 2015).³¹ Supporters of decriminalization argue that

³⁰ The Committee was composed of individuals nominated by the Ministers of Justice, Health, Police, Commerce, Local Government and Women’s Affairs (in consultation with the Minister of Youth Affairs) and the New Zealand Prostitutes’ Collective. The Committee comprised sex workers, brothel operators, a nun, a general practitioner, an academic, a city councillor, a criminologist, a public health official, social workers, representatives of NGOs and a retired police officer (*Report of the Prostitution Law Review Committee of the Prostitution Reform Act 2003*).

³¹ Catherine Healy is the national coordinator of the New Zealand Prostitutes Collective (NZPC).

decriminalization of the sex industry is the only regulatory approach capable of acknowledging sex workers as “active thinking people who have agency and can make informed decisions about their lives and their work” rather than reducing them to “mere dupes of patriarchal social relations” (Brock & Teixeira, 2014, p. 314). Further, if the ultimate objective of sex work regulation is to diminish experiences of violence and exploitation of persons who sell sex (as is implied by the *Nordic model*), pro-sex work scholars employ the example of New Zealand to demonstrate that *full* decriminalization appears to be the best strategy for effectuating these aims (MacDonald et al., 2013, p. 165).

Concluding Remarks

Ultimately, at the core of the contemporary pro- versus anti-sex work debate is “women’s capacity to maintain sovereignty over the body that is embedded in socio-cultural norms” (Coy, 2009, p. 62). The examination of paradigms and policies in this chapter has worked to highlight this ideological contention. Equally, this chapter has delineated the ways that the discursive framing of each paradigm has influenced the establishment of distinct policy approaches.

In the Canadian context, discerning not only which assumptions underpin how sex work is represented in Bill C-36, but how the assumptions have gained prominence through historical and transnational influences, is pivotal. Similarly, assessing how the problematization of sex work in PCEPA could be (and, as shown above, is) thought about differently, helps shed light on what is left out of the legislation, i.e. the silences. Finally, understanding the diversity of frameworks and policy strategies for addressing the sex industry engenders a more thoughtful response to questions regarding which ‘effects’ are

produced by the representation of sex work in Bill C-36 vs. conditions that are (or rather may be argued to be) inherent to sex work (Bacchi, 1999; 2010).

Chapter 3: Methods

This chapter reviews the methodological approach, methods, analysis, research limitations and challenges encountered during the study. The methodological approach lays out the theoretical lens used to analyze Bill C-36, and the questions guiding the research. The description of methods outlines the research strategies I used in policy analysis, media content analysis, and inductive interview analysis. Throughout this thesis, I employ a ‘what’s the problem represented to be?’ approach and critical discourse analysis most prominently in the legislative analysis chapter (Chapter 4). Another key theoretical concept in this thesis is ‘resistance.’ A consideration of discourse as a point of resistance appears predominantly in my analysis of sex worker interviews (Chapter 6). In the section on data collection, I explain the qualitative and quantitative strategies used to gather the research data, and the study’s recruitment procedures and interview protocols. The analysis section outlines how I used thematic and content analysis to facilitate the application of WPR and CDA in the findings Chapters 4-6. In addition, I explain the use of bar and line graphs in the analysis of news media. The chapter closes with a description challenges encountered during the research and its limitations.

The study’s theoretical perspective, guiding questions and analysis were designed to identify the discursive power dynamics operating within the sex industry. Drawing on Foucauldian-influenced poststructural theory, this research recognizes policies as social and political spaces that are articulated through relations of power and systems of governance (Shore & Wright, 1997, p. 14). It follows that policy is a valuable lens through which to study processes of socio-political contestation and transformation (Shore & Wright, 2011 p. 11). Additionally, I take the interconnected relationship between micro,

meso and macro levels of policy discourse to play a key role in the (re)production and challenge of dominance and inequality (Marston, 2002; van Dijk, 1993).

In order to examine the discursive power relations operating within Bill C-36, and explore the networks of actors implicated within, and impacted by, the legislation, this study relies on a series of ‘top-down,’ ‘studying through,’ and ‘bottom-up,’ qualitative methods. As noted in the introductory chapter, critical discourse analysis (CDA) constitutes the ‘top-down’ method, ‘what’s the problem represented to be?’ (WPR) and quantitative/qualitative media content analysis compose the ‘studying-through’ portion, and lastly, qualitative interviews with sex workers and police produce the ‘bottom up’ portion of this research. Re the latter, my methodology is also interpretative and qualitative (Shore & Wright, 2011). As much as possible, this study works to highlight sex workers’ *own* voices, and recognize their capacity as experts on the tangible effects and lived experiences of sex work legislation, and to consider and emphasize the continuum of sex workers’ lived experiences (van der Meulen, 2011). The specific research questions that I used to assess the impact of Bill C-36 reflect this view of policy. These questions are as follows: 1) what are the underlying assumptions underpinning Bill C-36; 2) what do the underlying assumptions reveal about Bill C-36; 3) has (and if so how) the discursive framing of sex work in Bill C-36 been disseminated through Canadian news media; and 4) what are the effects of Bill C-36—intended or unintended—on sex work and sex workers in Halifax? Ultimately, this thesis seeks to unpack the hegemonic assumptions embedded in Bill C-36, the *Protection of Communities and Exploited Persons*, examine the ways in which the problematization is challenged, and assess what effect the legislative framing of

the sex industry has had on sex workers in Halifax, and Canadian communities more broadly.

Methods and Theory

Given the nature of my own policy inquiry—how sex work has become problematized and actively controlled in Canada through Bill C-36— both the policy analysis component of my research, as well as this thesis in its entirety is grounded on a combination of a ‘what’s the problem represented to be?’ (WPR) approach (Bacchi, 1999; 2009) and critical discourse analysis (CDA) (Marston, 2004; van Dijk, 1993). These Foucauldian-inspired poststructural approaches together elucidate how the sale of sexual services for remuneration has been represented in Canadian policy discourse as a ‘social problem.’ Moreover, these approaches, which highlight the ontological multiplicity and performative character of policy, enabled an examination of the network of actors implicated within—and impacted by—Bill C-36 (Bacchi, 1999; van Dijk, 1993). Specifically, I examine the complex relationship between policy-makers, media producers, police and sex workers.

In an effort to avoid a simple linear analysis of policy, and to account for the intricacies of policy change, power dynamics, and the roles of values, framing, discourse, and evidence in policy making, this study sees policy as fundamentally a sociopolitical construct and, therefore, something to be problematized (Fischer, 2009). Further, while so-called evidence-based policies have become increasingly common, sex work policies—as previously discussed—exhibit all of the characteristics and effects of morality politics. The role of social and political values inherent in Bill C-36 are a crucial part of the story

(valentine, 2009; Wagenaar & Altink, 2012). In particular, this study draws heavily on the Foucauldian notions of problematization³² and governmentality.³³

‘What’s the Problem Represented to Be?’

The WPR approach to policy analysis, which is fundamentally social constructionist, takes as its starting point a detailed analysis of items that make the political agenda, and investigates how the construction of policy ‘problems’ limit what is talked about as both possible and desirable (Bacchi, 1999, p. 3). This approach, which endeavours to expose how and why ‘problem’ representations become embedded in policy—and policy proposals—was a useful starting point for this study (see Appendix B for Step-by-Step Guide to WPR). Notably, WPR emphasizes our inability to discuss troubling conditions, i.e. ‘problems,’ outside of their representations (Bacchi, 1999, p. 9). Every policy (and policy proposal) is a prescriptive text, according to Bacchi, ergo policies are practices that rely on particular problematizations (2012, p. 4). According to WPR, two interrelated levels of analysis ought to be applied to studies of policy ‘problem’ representations. First, there can be different impressions of what constitutes a concern or ‘problem,’ and secondly,

³² Foucault employs the term ‘problematization’ in two ways: first, to describe his method of analysis and, second, to refer to a historical process of producing objects for thought. His particular method of analysis, which he calls ‘thinking problematically,’ is more a description of thinking as a practice than a diagnosis of ideological manipulation. The point of this mode of analysis is not to look for the one correct response to an issue but to examine how it is questioned, analyzed, classified and regulated at specific times and under specific circumstances. In the second meaning, problematization captures a two-stage process including how and why certain behaviours, phenomena, and processes become a ‘problem’ and, in turn, how they are shaped as particular objects for thought (Bacchi, 2012, p. 1).

³³ Originally coined by Foucault, applying a ‘governmentality’ approach enables us to move beyond policy studies in the narrow institutional sense, and instead positions government as ‘a problematizing activity,’ in which government activities are understood in relation to the full array of social knowledges and problems in which they are embedded. Adopting this perspective directs attention to the importance of problematizing, and facilitates questions such as “what is to be considered a problem,” and “what might be an appropriate response” (Colebatch, 2002, p. 426). Moreover, this approach highlights governmental attempts to fix our identities in definitive ways in order to achieve particular political ends (Bacchi, 2010).

there can be different impressions of the causes of a given ‘problem’ (Bacchi, 1999, p. 4). This analytic approach proved to be essential for making sense of the variant paradigms for understanding sex work, and policy initiatives for managing the industry discussed throughout Chapter 2.

WPR challenges the deep-seated, ontological assumption that naming something as a ‘problem’ gives it separate existence—removing it from judgement (Bacchi, 1999; 2009). This focus on representations, therefore, requires an analysis that centres on discourse, and in turn, on the ways in which arguments are structured, and objects and subjects become constituted in language (Bacchi, 1999, p. 41). In view of this, I take Bill C-36 to be an entry point for identifying how sex work is problematized in Canada. Applying a WPR analysis to Bill C-36 enables us to challenge the representation of the ‘prostitution problem,’ and examine how it can be questioned, disrupted and replaced. To this end, I seek to distance my analysis from the taken-for-granted objects and concepts advanced by the bill, and instead highlight “the heterogeneous strategic relations—the politics—that have gone into their making” (Bacchi, 2012, p. 5), opening them up to critical scrutiny. Given the importance of discourse as a productive process for shaping the socio-political landscape of the sex industry, the WPR approach is a productive tool for examining not only how sex work has been problematized, but how the problematization has been both disseminated and resisted.

Critical Discourse Analysis

In addition to WPR, applying a critical discourse analysis of Bill C-36 enabled an in-depth investigation into the role of discourse in the legislative framing of sex work and

sex workers. At the core of CDA—which functions as both a transdisciplinary theory and a method—is the notion that language is inseparable from the context in which it is embedded (Fairclough, 2001; Marston, 2004). Additionally, CDA is informed by the critical theory tradition, taking antagonisms between political groups and social classes as its focal point (Marston, 2002, p. 85). In this way, CDA is motivated by pressing social issues, and concerned with macro, meso and micro levels of discourse (Fairclough, 1989; van Dijk, 1993). As such, CDA offers a productive method for examining how social relations, identity and power are constructed through discourse (Marston, 2004; van Dijk, 1993; Wodak, 2001).³⁴

Again, drawing on the Foucauldian tradition, this thesis employs CDA to highlight the way that the language of policy is inherently connected to power relations, domination, and social inequality (Marston, 2004; van Dijk, 2001; Wodak, 2001). In the most direct sense, ‘power’ denotes control by (members of) one group/organization/institution over other groups and may refer to action and/or social cognition. Here, social cognition refers to the various forms of knowledge, attitudes, ideologies, norms, and values shared by social collectivities (van Dijk, 2001, p. 113). In other words, symbolic power may limit freedom of action, but it may also influence the manner in which individuals and populations think (van Dijk, 1993, p. 254). Following this particular focus on power relations, CDA advances a top-down approach, in which powerful ‘elites’ and their discursive strategies for

³⁴ According to CDA scholars, ‘discourse’ is typically defined in the broad sense of a ‘communicative event.’ This includes conversational interaction, written text, bodily gestures, facework, typographical layout, images and any other ‘semiotic’ or multimedia dimension of signification (van Dijk, 2001, p. 98). For the purposes of this study, written text (e.g. Bill C-36) and spoken text (e.g. interviews) are taken as the object of critical discourse analysis.

(re)producing power are taken as one of the main objects of analysis (Marston, 2004; van Dijk, 1993).

A CDA approach to examining policy facilitates the unmasking of discourse and works to highlight ‘silences’ and (mis)represented voices in the text (Marston, 2004, p. 125). Through this application of CDA, this study explores the underlying assumptions present within Bill C-36 and, in turn, how social, identity and power relations are constructed in—and through—the legislation. As such, this method is particularly suited to advocacy-based research because it has the potential to illuminate asymmetrical power relations in society (Marston, 2002). That said, a weakness of employing CDA is the tendency to exclusively focus on ‘top-down’ dimensions of power (van Dijk, 1993, p. 279). Research adopting the approach— including components of this study— frequently applies CDA to elucidate ‘top-down’ relations of dominance, rather than ‘bottom-up’ relations of resistance, compliance, and acceptance (van Dijk, 1993, p. 250).

Resistance

Because the policy and media content analysis components of this study centre on state actors’ and journalists’ discursive strategies for framing the exchange of sexual services for remuneration and, in turn, their role in the discursive management of the public perception of sex work, the interview component of the study, with its focus on a ‘bottom-up’ investigation of sex workers’ lived experiences, is meant to offset this shortcoming by highlighting the ways in which political subjects are creative and active agents; not passive docile bodies complaisant in processes of disciplinary power (Shore & Wright, 2011, p. 17). To this end, the concept of ‘resistance’ is employed to enable a consideration of agency

within dominant structures (Jeffrey & MacDonald, 2006). According to Foucauldian theory, discourses not only constitute a site of power but also a point of resistance. In attending to the role of discourse in the (re)production of dominance and inequality, it is critical to “make allowance for the complex and unstable process whereby discourse can be both an instrument and an effect of power, but also a hindrance, a stumbling-block, a point of resistance and a starting point for an opposing strategy” (Foucault, 1990, p. 101). The interview component of this research relies heavily on ‘resistance’ to describe and analyze the ways that sex workers in Halifax fight back against hegemonic representations, and strive to establish or retain control of their actions and cognition even within constrained circumstances (Jeffrey & MacDonald, 2006; van Dijk, 1993).

Data Collection

Legislative Analysis

The data for the legislative analysis component of this thesis comes from Chapter 25 of the Statutes of Canada (2014), i.e. the legislative text of the *Protection of Communities and Exploited Persons Act*. In addition, the data includes commentary from the attendant Parliamentary Debates (June 2014) and House of Commons Standing Committee on Justice and Human Rights (July 2014), and to a peripheral extent, historical Canadian sex work legislative texts (see Chapter 1). These documents enabled a meso level of analysis, in which the evolution of Bill C-36, and actors involved, could be traced (Talib & Fitzgerald, 2016, p. 536). These texts were accessed through the Parliament of Canada website.

Media Content Analysis

As a result of interview limitations (see subsequent section) the initial project proposal was amended to include a quantitative/qualitative media content analysis (Shoemaker & Reese, 1996). Specifically, I chose to evaluate how national *Globe and Mail* articles discursively framed the Canadian sex industry and its participants from December 6th, 2013 to December 6th, 2015; the aim of doing so was to identify dominant media representations of sex work, and sex workers. The chosen two-year period represents a time of significant discussion of sex work and sex work laws in Canadian media, as it encircles the enactment of the *Protection of Communities and Exploited Persons Act* on December 6th, 2014. For the sake of feasibility, I chose to analyze only one Canadian newspaper's content. I selected the *Globe and Mail*, first, because it is one of only two national newspapers in Canada (printed in five cities, and available online); second, while its political bias is liberal and slightly centre-right, as opposed to alternative options, it was the closest to political centrism; third, while this study aims to investigate sex workers' experiences in the Halifax, media representations of the sex industry in Canada do not appear to be overly localized. By this I mean that based on my preliminary research, provincial reporting appeared to echo national discussions.³⁵ Finally, provincial newspapers provided a much smaller data set than a national publication.

Globe and Mail news articles and editorials were accessed through Factiva. The keywords "sex work*", "prostitut*", "sex industry," "sex trade" and "Bill C-36" were used as search terms and produced 699 results. This included articles that did not pertain to the

³⁵ Please note I am not suggesting that conditions of sex work are universal across Canada, this is undeniably not the case. However, my research shows that Canadian media portrayals of sex work are predominantly not region-specific.

sex industry and/or had non-Canadian content. A large proportion of results (449 articles) were later excluded from the sample because they were unrelated to the sex industry in Canada. 250 records were included in the present analysis. Articles were coded for the presence of 47 keywords or themes (which were posteriorly condensed into 32 keywords/themes), and six non-dichotomous nominal variables, i.e. variables that had more than two categories, and which do not have an intrinsic order, e.g. ‘policy stance’ (see Appendix C for Coding Scheme).

Interviews

Participants and Procedures

The research methodology involved semi-structured interviews with four independent sex workers (three female-identifying, and one male-identifying), as well as one former police investigator in the Halifax Regional Police (HRP) Vice Unit. Please note, that for the sake of continuity, I employ the term of ‘sex worker’ throughout this thesis, however, it is important to mention that two of the interviewees preferred the term ‘service provider’ (although they were not opposed to sex work terminology). Interviews with sex worker informants were predicated on their status as experts on the effects of Bill C-36 (Ferris, 2015; Jeffrey & MacDonald, 2006; van der Meulen et al., 2013). Given the sensitive nature of the study, establishing harm-reduction guidelines to protect sex worker informants was of utmost importance during recruitment of the study population (Dickson-Swift et al., 2008; Shaver, 2005). Accordingly, following the research methods of Jeffrey and Macdonald (2006), to ensure the privacy, safety and security of interviewees, participants were recruited with assistance from Stepping Stone, a non-profit organization

that provides support and programming for sex workers in the HRM.³⁶ The study was also approved by the research ethics board at Dalhousie University.

The sex worker sample was purposively selected using four criteria: 1) all the informants defined their involvement in the industry as voluntary; 2) they were all aged 18 years or over; 3) they were all Canadian citizens; 4) and they had all worked in the HRM for a minimum of 6 months. The author conducted the interviews, which ranged from 45 minutes to 1.5 hours. All sex worker interviews were conducted at Stepping Stone, where a private, safe and secure room was provided. In the event that sex worker participants felt the need to discuss their interview experience, the trained staff at Stepping Stone were made available for debriefing. Due to geographical constraints, the interview with the former police investigator in the HRM Vice Unit was conducted over the telephone.

Interviews were tape-recorded, and transcribed verbatim, with the informants informed oral consent. All informants were fully assured that their confidentiality would be protected. They were also advised that they could freely skip questions or withdraw from the study at any time, and up until three months after the interview had taken place, without prejudice. Once transcribed, interview recordings were destroyed and to protect the confidentiality of interviewees, all personal identifying information, including names and references to specific locations, were removed from the interview transcripts. To ensure that participation in the study was entirely voluntary and not influenced by the promise of monetary gain, participants did not receive monetary compensation for their interviews. However, based on recommendations from Stepping Stone, sex worker informants were provided with a \$20.00 coffee shop gift card as a “thank you.”

³⁶ <https://steppingstonens.ca/>

Interviews were designed to gather qualitative data from sex workers about the effects of Bill C-36 on their work and lives. Interview questions and themes did not in any way aim to interrogate sex workers about the specific details of their work. The interview guide (for sex worker participants) used a combination of semi-structured and open-ended questions to address five broad areas: 1) conceptualizations and framings of sex work and sex workers in Canada; 2) the role of legislation in shaping prevalent conceptualizations of sex work and sex workers; 3) the role of the media in promoting particular conceptualizations of sex work and sex workers; 4) sex workers' experiences and perceptions of Canadian sex work laws, in particular, Bill-C 36; 5) sex workers' own recommendations for policy initiatives and labour organization within the Halifax sex industry. Sex workers were asked about their familiarity and impressions of current sex work laws in Canada, whether they had experienced shifts in the structure of their work since the enactment of Bill C-36—and if so, what changes they experienced, how they were viewed and treated by police, outreach workers, officials, the media and the public, and finally, if and how they thought sex work policies ought to change (see Appendix D for Interview Guide 1).

The interview guide for the one police officer informant that I was able to obtain, addressed similar themes, however, focused primarily on how and which forms of sex work were managed by the HRP Vice Unit. Interview questions were designed to gather qualitative data regarding: which forms of sex work are most frequently attended to by the Vice Unit; what are the HRP's main concerns regarding sex work in the region; how were sex work activities handled by the Vice Unit prior to and after Bill C-36; did HRP officers attend information sessions and/or undergo retraining as a result of the legislative reform;

how did police treatment of sex workers, clients and third parties change after Bill C-36; do individuals involved in the Halifax sex industry appear to be aware of the sex work law reform in 2014; how public perception of sex work and sex workers in Halifax compares to policing experiences; and finally, from a police perspective, whether Bill C-36 is achieving its primary objectives in practice (see Appendix E for Interview Guide 2).

Analytic Strategies

Legislative Analysis

‘What’s the Problem Represented to Be?’

The legislative text of Bill C-36 (2014), attendant Parliamentary Debates, and Evidence from the Standing Committee on Justice and Human Rights were manually coded and analyzed using content and thematic analysis. First, in order to investigate the processes by which the Government of Canada *created* the ‘prostitution problem’ in Bill C-36, meaning that policy makers created particular impressions of what the ‘problem’ is, I followed the analytical guide set out in WPR (Bacchi, 2010). Through the application of WPR, I analyzed the complex of ideological assumptions underlying the ‘problem.’ I linked the emergence of PCEPA to past forms of sex work legislation in Canada, in order to understand how systems of ‘prostitution’ control were problematized in the past and trace how Bill C-36 relates to those earlier ‘problematizations.’ In addition, I examined the contemporary global contexts which influenced Bill C-36’s adoption of end-demand criminalization. I assessed a series of interconnected factors producing ‘silences’ in the legislation, as well as ways in which the ‘problem’ could have—and has been—thought about differently. Finally, I evaluated PCEPA’s effects on the targeted population, i.e. sex

workers, and elucidated several ways the ‘problem’ representation risks negatively impacting non-sex worker Canadians, more broadly.

Critical Discourse Analysis

Second, applying CDA, I employed a micro-meso-macro architecture to determine the relationship between the legislative text and the broader social space in which Bill C-36 is embedded (Fairclough, 1989; van Dijk, 1993). I examined the micro level of discourse in the policy texts, investigating what linguistic features and strategic language devices were used to represent sex work and sex workers. I focused predominantly on key words identified in the literature and historical law review, these include the terminology of ‘prostitution,’ ‘exploitation,’ ‘trafficking,’ ‘protection,’ and ‘communities.’ At the meso level of discursive practice, I examined the processes and intentions underlying discursive production and dissemination by state actors. I take the position that meanings arise not only from specific language, but from institutional practices, power relations, and social positions (Fairclough, 1989). Accordingly, the analysis involved scrutinizing what is said and thought, but also “who [could] speak, when, where and with what authority” (Ball, 1990, p. 18).

Through examining what and how desirable outcomes are discursively framed in the policy documents, it was then possible to highlight how specific macro values are engendered through supporting, and supported by, micro-meso valuations (Talib & Fitzgerald, 2016, p. 535). At the macro level of analysis, I critically analyzed the intricate ways in which social hierarchies, identity and power structures are constructed, conveyed, and disseminated through the legislation (Shore & Wright, 2011; van Dijk, 1998).

Multi-disciplinary Approach

Taken together, conducting the analysis of Bill C-36 through WPR (policy analysis) and CDA (social theory) allowed me to examine the complex relationship between the legislative discourse and dominance. Second, the analysis process allowed me to explore how the language, themes, representations and problematizations emergent in Bill C-36 compare and/or contrast to media discourse and debates around the sex work industry in Canada (see next section). Finally, the methodological arrangement was instrumental in examining the ways in which Bill C-36 impacts sex industry participants, and compares and/or contrasts with sex workers' *own* representations of their work and lives.

Media Content Analysis

The coding scheme for my analysis of *Globe and Mail* news articles was informed by topics and language usage identified in the literature, policy discourse, and interview data. The scheme was developed to reveal the terminology, themes, and discourse in the news media representations of sex work and sex workers in Canada. Some examples of coding variables include: sex work, prostitution, end-demand criminalization, criminalization, legalization, decriminalization, police, trafficking, pornography, victimization, exploitation, violence, stigmatization, health, safety, consent, negotiation, and agency (see Appendix C). Throughout my examination of *Globe and Mail* articles, I applied both WPR and CDA to analyze the data.

Cross-Sectional and Thematic Analysis

After data collection, as part of my thematic analysis, I created a graph of the

relative frequencies of different keywords and themes present within the *Globe and Mail*'s discursive framing of sex work in Canada (see Chart 1 and Charts 1a-1d).

Investigating the specific language used in *Globe and Mail* articles sheds light on what assumptions about sex work(ers) journalists adopted and disseminated, and the ways in which these assumptions are ideologically shaped by relations of power. Against this background, this graph provided a useful visual representation of how sex work was written about in the media and, in turn, what the frequency of particular discourses and problematizations suggest about media—and public—perceptions of sex work (Shoemaker & Reese, 1996, p. 28).

Longitudinal Analysis

In addition, I created a line chart to track the frequency of the keywords/themes over the period of December 6th, 2013 to December 6th, 2015, in order to evaluate whether or not the media discourse changed as a result of the introduction of Bill C-36, and the theoretical shift in the Canadian government's problematization of sex work (see Chart 2). By charting the frequency of (what I deemed to be, based on the literature and legislative text) the twenty most informative keywords over time (Chart 2) and examining upticks of specific keywords over the two-year period, I exposed the underlying attitudes and patterns present in the news publications. Specifically, the longitudinal analysis illuminates if, how, and to what extent, *Globe and Mail* news coverage on sex work changed in relation to the enactment of Bill C-36.

The combination of the cross-sectional and longitudinal data enabled me to move beyond a semantic level of analysis into an examination of the latent themes, i.e.

underpinning ideas, patterns, and assumptions, dominating Canadian journalists' characterization of sex work (Braun & Clarke, 2006). Furthermore, incorporating the media content analysis component of this thesis enabled a detailed execution of WPR's final step, i.e. analyzing how the 'problem' of sex work put forth by Bill C-36 has been disseminated and/or questioned and disrupted (Bacchi, 2010).

Interviews

Measures

All interview data collected was manually coded and analyzed to identify thematic content drawn from the literature as well as new themes that emerged from the interviews. A codebook was created, in which codes were grouped into various themed areas for narrative analysis. Building on van der Meulen's (2011) employment of narrative methodology, substantiating the assertion that narratives are an invaluable source of qualitative data, which can help identify, explain, and develop practical knowledge about social patterns and phenomena, this study understands qualitative research to comprise the stories, perspectives, and testimonies of sex workers (p. 350). Further, qualitative analysis of the interviews was advantageous as a mode of examining and highlighting sex workers' *own* voices and experiences. The analysis of data which emerged from my interviews with sex workers helped to form my understanding and conceptualization of the sex industry throughout this thesis.

Following the initial interview analysis, the themed areas were examined in relation to the thematic content emerging from the analysis of Bill C-36 and *The Globe and Mail*. The interview transcripts were further examined in relation to prevalent Canadian and

international sex work research and policies. This process enabled the triangulation of multiple sources to confirm and support the interpretation of the interview data.

Study Limitations

Legislative Analysis Limitations

While this thesis puts forth a robust micro level analysis of Bill C-36, the *Protection of Communities and Exploited Persons Act*, a more in depth analysis of the meso and macro levels of legislative discourse and problematizations would incorporate expansive qualitative research into a multitude of state-actors' and non-state actors' discursive practices during the conception of Bill C-36. The research is limited in that capacity.

Media Content Analysis Limitations

A more comprehensive analysis of journalists' framing of sex work and sex workers' in Canadian news media, would involve a broader range of newspapers, and ideally other mass media, sources. However, this was not feasible under the scope constraints of this study. Additionally, expanding the time variable beyond the two-year period bookending the introduction of Bill C-36 would facilitate a more detailed examination of how and if journalists' discursive framing of sex work, and sex workers, has changed over time. Analysis of social media discourse on the topic of representations of sex work and sex workers in Canada would be useful in future research in order to more comprehensively address question six in the WPR guide: how and where has this representation of the 'problem' been produced, disseminated and defended? How could it be questioned, disrupted and replaced? (Bacchi, 2010, p. 8).

Interview Limitations

Several factors complicated the collection of interview data for this study. First, given the study's focus on workers engaged in front-line exchanges of sexual services for remuneration, the sample was limited to workers who had direct physical contact with customers, i.e. who sold sexual services to clients in face-to-face encounters. Secondly, given the underground nature of this population, and the frequent stigmatization directed at the commercial sex industry, obtaining systematic data on individuals engaged in the Halifax sex industry proved difficult (Shaver, 2005). Finally, due to staffing changes at Stepping Stone (the sole organization in the Maritimes providing support and programming for sex workers), as well as its physical relocation during this study's recruitment phase, it was harder to recruit sex worker interviewees than initially expected.

Accordingly, in consideration of the marginalized nature of the study population, rather than pushing the staff at Stepping Stone and their clients for more interviews and risk making any of their community members feel uncomfortable or unsafe, I chose to work with the small number of interviews I was able to obtain, and revised the study to include the media content analysis component. Given the nature of this subject it is important to include the perspective of sex workers, but also very challenging to do so. The small number of interviews I was able to carry out offer an important counterpoint to the legislative and media perspectives. However, I would like to have interviewed even more people to enhance this component of the project, but that would have required a larger study and a longer timeframe. Since representative sampling techniques were not used, this study is unable to report on how common or frequent experiences were. The sampling technique also meant that I was unable to access sex workers who were not involved in

Stepping Stone's programming (Lerum & Brents, 2016; Shaver, 2005; Weitzer, 2010). While, as described in the previous section, I incorporated the triangulation of multiple sources to offset the limited sample size of both sex workers and police, the interview component of this research nonetheless relies predominantly on a small set of qualitative data, constituting a limitation of the study.

Research Challenges

In my endeavour to design an ethical, non-exploitative, non-reductionist study, I encountered several challenges. One of the greatest challenges I faced arose from the sensitive nature of the study topic (Sieber & Stanley, 1988). Because this study focuses on sex workers, who are a frequently targeted and actively disempowered population, one of my most serious concerns was the risk of co-opting sex workers' voices and experiences for my own research purpose (Dickson-Swift et al., 2008). Considering my positionality is that of a non-sex worker, it would be arrogant to suggest that I am capable of fully understanding or representing the lives and experiences of those engaged in the exchange of sexual services. Coupled with the aforementioned shortcoming of the study's small sample size, highlighting sex workers' voices, rather than (mis)representing them based on my own assumptions, has been my primary methodological and ethical aim. Nonetheless, as with all qualitative research, despite constant self-reflection to bracket my particular orientation from influencing the research, my positionality has undoubtedly informed my theorizing process and analyses, and therefore constitutes a limitation of the study (Relles, 2016). Furthermore, this study is entangled in a particularly messy, sometimes epistemologically incompatible, network of theories for conceptualizing sex work, policy,

and media representations, as well as the social, identity and power relations in which they are embedded.

The subsequent chapters on the analysis of Bill C-36, the content analysis of *Globe and Mail* news articles, and the investigation into the lived effects of the legislation on sex workers in Halifax, ultimately highlight what Foucault termed ‘an unstable conjuncture.’ That is the relationship between the government and those governed is dependent on the manner in which individuals are willing to exist as particular subjects (Bacchi, 2010, p. 13).

Chapter 4: Analysis of Problem Representations in Bill C-36, *the Protection of Communities and Exploited Persons Act*

In this chapter I seek to assess the underlying ideological assumptions operating within Bill C-36, the *Protection of Communities and Exploited Persons Act*, and how these assumptions shape, and are shaped by, relations of power (Marston, 2002). In order to achieve this, I critically examine how sex work is discursively framed and problematized in Bill C-36 (2014). As indicated in the introductory chapter, I take ‘problematizations’ to be the ways in which ‘problems’ are produced and represented in policies and practices (Bacchi, 2015). As argued by Edelman (1988), the true power in politics occurs in the process whereby problems are constructed and articulated, since it is through language that we experience politics. Importantly, when codified in law, ‘problem’ representations translate into meaningful symbolic and material effects for members of a targeted group (Bacchi, 2010; Shore & Wright, 2011). With this in mind, textual analysis is a tool for examining the role of policy in promoting naturalized ‘problem’ representations and establishing hegemonic constructions of ‘reality’ (Marston, 2002; van Dijk, 1993).

What follows is my evaluation of Bill C-36’s legislative text and, to an extent, the attendant Parliamentary Debates, focusing on the use of language in both. In particular, I address Bill C-36’s employment of the language of ‘prostitution,’ ‘trafficking,’ ‘child pornography,’ ‘exploitation,’ ‘protection,’ and ‘communities’ to problematize sex work. By investigating language use, I seek to elucidate the intricate ways in which social hierarchies, identity and power structures are constructed, conveyed, and disseminated through the legislation (Shore & Wright, 2011).

I argue that Bill C-36 has been heavily influenced by the ‘oppression’ paradigm, and as such presents a portrayal of sex work and sex workers that contradicts how many

sex workers see themselves (see Chapter 2 and 6). I link the ‘oppression’ paradigm discourse to contemporary neoliberal sexual politics, factors of globalization, and the rise of internet access. Additionally, I connect the notion of ‘community protection’ in the legislation to historical iterations of Canadian sex work policy, suggesting that while PCEPA has been heralded by some as a significant transformation of Canadian sex work legislation, in many ways Bill C-36 appears to mimic both the discourse and negative outcomes of earlier legislation. This chapter also elucidates the use of strategic ambiguity and silences in Bill C-36. This includes how the legislative text employs ambiguous terminology which contributes to issues being left unproblematic or discursively omitted. In addition, building on the literature review (see Chapter 2), I consider the ways the ‘problem’ can be conceptualized differently. To this end I propose that through the application of the ‘oppression’ paradigm, references to what researchers and advocates consider the root causes influencing entrance into sex work, and conditions exacerbating violence in the industry, are excluded from the legislation. Finally, I discuss how the legislation affects sex workers. I argue that despite the aim of ‘protection,’ Bill C-36 engenders many adverse effects on this historically marginalized community.

‘What’s the Problem Represented to Be?’ Analysis

As explained in Chapter 2, the first step in WPR analysis (see Appendix B) is to investigate what ‘problem’ is being represented. In the context of Bill C-36, while it may appear quite obviously to be ‘prostitution’ in Canada, it is worth reiterating that through policy, “governments *create* ‘problems,’ rather than *reacting* to them” (Bacchi, 2010, p. 2). The construction of policy ‘problems,’ therefore, limits what is talked about as *both*

possible and desirable (Bacchi, 1999, p. 3). Bill C-36 legally establishes the exchange of sexual services for remuneration as diametrically opposed to other (licit) exchanges of goods and/or services for payment. While the mere existence of criminal law aimed at eradicating the sex industry is evidence of this position, we also see this framing throughout the bill's preamble which asserts that 'prostitution' must be denounced because it is inherently exploitative, and as such the Government of Canada "prohibit[s] the procurement of persons for the purpose of prostitution" (2014). In this way, the purchase of sexual service is deemed an illicit transaction, and while the legislation does not explicitly criminalize the actual act of selling sexual services, the sale of such services is depicted as not only exploitative, but valueless.

Underlying Presuppositions and Assumptions

Second, we must ask what presuppositions and assumptions underpin this 'problem' representation (Bacchi, 2010, p.7). The legislation follows a narrative of innocent victims (sellers of their own sexual services) and predatory—criminally liable—offenders (purchasers and third parties). As suggested by the bill's title, Bill C-36 rests on the premise that the sale of sexual services constitutes exploitation. Throughout the Parliamentary debates, Minister of Justice and Attorney General Peter MacKay echoed this sentiment, stating that 'prostitution' is "a form of exploitation" and "persons who sell their own sexual services [are] victims" (2014). In accordance with this framing, the Preamble to Bill C-36 states that "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...[w]hereas it is important to protect human dignity and the equality of all Canadians by

discouraging prostitution, which has a disproportionate impact on women and children” (2014).

In this way, the bill frames the prostitution ‘problem’ exclusively as a heteronormative gender problem, in which male demand for commodified sex leads to the exploitation of women and children through ‘prostitution’ (see Bill C-36 Preamble). This is reflected in Bill C-36’s objective to ‘end demand’ for sexual services— a factor which was accepted as the primary cause of the existence of the sex industry in Canada (Galbally, 2016).³⁷ Additionally, the assumption that ‘demand for’ the sale of sexual services is the basis for the sex trade industry, suggests the legislation is deeply rooted in a market-based theory of consumer demand (see Bill C-36 Preamble).

It worth mentioning that clause 12. (1) of Bill C-36 repeals the definition of “prostitute” in sub-section 197(1) of the *Criminal Code*, although the term was used continually by Minister of Justice and Attorney General Peter MacKay during Parliamentary debates (Bill C-36, 2014). As discussed in the introductory chapter, this term is highly contested as it has the effect of emphasizing moral marginality typically associated with public or shameless female sexual agency (Davies, 2015, p. 80). Furthermore, the term ‘sexual services’ is purposely left undefined, a fact that I suggest constitutes strategic ambiguity. The repercussions of this discursive practice will be explored in the following sections. The legislative text predominantly endorses the language of ‘prostitution’ and ‘exploited persons’ to (passively) construct sellers of sexual services as victims of exploitation. This terminology serves to highlight the harmful ways

³⁷ “Whereas it is important to denounce and prohibit the purchase of sexual services because it creates a demand for prostitution” (Bill C-36, 2014, Preamble).

in which said persons are acted upon, removing overt blame from those engaged in the exchange of sexual services for remuneration, yet underscoring the notion that they are engaging in self-harming actions (see Chapter 1).

Expanding on this assumption, the second paragraph of the preamble states that “the Parliament of Canada recognizes the social harm caused by the objectification of the human body and the commodification of sexual activity” (Bill C-36, 2014). This expresses the notion that the commercialization of sexual services diminishes sovereignty and selfhood (Maher et al., 2012, p. 20). This view figures prominently in both the ‘sex work as moral transgression’ and ‘sex work as violence’ paradigms. Underpinning this conviction is a belief that the decision to voluntarily enter sex work is at heart inexplicable. According to scholars who raise objections to these paradigms, such as Wagenaar and Altink, “[no] woman in her right mind, so the argument goes, would freely and voluntarily opt for prostitution as a job or profession. To do so would place [one] outside the domain of acceptable human conduct” (2012, p. 287).

In the same vein, the inordinate emphasis on the worst aspects of sex work, including violence, trafficking and child exploitation, similarly functions to powerfully disseminate the ideology that ‘sex work,’ ‘human trafficking,’ and ‘child prostitution’ are synonymous (Lawrence, 2015; Marston, 2004; Wagenaar & Altink, 2012). This is evidenced by the legislative summary asserting that “[t]his enactment amends the *Criminal Code* to...ensure consistency between prostitution offences and the existing human trafficking offences” (Bill C-36, 2014). To this end, Bill C-36 offers no legal distinction between ‘voluntary’ and ‘forced’ exchanges of sexual services, as *all* forms of ‘prostitution’ are delineated as equally exploitative.

Also underpinning the bill is the assumption that prostitution threatens social order. As illustrated in the title of the legislation: the *Protection of Communities and Exploited Persons Act*, “protecting communities from the harms associated with prostitution” is a primary objective of the legislation (Bill C-36 Preamble). Prostitution is limned as both figurative and literal contamination that risks harming surrounding communities through “prostitution's normalization of sexual activity as a commodity to be bought and sold” (MacKay, 2014). In particular, street-level prostitution is “*associated with serious criminal conduct* including drug possession, drug trafficking, public intoxication, and organized crime” (*Bedford v Canada (AG)*, 2013, para 307). Aligning himself— and Bill C-36—with the notion of sex work as a public nuisance (see Chapter 2 on ‘Sex Work as a Necessary Evil’), rather than with the ‘oppression’ paradigm, in the Parliamentary debates, Honourable MacKay commented on the ways that “communities are...affected by *all* [emphasis added] forms of prostitution. Used condoms and drug paraphernalia may be discarded in public places, such as parks, playgrounds, or school grounds. Other community harms may include noise, impeding traffic, children witnessing acts of prostitution, harassment of residents, unsanitary acts, and unwelcome solicitation of children by johns” (2014). And so, Hon. MacKay chose to describe health and safety concerns traditionally associated with street-level sex work as though present in *all* forms of ‘prostitution.’

In referencing the societal impact of sex work, the notion of ‘community’ invoked by Bill C-36, is one centred specifically on traditional families and children. Bill C-36 aims to “protect...communities from the harms associated with prostitution” (Bill C-36 Preamble). While no definition of ‘community’ is noted in the legislation, nor in the

Parliamentary debates, the legislative framing implies that persons implicated within the sex industry (including sellers, buyers and third-party participants) are not part of ‘Canadian communities,’ rather they are a threat to them.

Consequently, the way PCEPA discursively frames sex work, symbolically displaces both workers and purchasers from community membership and laudable citizenry. As noted by Campbell (2015), both physical and symbolic accessibility to ‘community’ space is dependent on citizenship. A ‘community,’ as conceived here, does not necessarily occupy a tangible geographic space, rather, it can be a metaphysical and borderless site where social, political or cultural knowledge, attitudes and ideologies are exchanged. Outsiders—those who lack citizenship—are precluded from engagement within a community’s social and political life (Campbell, 2015). The discourse of Bill C-36 risks placing citizenship beyond reach for persons engaged in the sex industry. By advancing the notion of ‘public protection’ via the eradication of sex work, Bill C-36 represents ‘the seller of sexual services’ as a figure of abjection which, not only threatens the decent order of Canadian communities, but possesses no rightful space within them. This perception of sex workers (and other sex trade participants) as existing outside of the boundaries of legitimate communal spaces is a false and damaging narrative (Campbell, 2015, p. 38). Through their (mis)representation as a hazardous public nuisance, sex workers are assimilated into ‘objects’ capable of eroding the moral constitution of a community and its ‘legitimate’ members (Campbell, 2015, p. 38). Consequently, this discourse serves to deny any meaningful consideration of sex workers’ residential and social presence within communities.

In summation, while Bill C-36 incorporates a series of interconnected postulations to bolster its ‘neo-abolitionist’ approach to sex work governance, including the notion of ‘public nuisance’ and a ‘hierarchical valuation of sex acts’ (see Rubin, 1989).³⁸ I suggest that in adopting the radical feminist assumption that ‘prostitution’ itself is not *just* sometimes violent, but is *categorically and universally* a form of violence against women (and children), PCEPA draws most heavily on the ‘oppression’ paradigm (Galbally, 2016, p. 20; Scoular, 2015 p. 7). Through this discursive framing, the eradication of commercialized sexual services is therefore assumed to be necessary in the pursuit of gender equality in Canada.

Historical and Contemporary Influences

Historically, the Government of Canada’s approaches to the regulation of the sex industry relied heavily on notions of nuisance, vagrancy, and the preservation of community interests (Campbell, 2015, p. 28). Although Bill C-36 purports to shift criminal law’s focus from sex workers to buyers (presumed to be men) and third parties, the bill continues to subject sex workers working co-operatively or soliciting in public places to criminal prosecution. As per section 15(1.1), “[e]veryone is guilty of an offence punishable on summary conviction who communicates with any person — for the purpose of offering or providing sexual services for consideration — in a public place, or in any place open to

³⁸ According to Rubin “modern Western societies appraise sex acts according to a hierarchical system of sexual value. Marital, reproductive heterosexuals are alone at the top erotic pyramid...sex workers such as prostitutes and porn models, and the lowliest of all, those whose eroticism transgresses generational boundaries. Individuals whose behaviour stands high in this hierarchy are rewarded with...respectability, legality, social and physical mobility...As sexual behaviours or occupations fall lower on the scale, the individuals who practice them are subjected to a presumption of mental illness, disreputability, criminality, restricted social and physical mobility, loss of institutional support, and economic sanctions...The intensity of this stigma is rooted in Western religious traditions” (1989, p. 279-280).

public view.”³⁹ Section 20 expands the definition of public place to include “any place open to public view, that is or is next to a park or the grounds of a school or religious institution or that is or is next to any other place where persons under the age of 18 can reasonably be expected to be present.”⁴⁰ Further, under section 20, any person who “lives with or is habitually in the company of a person who offers or provides sexual services for consideration, in the absence of evidence to the contrary” is liable to fines or imprisonment.⁴¹

The above statutes indicate that Bill C-36 preserves the historical Canadian characterization of sex workers as a harmful nuisance to community interests—thus requiring proscription (Campbell, 2015). However, whereby historical nuisance laws were designed to preserve the *moral* fabric of the community, Bill C-36 is imbued with a notion of nuisance aimed directly at the protection of children from “exposure to prostitution” (Cassels, 1985; MacKay, 2014). As articulated by Hon. MacKay, Bill C-36 aims to “comprehensively protect children from exposure to the sale of sex as a commodity... [and] proposes a new summary offence that would criminalize communicating for the purpose of selling sexual services in public places where children can reasonably be expected to be present” (2014).

In addition to historical influences, it is particularly salient to situate the emergence of Bill C-36 in a time of increasing globalization and internet access. The globalization, expansion, and diversification of sexual commerce in recent decades have been relevant factors in the proliferation of human trafficking and child pornography. Faced with these

³⁹ See *Criminal Code* s 213, as inserted by Bill C-36 s 15(1.1).

⁴⁰ See *Criminal Code* s 286.2 as inserted by Bill C-36 s 20.

⁴¹ *Ibid.*

human rights challenges, the legislation is intended to prevent trafficking and the sexual exploitation of youth. Hon. MacKay underscored this objective during debates, stating that Bill C-36 “modernizes and reformulates child prostitution offences as aggravating forms of offences related to the purchase of sexual services” (2014). This comment is materialized in the bill’s addition of three offences pertaining to trafficking of minors (sections 279.011, 279.02 and 279.03) to the offences listed in section 171.1(1)(a) of the *Criminal Code* (Bill C-36, 2014). Through this legislation, and others, Canada has positioned itself among the growing number of western nations which oppose cross border trafficking on human rights grounds (Davies, 2015, p. 82).

Internationally, the anti-trafficking movement has employed radical feminist discourse to advocated for the treatment of global human trafficking and domestic sex work governance under the broad umbrella of ‘sexual slavery,’ effacing the distinction between these issues (Galbally, 2016, p. 10). As early as 2007—coinciding with the start of the *Bedford v Canada (AG)* trial—the Canadian Government indicated an intention to introduce a neo-abolitionist approach to sex work governance based on the *Nordic model*. As part of Parliament’s ‘Study on Human Trafficking,’ the Standing Committee on the Status of Women “recommended that Canada follow Sweden’s approach to prostitution. [Where] prostitution is recognized as an aspect of the exploitation of women and children and...harmful not only to the individual prostituted woman or child, but also to society at large” (Standing Committee on the Status of Women, 2007). As discussed in Chapter 2, in the name of protecting and rescuing victims of exploitation, the *Nordic model*—which is fundamentally based on radical feminism—places criminal measures predominantly on the demand-side of the transaction (Sanders & Campbell, 2007). Given that the Conservative

Party of Canada (CPC) is not traditionally associated with feminist pursuits, rather the opposite, the reliance on radical feminism in the CPC government's sex work policy can be interpreted as ironic. As previously mentioned, critics of anti-sex work policies frequently consider radical feminists and sexual conservatives as natural allies on the basis of their common aim of eradicating the sex industry. Accordingly, it is plausible that the CPC was motivated to adopt 'oppression' paradigm discourse as a means to achieve the principal aim of abolishing sex work in Canada.

This influence is perhaps most evident in the Preamble to Bill C-36, which states: "it is important to continue to denounce and prohibit the procurement of persons for the purpose of prostitution and the development of economic interests in the exploitation of the prostitution of others as well as the commercialization and institutionalization of prostitution" (2014). As such, in similar manner to predecessors of end-demand criminalization, through the implementation of the 'oppression' paradigm, Bill C-36 discursively frames *all* commercialized sexual services as 'exploitation.' Against calls for decriminalization, or legalization, Hon. MacKay fervently shut these options down in the Parliamentary debates, stating "let us be clear: we do not believe that other approaches, such as decriminalization or legalization, could make prostitution a safe activity" (2014).

What's Missing and Left Unproblematic?

Understanding the historical, ideological and institutional context of Bill C-36 compels us to ask what is missing from this representation? What is left unproblematic, what voices are suppressed or silenced by the legislation, and can the 'problem' of 'prostitution' be conceived differently (Bacchi, 1999; 2009; 2010)? Bill C-36 notably fails

to attend to several meaningful determinants of the sex industry, including issues of race, class, colonization, structural violence, and late-capitalist exploitation. In addition, by focusing exclusively on issues of heterosexuality and cisgender relations in the exchange of sexual services for remuneration, the bill silences the diversity of sexual orientations and gender fluidity which exist in the industry (Maher et al., 2012, p. 31).

As noted in the introductory chapter, language choice plays a significant role in privileging certain world views and informing policy approaches (Marston, 2002). Accordingly, policy makers' decision to employ the terminology of 'prostitution' in Bill C-36 comes inscribed with a meaningful series of assumptions about the nature and ethos of the industry. In opposition to the language of 'sex work,' 'prostitution' has historically had connotations of criminality and immorality. In more recent times, through the 'oppression' paradigm, the term has been used to name the violence that women who sell sex *inherently* experience—or so the argument goes (Davies, 2015; Ferris, 2015). As such, by implementing the language of 'prostitution' rather than the language of 'sex work,' Bill C-36 symbolically denies the plausibility that individuals may *choose* to enter the sex industry (Sanders & Campbell 2007).⁴² Considering Bill C-36's reliance on the 'oppression' paradigm, the legislative application of this genre of language was, in fact, a conceptual necessity since the alternative language of 'sex work' is "inextricably related to struggles for the recognition of women's work, for basic human rights and for decent working conditions" (Kempadoo, 1998, p. 3).

In the context of legislative texts specifically, language usage is a powerful tool for instructing audiences to adopt particular ideologies. As such, words and/or expressions

⁴² There are 32 instances of the term 'prostitution' and zero instances of 'sex work' in Bill C-36.

which denote something fundamental to a given legislative statute, typically acquire definition (Department of Justice, 2020). In view of this, it is striking that ‘prostitution’ is not defined in the *Criminal Code*. Likewise, the term “sexual services” in Bill C-36 was neither defined within the legislation nor in the Parliamentary debates leading up to its enactment. Member of Parliament, Françoise Boivin expressed concerns about this ambiguity, stating she was “still trying to find out what *sexual services* means in this Bill. Nobody is really defining it for me ... Minister [of Justice and Attorney General, MacKay] couldn’t” (2014). I suggest this constitutes an instance of ‘strategic ambiguity,’ in which language has been intentionally deployed in an ambiguous way to allow for various interpretations to coexist (Eisenberg, 1984 as cited in Leitch & Davenport, 2007). Leitch and Davenport (2007) assert that strategic ambiguity in the use of keywords allows divergent interpretations to coexist within discourses marked by conflict and/or ideological divisions. I suggest that the ambiguity of the term “sexual services,” in particular, was a deliberate discursive tactic used to consolidate *all* commercialized sexual services under the category of exploitation—rather than taking into account the continuum of experiences—and police them through the same legislative statute.

There are other notable absences in Bill C-36. First, the bill makes no mention of issues pertaining to ‘agency’ or ‘negotiation,’ and while the term ‘consent’ appears, it is not used in relation to voluntariness in the exchange of sexual services for remuneration, but rather in the context of consent of the Senate and House of Commons of Canada, and of the Attorney General (Bill C-36, 2014). Additionally, while matters of ‘exploitation’ and ‘protection’ figure widely in the bill, a discussion of ‘discrimination,’ ‘stigma,’ ‘health,’ ‘safety,’ and ‘marginalization’ is utterly lacking in the legislative text.

Parliamentary debates did address two of these topics. Sellers of sexual services were characterized as “society’s most marginalized and vulnerable” and, thus a goal of Bill C-36 was “to take the emphasis and stigma off the women, the victims, and to see them in a different light” (MacKay, 2014). By comparison, other Canadian state actors have conceptualized both the ‘problem’ of sex work, and appropriate policy approaches differently. Specifically, the ability of criminalization initiatives—including end-demand criminalization—to destigmatize sex workers have been debated. For example, the Canadian Missing Women Commission of Inquiry, noted that when sex workers are “treated as morally and socially distinct from other women” (as is the case in Bill C-36), when society sees them “as ‘non-ideal victims’ who are less deserving of respect,” and when “public priorities, public propriety and property values are prioritized” over the workers’, their “exposure to violence is abetted by the stigmatization and demonization” of their work (2012, p. 106-110).

Furthermore, in spite of the claims made regarding Bill C-36’s addressal of the overarching topic of sex workers’ ‘well-being,’ the bill’s discursive framing of the sex industry is seen to directly contradict the findings of *Bedford v Canada (AG)*, in which the Canadian Supreme Court ruled that “the safest form of prostitution is working independently from a fixed location” (2013). Given the legislation’s overt focus on the eradication of the sex trade, it stands to reason that improving the working conditions of persons in the industry was not a priority for the policy-makers, since the presumption is that no one ought to be ‘working’ in the industry at all. I suggest this constitutes a locale in which the problematization of sex work could have been ‘thought about differently’ (Bacchi, 2010).

By the same token, this framing discourages systemic inquiry by locating social harm outside of the state apparatus and institutions of corporate capitalism (Bernstein, 2007). By this I mean, the legislative discourse serves to obscure the structural conditions within which persons may choose, or be coerced into, entering the sex industry. This includes ignoring the way that race, class, and economic disempowerment bring varying meanings to sexuality and the conditions in which sexual exchanges take place (Galbally, 2016, p. 12). Through the discourse of victimization, i.e. the depiction of sex workers as victims, in which their capacity for agency is limited or nonexistent, and the characterization of buyers and third parties as ‘victimizers,’ Bill C-36 embraces a paternalistic and protectionist approach to sex work governance (Shaver et al., 2018, p. 127). In this way, Bill C-36 powerfully disseminates an image of the Government of Canada as an ally and saviour of ‘exploited’ prostituted persons. In doing so, the bill is able to disregard the role of government in producing and failing to alleviate problems of colonialism, poverty, racism and sexism which contribute to many sex workers’ decisions to enter the trade (Lawrence, 2015). Given the historical and contemporary overrepresentation of people living in poverty, people with substance addictions, and Indigenous sex workers—particularly in the realm of street-level exchanges—I argue these silences are problematic (Davies, 2015). Further to this point I suggest the discourse of ‘exploitation’ and ‘protection’ advanced by the legislation ultimately leads to an overly narrow comprehension of the scope and meaning of violence and exploitation experienced by those who are subjected to it (Davies, 2015).

Another factor left unproblematic in the legislation stems from its overt focus on heteronormative gender relations. Through the discursive framing of sex work as a product

and form of gendered violence, PCEPA functions to disregard the experiences of those who do not fit this rigid sex and gender binary, including male, intersex and LGBTQ+ sex workers and clients (Davies, 2015; Galbally, 2016; Lawrence, 2015). Moreover, the binary gender paradigm submitted by Bill C-36 can be argued to reinforce outdated gender-based stereotypes and sexual hierarchies which not only draw an imaginary line between *good* and *bad sex*, but also equates ‘women’ with notions of powerlessness and victimhood, and ‘men’ with the ‘demand for sex’, ‘sexual commodification’ and ‘violence’ (Galbally, 2016; Rubin, 1989).

The assumption that participation in sex work is the point at which women no longer have the capacity to make active decisions about their lives carries moralistic undertones and silences evidence demonstrating the complex continuum of experiences in the sex industry. In addition, the legislative framework designed to limit the freedom and self-determination of sex workers, to induce their exit from the industry, is arguably incongruous with the pursuit of “protect[ing] human dignity and the equality of all Canadians” (Bill C-36 Preamble). Instead, the discourse indicates a motive to control women’s conformity to dominant (and puritanical) ideals of sexuality and gender (see Rubin, 1989).

This discourse of victimization, coupled with the legal conflation of sex work with trafficking and child exploitation, serves to emphatically deny the diversity of sex work experiences and the possibility of consensual adult sexual exchanges.⁴³ This issue was brought up by Natasha Potvin a former sex worker and Board of Directors at Peers Victoria Resource Society during the House of Commons Standing Committee on Justice and

⁴³ There are 32 instances of the term “trafficking” and 24 instances of “child pornography” in Bill C-36 (2014).

Human Rights. Potvin (2014) argued that it is important to “distinguish between an act among consenting adults and an act of abuse...an act between two consenting adults is a different matter.” However, Potvin’s concerns regarding the conflation of consensual sex work with trafficking and sexual exploitation were effectively disregarded in both the Parliamentary debates and in the legislation.

Numerous scholars (see Davies, 2015; Doezema, 1998; Herdt, 2009; Lerum & Brents, 2016) have argued that the contemporary sex panic around ‘sex trafficking,’ in particular, reconstructs various structural problems connected to poverty, race, migration, and labour rights as “individual moral problems (or national security concerns) and expands the criminal justice system to increase monitoring and control of marginalized populations” (Lerum & Brents, 2016, p. 20). This ‘rescue project’ discourse enables the role of the state in upholding structural inequalities to be left uninterrogated and unproblematic (Bernstein, 2014).

Furthermore, the merging of experiences of women and children (typically girls) has the effect of infantilizing the experiences of adult women (see Bill C-36 Preamble). This effect is particularly profound throughout the debates on Bill C-36, which worked to essentialize the (female) sex worker, based on stereotypes regarding her childhood and upbringing. Hon. Peter MacKay described the majority of persons who provide sexual services as having “entered prostitution when they were mere children, and that they experienced sexual abuse prior to their first prostitution experience...[they] come from the most marginalized groups of society and share common vulnerabilities, such as childhood abuse, neglect, poverty, and addictions” (2014). This discourse forcefully ignores the multiplicity of pathways into, and motivations for, doing sex work. Furthermore, it is

salient to underscore that the (hypothetical male) client avoided this depth of scrutiny, and instead was indicated only through abstract references to ‘sexual demand’ (Galbally, 2016, p. 32). I suggest this sensationalist discourse serves as an emotional trigger that plays on the stereotypes of young girls in prostitution (Stella, 2013). However, this discursive framing, which rejects sex workers’ capacity for self-determination, is by no means unique to Bill C-36, and is argued by pro-sex work scholars to be an integral part of much of the ‘sex work as violence’ literature. Likewise, many 19th and 20th century Canadian sex work policies endorsed similar rhetoric (see Chapter 1).

Furthermore, by framing the ‘problem’ predominantly around issues of cross-border trafficking, child predation and online voyeurism—rather than domestic (adult) sex work—the bill can be argued to engender an anti-immigrant ideology that targets negatively racialized migrants (Davies, 2015). The discourse, therefore, functions to obscure the systematic degradation of Indigenous people which has historically contributed to the population’s over-representation in precarious sectors of the sex industry (Smith, 2003). Although, during the Parliamentary debates, Hon. MacKay remarked that “aboriginal women and girls are disproportionately represented among those who are exploited through prostitution,” a discussion of the causes of this overrepresentation was not explored (2014).

In this way, the discourse of trafficking for purposes of sexual exploitation obfuscates the continuing dispossession of Indigenous people in the country. Davies (2015) asserts there is an additional irony in the Canadian discourse of exit for the exploited, since much of their vulnerability to exploitation is engendered by characteristically *Canadian* forms of local and international resource extraction that displace Indigenous individuals

and communities, and exacerbate conditions of precarity (p. 82). Indigenous scholars frequently tie the overrepresentation of Indigenous women in the sex industry to the effects of colonization, specifically the systematic degradation of Indigenous persons in colonial discourses and legal practices (Smith, 2003).

Moreover, the bill's framing of sex work as a public nuisance, i.e. as something occurring primarily outdoors or at the street-level, obscures the reality that the majority of sex work in Canada occurs indoors. Although reliable data regarding sex work statistics is difficult to obtain, research indicates that less than 20% of sex workers in Canada solicit at street-level (Pivot Legal Society, 2016). During Parliamentary debates, Hon. MacKay contradicted these statistics, asserting that "we know from research that prostitution occurs in all parts of the country, most often on the street" (2014). However, sex work scholars attest that the majority of workers conduct their activities in brothels, massage parlours, escort services, or independently indoors (Benoit & Millar, 2001; Galbally, 2016; O'Doherty, 2011; Pivot Legal Society, 2016). The prominence of ideology rather than reliable evidence in Bill C-36 arguably reveals the manner in which the bill constitutes an instance of morality politics (Wagenaar & Altink, 2012).⁴⁴

As discussed at length throughout Chapter 2, there are multiple ways for theorizing and regulating the exchange of sexual services for remuneration. 'Prostitution,' despite how it has been problematized in Bill C-36, does not exist as fixed and autonomous essence (Bacchi, 2012). However, the explicit ideology and strategic ambiguity of the legislative discourse are implemented to suggest the contrary. In this way, the problematization of sex work is de-historicized, de-contextualized and homogenized. Through the discourse of

⁴⁴ See Chapter 1: Introduction.

exploitation and victimization, Bill C-36 fixes ‘prostitution’ as a social problem stemming from the behaviour of deviant individuals, expunging the need of policy-makers to consider how factors, including race, class, colonization, and sexual orientation affect pathways into the sex trade. Similarly, through the conflation of sex work with trafficking and child pornography/prostitution, the discourse functions to universalize the notion of exploitation, and thereby silences many of the lived experiences—including ones of violence—of sexual service providers.

Sociopolitical Impacts

Arguably the most important question to ask is what effects are produced by this ‘problem’ representation? While I have alluded to many of these in the sections above, and in Chapter 6 an in-depth analysis of the effects of Bill C-36 on sex workers in Halifax will be provided, here I briefly discuss how the legislation has produced a meaningful series of interconnected discursive, subjectification, and lived effects (Bacchi, 2010).

Beginning with the discursive effects of Bill C-36, the very existence of criminal law specific to sex work reveals an Othering of sex workers, in which their social and political status as community members is symbolically revoked. These efforts displace sex workers into zones of invisibility, where they are politically powerless (and where conditions of violence may be exacerbated).

Furthermore, while the undercurrent of radical feminist discourse informing the legislation may, to some degree, highlight the gender and power dynamics which continue to subjugate women in late-capitalist society, as previously stated, this discourse simultaneously functions to perpetuate a form of biological essentiality. I suggest this

framing discursively limits the autonomy and decision-making capacity of women in sex work, and serves to repudiate the relevance of non-female sex workers' experiences in the industry.

Additionally, through the bill's conflation of sex work with trafficking and child exploitation, the concept of 'agency' as it applies to sex workers is further effaced. Through Bill C-36's homogenous representation of sex work, in which an inquiry into structural determinants of violence within the industry is omitted, the possibility to improve sex workers' safety and wellbeing, from *within* the institution of sex work is emphatically rejected (Davies, 2015; Durisin, 2010).

The negation of sex workers' agency is likewise evidenced in section 20, the "material benefit from sexual services" provision.⁴⁵ While this provision claims to prevent the exploitation of sellers by criminalizing financial and/or other material benefits to third parties, it presupposes the paternalistic assumption that women in sex work inherently lack the judgment and competence to determine who should receive their earnings and why. This provision establishes that, absent evidence to the contrary, the fact that a person lives with or is in the habitual company of a sex worker is proof of material benefit from their services. This "presumption speaks to the stigma and normative understanding that sex workers cannot be legitimate objects of affection and that anyone who seeks intimacy with such an (immoral) woman has an ulterior... motive" (Gillies & Bruckert, 2018, p. 88).

Through Bill C-36, the Government of Canada puts forth criminal justice intervention as the 'solution' to the 'problem of prostitution' it has constructed. The problematization, as delineated above, carries serious implications for sex workers'

⁴⁵ See *Criminal Code* s 286.2 as inserted by Bill C-36 s 20.

agency, and as such, can be argued to (re)produce environmental, waged labour and settler colonial forms of exploitation and injustice.

I suggest that the subjectification effects, i.e. how people are ‘thought about’ and how they ‘think about themselves,’ engendered by Bill C-36 are as follows: sex workers are characterized as victims (never active and autonomous social agents; never legitimate workers); purchasers are delineated as perverted and deviant (male) perpetrators (never as respectful clients seeking sexual pleasure and emotional intimacy); and communities—which systematically exclude sex industry participants—are construed as affronted by ‘prostitution’ (Bacchi, 2009; 2010; Davies, 2015; Sanders, 2008). How these discursive framings influence how sex workers’ conceptualize their involvement in the sex trade, and how this specific problematization of sex work is disseminated to the general Canadian public, will be addressed in the subsequent chapters.

Finally, in regards to the lived effects of the bill’s problematization of ‘prostitution,’ the radical feminist and neo-abolitionist rhetoric advanced throughout Bill C-36 perpetuates gender stereotypes that, arguably, have implications for the self-determination of *all* women in Canadian society. By this I mean, the legislation both symbolically and materially threatens women’s capacity to maintain sovereignty over their own bodies. In the pursuit of protecting human dignity and equality, many scholars have argued that the discourse of the bill, in actuality, follows a circularity which reinforces sex workers’ vulnerability to patriarchal exploitation and violence (Campbell, 2015; Davies, 2015; Galbally, 2016).

Despite Hon. MacKay’s stated aim of moving “away from the paradigm of seeing victims being re-victimized under the Criminal Code,” I suggest Bill C-36’s

problematization of sex work, which dismisses the autonomy and decision-making capacity of sex workers, risks exacerbating conditions of violence and exploitation in the industry (2014). Contrary to assurance made by the Minister of Justice and Attorney General that Bill C-36 has “struck the proper balance in the best interests of the public and of prostitutes,” by de-legitimizing sex work, the bill appears to magnify violence in the industry (MacKay, 2014). As stated by Amnesty International, end-demand criminalization “lead[s] to the penalization of sex workers. Such laws regularly force sex workers to operate covertly and/or prohibit actions that sex workers take to manage their safety and, in doing so, violate sex workers’ human rights, including their rights to security of person, housing and health” (2016a, p. 10). Moreover, while the legislation does not directly criminalize the sale of (one’s own) sexual services, the provisions nonetheless force sex work underground, increasing the potential for conditions of violence and reducing the likelihood that sex workers will seek out necessary health and social services (Weitzer, 2010). Finally, as previously argued, when sex workers are dissuaded from conceptualizing their activities as legitimate and valuable labour, they are less likely to organize in order to pursue improved working conditions, forming labour associations, or unite in political resistance movements (Durisin, 2010, p. 132).

Concluding Remarks

The ways in which dominant government discourse constitutes “the shape of the issues to be considered” and, in turn, influences socially shared knowledge, attitudes and ideologies requires critical scrutiny (Bacchi, 1999, p. 9). This chapter has shown the dynamic ways in which the ‘problem’ representations in Bill C-36 have been constructed

through hegemonic discursive strategies which (re)produce dominance and inequality (Bacchi, 1999; van Dijk, 1993).

Through the rigid market-style focus on ‘prostitution’ as a form of exploitation and a direct product of deviant (male) demand, Bill C-36 disseminates an incomplete picture of the sex industry in Canada. One which de-historicizes, de-contextualizes and homogenizes sex work, effacing structural factors and state liability. Furthermore, as the discussion here demonstrates, the discourse of the legislation dismisses sex work as a form of legitimate labour and displaces sex workers outside of the boundaries of legitimate ‘communities.’ The outcome is the purposeful exclusion of sex workers’ lived realities, the devaluation of their knowledge, and the silencing of the continuum of experiences in the sex industry.

As a note, my critical scrutiny of Bill C-36’s problematization of sex work is not intended to suggest that the sex industry is a glamorous feminist utopia or the first occupational choice for many people. Evidence shows that violence, exploitation and sexism are rampant within sex work and, arguably, reflect the patriarchal violence and structural inequalities which exist in society as a whole. However, my research (see Chapter 6) suggests that many people in the industry see their activities as legitimate work. In contrast to the ‘problem’ representation enacted by PCEPA, myriad scholars and governments have alternatively proposed that the issue of engagement in the sex industry has a lot to do with making informed and consensual decisions (Durisin et al., 2018; Davies, 2015; Pivot Legal Society, 2016; etc.). The assumption here being that there is a marked difference between sex work and survival sex, human trafficking and child prostitution (Yee, 2009).

Prior to the passing of Bill C-36, the proposed legislation faced great criticism stemming from this alternative representation of the sex industry, as well as concerns over the bill's constitutionality. This sentiment was expressed during the Parliamentary Debates by Françoise Boivin, "seeing as this bill has been the subject of much criticism from coast to coast with the exception of a few Conservative voices...As the Minister of Justice and Attorney General of Canada, he is obligated to ensure that bills before the House comply with the Constitution and the Charter of Rights and Freedoms" (2014).

Critics of Bill C-36, and end-demand criminalization more broadly, have sought to disrupt the representation of sex work as inherently exploitative of women. In place, they argue that by shifting to a framework that apprehends sex workers as agents deserving full labour and citizenship rights—and includes a diversity of sex workers' voices in policy-making efforts—the safety and working conditions of those engaged in the exchange of sexual services for remuneration would be improved (van der Meulen & Durisin, 2008). The assumption—of those in solidarity with the international sex worker's rights movement—being, that it is necessary to avoid legislation which stereotypes "all sex workers as lacking in agency or capacity as this is harmful and disempowering, and not reflective of evidence regarding the situations and experiences of sex workers globally" (Amnesty, 2016a). Critics of the representation of sex work engendered by Bill C-36 most frequently call for the decriminalization of sex work as a way to effect the best possibility of minimizing the gendered violence and exploitation of sex workers, i.e. one of the stated aims of the *Protection of Communities and Exploited Persons Act*.

Continuing to draw on Bacchi's (1999; 2009; 2010) WPR approach to policy analysis, the following chapter examines how Bill C-36's problematization of sex work has been

disseminated and defended/challenged. As an avenue to investigate the dissemination process, I examine the discursive framing of sex work in *Globe and Mail* news articles. Given its readership reach, I suggest that sex work representations promoted by this newspaper plausibly influence some Canadian communities' perception of the exchange of sexual services for remuneration.

Chapter 5: Sex Work Representations in Canadian Media

This chapter examines the how sex work is portrayed in the *Globe and Mail* Newspaper. As noted in Chapter 3, this newspaper is the most centrist of the major, national newspapers in Canada and, as such, suited to examine how the mainstream Canadian news media defines and reinforces different conceptions of sex work. What gets included in newspaper stories and, equally, what gets left out, shape our knowledge, beliefs, and understandings about sex work (Strega et al., 2014, p. 20). I seek to assess if the representations of sex workers and the sex industry disseminated by the media uphold or challenge the particular symbolic reality promulgated by Bill C-36.⁴⁶

The following sections demonstrate the frequency of certain keywords and themes in the data (see Chart 1 and Charts 1a-1d), as well as how they shifted over time (see Chart 2). Evaluating the language usage of the articles is significant since language plays a key role in the (re)production of dominance and inequality (van Dijk, 1993, p. 279). Using a combination of cross-sectional and longitudinal data, I also examine the underlying ideas, patterns, and assumptions in Canadian journalists' characterization of sex work, moving beyond a pure semantic level of analysis. I found that the media coverage of Bill C-36 reinforced, almost exclusively, two key discourses: 'oppression' paradigm discourse, specifically the notion of victimization, and, to a lesser extent, 'sex work is work' discourse, in which sex work was portrayed as an occupational choice. Accordingly, the *Globe and Mail* articles during the study period can be seen to be playing a role in both the dissemination of, and challenge to, the problematization of sex work in Bill C-36.

⁴⁶ Here symbolic reality is defined as "all the events you didn't witness but believe occurred, all the facts about the world you didn't personally collect but believe to be true, all the things you believe to exist but haven't seen" (Surette, 1997, as cited in Jeffrey & MacDonald, 2006, p. 152).

Cross-Sectional Analysis

Based on the frequency of keywords and themes that align with the language of Bill C-36, I suggest that the *Globe and Mail* coverage of sex work during the study period echoes much of the discourse of PCEPA. For instance, the terms ‘prostitution,’ ‘prostituted person’ and ‘prostitute,’ appear 204 times (representing 82% of records), whereas there are 161 incidences of ‘sex worker’ and ‘sex work’ (64%). Similarly, topics around ‘harm,’ ‘exploitation,’ ‘violence,’ and ‘victimization’ occur 184 times (74%), lying in stark contrast to discussions of ‘agency,’ ‘consent,’ and ‘negotiation,’ which appear only 68 times (27%). The choice of language used to describe the exchange of sexual services for remuneration is frequently employed to signify one’s policy stance (Davies, 2015). As described in Chapter 1, the use of the language of ‘prostitution’ typically denotes a policy stance aimed at the eradication of the sex industry, whereas the language of ‘sex work’ signifies advocacy for sex work governance which recognizes consensual participation in the industry as legitimate labour. However, despite a large portion of reporting which upheld the framing of sex work(ers) engendered by Bill C-36, the following sections demonstrate that some journalists were challenging the problematization.

One of the prevailing topics in the data includes debates regarding the legislative process of Bill C-36. This dialogue dominated news articles included in this analysis from the start of the study period (December 6th, 2013) until around December 2014, when Bill C-36 came into force. While some journalists presented news updates on the bill in a traditionally ‘objective’ manner, many critiqued the legislation. In particular, Josh Wingrove denounced the initial silence of the NDP on the subject, as well as the sustained taciturnity of the Liberals, Bloc Québécois and Green Party who did not propose

amendments (Wingrove, 2014). Multiple publications presented opinion polling, with results showing that in June 2014, 45 percent of respondents believed buying sex should be legal, and an equal number opposed (Clark, 2014). This genre of reporting emphasizes the extent of public debate on the topic of sex work governance, highlighting the continuum of policy approaches.

One prominent topic in the newspaper during this time period was whether or not that Conservative Government was using Bill C-36 for political opportunism. This notion is demonstrated in the following passage from Tabatha Southey:

[T]he Conservatives are using prostitutes. They're not, as far as what has appeared on the public record, using the services of prostitutes – although this would not surprise or trouble me in the least. The Conservatives are using prostitutes for political gain: Over the past year, under the guidance of Justice Minister Peter MacKay, they've busily written sex workers into their script in order to advance the Conservative Party's narrative...Bill C-36, which passed the Senate this week, does not make sex work safer. Instead...[it] adds to the stigma that...makes sex work dangerous. And the process around drafting the bill was so steeped in dated melodrama...Rarely fully rounded, [the sex worker is] introduced to tell the viewer important things about the important hero – in this case, the Conservative Party of Canada. Her frequently silent presence informs the audience that the hero's a good guy (Southey, 2014).

This quote underscores that some *Globe and Mail* journalists were challenging not only Bill C-36's approach to sex work governance, i.e. end-demand criminalization, but also the policy-makers' intent behind the legislation. As discussed in previous chapters, evidence shows that end-demand criminalization, despite being premised on the 'oppression' paradigm, in actuality, worsens working conditions for those who stay in the industry. As such, governments who endorse end-demand criminalization have been critiqued in social science literature, and the media, for being paternalistic (Galbally, 2016; Shaver et al., 2018). This genre of discourse implicitly frames the government in question (in this case

the Government of Canada) as a savior of marginalized populations (rather than, as previously discussed, a potential abettor of structural violence).

In a similar vein, several journalists directly positioned themselves against the *Nordic model*. Some articles highlighted the stigmatizing character of the legislation. For example, one asserted, “the Nordic model is entirely consistent with a moralistic agenda and tough-on-crime ethos [and] it fails outright to support sex workers’ security interests” (Campbell, 2014). Others proposed alternative policy positions, “the old rules were imperfect, but they did function...What comes next could be a better system, though it is guaranteed to be messy and far from perfect...on balance, we believe that legalization and regulation, not criminalization, are the way to go” (“Prostitution: Should it be legal?,” 2014). Due to both the Supreme Court decision in *Bedford v Canada (AG)* and resultant introduction of Bill C-36, political discussions and debates around sex work policy during this period were widespread across the country (see Chapter 4). Accordingly, it is not surprising that debates also materialized in the media, and alternative models for sex work governance also appeared. Discussions of legalization dominated news articles during the timeframe, with 100 instances (40%). Next, with 65 occurrences (26%), criminalization initiatives were the second most written about policy regime. Decriminalization was rarely discussed during this period, occurring only 32 times (13%) in the data. This is somewhat surprising given that during the inception of Bill C-36, myriad sex workers and sex work advocacy groups called for decriminalization, akin to the New Zealand Model. This suggests a lack of attention to sex workers’ perspectives in *Globe and Mail* articles during the study period. According to Jeffrey and MacDonald (2006), news media tends to perpetuate and reinforce status quo representations and relations of power, through the

calculated presentation of sex workers as objects rather than as subjects. End-demand criminalization had the lowest frequency, at 31 instances (12%). This may reflect that reports on end-demand criminalization focused primarily on the new legislation, and while that specific legal terminology had a low frequency, ‘Bill C-36’ and/or the ‘Protection of Communities and Exploited Persons Act’ appeared 81 times. Combined, reference to end-demand criminalization, therefore, occurs in 45% of the data. Although the primary function of journalists is, without doubt, to report on current events, privileging the discussion of Bill C-36 without attending to Canadian sex workers’ recommendations on policy reform underscores the press’s erasure of sex workers as critical analysts and experts on this matter.

Furthermore, although the data demonstrates that some news journalists have begun to subtly or overtly critique hegemonic representations of sex work, others are complicit in reinforcing them, in both cases there frequently appears to be dissonance between language choice and journalists’ positions. I suggest this likely reflects the complexity and multiplicity of attitudes advanced through news storytelling, as well as the complicated nature of sex work conceptualizations.

A large portion of news coverage in my sample, focused on Bill C-36 and Canadian sex work governance discussions more broadly, however, several other topics which made mention of sex work and/or sex workers in Canada were also prevalent. These topics included: teen trafficking and teen prostitution rings; acts of violence perpetrated against sex workers; the Robert Pickton Case;⁴⁷ the Cody Legebokoff case;⁴⁸ critiques and

⁴⁷ Serial killer charged with 27 counts of first-degree murder (victims were sex workers primarily from Vancouver’s Downtown Eastside).

⁴⁸ Serial killer charged with four counts of first-degree murder (three of his victims were sex workers).

defences of Amnesty International's 'Draft Policy on Sex Work;' cuddle for hire companies; and the Missing and Murdered Indigenous Women and Girls (MMIWG) epidemic. Such topics align with my findings on the frequency of themes such as 'harm,' 'exploitation,' 'violence,' and 'victimization.' In addition, the news articles, akin to Bill C-36, systematically advanced a discourse of 'protection.' However, unlike the legislation, matters of 'health' and 'safety' also figured widely, with the three keywords (protection, health, and safety) appearing 145 times (58%). In contrast to PCEPA, discussions about Indigenous sex workers also appeared in the media. Albeit, discourse centered primarily on deviant male perpetrators rather than systemic determinants that incentivize Indigenous women to choose, or be coerced into selling sex, and/or why the demographic is disproportionately exposed to violence in the sex trade (Farley et al., 2005). Again, the key notion of victimization promulgated by policymakers is reiterated through the media's discourse. Whereas the accountability of dominant power structures and institutions is deemphasized—for the most part, state and society responsibilities remain invisible in these portrayals.

The reoccurrence of news stories concerning teen trafficking and child exploitation also emulate the moral panic running through Bill C-36. That said, the incidence of the keywords 'trafficking' and 'child/teen prostitution,' occurred relatively infrequently, 35 times (14%) and 27 times (11%), respectively. Despite the trend of these topics appearing in multiple articles over the two-year period, the low incidence of the subject matter reflects a divergence from the discourse of Bill C-36, which equates sex work with trafficking and child exploitation. This may signal a shift in journalists' conceptualizations of sex work. Furthermore, whereas the legislative text centres extensively on the issue of 'child

pornography,' this issue is rarely mentioned in the *Globe and Mail* discussions with only 6 incidences (2%) (see Bill C-36, 2014). This may be the result of publication bans prohibiting the media from disseminating details of crimes involving minors and/or are sexual in nature. Additionally, it may be an effect of the keyword 'pornography' not being included in my Factiva search terms. This may constitute a limitation to the study.

Yet another divergence from the discourse of Bill C-36, is the lack of media attention to purchasers of sexual services, as well as third parties. The dearth of such discussions is surprising given that PCEPA prohibits the purchase of sexual services (section 286.1(1)) and criminalizes third parties through the prohibition on materially benefitting from another person's sex work (section 286.2(1), (3), (4), (5), and (6)). Instead, in comparison to coverage on the topic of 'selling sexual services,' which appeared 111 times (44%), 'buying' and 'purchasing' sex appear only 83 times (33%). Moreover, the terms 'john' and 'pimp' are referred to in 23 (9%) and 41 (16%) news reports, respectively. This is noteworthy as it downplays the role of 'deviant' men in sustaining the sex industry, as articulated by Bill C-36. However, the reporting also serves to dismiss the multiplicity of actors involved in the sex trade, effectively simplifying its context.

The use of inflammatory language further dramatizing stories involving sex workers also contributed to the dominant narrative of victimization. Instances of this include but are not limited to: extremely high frequencies of reporting on murdered sex workers; the risk of violence in the sex industry; and the high rates of drug use and addiction issues in the industry.⁴⁹ Discussions of violence, harm, and risk in the sex

⁴⁹ Please note, while I chose not to code for the keyword 'murder,' as an analysis of that theme is far beyond the scope of this research, keywords 'harm,' 'assault,' 'abuse,' 'rape,' 'risk,' 'exploitation,' 'violence,' 'oppression,' and 'victim(ization)' appear 184 times (74%). There are also 77 incidences (31%) of keywords 'drug,' and 'addict(ion).'

industry, which fail to centre on sex workers *own* voices and contributions, have the tendency to limn the industry as operating in a social vacuum and portray sex workers only as victims and/or social deviants. The lack of coverage which attends to sex workers' own opinions is evidenced through my findings in which only 24% of records address the notion of 'sex worker communities,' or advocacy groups (see Chart 1d), meaning that most articles privileged the perspectives of non-sex-worker actors.

Finally, despite critiques of Bill C-36 in a number of the *Globe and Mail* articles, the data shows a lack of attention to the impacts of dominant power structures on the sex worker community. Notably themes of 'objectification,' 'discrimination,' and 'stigmatization' only appear 21 times (8%) over the two-year period. As mentioned above, criticism of the legislation did occur frequently in this data. And while some of the material impacts of end-demand criminalization are examined by the newspaper's authors, namely, the displacement of the industry further underground—wherein instances of violence are increased and the ability to adequately vet customers is diminished—substantially lacking in these reports is a consideration of the discursive effects of the legislation. Ultimately, the relative frequencies of various antagonistic themes and keywords in the data (e.g. prostitution vs. sex work), suggest that between the years of 2013-2015, there was a dichotomous discussion of the sex industry at the *Globe and Mail*. While the discourse of the 'oppression' paradigm, specifically the perception of victimization, is widespread in the data, basic conceptions of the 'sex work is work' paradigm are also present. Notably lacking in these articles is the notion of sex work as nuisance, what I argue to be a primary assumption of the discourse engendered by PCEPA.

Given that the media reinforces “whose story is told and in determining how the story is told” (Jeffrey & MacDonald, 2006, p. 153), the various discourses outlined above are significant. The focus on violence and victimization engenders stigma and the marginalization of sex workers. Intended to or not, unidimensional representations of sex workers as victims are stigmatizing, and function not only erase the agency of sex workers, but they also promote a hegemonic symbolic reality, which effectively contributes to the climate of violence and marginalization that sex workers face (Jeffrey & MacDonald, 2006).

To this end, in accordance with the scholarship of CDA, I suggest the media’s fixation with victimization discourse, which in like manner to Bill C-36, lacks analysis of structural determinants of the sex industry, reinforces hegemonic demarcations between ‘us’ (positive) and ‘them’ (negative) (Marston, 2002; van Dijk, 1998). As a result, although there was evidence of ‘sex work is work’ conceptualizations, and policy challenges in the data, ultimately, I suggest that much of the reporting functioned to disseminate the problematization of sex work promulgated by Bill C-36. As such, the *Globe and Mail* representations can be seen as reinforcing the status quo relations of power to the public, who then are influenced to internalize this symbolic reality.

This reinforcement of Bill C-36 discourse in the data arguably reveals the role of the media in contributing to social control, and what Foucault described as a surveillance apparatus (see Foucault, 1990). Drawing on Foucault, Jeffrey and MacDonald (2006) argue that through “disciplinary techniques,” news media subtly keeps actors in check, by monitoring them, and exposing and drawing attention to their behaviours. In this way, media plays a key role in the ‘surveillance’ of sex workers (Jeffrey & MacDonald, 2006,

p. 153). Historically, in taking on this role, the media has (re)produced a discourse of sex work stigmatization to maintain the hierarchal system of sexual value and to ensure the sexual self-disciplining of women (Rubin, 1989; Strega et al., 2014). However, given the contemporary shift away from the ‘sex work as moral transgression’ paradigm in favour of victimization discourse, which permeated the data, I suggest the surveillance role effectuated by the *Globe and Mail* articles was that of the responsabilization of sex workers.

Here I use responsabilization to mean “an *implied* acknowledgement that sex workers, even if seen as victims, are able to make choices.” (Shaver et al., 2018, p. 125). Shaver et al. argue that in contrast to an autonomy framework, responsabilization aims to induce sex workers to make the choice to exit sex work. As such, by rejecting exiting programs or continuing to use drugs, sex workers are viewed as knowingly putting themselves into ‘risky’ situations. Therefore, should sex workers experience conditions of violence, it is ultimately judged as their *own* fault (2018). We see this framing in the data set most clearly through the extensive coverage on ‘sex worker victims of murder.’ The frequency of this genre of news coverage is connected to the ‘oppression’ paradigm, which habitually employs only the worst examples of sex work conditions to sustain its premise that *all* sex work is violent. It is further noteworthy to mention that in reporting on homicide committed against non-sex worker victims, the media infrequently mentions victims’ employment. As such, the emphasis on sex workers’ occupation in these depictions embodies the discourse of responsabilization, and points to the media’s role as a surveillance apparatus.

Longitudinal Analysis

This section presents my findings from the longitudinal data analysis of *Globe and Mail* articles from December 6th, 2013 to December 6th, 2015. By charting the frequency of (what I deemed to be, based on the literature and legislative text) the twenty most informative keywords over time (Chart 2) and examining upticks of specific keywords over the two-year period, I consider the underlying attitudes and patterns present in the news publications. Specifically, the longitudinal analysis sheds light on if, how, and to what extent, *Globe and Mail* news coverage on sex work changed in relation to the enactment of Bill C-36.

In December 2013, there were both high rates of articles concerning sex work in Canada, as well as high rates of the themes: ‘prostitution;’ ‘crime/criminal;’ ‘law;’ ‘sex work;’ ‘protection;’ ‘harm;’ ‘safety;’ and ‘risk.’ These articles relate to the December 20th, 2013 Supreme Court of Canada’s decision in the *Bedford* trial, in which Parliament was given one year to address the unconstitutionality of the current sex work legislation (Brock & Teixeira, 2014, p. 307). Journalists at this time are seen to favour the language of ‘prostitution’ at a much higher incidence than ‘sex work.’

The next spike in news reporting on sex work occurs from May-July 2014. During June of that year, the House Committee’s review on Bill C-36 was in progress, as such, it is understandable that press was attending to debates surrounding the legislative change. Notable themes appearing during this interval, listed in decreasing order of frequency, include: ‘prostitution;’ ‘sex work;’ ‘Bill C-36/PCEPA;’ ‘law;’ ‘safety;’ ‘harm;’ ‘protection;’ ‘crime/criminal;’ ‘exploitation;’ and ‘victim/ization.’ Again, in September 2014, there is a slight uptick in sex work coverage. Prevalent keywords during this period

include: ‘prostitution;’ ‘law;’ and ‘sex work.’ This uptick in coverage similarly corresponds to the Standing Senate Committee on Legal and Constitutional Affairs’ pre-study on Bill C-36, in which a variety of stakeholders were called as witnesses.

Unsurprisingly, in December 2014, the month and year the *Protection of Communities and Exploited Persons Act* came into effect, media coverage on sex work again increases. Interestingly, the frequency of the keyword ‘sex work/er/ing’ surpasses ‘prostitution/prostituted-person/prostitute.’ Other prominent topics include: ‘safety;’ ‘protection;’ and ‘Bill C-36/PCEPA.’ It is salient that over the two-year period, the terminology of ‘sex work’ infrequently exceeded ‘prostitution.’ Accordingly, the usage of ‘sex work’ at this time may reflect journalistic challenges to the discourse promoted by the legislation. Furthermore, this may indicate a degree of success on the part of sex workers and advocates of influencing media framings of sex work. However, the overall trend of language usage in the data shows that neither terminology nor themes changed dramatically as a result of the bill’s introduction. The discourses of victimization and responsabilization, were present both prior to and after the legislative change. And while the terminology of ‘sex work’ did surpass that of ‘prostitution’ at moments in time, on the whole, the data demonstrates the perpetuation of much of Bill C-36’s discourse, in particular the ‘oppression’ paradigm.

Finally, in November 2015, we see another spike in news reports on sex work.⁵⁰ High incidences of keywords include: ‘drug/addiction/addict;’ ‘First Nations/ Indigenous/ Aboriginal/ Native;’ ‘victim/ization;’ ‘prostitution/prostituted person/prostitute;’ and ‘risk.’ This high point coincides with policy discussions around the Truth and

⁵⁰ Note: the data range ends in November 2015, as no publications occurred in December 2015 prior to the date of the 6th, i.e. the end of the study period.

Reconciliation Commission of Canada's demand for a national inquiry into MMIWG, which Prime Minister Trudeau thereby announced in December 2015.

Most notably the patterns of these peaks correspond to distinctive government-related policy announcements, which is unsurprising given both the role of the media to report on political announcements and events, and the media's position as an institution of social control. As noted above, the media plays an important role in reinforcing the power dynamics of storytelling. Privileging government announcements and policy-maker voices above those of sex workers (and advocates) demonstrates that the *Globe and Mail*—at the very minimum during this time period—did not create tangible space for sex workers' voices. By this I mean, on the whole, the data represented sex workers as objects of intervention and control, rather than listening to—and sharing—their subjective voices. This is not to say that government policies don't impact sex workers in a meaningful way, and should not be attended to by journalists, the fact that they do is the crux of my research argument. However, it shows the complicity of the news media in silencing sex workers as active sociopolitical agents with critical knowledge about their work and lives, and upholding the hegemonic symbolic reality disseminated by the powerful elite (Jeffrey & MacDonald, 2006).

Concluding Remarks

I suggest that the majority of the data endorsed the 'oppression' paradigm and presented simplified and stereotypical images of sex work and sex workers, which constructed sex workers as objects of (negative) attention, and excluded their perspectives and expertise on the topic of their *own* labour activities (Jeffrey & MacDonald, 2006).

Much of the media discourse advanced a homogenous and universalized depiction of sex work as exploitative, in which sex workers are characterized as victims with little to no agency. This contributes to the reinforcing of the authoritative representation of the sex industry codified in Bill C-36. As such, the media's role in disseminating PCEPA's problematization, arguably, runs the risk of abetting political justifications of inequality which engender the marginalization of sex industry participants (van Dijk, 1993).

In closing I would like to note that despite this criticism, news media is not a monolithic and invariant tool of power. Numerous *Globe and Mail* articles did express signs of challenge, critique, and resistance to the dominant status quo. However, the vast majority of news coverage in this data advanced unidimensional and frequently racialized images of sex workers. Depicting them as victims of exploitation, yet often simultaneously as social deviants. Such discourse serves to reinforce the stigmatization and marginalization of sex workers. Ultimately, by discounting sex workers' voices and failing to profile stories that foreground the lives of sex workers on their *own* terms, a large sum of the news coverage in the data disregarded sex workers' agency and capacity for self-determination. In contrast to the discourse (re)produced, and reinforced, by the media, the subsequent chapter reveals the way that sex workers (in Halifax) actively fight against authoritative representations of their work and lives.

Chapter 6: Challenging Discourses and Sex Worker Resistance

This chapter examines how sex workers and police frame engagement in the sex industry through interviews with four sex workers and one police officer with the HRP. I argue that the sex worker informants discursively resist authoritative interpretations of their activities by conceptualizing their work as legitimate and valuable labour. On a material level, interviewees refused minimum wage jobs they deemed demeaning, instead opting to work in the sex industry despite government incitement to exit, and protected themselves and each other from incidences of violence without relying on law enforcement. In an effort to allow sex workers to represent themselves, rather than being represented, as much as possible, I provide multiple quotes—stories, experiences, and opinions—from the sex workers interviewed for this study. Each has been given a pseudonym here so that the reader can also develop a sense of their distinctive perspectives: Alicia, Jenny, Sadie and Victor.

In order to investigate the tangible ways that Bill C-36 impacts sex workers in Halifax, it is also important to examine how local police—as agents of the state—(re)produce (or challenge) dominant framings of commercial sexual services, as well as how police authorities enforce the legislation at the local level. The second part of the chapter thus covers my interview with a former Halifax Regional Police (HRP) Vice Unit investigator. I argue that, in line with my findings about *Globe and Mail* representations of sex work, the officer interviewed similarly expressed opinions of the sex industry that both upheld and challenged Bill C-36's problematization. This section of the chapter addresses the ways that the HRP conceptualized and managed the sex industry prior to, and after, the

introduction of Bill C-36, HRP relations with sex worker communities and organizations, and community engagement and perceptions of the sex industry in Halifax.

Sex Worker Interviews

Building on the research of Jeffrey and MacDonald (2006), the following sections emphasize sex workers' resistance to both the material forces of work, law, and violence, as well as their discursive resistance to the social constructions that engender the possibility of these conditions (p. 11).

Familiarity with Bill C-36

Given the focus of this study on Bill C-36, the *Protection of Communities and Exploited Persons Act*, interviewees were asked about their familiarity with the legislation.

They responded with varying degrees of confidence:

Yes, familiar...But not really when it was going down...I've only really become aware of it [the legislative change] in the last year [2018]...Stepping Stone informed us of the legislation (Victor).

I know the gist of what it [the legislation] is at the moment, enough to know my rights, my clients rights and the tip toe dance around getting your information out there for them to see you. Things have to be very specifically worded or said, you're just cautious. But I know which way to go to get that done right. I know enough about it, I guess. But it doesn't work. Not yet. It's still not modelled properly (Jenny).

[In reference to Bill C-36]. How are they protecting me when they haven't asked me my opinion? Like you haven't asked me do I need protection? I don't feel like I need their [the government's] protection. I feel like I have all the protection I need (Sadie).

It is worth noting that despite being familiar with Bill C-36 at the time of the interviews, none of the sex worker informants had been aware of the legislative change during its introduction in 2014. This speaks to the lack of government communication with

sex industry participants. This is not to deny that many sex workers and advocacy groups across Canada were aware and actively involved in challenging the legislation. However, the morass of political confusion leading up to, and in the wake of PCEPA is evidenced by these remarks.

Framing and Language Preferences

As discussed in previous chapters, the language used to describe the ‘exchange of sexual services for remuneration’ constitutes a critical framework through which realities are articulated (Zatz, 1997). It follows that the first step in understanding sex workers’ perspectives on their work, and in turn, the effects of Bill C-36, was to ask how the interviewees interpret their activities in the sex industry. Despite variations in terminology preferences (‘sex worker’ vs. ‘service provider’), the informants framed their work in line with the ‘sex work is work’ paradigm— that is they viewed their engagement in the sex industry as both legitimate and valuable employment.

Sex work, because that’s what it is (Victor).

I kinda prefer service provider [instead of sex worker], because it’s not always about sex. If I were to write down my position, I would be a service provider (Sadie).

I’m a pioneer thank you very much! I am an entrepreneur, I am a business woman! First and foremost, it’s a business, just like if I ran a hotel or if I ran a restaurant, or if I ran anything else that was a consumer-driven business. That’s what it is (Jenny).

Everybody says that it’s sex work and yes, it is for like 80% of it. Like 80% of the clients want sex or like some sort of sexual release. But there are men that come in and they’re like “I don’t want anything,” “I don’t want oral,” “I don’t want intercourse,” “I just want a massage” and it’s just a nude, sensual, intimate massage that they can’t get like from their own wife. Because their wife, for whatever reason can’t or won’t do it. But they don’t... like... I feel like all the Johns are being grouped together as these horrible guys that should all be locked up and thrown in jail...you know what I mean?...And they are not all in one group, like there are the nasty, nasty, dirty, mean guys who are derogative and who are disgusting towards women and you can tell as

soon as they message you, or contact you, the way that they talk to you. And we won't even give them the time of day (Alicia).

Sex Work and Emotional Labour

In particular, interviewee comments about their terminology preferences speak to how some frame their labour as more than mere sexual exchanges. Rather, their exchanges are frequently permeated with emotional labour and intimacy. The sex worker informants spoke extensively about their efforts to establish client connections, and manage their own private identities (see Hochschild, 2012 [1983]; Weitzer, 2009). As well as the deep levels of intimacy required for effective communication, courting rituals, and the illusion of mutual sexual pleasure, that goes into their work (see Zelizer, 2000; 2005). Specifically, the informants described how good they made their clients feel:

[It's] just two people in a room, that are really just enjoying each others company and feeling human and interacting, and being just in that moment. That can help someone's psyche miles (Jenny).

When they come see us they, by the time they leave, they're like "you are amazing, it's so calm in here and I wasn't nervous at all"...they're like "you're nothing like I've ever experienced before, it's so laid back in here" (Jenny).

They [the clients] are afraid to go to their significant others and be like, can you be the man for a minute? I wanna feel that vulnerable. I wanna feel fragile. I want you to take all the power away because I have the power every minute of every day (Alicia).

You make somebody feel special and they'll come back every time. Like that's what it's about. I always end up telling them that it's about, just feeling good, everyone wants to feel good and wants to feel like they're important, and that's what it boils down to. So that's what I mean when I say that I'm a "service provider," I provide whatever service that you might be lacking in your life that you can't get from your intimate partner or because you don't have a partner or for whatever (Sadie).

Client Relationships

Some of the interviewees spent a considerable amount of time, not only discussing their client relationships, but also defending their clients' intentions in purchasing sexual services (see Sanders, 2008). As observed by Murphy and Venkatesh (2006), Hoang (2011) and Tsang (2017) sex workers often perceive emotional labour as an integral part of their work: providing healing, acceptance and psychological comfort to their clients. Engagement in this emotional labour can serve to legitimate their work as valuable.

There are three types of men that come and see us. There's the man that has his wife, but isn't getting his full time needs met there, there is the young man that is looking for experience, and then the third one is the man that works a lot for his money, works all the time and doesn't have time for an actual relationship but wants all the satisfaction of having a relationship with a woman. But no strings attached, no time, anything like that. Those are the ones that like the massage, they like the cuddling, they like the intimacy, they just wanna spend time with you, they wanna feel special (Jenny).

They are humans too (Victor).

The men that are coming to see me, a lot of them, I notice lately are actually wanting a massage [not sex] (Sadie).

It doesn't seem fair that these are the guys that, the johns, these are the guys that they want to blame everything on? (Alicia).

The informants additionally noted that their clientele had shifted as a result of Bill C-36 coming into force. Specifically, the interviewees described fewer and more apprehensive new clients. This points to the material impact of PCEPA. In this way, the legislation can be viewed as achieving its aim of deterring the purchase of sexual services. However, as articulated in the following quotes, established clientele did not appear to be inhibited by the criminal sanctions:

They ask questions and stuff, like if we're cops and stuff and I tell them straight up, like if they text me, or if I feel like they are super nervous, I will text them and say that we are not police officers, we are not in any way affiliated with the law, and if you're still concerned, if we were the law at this point it would be entrapment by telling you that I'm not the law. So, if they are smart enough to understand that by me telling them

that, that I can't be the law. And then I ask them the same question: are you affiliated with the law? And then they say no, and then I say: ok, you understand that if you are, that's entrapment, and if they are smart enough again, then we have a great mutual understanding and things go on from there (Jenny).

It's more underground now, especially for the 'johns,' they don't wanna get caught. They are more scared, business has slowed. I don't see the working girls and guys out as much anymore. The bill has forced the johns to go back in the closet and not come out, a lot of people are going the online route now, but business has slowed... Regulars haven't slowed, but newer customers have slowed down (Victor).

People [customers] are being more cautious, when they are coming into your place. They are more visual with you, they are asking more questions 'cause they wanna make sure that you are not an undercover cop. The 'johns' are more weary, more cautious, way more cautious. [It] used to be like book a date, do your thing, but now they have more of a risk in terms of getting caught (Sadie).

Discursive and Material Resistance

The concept of 'resistance' enables the consideration of agency within dominant structures: how people fight back and strive to establish or retain control even within difficult circumstances (Jeffrey & MacDonald, 2006). The interviews show that the sex worker interviewees resist discursive power structures, i.e. the way they are constructed by authorities, policy-makers and the media, affirming their capacity to represent their *own* experiences (Jeffrey & MacDonald, 2006; Marston, 2004; van Dijk, 1993). Additionally, the informants described the dynamic material ways that they resist economic, gender and sexual power structures in their everyday lives by renouncing 'traditional' employment, by negotiating with clients, and by contesting restrictive regulation.

Previous research demonstrates the ways that sex workers discursively challenge the dominant discourses and common interpretations of their lives by resisting disempowering stereotypes and stigmatizing representations (Jeffrey & MacDonald, 2006; Durisin et al., 2018). For instance, Guidroz and Rich (2010) note that sex workers engage

in various strategies to mitigate the effects of stigmatization. These include: compartmentalizing their work persona from their personal lives; concealing their work from friends and family; using neutral or professional terms to describe their jobs; and viewing their work as a valuable service (p. 147). The sex workers' interviewed for this study echoed these sentiments and practices.

Mainly, if you ask anybody what their idea of a sex worker is, it's a prostitute working the streets, this hasn't changed...Of course there are people who do that, but there's other ways to do sex work rather than just working the stroll in mini skirts and shooting up drugs. It's rare that people even discuss or think about professional escorts (Victor).

They probably wouldn't even call it sex work, they'd say hookers, or prostitute, or slut. The majority of people would use a derogatory name 'cause they see it as something dirty and taboo. But it's not (Alicia).

[Discussing mainstream representations of sex workers]. They are dirty. Maybe drug addicts, having STIs, working the strolls, getting murdered. Pimps, stuff like that. I don't think too many people think about it as a job or as a legit thing, which for some people it is, for some it's for survival, etc. But probably most people have a distorted picture of what it [sex work] is (Victor).

Nobody would ever think that us walking down the street, or going to a restaurant. Or seeing us in line at a food bank, these are the people who are working... like I don't work because I want to, I work because I have to. Nobody else is gonna make sure my rent is paid, nobody else is gonna put food on my table, nobody else is gonna pay the bills (Jenny).

It's not just like sex! That's why I say service provider (Sadie).

Media Representations of Sex Work(ers)

As discussed in the previous chapter, media plays a key role in the dissemination of dominant representations of sex work and sex workers. As such, examining sex workers' interpretations of their portrayals in the media is an important task in assessing, not only their correctness, but the power the framings hold in the minds of those they (mis)represent. When asked about their portrayal in popular media, the interviewees predominantly

described a discrepancy between the representations and their lived realities:

The media represents, umm, if you think of an escort or a sex worker, you think of like somebody in high heels and fishnets. But that's the stereotypes versus the reality (Alicia).

I just feel like the media doesn't portray the right image. I feel like if you were to take like shadows of women doing everyday things, like if you took a shadow of a single parent feeding her child, or you took a shadow of a student sitting at a desk at her university class...it's misrepresenting (Jenny).

I don't see it in the media that much. I don't really see newscasts [about sex workers]. I used to years ago, but not now and I watch the news a bit. I don't pick up on any news about the bill or sex work. 'Cause I don't think people are really putting effort into it. They are worried about other things, like people shooting people, ISIS, murder (Victor).

Interviewer: Does that [the distorted impression of sex work] bother you?

Not really, because I know what I do, I know who I am. And I'm not worried about how other people view me (Victor).

The above passages demonstrate that while the study's interviewees expressed the view that media representations were not accurate framings of their own work, overall, they seemed unbothered by them. I suggest this demonstrates that while the informants did not actively fight against media discourse, they resisted them through acts of dismissal.

Compartmentalizing Work

The interviewees spoke about concealing their work from family and friends, and the reasons why they preferred to keep their professional and private lives more or less separate. Although never explicitly stated by the interviewees, I surmise the compartmentalization of their work suggests concerns around stigma. Despite claims made regarding their disinterest in, for instance, media depictions of their work, the following

statements speak to the informants' attention to the discourse of stigmatization in the public imaginary. Specifically, how their loved ones perceive sex work.

It's like living a double life pretty much...Like I'm not ashamed of it, I just don't feel like it's something I need to announce. So it has nothing to do with how people see sex workers at all. At all. At all (Alicia).

You have to be prepared to separate your work life from your social life, just like anything else...My family, they are old school and they live down in [redacted for anonymity] where they call them the "fisher whores"...there's a whole conception of prostitution down there and what it looks like compared to what it looks like in the city. And it is extremely frowned upon. And it would not be looked upon lightly. So, I would like to keep it as hush from them as possible. And I would say it's because of stereotypes when it comes to my family (Jenny).

For family specifically, I don't want them to think of me even having sex, let alone going "that's what I do for a living." You know what I mean? Out of sight out of mind. If I had to tell them, that would be fine, but it's not something that they need to know. They don't feed me, they don't pay my bills, so they don't need to know where my money comes from (Sadie).

I don't tell people. It's not much to do with feeling embarrassed, it's just nobody's business. I don't tell people a lot about my personal life anyways. There's no need for anybody to know anything about me unless I want them to know (Victor).

Safety Strategies

Some interviewees discussed their protection strategies for preventing and managing encounters with violent or dangerous clientele. Note: interview questions regarding experiences of violence and/or specifics about work activities were not posed.

The following responses came up organically.

I mainly go to a hotel, but mainly now I meet them in a public space first. That way if anything were to go down, it's in a public spot. They are more seen, recognized if anything were to happen to me. Also [it] gives them more assurance and me more assurance. And then if things are fine and we want to move forward, we go to, usually, the hotel. Rarely their house, 'cause most of the people [clients] are married (Victor).

I have a list in my phone that's really long, that's under the name of "wofty," that stands for "waste of fucking time." So, if I feel in any way shape or form that you deserve to

be on that list, the moment it enters my head, I don't second guess it, I automatically put them in. They're in it for life, they can never message me again, if they do, they come up as "wofty." They never get another chance. I just do it because my gut has told me over the years what's right and what's wrong and I haven't been wrong yet and I've been safe and I've never gotten hurt and I've never put myself in a dangerous situation and I never would (Jenny).

I knew a woman who...set up your ads, she answered your 'calls' through text, she set up your appointments, she had the room ready for you. You went in, you did your call. If you got a half hour call, you gave her 20 bucks, if you got an hour call you gave her 40 bucks. Whatever you made for that hour, for that half hour, whatever your negotiated price with your client, that's on you. But you gave her cut and everything was fine. Would I call her a pimp? No fucking way. Because there is so much work put into keeping the laundry done, keeping the room prepped, keeping everything safe, the secretarial work involved (Jenny).

We protect each other, we make sure that we're safe. We do all the steps necessary and we take all the precautionary [steps]. Like before anybody comes to my house, they say "where are you located?" I tell them the location and I say "we are in a secure quiet building with plenty of cameras." "The walls are paper thin," so people know that... The first thing, like as soon as we start having a conversation, they know they're gonna be on camera, it's a small quiet building (Alicia).

The safety tactics described above, mirror the safety strategies described in Sanders and Campbell's (2007) paper on indoor sex work in the UK. Sanders and Campbell suggest there are three distinct types of safety strategies in indoor sex work: managing the environment, individual protection mechanisms and collective control (2007, p. 10). The embodied skills required by the interviewees to safely engage in sex work demonstrates their agency and resilience (Coy, 2009, p. 72). By taking active measures to minimize risks, and maximize available resources, the interviewees display resistance to 'traditional' sexual and gender codes (Jeffrey & MacDonald, 2006).

It is important to note that none of the informants framed their work as inherently violent or exploitative, i.e. the premise of Bill C-36, nor did they echo the 'oppression' paradigm more broadly. Rather the interviewees described their work as entailing a certain degree of risk. As noted above, interview questions were not aimed toward a discussion of

violence, and these comments came up both unprompted, and rather casually. As such, I interpret these comments to mean that while violence may be a factor in their work experiences, it is not *the* dominant factor. I suggest the above passages embody what Shaver et al. (2018) describe as vulnerability discourse. From this framing, there is an acknowledgment that the work environment is “risky,” however, the risks (and violence) are perceived as corresponding to social-structural and systemic constraints (e.g. laws). This is understood as a form of systemic victimization rather than one linked to individual choice or life circumstances. The distinction between *being a victim* and *being vulnerable* is a crucial element in this discourse (p. 128).

Furthermore, neither vulnerability discourse, nor the description of risk management in the informants’ commentary appeared to negate the sex workers’ representation of their activities as a form of legitimate labour. As we are aware, violence in the workplace is not unique to sex work and can be experienced in *any* form of employment (Durisin, 2010). Against this, the sex workers interviewed can be viewed as taking an active role in mitigating their risk exposure, rather than submitting to it, or relying on external institutions, such as law enforcement, to keep them safe.

Sex Work in Opposition to ‘Licit’ Employment

The informants, additionally, articulated an array of socioeconomic challenges they encountered when engaging in the exchange of sexual services for remuneration. In particular, one of the interviewee’s spoke about the feeling of being objectified.

I was working full time in a fast food restaurant cranking out burgers in the kitchen and then I would come home and try to get one or two calls in, or like a couple a week, and I just got to the point where I felt like I was just “man-made,” I was a machine at work producing things and when I came home, I just felt like I was an object... I wasn’t a

person. I was just there to fulfill what was needed for each individual...Like “okay, this is what they need, this is what they want, I’m ready, I have what you need.” And when they left, I was just another blank slate waiting for me to either go back to work, to be that machine. And I couldn’t do it anymore. It got really hard (Jenny).

The reduction of (women’s) bodies to sexual objects in commercialized sexual services is the primary critique of the ‘oppression’ paradigm (Sutherland, 2004, p. 159). This is a pertinent critique and a very real risk in the exchange of sexual services for remuneration. It is, however, interesting to note that the interviewee who talked about her feelings of objectification in selling sexual services, also spoke about feeling equally objectified by minimum wage jobs. In this context, it may be useful to draw on Marxism. Marx argued that all labour constitutes a relation of subordination that transforms the ‘worker’ into a commodified object (Zatz, 1997, p. 287). Under this interpretation, it follows that any wrongfulness of ‘sex work’ is assimilated to the wrongfulness of wage labour under capitalism more broadly (Zatz, 1997, p. 288). In no way do I wish to diminish experiences of objectification in sex work, but I do suggest that it is not exclusive to the exchange of sexual services for remuneration. This view was affirmed by the study’s interviewees. Additionally, the informants spoke at length about why they preferred to work in the sex industry rather than in ‘more licit’ sectors of the economy.

Even with minimum wage jobs, [and] jobs that are more than minimum wage, that still doesn’t cover, it doesn’t even come close to covering the bills (Sadie).

Usually I have a part-time job, or a full-time job and I work but the amount of money that comes off [of the] disability cheque for me working, doesn’t match up for the amount of hours that I’m gone. I could be gone 40 hours a week and then they take 70% of my pay off. So then I only get an extra \$350 dollars a month even if I work a full 40 hours. It just doesn’t add up! And it’s not fair! It’s not. So the only way to supplement it is to try to get money on the side...when you can stay home and do a one hour call and make that whole pay and nobody is taking any taxes off of it, it’s your money, it’s in your pocket, you earned it. It’s frustrating how the government works. They don’t want to help you help yourself. At all (Alicia).

I got a few jobs working construction...and then I started having an issue with the fact that when I was home, my clients, these men, were paying me hundreds of dollars for an hour to treat me like a princess, I could have them kiss my feet, do whatever I wanted, and these men were good to me. And then I went out West and I started getting \$12-\$15 an hour working for men on construction sites where they were sexually harassing me...They were taking advantage of me. They were doing everything they could to make me feel like dirt, inferior. And it twisted my brain to think that I had these same exact type of men coming to see me at home and paying me their hard earned money for me to treat them almost the same way they were treating me now. For me to be up here [alluding to work out West] to be completely degraded by these men for a fraction of the pay, I couldn't do it. I had to come back home and...I had to really think about what I wanted to do and how I was gonna approach it, because I couldn't go back to feeling like an object [referencing doing sex work] but I also couldn't go back to feeling like, having this complex when it came to authority with men, because it really changed how I felt about them (Jenny).

Jeffrey and Macdonald (2006) argue that the consensual choice to do sex work, in lieu of demeaning minimum-wage employment constitutes one of the modes in which sex workers materially resist the oppressive constraints of neoliberalism and capitalism (p. 13). Furthermore, the study's informants were all independent workers and, accordingly, their own bosses. I suggest this may have constituted one of the primary ways they found freedom (as in financial and temporal flexibility) and value in their sex work.

Policy Recommendations

I think they should be asking the people involved. I think they should be somehow anonymously asking sex workers and the people (Jenny).

One of the interviewees spoke about how they wanted to see harsher penalties on 'pimps' and 'traffickers' rather than buyers or sellers of sexual services.

I would make it that there were more harsh penalties placed on pimps. Not have workers owned by pimps. Try to not make sex work a taboo thing and try to change the public perception. It's a real thing! And educate people on why sex workers get involved in the trade. 'Cause it's not all people getting forced into it [sex work], they need it to survive (Victor).

No criminal penalties for the client or worker. It's just 2 people having sex and one person getting money for it. It's not really that big of a deal. For the pimps, if they force

workers, the law should focus on the pimping industry. And go after that rather than the johns. More so go after the pimps (Victor).

Two of the informants spoke exclusively about decriminalization. In contrast, another interviewee discussed both legalization and decriminalization initiatives. This highlights the reality that not only is there a broad continuum of experiences in sex work, but sex workers, similarly, hold a diversity of viewpoints about sex work governance:

[My ideal form of regulation] would be to decriminalize it. 'Cause like a woman right now if they get ripped off or beaten or robbed or something like that. Or even a man, the john, they don't feel like they can call the cops, 'cause they feel like they're gonna get in trouble for engaging in that situation, regardless of being the buyer or the seller. So if it were decriminalized, at least if something bad happened, the person, the victim, whatever will feel like they can call and get help (Alicia).

I just want it decriminalized. That doesn't make it legal, that just makes it so you [police authorities] can't come in and charge me (Sadie).

If you want it to be a legit job, it has to be treated like a legit job. The government knows about every other legit job (Jenny).

Don't go after the johns. The johns are not the issue. Like I said before, that will never solve the problem. You can get rid of all the johns. You will always have women advertising, you will always men answering (Jenny).

It should be the people who are manipulating and taking advantage: the pimps, underage prostitution [that are criminalized] (Jenny).

[Discussing if all third party participants were considered 'pimps']. A brothel mistress is not a pimp. By definition, it is not. A pimp is a man that sits at home and does nothing and waits for the money to come in and if he doesn't get his cut, he beats his women (Jenny).

But if it were legalized, now the government has their hands in my money. [Money] that I'm being vulnerable for. There's no other job like this, there's no other job in the world like this. And I feel like a woman who chooses to do it should get every penny that she makes from doing it. It would be the same as paying a pimp, now just the government is your pimp (Jenny).

Interviewer: Do you think it is the government's responsibility to keep you safe?

It's my responsibility to keep myself safe. I am making choices. It's not their [the government's] responsibility, it's my responsibility (Sadie).

You're [the government] not really protecting me anyways. I don't know what the motive is, but there is more to it than saying we want to protect the working girls/guys. There is something else going on (Victor).

Canada is victimizing us when I don't feel like a victim (Alicia).

Interviewer: Do you think Canada will ever implement your ideal type of sex work regulation?

No, not in my lifetime. Well, the government always asks what they get out of something, for example money, and if they aren't getting anything out of it, like money, then they don't care or focus on it. Not in my lifetime would they say, you wanna go out and pay someone for sex, go for it, do what you want. This won't happen (Victor).

There's a lot of countries over in Europe...It's more open there. The laws are more lenient. They just don't think it's such a big deal there! Canada is so sensitive! Ideally it would be nice to have better laws here, but I don't think that will happen soon, sex work is just a part of my life, so I'm not too worried about it (Jenny).

Not in my lifetime, it's taken this long to get to [the legalization of] cannabis. There's been so many studies and proven things that say, and I'm not trying to say this is the same thing but just for example: in terms of cannabis there's been so many medical studies saying that it is positive, has positive effects. But there's been no studies that say this [sex work] is a positive thing (Alicia).

Although numerous Canadian scholars have conducted studies which recognize sex work as a form of legitimate labour, this last comment speaks to the ongoing need for more pro-sex work research, and the dissemination of said research to sex worker populations. While multiple sex worker rights organizations exist in Canada (such as Stepping Stone in Halifax), advocacy and allyship from academics could be improved through on-going research which privileges sex workers' voices and recognizes sex work as valuable work.

In summation, I suggest the informants' final comments regarding policy recommendations elucidate two crucial points. The first is that they repudiate Bill C-36, as it represents them as victims of exploitation, which is inconsistent with how they see

themselves. Their continuation in the sex industry, despite the discourse of PCEPA and government funded exit programs, demonstrates material resistance to the legislation and a rejection of policy-makers' agendas. Second, informants proposed varying sex work governance approaches. This is particularly salient as it underscores the continuum of sex workers' policy stances. Sex work governance is an incredibly contentious topic, and even sex industry participants who work in the same region do not always agree about the best practice. That is not to say that sex workers should not be consulted about legislation which impacts them, but it does speak to the complexity of the topic at hand. What the interview informants did, however, vehemently agree about was their status as agentic and entrepreneurial actors, who reject and resist government patronization.

Police Officer Interview

As mentioned in previous chapters, to assess the impact of Bill C-36 on sex workers in Halifax, it is important to examine how the dominant voices of society, including policymakers, the judiciary, journalists, academics and police represent sex work(ers). The following section explores the HRP framing and management of sex work, and how the discursive framing and treatment of sex workers, clients, and third parties changed as a result of Bill C-36. The discussion is, however, limited in scope due to its reliance on a single police officer interview. Law enforcement treatment of sex workers is arguably the most tangible impact of any sex work policy, as such, the following section helps contextualize the relationship between sex workers and police authorities in Halifax leading up to and following the introduction PCEPA.

The police officer interviewed for this research was a constable and investigator for the HRP Vice Unit for 4.5 years, between 2013 and 2017. Accordingly, they witnessed the impact of the introduction of Bill C-36 on the regulation of the sex industry in Halifax. As per the interviewee, the HRP Vice Unit (during 2013-2017) consisted of 4 constables. Three of which handled investigations into ‘prostitution’ related offences full time, and a fourth which focused primarily on investigations into missing persons. It is worthwhile noting that the HRP is one of the only remaining Canadian police departments to employ the title of “Vice Unit.”⁵¹ Given the powerful role of language in the (re)production of dominance and inequality in social spaces, the HRP retention of “vice” terminology suggests a moralistic framing of sex work as an ‘unethical’ activity (van Dijk, 1993, p. 279).

100% of work in the Vice Unit was dealing with investigations into prostitution related offences. One member of team was responsible for missing persons reports. Any sort of missing persons reports that weren’t solved at the patrol level would come to us, or rather that person. But that member also helped investigate other sex work reports and issues... We would have been the only one in the entire province that had a unit dedicated to human trafficking.

Interviewer: Do you have a terminology preference for the exchange of sexual services for remuneration, and the people who sell their own sexual services?

In my experience working for the vice unit for 4.5 years, we definitely used the term sex worker, and the reason why we did that is because we felt, that talking to many workers, it was a good all encompassing term. Because no matter what they did, whether they were street level or escort or a dancer, it was a term that could cover all those things. And then once we got talking to them more, if there was something else they wanted to be referred to as, or identified as, then we would certainly use whatever terminology they wanted us to use.

⁵¹ Other major Canadian city police departments have opted to rename similar units. Examples of these name changes include: “Counter Exploitation Unit” (in Vancouver and Calgary); “Human Trafficking & Exploitation Unit” (in Edmonton); “Sex Crimes Unit” (in Toronto); and “Street Crime Unit” (in St. John).

Halifax Regional Police Operations and Engagement

In order to gain a broad understanding of the sex trade landscape in the HRM, I asked a series of questions related to the types of exchanges of sexual services that the HRP Vice Unit handled. The following passages suggest a conformity with the discursive framing of sex work engendered by Bill C-36. That is, the officer spoke predominantly of child exploitation and trafficking.

Three-quarters of what we dealt with were child exploitation files, young boys and girls and transgendered individuals being exploited in the sex trade. So three-quarters of who we worked with were that population, from like 14-17/18 years of age. A very small percentage of the calls and investigations that we dealt with actually involved adult sex workers. And for the most part if it did involve an adult sex worker it would have been in a trafficking capacity, not necessarily like an independent sex worker who was making their own decisions, was in charge, wasn't being trafficked. That's one thing we do acknowledge, we knew that not everyone who's a sex worker is a victim of human trafficking, that's very important. And I've had that conversation with many workers, where they have looked at me and said, well I'm not a victim, and we totally acknowledged that.

Interviewer: So did you ever deal with issues pertaining to adults engaging in consensual sex work?

If we did, like if we would get a call that involved an adult sex worker, it would usually be the adult sex worker calling us because they had some sort of safety concern.

These statements indicate that the primary concern of the HRP Vice Unit (leading up to and following Bill C-36), was not adult sex workers, or clients. Although I am not capable of commenting on other Canadian police departments' affairs, if what the informant described was a trend across the country, it begs the question of why Bill C-36's inclusion of consensual adult sex work was at all necessary. For instance, after the *Bedford v Canada (AG)* decision, the Canadian government could have theoretically allowed the existing statutes to run their course and, thereupon, embraced *de facto* decriminalization. This was in fact the position of Amy Lebovitch and Valerie Scott, two on the applicants in the Bedford case (see "Evidence to the Standing Committee on Justice and Human Rights,"

2014).

In continuing the conversation on trafficking, the officer, thereupon, discussed “Operation Northern Spotlight,” a national anti-trafficking initiative, where undercover officers pose as clients to locate ‘trafficked’ individuals. It is important to note that this law enforcement operation has been heavily criticized by sex workers and sex worker rights organizations, who argue that the operation has “perpetuated great harms on sex workers by wrongfully equating sex work with sexual exploitation and trafficking” (Canadian Alliance for Sex Work Law Reform, 2018). Sex workers and advocates urge police departments to instead develop anti-trafficking campaigns through meaningful consultation with sex workers and work to uphold the human rights of persons in the sex industry (Canadian Alliance for Sex Work Law Reform, 2018).

The thing with Operation Spotlight, the whole point of it, is that it’s a police operation that takes place once a year across Canada and the point of it is just to identify potential victims of human trafficking. So once you have someone in front of you: a sex worker, whether they were male, female, transgender, adult or youth, it would be us trying to build some rapport with them and explain to them what we did in our unit, and then asking them “are you independent?” “are you in charge of yourself and your business right now?” “are you making your own choices?” Just to make sure, are they a victim of human trafficking, or not? Because that’s the other thing, we also knew that many times when someone was a victim, they didn’t know they were a victim. Especially for the young people who were being exploited, they didn’t really know where that line in the sand is. The adults would have more of an idea. And most adults who we encountered, were more familiar with their rights, and the laws. But the young people who were being exploited, most of them had no idea. They were just going by what they had been told by their trafficker, or by other exploited youth.

This passage, specifically the comment about many ‘victims’ not knowing they are ‘victims,’ aligns with the discourse of victimization that I have detailed in previous sections. However, the officer’s description of legally knowledgeable adult sex workers, also reflects the vulnerability narrative, i.e. the notion of agentic sex workers constrained

by systemic factors (Shaver et al., 2018). The divergence between these discourses stems from the officer's distinction between exploited minors and consenting adults.

Halifax Regional Police Treatment of the Sex Industry Before Bill C-36

Prior to the enactment of PCEPA, the HRP treatment of sex work, in compliance with regulatory officials' discourse and the legislation of the period (see Chapter 1 on 'Historical Overview of Canadian Sex Work Governance'), addressed sex work according to the perspective of 'sex work as nuisance.'

Interviewer: Before December 2014, how were sex work activities handled by your unit?

So going off of what other police officers who worked in the unit before me said, and I'm talking about years before, so even when I started in 2013, everything was kinda held up for the Bedford decision, we were still conducting investigations, but everything was kind of up in the air until the new Act was put into law. And so at that time, we were arresting them and charging them [sex workers] for communicating in public and that sort of thing.

Interviewer: During that time did the police go after the buyers as well?

Yes! And there were a lot more john stings. That's another thing that I know, they had done a lot of those before I started, where officers would do undercover operations and they would do john stings and arrest the johns. We didn't do any john stings when I was in the unit, but we had talked about it. But we had decided amongst ourselves that [redacted]...In Halifax, we weren't receiving significant public complaints about our street level workers, that's not to say things haven't changed since I left.

Bill C-36 Aftermath

Interviewer: When did you become familiar with Bill C-36, the Protection of Communities and Exploited Persons Act?

Before it came out, months before... [we] worked very closely with one of the senior crown prosecutors at that time who has been seconded to the department of justice in Nova Scotia and she actually sat on the national working committee for the bill. And so she was working very closely with us...And then she trained us on the new laws, this is how you are going to implement them. And then we started off training all of Halifax Regional Police on what the laws were and how to interpret them. And then we branched

out and started training RCMP officers throughout the province and then my last 6 months there, we were even training other municipal agencies within the province. Because what we wanted to make sure was that if we were dealing—again being the only vice unit in the province—with a sex worker in Halifax, we wanted to make sure that a sex worker in Truro, for example, or Yarmouth was going to get that same treatment from a police officer there. Because, if there is one thing that we know about sex work, and trafficking, we know that sex workers move around a lot, they are transient.

But at that time, everyone was on the same page, we knew the new bill was coming out. The same way I would talk to a victim of human trafficking is the same way I would talk to a sex worker, whether they were being controlled or not, I'm still going to respect her/him, I'm still going to make her part of the decision process.

Interviewer: So it seems there is a clear cut distinction in the unit between an adult who is consenting to do sex work and a youth who is being trafficked.

Definitely. At the end of the day too, if I'm the one conducting the investigation, I'm not even going to lay charges on, even if in the case of a youth...if I've got a 16 or 17 year old girl (a victim of human trafficking or not), I'm still going to listen to her whole story and then lay out her options, and they, as a victim, have the power to say to me if they want to pursue charges. And if they say "I'm not ready right now," which we got a lot, then my answer would simply be "ok, not a problem." Then sometimes we would keep the file open for a period of time, and we would preserve all the possible evidence so that if 2 weeks down the road, or years down the road, she calls back and says "now I'm ready to press charges"...because we know that victims of human trafficking, in many cases are dealing with trauma, they are going to be ready [to press charges] on their terms.

This comment was particularly interesting given Bill C-36's conflation between consensual adult sex work and human trafficking/child exploitation. This demonstrates that Bill C-36's discursive framing of sex work may be being partially challenged at the level of local police authorities. Police endeavours to empower sex workers and victims of trafficking, and liberate individuals from oppressive conditions, on their own terms, is an important step for moving towards a policing system which treats persons who sell sexual services as social agents rather than objects of intervention and control (Jeffrey & MacDonald, 2006, p. 11).

My interpretation of what Bill C-36 is about is “wait a minute, what are we doing about the safety of sex workers?”

This suggests an interpretation of the legislation as prioritizing the wellbeing of sex workers, over the protection of communities from the social harms associated with the sex industry. While I contend that the discourse of Bill C-36, in actuality functions to privilege ‘community’ interests over the safety of sex workers (see Chapter 4), comments such as the one above may constitute evidence for police resistance to the bill’s discursive framing of ‘sex workers’ and ‘communities’ as mutually exclusive. More research is required to substantiate this hypothesis.

Interviewer: Can you tell me about any changes to the police treatment of sex workers, ‘johns’ and third party participants that you noticed after Bill C-36 was introduced?

I think one change, would be how throughout the time I was there, we really did try to massage our relationship with street level and adult sex workers. Because, we recognized that these are now the same workers that 10 years ago, they’re going to be able to tell you every police officer that arrested them, where they were arrested, how they got criminal records, and how those would have affected their lives. Based on the sex work that they would have done at that time. So we now needed to establish trust and rapport with these people. How were we gonna do that? Well, we started trying to work with Stepping Stone a lot closer again, we were very fortunate to have Stepping Stone in our city. So it was a matter of sitting at the table with sex workers and saying “how can I help you,” “what do you need from us.” Because I think as police officers—at that time in the HRM—these were the same individuals who we were maybe gonna get a call about maybe in a year’s time saying they are a victim of a homicide. So however we can prevent that from happening, that’s really at the heart of this whole thing. It’s about building enough trust and rapport so that if something has happened to them, they are going to feel comfortable reporting it. Maybe not even necessarily to the police, because we realize that they might not report it to the police but maybe they’ll go to Stepping Stone.

In contrast, the sex workers interviewed for this study delineated an entirely different picture of their relationship with the HRP. Several of the sex worker informants articulated distrust towards law enforcement. Furthermore, some of the informants noted they did not feel safe contacting police authorities, even in the event of crimes committed

against them, for fear of legal punishment. Ultimately, taking into account the historical police treatment of sex workers in Canada, building trust and improving relationships between sex workers and police will take time. However, I contend that the current legislation—despite placing prohibitions primarily on the purchase not the sale of sexual services—reinforces patronizing and disempowering discourses, and thus, continues to engender sex workers’ mistrust and/or fear of the police.

Interviewer: Did you find that at the end of 2014, early 2015, that sex workers were aware of the new law?

Some were and some weren’t, and maybe when it initially came out, we were more informed than they were. If we took a close look at a group of adult sex workers, if they were included in that group that say went to Stepping Stone, multiple times a week and engaged in some of their services, I’m going to say those are probably the workers who were maybe more informed. Or depending on their level of education, depending on their access, depending on [if they were] transient individuals...or drug users. There are so many factors at play in whether or not they would have even been privy to some of that knowledge...It depends on all these factors. I can tell you, every time I spoke to one [a sex worker], I would say “do you know what the laws are?” “Do you know what your rights are?” “Just to let you know, this is how we do things in Vice” and I would take that as a learning opportunity to educate them.

As police officers, we try to give people the opportunity to make a good choice, but that’s not always how it happens.

The moralistic undertones of this comment allude to the HRP interpretation of sex work as a self-harming activity, rather than as a valuable form of labour. In this sense, the officer can be viewed as framing sex work along the lines of responsabilization discourse. As noted in Chapter 5, this framework entails an implied judgment of workers’ decisions to stay in the industry (negative), or exit (positive) (Shaver et al., 2018, p. 125). Although sex worker interviewees acknowledged that risk and violence exist in the industry, they all represented their decisions to enter sex work as the best economic choice available to them, i.e. a good decision.

Interviewer: What are your main concerns regarding sex work in Canada? And in your opinion, are your concerns addressed by Bill C-36?

I would say safety! Because that is all encompassing of whether someone is 15 years old and being exploited or whether they are a 45 year old individual and they are working independently. It still comes down to the fact that we know that in many cases, many sex workers are very vulnerable, it's a very dangerous line of work... Depending on how they conduct their business or the situation that they find themselves in, it all comes down to safety. Safety is a major priority to me. And then throw in the fact that many sex workers might be transient. Because our unit dealt with missing persons as well as sex work, it's very common if someone is a transient individual and then they go missing—who is going to report them as a missing person. Or if they are not checking in with their family on a regular basis, that they are moving from province to province, city to city. Who is going to report them as missing? And then how do we even know that they are missing. So there is a bigger picture that's really going on in the background of it all.

Community Perceptions of Sex Work

One of the key propositions in CDA and WPR is that discourse is both a form of power and an instrument in the social construction of 'reality' (Marston, 2002; Jeffrey & MacDonald 2006). Power in this sense, involves control of one group over others. Such control pertains to both action and cognition: i.e. a powerful group (in this context the Government of Canada and subsidiary authorities) may limit the freedom of action of others (here, sex industry participants), but also influence their (Canadian public) minds (van Dijk, 1993, p. 254). In the previous chapter, (based on the assumption that media influences the public), I sought to ascertain how public perceptions of sex work have been influenced by the problematization of the industry engendered by Bill C-36. Here I have attempted to garner further insight into public perceptions of sex work in Halifax through police narrative. However, since public interviews and/or questionnaires were not implemented in this research, my considerations of the influence of PCEPA's discursive framing of sex work on the public mind, *should be taken as conjecture*.

My impression is that because a lot of it seems to have gone online during the time I was there, and because your average citizen in the community [isn't] seeing it [street-level sex work]. It was much more common back in the 90s, before we had the internet and everything, to see a significant amount of people working the strolls. I guess what I'm trying to say is that: if they [the public] don't see it, they don't think it's an issue. Unless their own personal lives have been touched by some sort of exploitation or sex work.

I think people are very wrapped up in their own lives. And I think that now, I mean people are busy, you go to work, you go home, you're stuck in traffic, you're not paying attention, you're not seeing it. So, unless you are affected by it in some capacity, I don't think people really see what's going on.

These comments suggest that residents in Halifax, unless directly implicated within, or impacted by sex work, see it as a non-issue. I see this as problematic, not because community members ought to hold a (well thought out) analysis of sex work and governance approaches, but because it arguably shows a lack of concern for structural determinants which may induce some individuals to enter sex work in a *non-consensual* or *quasi-consensual* manner. While I have emphasized the *continuum* of sex work experiences throughout this thesis, it is a well-known fact that the operation of classism, racism, sexism, and citizenship in society contribute to specific hierarchies (and therefore working conditions) in the highly complex sex industry (Davies, 2015; Durisin et al., 2018). My concern here, is that a lack of attention to sex work—suggests a lack of capacity to scrutinize structures of dominance. This may indicate the extent by which non-sex worker community members are equally constrained by these structures. When working class individuals are, for instance, subjugated by the hegemony of wage labour, it stands to reason they may not have the time or energy to engage in discursive and/or material resistance of structural inequalities (Fraser & Gordon, 1994). In this way, it is plausible that structural factors impinge on the capacity for sex worker and non-sex-worker relationship building, and solidarity in communities. Against this backdrop, it is significant

to note, that according to Jeffrey and MacDonald (2006), sex workers are critical analysts who expose and lay bare these structures of power that affect us *all* (p. 1).

This raises the further question of whose responsibility it is to disseminate inclusive knowledge about sex work, prioritizing sex workers' voices and lived experiences. As discussed throughout the study, discourse produced by dominant institutions functions to reinforce their positions as authoritative knowers and decision makers. Universalizing and stereotypical representations of sex work created by the powerful elite (re)produces dominance and inequality (van Dijk, 1993). Such representations, which silence sex workers' voices, are repeatedly reinforced to the public, for example, through the media. As evidenced in this chapter, sex workers discursively resist these dominant social constructions. However, a pertinent question regarding how the general public can gain an understanding of sex work based on sex workers' own (and ultimately varied) voices remains. Answering this question goes far beyond the scope of this research. Increased scholarship which privileges sex worker voices, acknowledging them as social agents and critical analysts, is undoubtedly required to achieve this aim. Decentralized and disruptive forms of media may also be valuable for distributing sex workers' *own* representations. This topic should be addressed in future research.

Concluding Remarks

This chapter has conveyed just some of the intricate ways sex workers in Halifax resist the material forces of work, law, and violence, as well as how they discursively challenge the hegemonic interpretations of their work and identities. More than any other group, sex workers have been perpetually understood only in that role, i.e. a person who

sells sex. This chapter has challenged the oversimplification of this representation—sex workers, like all others, are more than their jobs (Jeffrey & MacDonald, 2006, p. 5). Furthermore, in opposition to the dominant victimization discourse of Bill C-36 and police authorities, the sex worker informants see themselves as autonomous agents who fight against the constraints, barriers, and power structures that society imposes on them. Rather than objects of victimization, intervention and control, this thesis has presented sex workers as critical analysts who denude the structures of power that affect us all, contributing to the possibility of progressive political change (Jeffrey & MacDonald, 2006).

Chapter 7: Conclusion

The problematization of sex work promulgated by Bill C-36, the *Protection of Communities and Exploited Person Act*, has significant ramifications for the human rights of sex workers in Canada. The laws regulating sex work are important, not only in the way they explicitly govern what is and is not prohibited, but also for the conditions they engender and their influence on how sex workers are perceived in the public mind. Throughout this research, the material, discursive, and ideological conditions produced by PCEPA have been examined. And while I have focused predominantly on the discursive and ideological effects of the legislation, it is essential to underscore that material, discursive and ideological conditions are not mutually exclusive but interdependent. I have demonstrated that policy is, above all else, about the struggle over values. Moreover, sex work policy in particular has the tendency to be constituted as morality politics. As such, the discourse imparted by policy-makers is concerned with controlling behaviour rather than describing the world. This is the case with Bill C-36.

One of the primary goals of this study has been to expose the assumptions embedded in the legislation in order to evaluate their effects on sex workers and, to a limited extent, the broader Canadian public. This had been accomplished through a combination of critical policy analysis (CDA/WPR), media content analysis and qualitative interview analysis. Through the combined methods, I have traced how, why and which assumptions and (mis)representations are rooted within Bill C-36; the role of the media and police in disseminating, reinforcing, or contrastively, challenging these authoritative interpretations of the sex industry; and the ways in which sex workers can be seen to resist and refute them. Throughout this thesis, I have endeavoured to highlight the messy,

unstable and contradictory political realities of the legislation, which I suggest better captures the multiplicities of meaning, contestations of power, and continuums of experience produced by the problematization of sex work in Canada. In doing so, I have sought to underscore that the Canadian sex industry is not homogenous, and includes a complex diversity of lived realities, including ones of sexual liberation and ones of exploitation. Based on my interviews with sex workers in Halifax, I am convinced that PCEPA fails to account for a multitude of sex worker experiences, particularly those which are framed as positive.

I conclude with the assertion that in the Government of Canada's construction of the 'prostitution problem' around assumptions stemming from the 'oppression' paradigm, as well as archaic notions of nuisance and sexual hierarchies, the enactment of a form of end-demand criminalization which continues to penalize sex worker activities apart from the explicit act of sexual service exchange, was inevitable by way of conceptual necessity. In this way, Bill C-36, the *Protection of Communities and Exploited Persons Act*, was never a *reaction* to the 'problem,' but *created* it.

Against this backdrop, while I do not wish to deny that in some ways, Bill C-36 has transformed the landscape of sex work policy in Canada, namely, criminal law's focus has been predominantly shifted onto buyers rather than sellers of sexual services, granting sex workers a degree of immunity from legal sanctions. Given that the bill continues to criminalize various activities related to sex work, in many ways the bill merely repackages earlier legislation.

Accordingly, I suggest that the greatest impact of PCEPA does not stem from the judicial application of the law, but rather sex workers' material, discursive, and ideological

resistance to it. While sex work constitutes a terrain of struggle, through workers' resistance against systemic constraints and structures of dominance, and their reclamation of power to determine their own varied meanings, sex workers contribute to the possibility of progressive political change.

This is not to say that Bill C-36 has not made life difficult for sex workers. As discussed at length, in denying sex workers the opportunity to engage in society as free and autonomous agents, the legislation arguably exacerbates the conditions of violence, exploitation and vulnerability that it sophistically purports to abolish. Furthermore, through the portrayal of sex work as a social pathology and its sequestering from legitimate labour, like previous legislation, Bill C-36 continues to heavily stigmatize and marginalize sex workers. In addition, while one of the central aims of PCEPA is the protection of sexual service providers—framed unequivocally as victims of exploitation—by criminalizing the buyer side of transactions, evidence shows that sex work is equally as, if not more, risky as it was prior to the enactment of Bill C-36. If 'protection' is truly the main goal of sex work regulation in Canada, then policy-makers ought to prioritize sex workers' voices and continuum of lived experiences and earnestly consider their diversified advice about regulation. As it stands, Canadian sex work legislation is oriented around social control and the disenfranchisement of those who powerfully defy the status quo.

Before presenting my closing remarks, it is worth mentioning that because the oppression of sex workers has not only been engendered through law and media, but equally through 'knowledge-makers,' including academics, who are trained to produce supposedly authoritative interpretations without necessarily attending to their own positionality: I would like to once again emphasize that, as a non-sex worker, I am in no

way an expert on the lived experiences of sex work. Throughout this study, I have sought to emphasize the agency and resistance of sex workers, as people who have profound understandings of not only their own lives but of society around them. As much as my research data feasibly enabled, I have sought to privilege the voices of the study's sex worker participants, as well as the voices of sex workers in the literature used to inform this work.

Furthermore, due to the study's small interview sample size, consisting of all white, cisgender sex workers, this research has been unable to feature the voices of a wide variety of others involved in the sex industry, including BIPOC and transgender individuals. In addition, the exclusive focus of this study has been on consensual adult sex work, as such, the voices of underage sellers of sex and victims of human trafficking are not present. Accordingly, the voices of sex workers present in this study are conceivably some of those most likely to see themselves as agents, and their activities as valuable and desirable labour. As a consequence, this thesis has potentially de-emphasized experiences of vulnerability, coercion and violence in the sex industry. This constitutes a significant limitation of the study. Despite these shortcomings, this research has highlighted many of the dynamic ways that sex workers discursively resist and challenge the dominant power relations that seek to constrain them.

As a final aside, over the last few years, sex workers in Halifax, across Canada, and around the world have been faced with exceptionally difficult challenges. Although beyond the scope and time frame of this study, I would like to briefly note the emergence of oppressive policy initiatives including FOSTA-SESTA in the United States and the Government of Ontario's Bill 251. At the same time as this upsurge in governments

adopting legislation predicated on the ‘oppression paradigm,’ the COVID-19 pandemic has impacted the global sex work community perhaps more than any other event in history. The pandemic has exposed the inequality of social systems worldwide and affected all of us. However, sex workers more than almost any other group have been disproportionately impacted. Specifically, through income loss and exclusion from government relief and protection programs. While my research data is insufficient to make evidence-based claims regarding sex workers lived experiences of these challenges, I surmise that like they have in the past, sex worker communities have worked to creatively overcome, as well as materially and discursively resist these new constraints, barriers and misrepresentations. Having said that, sex workers, like *all* citizens—in Canada and elsewhere—are entitled to government support in lieu of the deliberate political disempowerment they are so frequently subjected to. I am persuaded by my interviewees’ stance that sex work is legitimate and valuable work. But most importantly, by their assertion that sex workers are more than their work, they are people with inherent value, who deserve safety, dignity and justice.

References

- Amnesty International. (2016a). *Policy on State Obligations to Respect, Protect and Fulfil the Human Rights of Sex Workers*. Retrieved from <https://www.amnesty.org/en/documents/pol30/4062/2016/en/>
- Amnesty International. (2016b). *Q&A: Policy to protect the human rights of sex workers*. Retrieved from <https://www.amnesty.ca/sites/amnesty/files/External%20FAQ%20SWP%20AICS%20May%202016.pdf>
- Bacchi, C. L. (1999). *Women, policy and politics: The construction of policy problems*. London: Sage.
- Bacchi, C. (2000). Policy as discourse: What does it mean? Where does it get us? *Discourse: studies in the cultural politics of education*, 21(1), 45-57.
- Bacchi, C. (2009). *Analysing Policy: What's the problem represented to be*. Frenchs Forest, Australia: Pearson.
- Bacchi, C. (2010). Foucault, policy and rule: Challenging the problem-solving paradigm. *Aalborg: Institut for Historie, Internationale Studier og Samfundsforhold, Aalborg Universitet. FREIA's tekstserie*, 74(1), 1-15.
- Bacchi, C. (2012). Why study problematizations? Making politics visible. *Open journal of political science*, 2(1), 1-8.
- Bacchi, C. (2015). The turn to problematization: Political implications of contrasting interpretive and poststructural adaptations. *Open Journal of Political Science*, 5(1), 1-12.
- Backhouse, C. (1985). Nineteenth-century Canadian prostitution law: Reflection of a discriminatory society. *Social History*, 18(36), 387-423.
- Ball, Stephen, J. (1990). *Politics and Policy Making in Education: Explorations in policy sociology*. New York: Routledge.
- Barnett, L., & Casavant, L. (2014). *Prostitution: A review of legislation in selected countries*. Ottawa, CA: Library of Parliament.
- Beloso, B. M. (2012). Sex, work, and the feminist erasure of class. *Signs: Journal of Women in Culture and Society* 38(1), 47-70.
- Benoit, C., & Millar, A. (2001). *Dispelling myths and understanding realities: Working conditions, health status, and exiting experiences of sex workers*. Victoria: University of Victoria.
- Bernstein, E. (2007). The sexual politics of the “new abolitionism”. *Differences*, 18(3), 128-151.
- Bittle, S. (1999). Youth Involvement in Prostitution: A Focus on Intrafamilial Violence—A Literature Review. Department of Justice Canada.
- Boivin, F. (2014, June 11). “Government Orders: Protection of Communities and Exploited Persons Act.” Canada. Parliament. House of Commons. *Edited Hansard*, 147(101). 41st Parliament, 2nd session. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/house/sitting-101/hansard>
- Braun, V., & Clarke, V. (2006). Using thematic analysis in psychology. *Qualitative research in psychology*, 3(2), 77-101.

- Brock, D., & Teixeira, R. (2014). Beyond exploitation and trafficking: Canadian critical perspectives on sex work. *Labour: Journal of Canadian Labour Studies* 74 (1), 307-318.
- Bruckert, C., & Hannem, S. (2013). Rethinking the prostitution debates: Transcending structural stigma in systemic responses to sex work. *Canadian Journal of Law and Society*, 28(1), 43-63.
- Campbell, A. (2014, May 20). For sex workers, the Nordic model still falls short. *The Globe and Mail*. Retrieved from: <https://www.theglobeandmail.com/opinion/for-sex-workers-the-nordic-model-still-falls-short/article18713169/>
- Campbell, A. (2015). Sex work's governance: Stuff and nuisance. *Feminist Legal Studies*, 23(1), 27-45.
- Canada. Parliament. House of Commons. Standing Committee on Justice and Human Rights, Hanger, A., & Maloney, J. (2006). *The challenge of change: A study of Canada's criminal prostitution laws*. Standing Committee on Justice and Human Rights.
- Canada. Parliament. House of Commons. Standing Committee on the Status of Women, & Ratansi, Y. (2007). *Turning Outrage Into Action to Address Trafficking for the Purposes of Sexual Exploitation in Canada: Report of the Standing Committee on the Status of Women*. Communication Canada-Publishing.
- Canada, Parliament, House of Commons. Evidence to the Standing Committee on Justice and Human Rights. (2014). *Minutes of Proceedings*. 41st Parliament, 2nd session, meeting no. 42. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/JUST/meeting-42/evidence>
- Canadian Alliance for Sex Work Law Reform. (2018). *Sex Worker Human Groups Oppose Police Operation Northern Spotlight*. Press Release. Retrieved From: <http://sexworklawreform.com/wp-content/uploads/2019/02/ONS-press-release.pdf>
- Carbonero, M. A., & Gómez Garrido, M. (2018). Being like your girlfriend: Authenticity and the shifting borders of intimacy in sex work. *Sociology*, 52(2), 384-399.
- Casavant, L., & Valiquet, D. (2014). Bill C-36: An Act to amend the Criminal Code in response to the Supreme Court of Canada decision in Attorney General of Canada v. Bedford and to make consequential amendments to other Acts. Ottawa: Library of Parliament.
- Cassels, J. (1985). Prostitution and public nuisance: Desperate measures and the limits of civil adjudication. *Canadian Bar Review* 63(1), 764-804.
- Chrichton, Fraser. (2015, August 21). Decriminalizing Sex Work in New Zealand: its history and impact. *Open Democracy (London)*. Retrieved from: <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/decriminalising-sex-work-in-new-zealand-its-history-and-impact/>
- Clark, C. (2014, June 11). Canadian prostitution laws a no-win, poll shows; Angus Reid survey shows an equal number of Canadians support legalizing the buying of sex as oppose it. *The Globe and Mail*. Retrieved From: <https://www.theglobeandmail.com/news/politics/canadian-prostitution-laws-a-no-win-poll-shows/article19110502/>

- Colebatch, H. K. (2002). Government and governmentality: using multiple approaches to the analysis of government. *Australian Journal of Political Science*, 37(3), 417-435.
- Coy, M. (2009). This body which is not mine: The notion of the habit body, prostitution and (dis) embodiment. *Feminist Theory*, 10(1), 61-75.
- 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), 78-91.
- Department of Justice. (2018, September 14). *Prostitution Criminal Law Reform: Bill C-36, the Protection of Communities and Exploited Persons Act*. Retrieved from: https://www.justice.gc.ca/eng/rp-pr/other-autre/c36fs_fi/
- Department of Justice. (2020). *Legistics Definitions*. Retrieved from the Government of Canada website: <https://www.justice.gc.ca/eng/rp-pr/csj-sjc/legis-redact/legistics/p1p5.html>
- Dempsey, M. M. (2010). Sex trafficking and criminalization: In defense of feminist abolitionism. *University of Pennsylvania Law Review*, 158(6), 1729-1778.
- Dewey, S., & Kelly, P. (Eds.). (2011). *Policing pleasure: Sex work, policy, and the state in global perspective*. New York: NYU Press.
- Dickson-Swift, V., James, E. L., & Liamputtong, P. (2008). *Undertaking sensitive research in the health and social sciences*. Cambridge: University Press.
- Doezema, J. (1998). Forced to Choose: Beyond the Voluntary v. Forced Prostitution Dichotomy. In K. Kempadoo & J. Doezema (Eds.), *Global sex workers: Rights, resistance, and redefinition* (pp. 34-50). New York: Routledge.
- Durisin, E. M. (2010). Perspectives on Rape in the Canadian Sex Industry: Navigating the Terrain Between Sex Work as Labour and Sex Work as Violence Paradigms. *Canadian Woman Studies*, 28(1), 128-135.
- Durisin, E. M., van der Meulen, E., & Bruckert, C. (2018). Contextualizing Sex Work: Challenging Discourses and Confronting Narratives. In E. M. Durisin, E. van der Meulen, & C. Bruckert (Eds.) *Red Light Labour: Sex work regulation, agency, and resistance* (pp. 3-26). Vancouver: UBC Press.
- Edelman, M. (1988). *Constructing the political spectacle*. Chicago: University of Chicago Press.
- Ekberg, G. (2004). The Swedish Law that Prohibits the Purchase of Sexual Services Best Practices for Prevention of Prostitution and Trafficking in Human Beings. *Violence against women*, 10(10), 1187-1218.
- Fairclough, N. (1989). *Language and Power*. New York: Longman Inc.
- Fairclough, N. (2001). Critical discourse analysis as a method in social scientific research. In M. Meyer & R. Wodak (Eds.), *Methods of Critical Discourse Analysis* (pp. 121-138). London: Sage.
- Farley, M., Lynne, J., & Cotton, A. J. (2005). Prostitution in Vancouver: Violence and the colonization of First Nations women. *Transcultural psychiatry*, 42(2), 242-271.
- Ferris, S. (2015). *Street sex work and Canadian cities: resisting a dangerous order*. Edmonton: University of Alberta.
- Fischer, F. (2009). *Democracy and expertise: Reorienting policy inquiry*. Oxford: Oxford University Press.

- Foucault, M. (1990). *The History of Sexuality, volume 1 and 2*. New York: Vintage Books.
- Foucault, M. (1991). *Remarks on Marx: Conversations with Duccio Trombadori*. In J. Goldstein and J. Cascaito (Eds. & Trans.), New York: Semiotext(e).
- Fraser, N., & Gordon, L. (1994). A genealogy of dependency: Tracing a keyword of the US welfare state. *Signs: Journal of women in culture and society*, 19(2), 309-336.
- Galbally, P. J. (2016). Playing the victim: A critical analysis of Canada's bill c-36 from an international human rights perspective. *Melbourne Journal of International Law*, 17(1), 1-35.
- Gerassi, L. (2015). A heated debate: Theoretical perspectives of sexual exploitation and sex work. *Journal of Sociology and Social Welfare*, 42(4), 79-100.
- Gillies, K., & Bruckert, C. (2018) Pimps, Partners, and Procurers: Criminalizing Street-Based Sex Workers' Relationships with Partners and Third Parties. In E. M. Durisin, E. van der Meulen, & C. Bruckert (Eds.) *Red Light Labour: Sex work regulation, agency, and resistance* (pp. 82-93). Vancouver: UBC Press.
- Government of Canada. (2020). Backgrounder - National inquiry into Missing and Murdered Indigenous Women and Girls. Retrieved from Government of Canada Website: <https://www.canada.ca/en/women-gender-equality/news/2019/06/backgrounder--national-inquiry-into-missing-and-murdered-indigenous-women-and-girls.html>
- Guidroz, K. & Rich, G. J. (2010). Commercial Telephone Sex: Fantasy and Reality. In R. Weitzer (Ed.) *Sex for Sale: Prostitution, pornography, and the sex industry* (pp. 139-162). New York: Routledge.
- Halley, J., Kotiswaran, P., Shamir, H., & Thomas, C. (2006). From the international to the local in feminist legal responses to rape, prostitution/sex work, and sex trafficking: Four studies in contemporary governance feminism. *Harvard Journal of Law & Gender*, 29(1), 335-423.
- Harcourt, C., & Donovan, B. (2005). The many faces of sex work. *Sexually transmitted infections*, 81(3), 201-206.
- Herd, G. (2009). Introduction: Moral Panics, Sexual Rights, and Cultural Anger. In G. Herd (Ed.), *Moral Panics, Sex Panics: Fear and the Fight over Sexual Rights* (pp. 1-46). New York: NYU Press.
- Hoang, K. (2011). "She's not a low-class dirty girl!": Sex work in Ho Chi Minh City, Vietnam. *Journal of Contemporary Ethnography*, 40(4), 367-396.
- Hochschild, A. R. (2012 [1983]). *The managed heart: Commercialization of human feeling*. Berkeley, CA: University of California Press.
- House of Commons Debates. (2014, June 11). "Government Orders: Protection of Communities and Exploited Persons Act." Canada. Parliament. House of Commons. *Edited Hansard*, 147(101). 41st Parliament, 2nd session.
- Kempadoo, K. (1998). Introduction: Globalizing Sex Workers' Rights. In K. Kempadoo & J. Doezema (Eds.), *Global sex workers: Rights, resistance, and redefinition* (pp. 1-28). New York: Routledge.
- Khan, U. (2018). From Average Joe to Deviant John: The Changing Construction of Sex Trade Clients in Canada. In E. M. Durisin, E. van der Meulen, & C. Bruckert (Eds.) *Red Light Labour: Sex work regulation, agency, and resistance* (pp. 67-81). Vancouver: UBC Press.

- Jeffrey, L. A., & MacDonald, G. (2006). *Sex Workers in the Maritimes talk back*. Vancouver: UBC Press.
- Lawrence, S. (2015). Expert-Tease: Advocacy, Ideology and Experience in Bedford and Bill C-36. *Canadian Journal of Law and Society/Revue Canadienne Droit et Société*, 30(1), 5-7.
- Leitch, S., & Davenport, S. (2007). Strategic ambiguity as a discourse practice: the role of keywords in the discourse on 'sustainable' biotechnology. *Discourse Studies*, 9(1), 43-61.
- Lerum, K., & Brents, B. G. (2016). Sociological Perspectives on Sex Work and Human Trafficking. *Sociological Perspectives*, 59(1), 17-26.
- Levy, J., & Jakobsson, P. (2014). Sweden's abolitionist discourse and law: Effects on the dynamics of Swedish sex work and on the lives of Sweden's sex workers. *Criminology & Criminal Justice*, 14(5), 593-607.
- Love, V. (2013). Champagne, Strawberries, and Truck-Stop Motels: On Subjectivity and Sex Work. In E. van der Meulen, E. M. Durisin, & V. Love (Eds.) *Selling sex: Experience, advocacy, and research on sex work in Canada* (pp. 58-64). Vancouver: UBC Press.
- Lowman, J., & Louie, C. (2012). Public opinion on prostitution law reform in Canada. *Canadian Journal of Criminology and Criminal Justice*, 54(2), 245-260.
- MacDonald, G., Jeffrey, L.A., Martin, K. & Ross, R. (2013). Stepping All Over the Stones: Negotiating Feminism and Harm Reduction in Halifax. In E. van der Meulen, E. M. Durisin, & V. Love (Eds.) *Selling sex: Experience, advocacy, and research on sex work in Canada* (pp. 165-180). Vancouver: UBC Press.
- MacKay, P. (2014, June 11). "Government Orders: Protection of Communities and Exploited Persons Act." Canada. Parliament. House of Commons. *Edited Hansard*, 147(101). 41st Parliament, 2nd session. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/house/sitting-101/hansard>
- MacKinnon, C. A. (1993). Prostitution and civil rights. *Michigan Journal of Gender and Law*, 1(1), 13-31.
- Macnamara, J. R. (2005). Media content analysis: Its uses, benefits and best practice methodology. *Asia Pacific Public Relations Journal*, 6(1), 1-34.
- Maher, J., Pickering, S., & Gerard, A. (2012). *Sex work: Labour, mobility and sexual services*. Abingdon, England: Routledge.
- Marston, G. (2002). Critical discourse analysis and policy-orientated housing research. *Housing, Theory and Society*, 19(2), 82-91.
- Marston, G. (2004). *Social policy and discourse analysis: Policy change in public housing*. Hants, England: Ashgate Publishing Limited.
- Missing Women Commission of Inquiry. (2012). *Forsaken: the report of the Missing Women Commission of Inquiry, vol 1*. British Columbia. W. T. Oppal (QC Commissioner). Retrieved from Government of British Columbia website: <https://www2.gov.bc.ca/assets/gov/law-crime-and-justice/about-bc-justice-system/inquiries/forsaken-es.pdf>
- Murphy, A. K., & Venkatesh, S. A. (2006). Vice careers: The changing contours of sex work in New York City. *Qualitative Sociology*, 29(2), 129-154.

- NSWP (Global Network of Sex Work Projects). (2014). *Sex work and the law: understanding legal frameworks and the struggle for sex work law reforms*. Retrieved from: <https://www.nswp.org/sites/nswp.org/files/Sex%20Work%20%26%20The%20Law.pdf>
- NSWP (Global Network of Sex Work Projects). (2015). The Real Impact of the Swedish Model on Sex Workers. Retrieved from: <https://www.nswp.org/sites/nswp.org/files/Swedish%20Model%20Advocacy%20Toolkit%20Community%20Guide%2C%20NSWP%20-%20November%202015.pdf>
- NSWP (Global Network of Sex Work Projects). (2019). *Case Studies: How sex work laws are implemented on the ground and their impact on sex workers*. Retrieved from: https://www.nswp.org/sites/nswp.org/files/how_sw_laws_are_implemented_their_impact_-_nswp_2019_0.pdf
- O'Connell, S. (1988). The Impact of Bill C-49 on Street Prostitution: What's Law Got to Do with It. *Journal of Law and Social Policy* 4(4), 109-145.
- O'Doherty, T. (2011). Criminalization and Off-Street Sex Work in Canada. *Canadian Journal of Criminology and Criminal Justice*, 53(2), 217-245.
- O'Doherty, T., Millar, H., Clancey, A., & Mackenzie, K. (2018). Misrepresentations, Inadequate Evidence, and Impediments to Justice: Human Rights Impacts of Canada's Anti-Trafficking Efforts. In E. M. Durisin, E. van der Meulen, & C. Bruckert (Eds.) *Red Light Labour: Sex work regulation, agency, and resistance* (pp. 104-120). Vancouver: UBC Press.
- Open Society Foundations. (2016). *No Turning Back: Examining Sex Worker-Led Programs That Protect Health and Rights*. Retrieved from: <https://www.refworld.org/docid/57da8a284.html>
- Pivot Legal Society. (2016). Evaluating Canada's Sex Work Laws: The Case for Repeal. Retrieved from: http://www.pivotlegal.org/evaluating_canada_s_sex_work_laws_the_case_for_repeal
- Porth, K. (2018). Sex, Lies, and Committee Hearings: Challenging Prostitution Propaganda. In E. M. Durisin, E. van der Meulen, & C. Bruckert (Eds.) *Red Light Labour: Sex work regulation, agency, and resistance* (pp. 317-328). Vancouver: UBC Press.
- Potvin, N. (2014, July 10). "Evidence to the Standing Committee on Justice and Human Rights." Canada. Parliament. House of Commons. 41st Parliament, 2nd session, 42nd meeting. Retrieved from the Parliament of Canada website: <https://www.ourcommons.ca/DocumentViewer/en/41-2/JUST/meeting-42/evidence>
- Prostitution Law Review Committee. (2008). Report of the prostitution law review committee on the operation of the prostitution reform act 2003. Wellington, Ministry of Justice. Retrieved from: <http://www.justice.govt.nz/prostitution-law-reviewcommittee/publications/plrc-report/index.html>.

- Prostitution: Should it be legal (2014, February 28). Prostitution: Should it be legal? Yes; So now what? *The Globe and Mail*. Retrieved from: <https://www.theglobeandmail.com/opinion/editorials/prostitution-should-it-be-legal-yes/article17173130/>
- Pyett, P., & Warr, D. (1999). Women at risk in sex work: Strategies for survival. *Journal of Sociology*, 35(2), 183-197.
- Razack, S. (1998). Race, space, and prostitution: The making of the bourgeois subject. *Canadian Journal of Women and the Law*, 10(1), 338-376.
- Relles, S. R. (2016). A call for qualitative methods in action: Enlisting positionality as an equity tool. *Intervention in School and Clinic*, 51(5), 312-317.
- Rubin, G. (1989). Thinking Sex: Notes for a Radical Theory of the Politics of Sexuality. In C. Vance (Ed.) *Pleasure and Danger: Exploring Female Sexuality* (pp. 267-319). London: Pandora Press.
- Sanders, T., & Campbell, R. (2007). Designing out vulnerability, building in respect: violence, safety and sex work policy. *The British journal of sociology*, 58(1), 1-19.
- Sanders, T. (2008). Male sexual scripts: Intimacy, sexuality and pleasure in the purchase of commercial sex. *Sociology*, 42(3), 400-417.
- Scoular, J. (2010). What's law got to do with it? How and why law matters in the regulation of sex work. *Journal of law and society*, 37(1), 12-39.
- Scoular, J. (2015). *The Subject of Prostitution: Sex Work, Law and Social Theory*. London: Taylor and Francis.
- Shannon, K., & Csete, J. (2010). Violence, condom negotiation, and HIV/STI risk among sex workers. *Jama*, 304(5), 573-574.
- Shaver, F. M. (2005). Sex work research: Methodological and ethical challenges. *Journal of interpersonal violence*, 20(3), 296-319.
- Shaver, M., Bryans J., & Bhola I. (2018). Perceptions of Sex Work: Exploring the Narratives of Police and Regulatory Officials. In E. M. Durisin, E. van der Meulen, & C. Bruckert (Eds.) *Red Light Labour: Sex work regulation, agency, and resistance* (pp. 121-133). Vancouver: UBC Press.
- Shoemaker, P. J., & Reese, S. D. (1996). *Mediating the message: Theories of Influences on Mass Media Content*. White Plains, NY: Longman.
- Shore, C., & Wright, S. (1997). Policy: A New Field of Anthropology. In C. Shore, & S. Wright (Eds.), *Anthropology of Policy: Critical Perspectives on Governance and Power* (pp. 3-39). London: Routledge.
- Shore, C. & Wright, S. (2011). Conceptualising Policy: Technologies of Governance and the Politics of Visibility. In C. Shore, Wright, S., & Però, D. (Eds.) *Policy worlds: Anthropology and the analysis of contemporary power* (Vol. 14) (pp. 1-26). New York: Berghahn Books.
- Sieber, J. E., & Stanley, B. (1988). Ethical and professional dimensions of socially sensitive research. *American psychologist*, 43(1), 49-55.
- Smith, A. (2003). Not an Indian tradition: The sexual colonization of native people. *Hypatia*, 18(2), 70-85.

- Southey, T. (2014, November 8). Peter MacKay's scary big budget, film noir. *The Globe and Mail*. Retrieved from:
<https://www.theglobeandmail.com/opinion/columnists/peter-mackays-scary-big-budget-film-noir/article21499665/>
- Stella (2013). Language matters: Talking about sex work. *Info Sheet, NSWP*.
- Strega, S., Janzen, C., Morgan, J., Brown, L., Thomas, R., & Carriere, J. (2014). Never innocent victims: Street sex workers in Canadian print media. *Violence against women, 20*(1), 6-25.
- Sutherland, K. (2004). Work, sex, and sex-work: Competing feminist discourses on the international sex trade. *Osgoode Hall Law Journal, 42*(1), 139-167.
- Talib, N., & Fitzgerald, R. (2016). Micro-meso-macro movements; a multi-level critical discourse analysis framework to examine metaphors and the value of truth in policy texts. *Critical Discourse Studies, 13*(5), 531-547.
- Tsang, E. Y. H. (2017). Neither "bad" nor "dirty": High-end sex work and intimate relationships in urban China. *The China Quarterly, 230*, 444-463.
- valentine, K. (2009). Evidence, values and drug treatment policy. *Critical Social Policy, 29*(3), 443-464.
- van der Meulen, E., & Durisin, E. M. (2008). Why Decriminalize? How Canada's Municipal and Federal Regulations Increase Sex Workers Vulnerability. *Canadian Journal of Women and the Law, 20*, 289-311.
- van der Meulen, E. (2011). Sex work and Canadian policy: Recommendations for labor legitimacy and social change. *Sexuality Research and Social Policy, 8*(4), 348.
- van der Meulen, E., Durisin, E. M., & Love, V. (2013). Introduction. In E. van der Meulen, E. M. Durisin, & V. Love (Eds.) *Selling sex: Experience, advocacy, and research on sex work in Canada* (pp. 1-26). Vancouver: UBC Press.
- van Dijk, T. A. (1993). Principles of critical discourse analysis. *Discourse & society, 4*(2), 249-283.
- van Dijk, T. A. (1998). *Ideology: A multidisciplinary approach*. London: Sage.
- van Dijk, T. A. (2000). *Ideology and discourse: A multidisciplinary introduction*. Barcelona: Pompeu Fabra University.
- van Dijk, T. A. (2001). Multidisciplinary CDA: a plea for diversity. In M. Meyer & R. Wodak (Eds.), *Methods of Critical Discourse Analysis* (pp. 95-120). London: Sage.
- Wagenaar, H., & Altink, S. (2012). Prostitution as morality politics or why it is exceedingly difficult to design and sustain effective prostitution policy. *Sexuality Research and Social Policy, 9*(3), 279-292.
- Wedel, Janine R, Shore, Cris, Feldman, Gregory, & Lathrop, Stacy. (2005). Toward an Anthropology of Public Policy. *The Annals of the American Academy of Political and Social Science, 600*(1), 30-51.
- Weitzer, R. (2007). Prostitution as a form of work. *Sociology Compass, 1*(1), 143-155.
- Weitzer, R. (2009). Sociology of Sex. *Annual Review of Sociology, 35*(1), 213-234
- Weitzer, R. (2010). Paradigms and Policies. In R. Weitzer (Ed.) *Sex for Sale: Prostitution, pornography, and the sex industry* (pp. 1-43). New York: Routledge.
- Weitzer, R. (2014). Sex Work, Gender, and Criminal Justice. In R. Gartner & B. McCarthy (Eds.), *The Oxford handbook of gender, sex, and crime* (pp. 508-526). New York: Oxford University Press.

- Wingrove, J. (2014, July 15). Tories soften prostitution bill provision. *The Globe and Mail*. Retrieved from: <https://www.theglobeandmail.com/news/politics/tories-soften-prostitution-bill-provision-by-expanding-legal-discussion-areas/article19607673/>
- Wodak, R. (2001). What CDA is about — a summary of its history, important concepts and its developments. In M. Meyer & R. Wodak (Eds.), *Methods of Critical Discourse Analysis* (pp. 95-120). London: Sage.
- Wright, S. & Reinhold, S. (2011). ‘Studying Through’: A Strategy for Studying Political Transformation. Or Sex, Lies and British Politics. In C. Shore, Wright, S., & Però, D. (Eds.) *Policy worlds: Anthropology and the analysis of contemporary power* (Vol. 14) (pp. 86-104). New York: Berghahn Books.
- Yee, J. (2009). Supporting aboriginal sex workers struggles. *Canadian Dimension*, 43(1), 45-47.
- Zatz, N. D. (1997). Sex work/sex act: Law, labor, and desire in constructions of prostitution. *Signs*, 22(2), 277-308.
- Zelizer, V. A. (2000). The purchase of intimacy. *Law & Social Inquiry*, 25(3), 817-848.
- Zelizer, V. A. (2005). *The Purchase of Intimacy*. Princeton, NJ: Princeton University Press.

Cases

- Canada (Attorney General) v. Bedford*, 2013 SCC 72, [2013] 3 SCR 1101.
- Hutt v. R.* (1978), 82 DLR (3d) 95.
- R. v. Skinner*, [1990] 1 SCR 1235.
- R. v. Stagnitta*, [1990] 1 SCR 1226.
- Reference re ss. 193 and 195.1(1)(c) of the Criminal Code (Man.)*, [1990] 1 SCR 1123.

Legislation

- An Act respecting Offences against Public Morals and Public Convenience*, 49 Viet. (1886), c. 157 (Canada).
- An Act respecting offenses against the Person*, 32 & 33 Viet. (1869), c. 20, s. 50 (Canada).
- An Act respecting Vagrants*, 32 & 33 Viet. (1869), c. 28, s. I (Canada).
- An Ordinance for establishing a system of Police for the Cities of Quebec and Montreal*, 2 Viet. (I)(1839), c.2 (Lower Canada).
- Bill 1997/98:55 *Kvinnofrid*, 1998 (Sweden).
- Bill C-127, *An Act to Amend the Criminal Code in Relation to Sexual Offences and Other Offences Against the Person*, SC 1983, c.125. *Criminal Code*, RSC 1985, c. C-46 (Canada).
- Bill C-49, *An Act to amend the Criminal Code (prostitution)*, SC 1985, c. 50, s. 195.1. *Criminal Code*, RSC 1985, c. C-46 (Canada).
- Bill C-36, *Protection of Communities and Exploited Persons Act*, SC 2014, c. 25. *Criminal Code*, RSC 1985, c. C-46 (Canada).

Criminal Code, 1892, 55–56 Vict., c. 29.

Criminal Code, RSC 1985, c. C-46.

Prostitution Reform Act, 2003, Act of Parliament USC Wellington (New Zealand).

Sexual Offences Act 23 of 1957 (Previous short title, ‘Immorality Act’), 1957 (South Africa).

Svenska författningssamlingen. *Lagen om förbud mot köp av sexuella tjänster* (SFS 1998:408) (Act Prohibiting the purchase of sexual services), 1998 (Sweden).

The Contagious Diseases Act, 29 Viet (1865), c. 8 (Province of Canada).

The Indian Act, 1876. S.C. 1876, c. 18 (Canada).

Appendix A

Prostitution-Related Criminal Code Provisions

Section 213: Offences in Relation to Offering, Providing or Obtaining Sexual Services for Consideration

213 (1) Everyone is guilty of an offence punishable on summary conviction who, in a public place or in any place open to public view, for the purpose of offering, providing or obtaining sexual services for consideration,

- (a) stops or attempts to stop any motor vehicle; or
- (b) impedes the free flow of pedestrian or vehicular traffic or ingress to or egress from premises adjacent to that place.

(1.1) Everyone is guilty of an offence punishable on summary conviction who communicates with any person – for the purpose of offering or providing sexual services for consideration – in a public place, or in any place open to public view, that is or is next to a school ground, playground or daycare centre.

Definition of *public place*

(2) In this section, *public place* includes any place to which the public have access as of right or by invitation, express or implied, and any motor vehicle located in a public place or in any place open to public view.

Section 286: Commodification of Sexual Activity

Obtaining sexual services for consideration

286.1 (1) Everyone who, in any place, obtains for consideration, or communicates with anyone for the purpose of obtaining for consideration, the sexual services of a person is guilty of

- (a) an indictable offence and liable to imprisonment for a term of not more than five years and a minimum punishment of,
 - (i) in the case where the offence is committed in a public place, or in any place open to public view, that is or is next to a park or the grounds of a school or religious institution or that is or is next to any other place where persons under the age of 18 can reasonably be expected to be present,
 - (A) for a first offence, a fine of \$2,000, and
 - (B) for each subsequent offence, a fine of \$4,000, or
 - (ii) in any other case,
 - (A) for a first offence, a fine of \$1,000, and
 - (B) for each subsequent offence, a fine of \$2,000; or
- (b) an offence punishable on summary conviction and liable to imprisonment for a term of not more than 18 months and a minimum punishment of,
 - (i) in the case referred to in subparagraph (a)(i),

- (A) for a first offence, a fine of \$1,000, and
- (B) for each subsequent offence, a fine of \$2,000, or
- (ii) in any other case,
 - (A) for a first offence, a fine of \$500, and
 - (B) for each subsequent offence, a fine of \$1,000.

(2) Everyone who, in any place, obtains for consideration, or communicates with anyone for the purpose of obtaining for consideration, the sexual services of a person under the age of 18 years is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years and to a minimum punishment of imprisonment for a term of

- (a) for a first offence, six months; and
- (b) for each subsequent offence, one year.

Material Benefit from Sexual Services

286.2 (1) Everyone who receives a financial or other material benefit, knowing that it is obtained by or derived directly or indirectly from the commission of an offence under subsection 286.1(1), is guilty of an indictable offence and liable to imprisonment for a term of not more than 10 years.

(2) Everyone who receives a financial or other material benefit, knowing that it is obtained by or derived directly or indirectly from the commission of an offence under subsection 286.1(2), is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of two years.

(3) For the purposes of subsections (1) and (2), evidence that a person lives with or is habitually in the company of a person who offers or provides sexual services for consideration is, in the absence of evidence to the contrary, proof that the person received a financial or other material benefit from those services.

(4) Subject to subsection (5), subsections (1) and (2) do not apply to a person who receives the benefit

- (a) in the context of a legitimate living arrangement with the person from whose sexual services the benefit is derived;
- (b) as a result of a legal or moral obligation of the person from whose sexual services the benefit is derived;
- (c) in consideration for a service or good that they offer, on the same terms and conditions, to the general public; or
- (d) in consideration for a service or good that they do not offer to the general public but that they offered or provided to the person from whose sexual services the benefit is derived, if they did not counsel or encourage that person to provide sexual services and the benefit is proportionate to the value of the service or good.

(5) Subsection (4) does not apply to a person who commits an offence under subsection (1) or (2) if that person

- (a) used, threatened to use or attempted to use violence, intimidation or coercion in relation to the person from whose sexual services the benefit is derived;

- (b) abused a position of trust, power or authority in relation to the person from whose sexual services the benefit is derived;
 - (c) provided a drug, alcohol or any other intoxicating substance to the person from whose sexual services the benefit is derived for the purpose of aiding or abetting that person to offer or provide sexual services for consideration;
 - (d) engaged in conduct, in relation to any person, that would constitute an offence under section 286.3; or
 - (e) received the benefit in the context of a commercial enterprise that offers sexual services for consideration.
- (6) If a person is convicted of an offence under this section, the court that imposes the sentence shall consider as an aggravating factor the fact that that person received the benefit in the context of a commercial enterprise that offers sexual services for consideration.

Procuring

286.3 (1) Everyone who procures a person to offer or provide sexual services for consideration or, for the purpose of facilitating an offence under subsection 286.1(1), recruits, holds, conceals or harbours a person who offers or provides sexual services for consideration, or exercises control, direction or influence over the movements of that person, is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years.

(2) Everyone who procures a person under the age of 18 years to offer or provide sexual services for consideration or, for the purpose of facilitating an offence under subsection 286.1(2), recruits, holds, conceals or harbours a person under the age of 18 who offers or provides sexual services for consideration, or exercises control, direction or influence over the movements of that person, is guilty of an indictable offence and liable to imprisonment for a term of not more than 14 years and to a minimum punishment of imprisonment for a term of five years.

Advertising Sexual Services

286.4 Everyone who knowingly advertises an offer to provide sexual services for consideration is guilty of

- (a) an indictable offence and liable to imprisonment for a term of not more than five years; or
- (b) an offence punishable on summary conviction and liable to imprisonment for a term of not more than 18 months.

Immunity – Material Benefit and Advertising

286.5 (1) No person shall be prosecuted for

- (a) an offence under section 286.2 if the benefit is derived from the provision of their own sexual services; or
- (b) an offence under section 286.4 in relation to the advertisement of their own sexual services.

(2) No person shall be prosecuted for aiding, abetting, conspiring or attempting to commit

an offence under any of sections 286.1 to 286.4 or being an accessory after the fact or counselling a person to be a party to such an offence, if the offence relates to the offering or provision of their own sexual services.

Appendix B

Step-by-Step Guide to: What's the Problem Represented to Be? Policy Analysis (Bacchi, 2010)

1. What's the 'problem' (e.g. of 'problem gamblers', domestic violence, pay inequity, health inequalities, etc.) represented to be in a specific policy?
2. What presuppositions or assumptions underpin this representation of the 'problem'?
3. What is left unproblematic in this problem representation? Where are the silences? Can the 'problem' be thought about differently?
4. What is left unproblematic in this problem representation? Where are the silences? Can the 'problem' be thought about differently?
5. What effects are produced by this representation of the 'problem'? Consider three kinds of interconnected effects: discursive effects, subjectification effects, lived effects.
6. How/where has this representation of the 'problem' been produced, disseminated and defended? How could it be questioned, disrupted and replaced?

Appendix C

Coding Scheme

Identification information

1. ID
Newspaper source, ID #
2. Year
3. Month
4. Day
5. Province
6. City

Dichotomous variables

7. Sex work/er/ing
 1. Yes
 2. No
8. Prostitution/prostitute/prostituted person
 1. Yes
 2. No
9. Sex industry/sex trade
 1. Yes
 2. No
10. Bill C-36
 1. Yes
 2. No
11. Legal/legalization/legalisation
 1. Yes
 2. No
12. Decriminalization/decriminalisation
 1. Yes
 2. No
13. End-demand criminalization/criminalisation
 1. Yes
 2. No
14. Criminalization/criminalisation
 1. Yes
 2. No
15. Nordic Model
 1. Yes
 2. No

- 16. Law**
 - 1. Yes
 - 2. No
- 17. Policy**
 - 1. Yes
 - 2. No
- 18. Crime/criminal**
 - 1. Yes
 - 2. No
- 19. Offence**
 - 1. Yes
 - 2. No
- 20. Police/RCMP**
 - 1. Yes
 - 2. No
- 21. Rights**
 - 1. Yes
 - 2. No
- 22. John**
 - 1. Yes
 - 2. No
- 23. Pimp**
 - 1. Yes
 - 2. No
- 24. Services/service provider**
 - 1. Yes
 - 2. No
- 25. Bawdy house/brothel**
 - 1. Yes
 - 2. No
- 26. Pornography**
 - 1. Yes
 - 2. No
- 27. Child pornography**
 - 1. Yes
 - 2. No
- 28. Child prostitution**
 - 1. Yes
 - 2. No
- 29. Trafficking**

1. Yes
2. No
- 30. Sale/sell/ing**
 1. Yes
 2. No
- 31. Buy/purchase**
 1. Yes
 2. No
- 32. Solicit/ing/ation/communicate/ing**
 1. Yes
 2. No
- 33. Public**
 1. Yes
 2. No
- 34. Online/internet/website**
 1. Yes
 2. No
- 35. Drug/addict/ion**
 1. Yes
 2. No
- 36. STI/STD/venereal disease**
 1. Yes
 2. No
- 37. Condom**
 1. Yes
 2. No
- 38. Harm/assault/abuse/rape**
 1. Yes
 2. No
- 39. Health**
 1. Yes
 2. No
- 40. Safety**
 1. Yes
 2. No
- 41. Protect/ion**
 1. Yes
 2. No
- 42. Exploit/ation**
 1. Yes

- 2. No
- 43. Violent/violence**
 - 1. Yes
 - 2. No
- 44. Oppression**
 - 1. Yes
 - 2. No
- 45. Objectification**
 - 1. Yes
 - 2. No
- 46. Discrimination**
 - 1. Yes
 - 2. No
- 47. Victim/ization**
 - 1. Yes
 - 2. No
- 48. Stima/tization**
 - 1. Yes
 - 2. No
- 49. Gender**
 - 1. Yes
 - 2. No
- 50. Power**
 - 1. Yes
 - 2. No
- 51. Agency/agent**
 - 1. Yes
 - 2. No
- 52. Consent**
 - 1. Yes
 - 2. No
- 53. Negotiate/ion**
 - 1. Yes
 - 2. No
- 54. First Nations/indigenous/aboriginal**
 - 1. Yes
 - 2. No

Non-dichotomous variables

- 55. Paradigm/model**

1. Moral transgression/deviant behaviour (DB)
2. Necessary “evil” (NE)
3. Gender Oppression/violence (GO)
4. Work/labour (W)
99. N/A

56. Policy stance

1. Legalization
2. Decriminalization
3. End-demand decriminalization
4. Criminalization
99. N/A

57. Venue (i.e. where sex/money exchange takes place)

1. Street-level (includes vehicles)
2. Indoor (includes bawdy houses/brothels/massage parlours/homes/hotels)
3. Virtual (online communication/exchange of funds)
99. N/A

58. Communities

1. Neighbourhood
2. Municipality
3. Sex work community (includes advocacy groups)
99. N/A

59. Advocacy

1. Pro-sex work organizations/movements
2. Anti-sex work organizations/movements
99. N/A

60. Feminism

1. Pro-feminism rhetoric
2. Anti-feminism rhetoric
99. N/A

Quotations

61. Write in examples of variables to be used in analysis

*additional information

Exclusions

62. Exclude

1. Yes (Non-Canadian content; does not pertain to sex trade)
2. No

Appendix D

Interview Guide 1: Sex Worker Participants

1. *Opening question*: do you have a terminology preference for how you would like me to refer to ‘sex work’ and ‘sex worker’?
2. Can you tell me how long you have been working in the sex industry?
3. Can you tell me how long you have worked in the Halifax Region?
4. Are you familiar with the current legislation regulating sex work in Canada, i.e. Bill C-36, the *Protection of Communities and Exploited Persons Act*?
5. What is your impression of Bill C-36?

Contingent on question #2 (if participant was working in the sex work industry prior to the implementation of Bill C-36, which came into force on December 6, 2014)

- Were you aware of this legislation change when it happened?
 - How did you feel about the legislation change back then?
 - How do you feel about the legislation change now?
 - Have you noticed changes in your work experiences in this industry over the last three years? If so, what do you think the cause(s) of those changes might be?
 - Do you think the structure of your work has changed or is changing?
 - Do you think your customer base has changed or is changing?
 - Has your place(s) of work changed?
6. What are your opinions about media representations of sex work and sex workers here in Halifax or across Canada?
 - Do you think media representations have changed over the years?
 7. Can you tell me about your experiences, as a sex worker, engaging with the general public?
 - Do you discuss your profession with others? If so, who?
 - Do you prefer to conceal your profession from others? If so, why?

- Do you think Canadians have a particular understanding or view of sex work and sex workers? If so, do you think it is accurate or inaccurate?

8. Have you ever interacted with law enforcement officials?

- Can you tell me about your experiences interacting with them?
- *(If they were negative)* How do you think the experiences could have been improved?
- *(If they were positive)* What made those experiences positive?

9. Have you ever interacted with health services officials?

- Can you tell me about your experiences interacting with them?
- *(If they were negative)* How do you think the experiences could have been improved?
- *(If they were positive)* What made those experiences positive?

10. Can you tell me about your experiences interacting with private and/or government agencies that support sex workers?

- *(If they were negative)* How do you think the experiences could have been improved?
- *(If they were positive)* What made those experiences positive?

11. Do you think any of the interactions we have discussed in questions 7-10 are affected by Bill C- 36?

12. Can you tell me about your ideal type of Canadian sex work laws?

- What are your main concerns when it comes to sex work laws in Canada?
- *(Answer dependent)* Do you think Canada will ever implement your ideal type of sex work regulation?

Thank you very much, it was a pleasure to have spoken with you and I really appreciate your time. Now that the interview has concluded, do you still feel comfortable with me using your answers as part of my project? *(Confirm consent)*.

Appendix E

Interview Guide 2: Police Officer

1. Do you have a terminology preference for how you would like me to refer to 'sex work' and 'sex worker'?
2. How long did you work in the Vice Unit in the HRP? And can you tell me what exactly your position there was?
3. Can you tell me approximately what percentage of your work time was spent focusing on issues pertaining to sex work vs. those pertaining to e.g. the sale of narcotics, etc.
4. What were the main forms of sex work which your unit attended to? E.g. street work, brothel work, escort services, massage-parlor work, etc.
 - *In your experience what were the gender dynamics of the sex work you encountered? e.g. were sex workers primarily female, were johns primarily male?*
5. Before December 2014, how were illegal sex work activities handled by the HRP Vice Unit?
 - *Were individuals arrested? Given fines? Warned? Was the criminal focus on the buyer or seller?*
6. When did you become familiar with the current legislation regulating sex work in Canada, i.e. Bill C-36, the *Protection of Communities and Exploited Persons Act*?
7. How did you become familiar with Bill C-36?
8. As far as you know, did the HRP Vice Unit undergo any information sessions/retraining as a result of the change in legislation regulating sex work in Canada (in 2014)?
9. Do you recall there being any discussion about the merits and/or disadvantages of Bill C-36 within the HRP?
10. Can you tell me about any changes to the police treatment of sex workers, johns and sex worker managers/pimps that you noticed after Bill C-36 was introduced?
 - *For instance, do you think that criminalizing the purchase of sex has changed how sex workers themselves are treated by police?*
11. In your opinion, were the individuals engaging in the exchange of sexual services for remuneration aware of the sex work law reform?

12. What are your main concerns regarding sex work in Canada?

- *In your opinion, are your concerns addressed by Bill C-36?*

13. What is your overall impression of Bill C-36?

14. Do you think Canadians have a particular understanding or view of sex work and sex workers? If so, do you think it is accurate or inaccurate?

- *Do you think the media and/or government portrays sex work and sex workers in a particular way?*
- *Do you think that mis-portraying sex work potentially harms or disadvantages sex workers?*
- *In your opinion did representations of sex work and sex workers change as a result of Bill C-36?*

15. In your opinion, has Bill C-36 achieved its primary objectives (i.e. to protect those who sell their own sexual services, protect communities from the harms caused by prostitution, and reduce the demand for prostitution and its incidence)?

Chart 1

Frequency of Keywords in Media Discourse on Sex Work in *the Globe and Mail*
(December 6th, 2013 – December 6th, 2015)

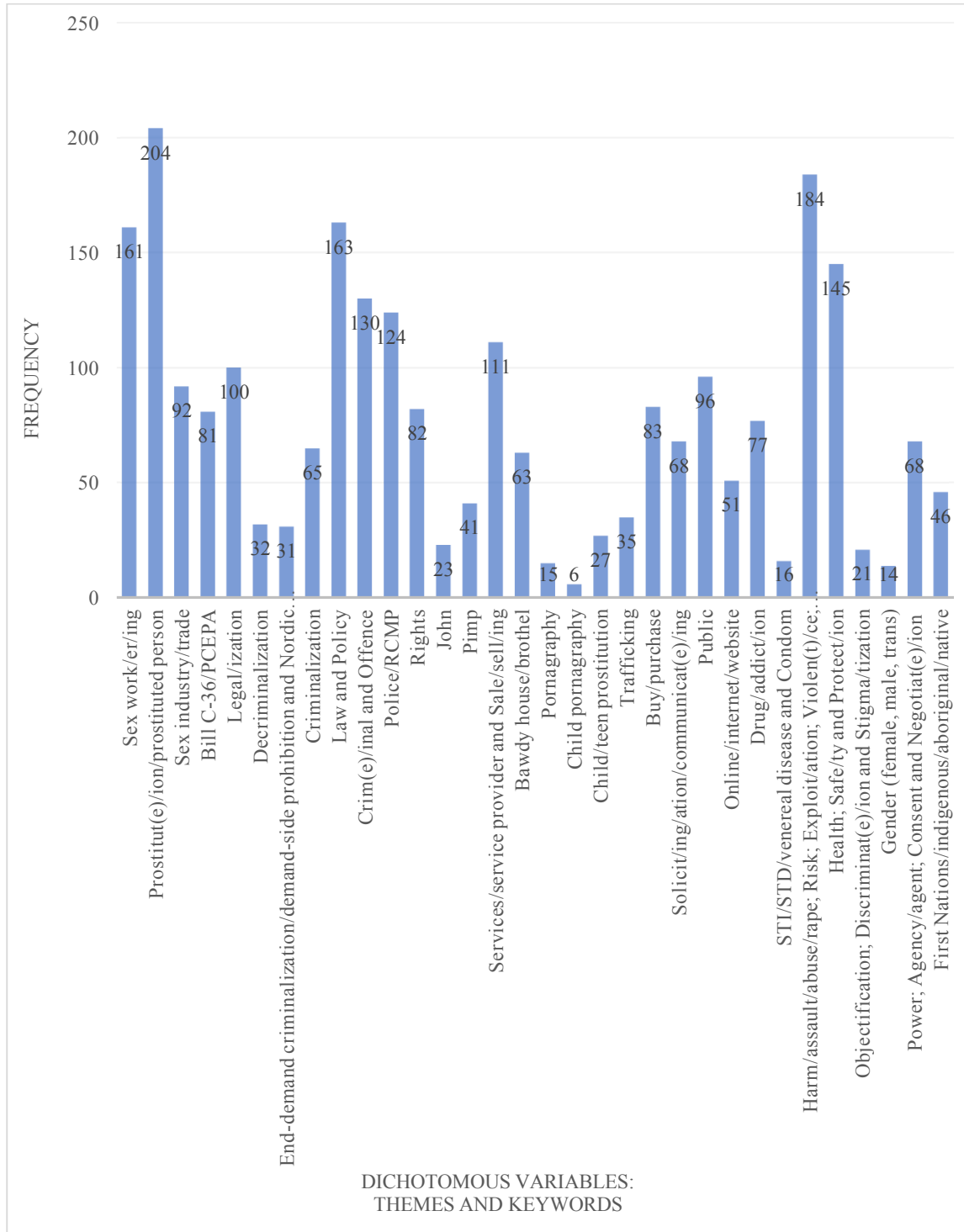


Chart 1a

**Frequency of 'Paradigms' in Media Discourse on Sex Work in the *Globe and Mail*
(December 6th, 2013 – December 6th, 2015)**

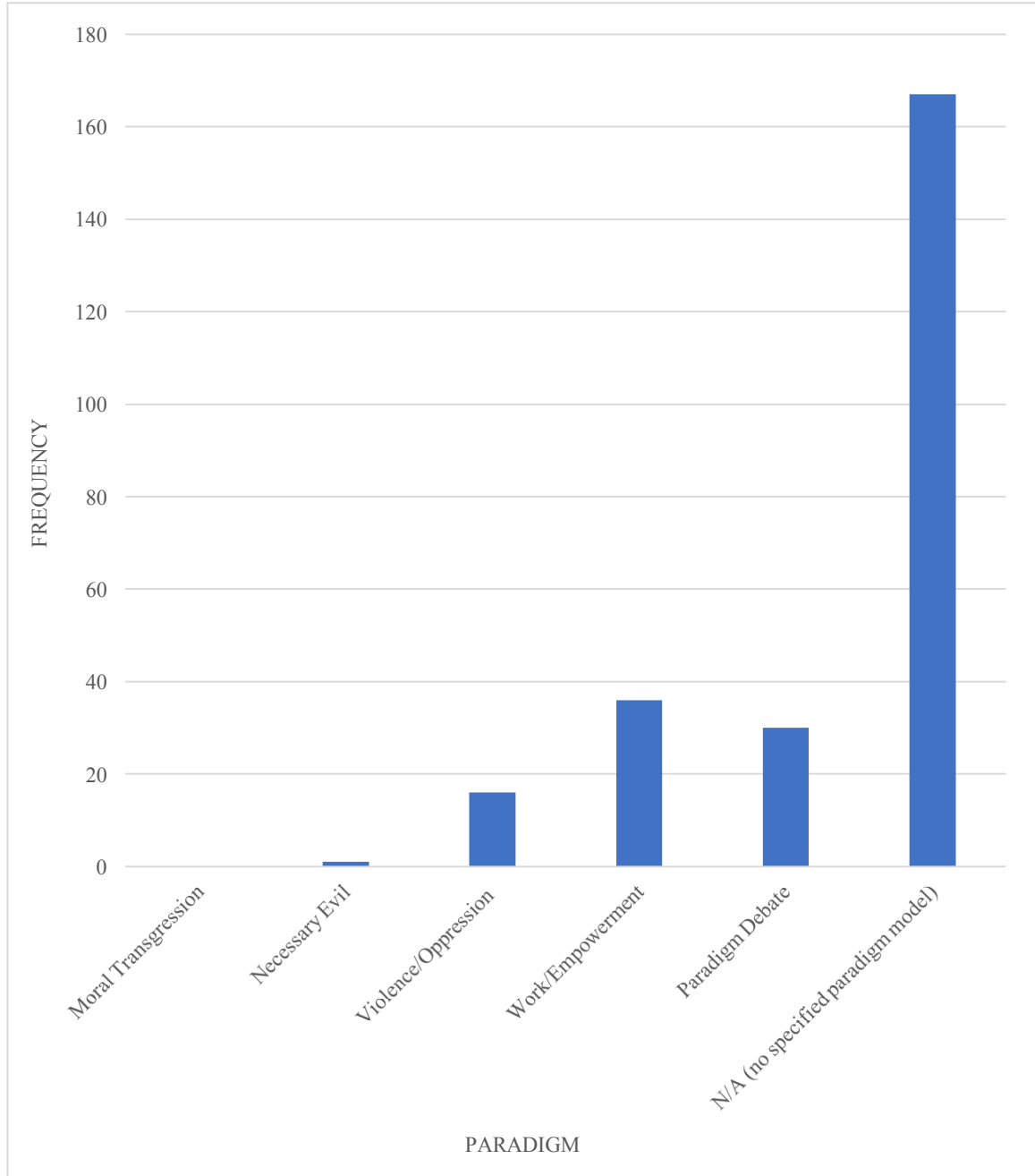


Chart 1b

Frequency of 'Policy Stances' in Media Discourse on Sex Work in the *Globe and Mail* (December 6th, 2013 – December 6th, 2015)

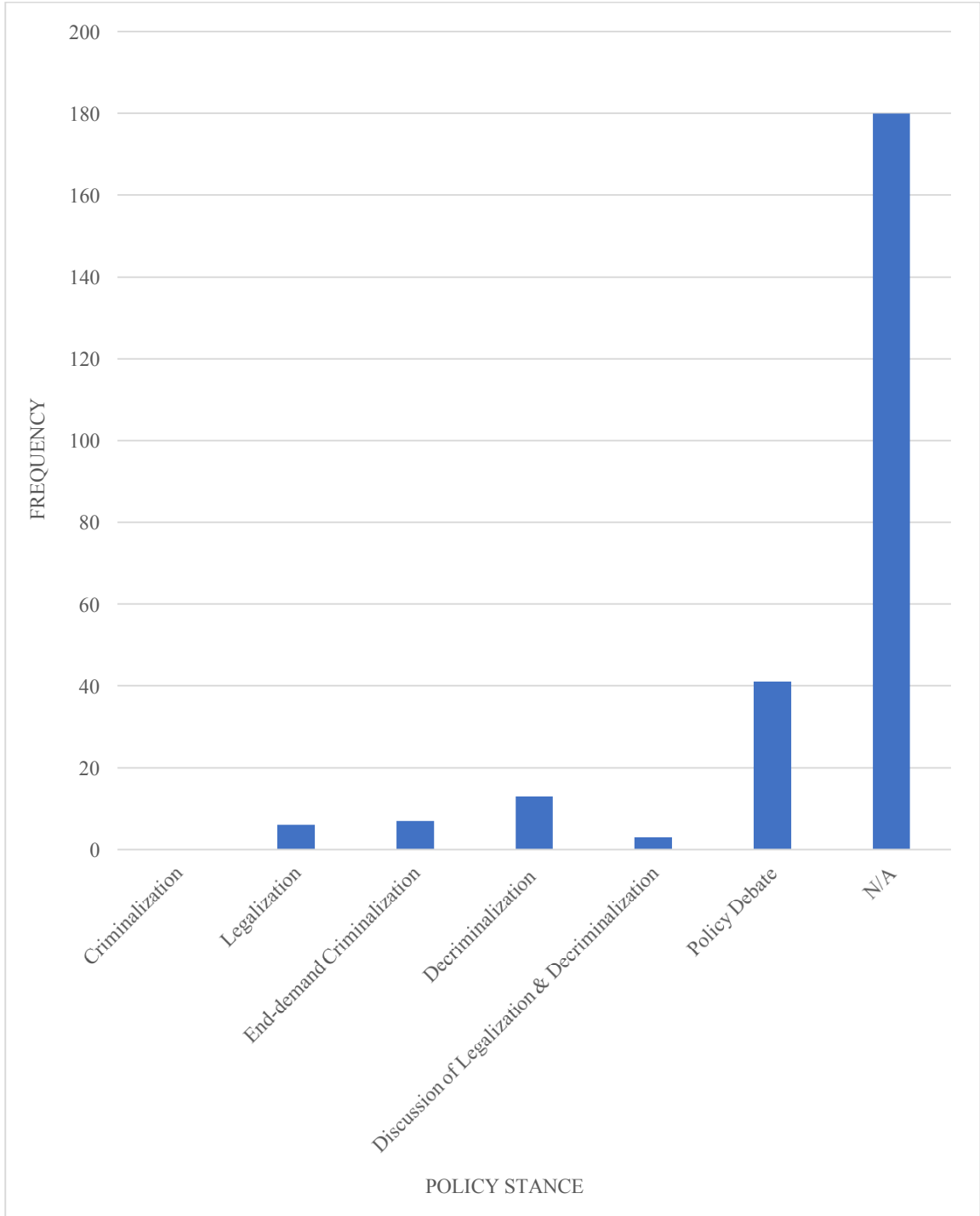


Chart 1c

**Frequency of 'Venues' in Media Discourse on Sex Work in the *Globe and Mail*
(December 6th, 2013 – December 6th, 2015)**

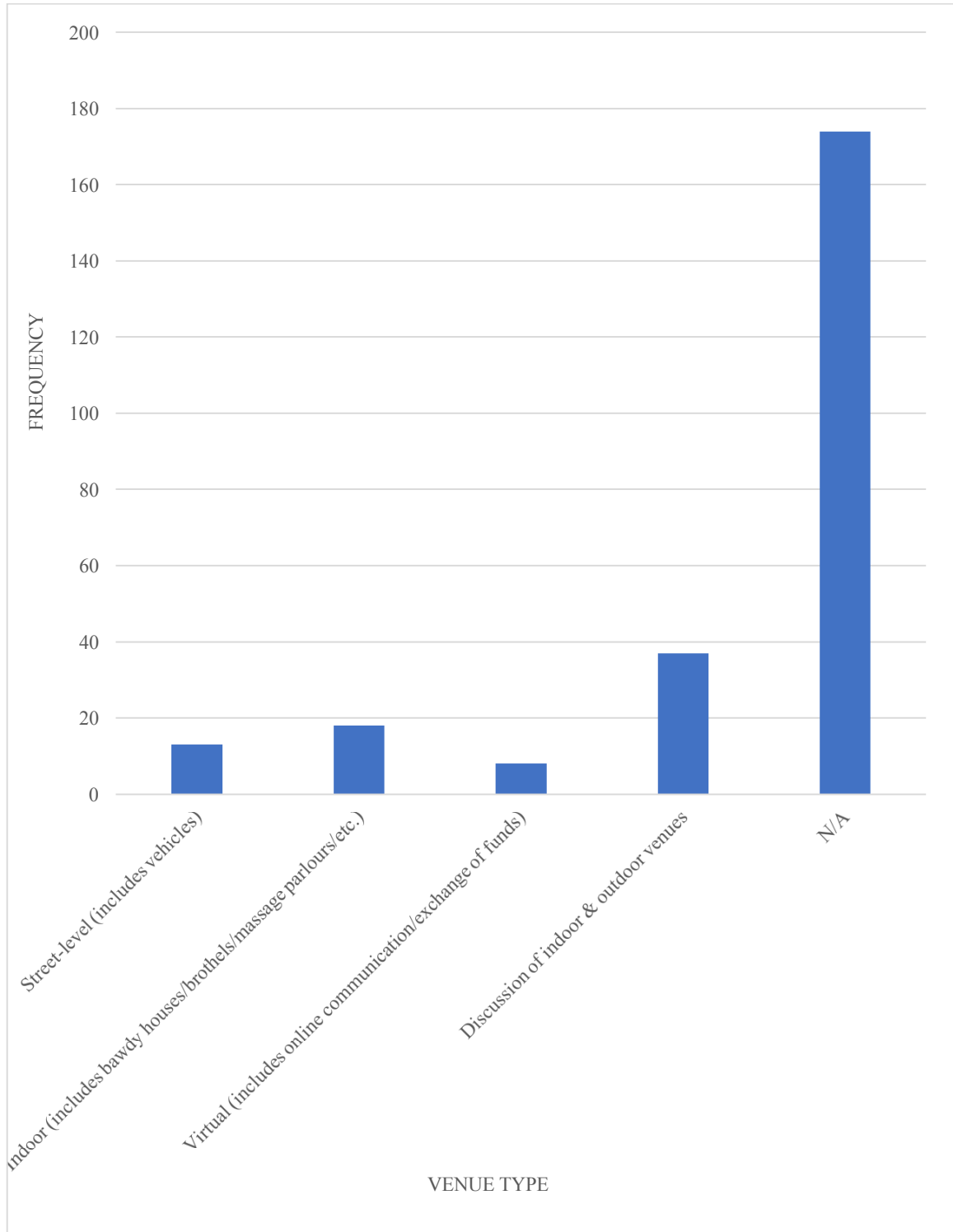


Chart 1d

Frequency of 'Communities' in Media Discourse on Sex Work in the *Globe and Mail*
(December 6th, 2013 – December 6th, 2015)

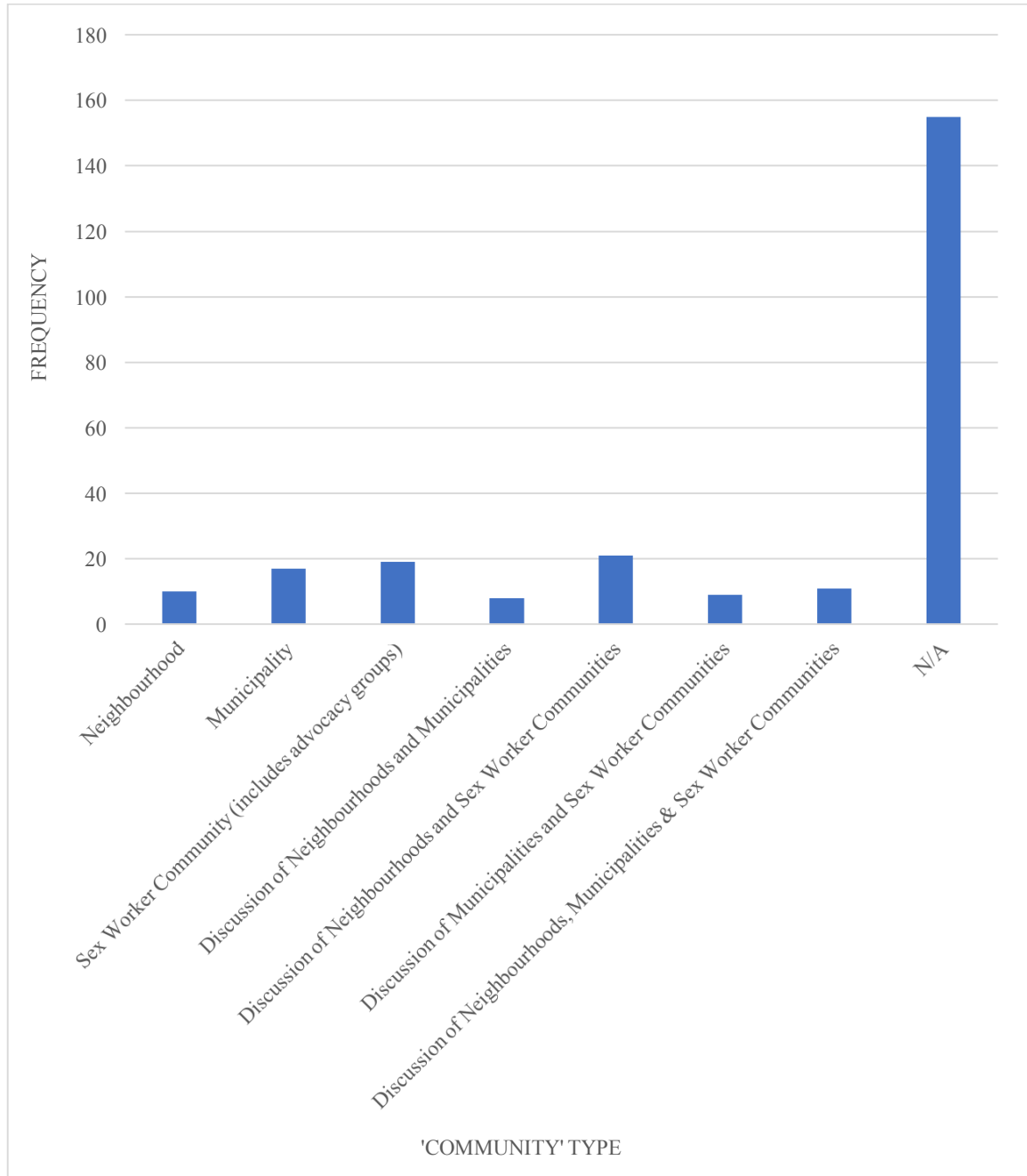


Chart 2

Monthly Incidences of Terms in Media Discourse on Sex Work in the *Globe and Mail* (December 6th, 2013 – December 6th, 2015)

