

Wilfrid Laurier University

Scholars Commons @ Laurier

Theses and Dissertations (Comprehensive)

2019

The Use of Public Consultation to Construct Sex Work Related Policies

Ryan Horan
hora7030@mylaurier.ca

Follow this and additional works at: <https://scholars.wlu.ca/etd>



Part of the [Criminology and Criminal Justice Commons](#), [Other Political Science Commons](#), and the [Sexuality and the Law Commons](#)

Recommended Citation

Horan, Ryan, "The Use of Public Consultation to Construct Sex Work Related Policies" (2019). *Theses and Dissertations (Comprehensive)*. 2224.
<https://scholars.wlu.ca/etd/2224>

This Thesis is brought to you for free and open access by Scholars Commons @ Laurier. It has been accepted for inclusion in Theses and Dissertations (Comprehensive) by an authorized administrator of Scholars Commons @ Laurier. For more information, please contact scholarscommons@wlu.ca.

The Use of Public Consultation to Construct Sex Work Related Policies

By

Ryan Horan

Guelph-Humber University, B.A. (Honours), Applied Sciences, 2017

THESIS

Submitted to the Department/Faculty of Criminology

In partial fulfillment of the requirements for

Master of Arts

In Criminology

Wilfrid Laurier University
Brantford, Ontario

© Ryan Horan 2019

Abstract

The present study is a qualitative analysis of the Online Public Consultation of Prostitution -Related Offences (OPCPRO), conducted by the Canadian Department of Justice in 2014. This research describes themes that arose within the discourses of respondents to the OPCPRO, and offers a critical examination of the use of online consultations in the production of public policy. I argue that respondents to the OPCPRO, regardless of their support or opposition for criminalization of sex work, strategically draw on values echoed within the Charter of Rights and Freedoms to frame their policy propositions as consistent with sex workers individual rights. I also argue that the execution of the OPCPRO parallels the usage of online crowdsourcing by the private sector, and that this is a problematic method of soliciting the input of the public to create new policy.

Acknowledgements

I would like to take opportunity to thank a number of people without whom this research would not have been possible. I am especially indebted to Dr. Stacey Hannem, who has been supportive of my career goals, worked enthusiastically to provide me with the best possible guidance and has been an outstanding mentor. I would also like to thank Dr. Antony Christensen and Dr. Emily van der Meulen, for taking the time to provide me with excellent feedback and direction. I would like to thank Kristy Nahirniak, my high school social sciences teacher. The guidance you provided during my formative years cannot be understated and I want to thank-you for insisting that I leave the “Bolton bubble”, and for inspiring my sociological imagination. I am proud to be your student. Finally, I would like to thank my parents, whose love and guidance are with me wherever I go and in whatever I pursue. They are the ultimate role models. I would especially like to thank my mother, who listened each time I told her that I was not smart enough to complete this degree. I want to thank-you for constantly reminding me that I was wrong.

TABLE OF CONTENTS

ABSTRACT		i
ACKNOWLEDGEMENTS		ii
CHAPTER		
I.	INTRODUCTION Outline	Pg. 1 Pg. 3
II.	LITERATURE REVIEW Legal Context Ontario Superior Court of Justice Ontario Court of Appeal The Supreme Court of Canada Delayed Invalidation The Online Public Consultation of Prostitution-Related Offences (OPCPRO) Legal Frameworks Legalization Criminalization Asymmetrical Criminalization Decriminalization Constructionist Claimsmaking	Pg. 4 Pg. 4 Pg. 5 Pg. 6 Pg. 7 Pg. 7 Pg. 8 Pg. 9 Pg. 10 Pg. 14 Pg. 17 Pg. 19 Pg. 21
III.	DESCRIPTION OF DATA Department of Justice’s Methodology Department of Justice’s Results	Pg. 26 Pg. 27 Pg. 28
IV.	METHODOLOGY Data Sample Qualitative Approach Sensitizing Concepts	Pg. 33 Pg. 33 Pg. 34 Pg. 36

	Sampling and Sorting	Pg. 37
	Terminology and Language	Pg.38
	Criticisms of Qualitative Research	Pg. 40
V.	FINDINGS	Pg. 41
	Prohibitionist and Asymmetrical Criminalization: Sex Work Criminalized	Pg. 42
	Women and Children	Pg. 43
	The Family	Pg. 47
	Trafficking Victims	Pg. 49
	Abuse and Childhood Abuse	Pg. 51
	Drug Dependency	Pg. 53
	Uneducated and Economically Disadvantaged	Pg. 55
	Male Sex Workers	Pg. 57
	Racialized and LGBTQ+	Pg. 58
	Legalization and Decriminalization: Sex Work Legalized	
	Adults and Children	Pg. 61
	The Role of Third Parties	Pg. 63
	The Body	Pg. 64
	Taxation and Legitimate Income	Pg. 65
	Enjoyment of Work	Pg. 66
	The Impact of Criminalization	Pg. 68
	Economic Factors and Labor Laws	Pg. 69
	Mandatory Health Inspections and Zoning Laws	Pg. 72
VI.	ANALYSIS	Pg. 76
	Constructions of Liberty	Pg. 77
	Constructions of Security	Pg. 79
	Constructions of Dignity	Pg. 80

VII.	CRITIQUE OF CONSULTATION Purpose of Consultation Self-Identification Use and Portrayal of Consultation as Scientific Problematic Questions Sex Workers not at the Forefront of Discussion Crowdsourcing	Pg. 80 Pg. 83 Pg. 84 Pg. 86 Pg. 88 Pg. 90 Pg. 92
VIII.	DISCUSSION AND CONCLUSION Summary of Findings and Research Contribution Limitations Directions for Future Research	Pg. 92 Pg. 99 Pg. 99
REFERENCES		Pg. 101

Chapter 1 - Introduction

The most recent changes to Canadian prostitution law began in 2007 when three current and former sex workers from Ontario, Valerie Scott, Amy Lebovitch, and Terri-Jean Bedford, challenged three Criminal Code sections they believed to be unconstitutional. The prostitution-related offences included being an inmate of or found in a bawdy- house (CC section 210), living in whole or in part off of the earnings of prostitution (CC section 212), and communicating in public for the purpose of engaging in sexual services (CC section 213) (Bruckert & Hannem, 2013; Benoit, Jansson, Smith, & Flagg, 2017; Belak, 2018). The applicants argued that these laws negatively affected their health and safety by preventing them from employing greater safety measures such as working in-doors, screening clients, and hiring personnel to keep them safe (Benoit, Jansson, Smith, & Flagg, 2017).

In 2010, Justice Susan Himmelfarb found that the three criminal code provisions were unconstitutional, and struck them down, citing violations of freedom of expression and security of the person (van der Meulen & Durisin, 2018). The appellate court overturned the case in 2012, but then re-affirmed unanimously by the Supreme Court of Canada (SCC) in 2013, officially deeming the laws surrounding prostitution unconstitutional (van der Meulen & Durisin, 2018). The SCC allowed the federal government one year to create new laws that were compliant with the Charter of Rights and Freedoms. The Conservative government acted quickly, stating that they would create a new legal framework that addressed the “harms caused by prostitution” (van der Meulen & Durisin, 2018). Following the SCC decision, the Canadian Minister of Justice directed the Department of Justice to proceed with an online public consultation on prostitution-related offences. The consultation began on February 17, 2014, and ran until March 17, 2014 (Department of Justice, 2014).

The rationale for conducting the consultation online was that the government wanted the input of Canadians on how to best respond to the Bedford decision and the open format of the consultation allowed their input (Department of Justice, 2014). The Department of Justice drew attention to the consultation with a national news release and online marketing campaign (Department of Justice, 2014). The web page included a summary of the Bedford case, information about existing Canadian laws regulating sex work, and greater context about the regulatory models implemented in various other countries. Canadians could submit their responses to the consultation by filling out an online form or by sending an email (Department of Justice, 2014).

This study is an analysis of public opinion data collected by the Canadian federal government through the Online Public Consultation on Prostitution-Related Offences (OPCPRO) that occurred in February and March of 2014, following the 2013 Bedford decision. The purpose of this research is to provide greater insight into the claims made by Canadians to justify their beliefs about sex work and their support for public policies that regulate it. The OPCPRO received over thirty thousand responses from individuals and organizations across the country, including members of the general public, organizations that work directly with sex workers, and sex workers themselves.

This study draws from the subsection of response data provided by organizations that support the implementation of a wide range of legal frameworks to regulate the sex industry. This includes organizations that advocate for sex workers rights, provide services to members of the sex industry, or self-identify as sex workers and sex industry third parties. The nature of this data lends itself to the use of a qualitative approach for analysis (Charmaz, 2014) and is consistent

with the symbolic interactionist theoretical perspective (Blumer, 1969). This study seeks to answer the following research questions that emerged through the research process:

1. How do respondents to the OPCPO construct sex work and the experiences of sex workers?
2. How do claimsmakers frame their positions to appeal to a Canadian audience?
3. How did the Department of Justice collect, analyse, and present the data collected from organizations?
4. Are the Department of Justice's methods consistent with best practices in social science research?

Outline

This thesis begins by summarizing the events that led to the implementation of the Protection of Communities and Exploited Persons Act (PCEPA) in order to provide the context within which the Department of Justice conducted the OPCPO. Following this summary, the literature review discusses various legal frameworks implemented internationally to regulate the sex industry. I will also identify some of the literature concerning social constructionist claims making processes, because I analyze the responses to the OPCPO using this perspective. Following the literature review, I explain the Department of Justice's methodologies and their data in order to provide context for this study's methodological approach. The study concludes with an analysis and discussion of the findings, critique of the consultation process, and directions for future research.

Chapter 2 - Literature Review

Legal Context

As mentioned at the outset, the Online Public Consultation on Prostitution Related Offences (OPCPRO) was a questionnaire conducted by the Department of Justice regarding the direction the federal government of Canada should take in response to the Supreme Court case (Attorney General) v. Bedford¹. A variety of case law existed prior to (Attorney General) v. Bedford that provided an evidentiary record regarding the sale of sexual services in Canada. An examination of the history of sex work reveals that it has long been a contentious issue among Canadian “religious leaders, politicians, health professionals, feminists, sex worker activists and their allies” (Benoit, Jansson, Smith, & Flagg, 2017). The three laws challenged during (Attorney General) v. Bedford derive from legal and moral assumptions about prostitution established as early as the 19th century British puritan movement (van der Meulen & Durisin, 2018). These laws found their basis in social understandings of women as property, laws reformed throughout the 19th and 20th century as women fought for their civil rights and changed these societal attitudes. Despite women gaining increased social and legal status, the sale of sexual services continued to be vilified as “vulgar” behavior conducted by “lewd” women for the purpose of acquiring money (Benoit, Jansson, Smith, & Flagg, 2017; Belak, 2018). These moral understandings of prostitution are laden with stigma (Bruckert & Hannem, 2013), and persist despite the exchange of sex for money having been legal in Canada until 2014.

Although selling sex has not historically been illegal, many peripheral behaviors associated with selling sexual services were. The criminal offences include being an inmate of or found in a bawdy-house (CC section 210), living in whole or in part off of the earnings of prostitution (CC section 212), and communicating in public for the purpose of engaging in

¹ *Canada (AG) v Bedford*, [2012] ON CA 186. [*Canada v Bedford*]

sexual services (CC section 213) (Bruckert & Hannem, 2013; Benoit, Jansson, Smith, & Flagg, 2017; Belak, 2018). Three applicants, Amy Lebovitch, Valerie Scott, and Terri-Jean Bedford, brought up constitutional challenges against these laws. The three women had numerous years of indoor and outdoor sex industry experience from a variety of backgrounds (Belak, 2018). The applicants alleged that the criminal code provisions placed multiple unnecessary restrictions on their Charter rights. The applicants claimed that the laws infringed on their Section 2(b) Charter rights because the provision against communicating targeted street-based sex workers (Belak, 2018). They also claimed that the laws infringed on their section 7 security and liberty rights (Belak, 2018) Ultimately, the applicants argued that the continued enforcement of the legal regime placed sex workers lives under undue risk (Bruckert & Hannem, 2013; Benoit, Jansson, Smith, & Flagg, 2017; Belak, 2018).

Ontario Superior Court of Justice

In October of 2009, Justice Susan Himel heard the application at the Ontario Superior Court of Justice. The applicants proposed that sections 210, 212, and 213 of the criminal code contributed to the harm sex workers experience; the respondents challenged this viewpoint, arguing that prostitution is inherently risky and dangerous to the women who engage in it, and harmful to communities (Belak, 2018). Throughout Justice Himel's decision making process, thousands of documents of evidence, expert reports, and articles were submitted from various legal and social science experts, sex workers, legal bodies, police, and activists (Benoit, Jansson, Smith, & Flagg, 2017; Belak, 2018). On September 28, 2010, Justice Himel struck down the three criminal code sections, citing section 7 of the Charter of Rights and Freedoms.

Himel justified this decision, writing that the laws prevented sex workers from implementing measures needed to protect themselves and one another, which is contrary to the

principle of fundamental justice that the law not be overbroad, arbitrary, or grossly disproportionate (Bruckert and Hannem, 2013; Benoit, Jansson, Smith, & Flagg, 2017; Belak, 2018). Justice Himel also concluded that these laws could not be saved by section 1 of the Charter (the “notwithstanding clause”), which allows for reasonable limits on infringements of rights, because the laws did not demonstrate usefulness in upholding a free and democratic society (Belak, 2018). Justice Himel stated that the laws played a sufficient contributory role in preventing sex workers from using measures that would reduce their risk of violence (Belak, 2018).

Ontario Court of Appeal

Following Justice Himel’s ruling, the case moved forward to the Ontario Court of Appeal and heard by Justices Doherty, Rosenberg, Feldman, MacPherson, and Cronk. A variety of new applicants, as well as the original applicants, submitted new information into the evidentiary record (Belak, 2018). On the 26th of March 2012, the appeals court ruled to overturn a part of Justice Himel’s decision, because they disagreed that the laws preventing communicating were unconstitutional. In their reasoning, the Court of Appeal cited the argument that the law against communicating was intended to protect communities from nuisance, and that the law, in achieving this goal, was neither overbroad nor grossly disproportionate in its impact on sex workers’ safety (Belak, 2018).

However, the court did affirm the ruling that laws against keeping or being an inmate of a bawdy house and living on the avails of prostitution infringed on section 7 of the charter. With respect to section 212 (living on the avails), however, the court found that it could save the law if a presumption of exploitation was read into the interpretation and application, meaning that it would only apply in those cases where a sex worker was being taken advantage of by an

exploitive relationship (Belak, 2018). Ultimately, the government appealed the Ontario Court's decision, and the case made its way to the Supreme Court.

The Supreme Court of Canada

On the 13th of June 2013, the Supreme Court of Canada heard arguments from all parties involved in the prior two trials, as well as more activist groups. On the 20th of December 2013, the court released a unanimous decision upholding Justice Himel's findings and striking all three laws down. The Supreme Court agreed with Justice Himel's factual arguments that the laws, separately and in combination with one another, made prostitution less safe. They also affirmed Justice Himel's assertion that a "sufficient causal link" existed between the laws and the harmful experiences sex workers face due to their enforcement. In its ruling, the Supreme Court also affirmed prior research showing that working in-doors as opposed to out-doors, is a safer practice. Working independently improves working conditions, preventing sex workers from operating in-doors made them more susceptible to safety and health related risks, and that sex workers required screening measures to avoid potentially dangerous clientele (Belak, 2018

Delayed Invalidation

Although the Supreme Court justices struck down the criminal code provisions, they opined that the complete deregulation of prostitution in Canada may be concerning to citizens and may cause additional, unintended consequences. They also made clear that the federal government was not barred from creating new legislation to regulate prostitution, but rather that any new laws needed to be in line with the fundamental principles of justice (Belak, 2018). Ultimately, the Supreme Court delayed the invalidation of the laws, providing the government with one year to pass new legislation, if it chose (Benoit, Jansson, Smith, & Flagg, 2017; Belak, 2018).

The Online Consultation of Prostitution Related Offences (OPCPRO)

As previously mentioned, the Federal government had one year following the Supreme Court's ruling to pass new legislation if it wished to regulate prostitution. Not long after the Supreme Court case, the government began drafting legislation, holding committee hearings, and initiating the processes of government to pass these regulations. Part of this process was the online public consultation of prostitution-related offences (OPCPRO). The Minister of Justice for the Conservative government under Prime Minister Stephen Harper commissioned an online, thirty-day public consultation on prostitution-related offences. The purpose of the consultation was to collect Canadians' opinions on the various regulatory models that the government could implement to regulate sex work in Canada. The survey opened to the public on February 17, 2014, and ran until March 17, 2014 (Department of Justice, 2014).

The consultation form comprised six multi-pronged questions to elicit both binary (yes/no) responses and open-ended qualifying responses. The questions asked:

1. Do you think that purchasing sexual services from an adult should be a criminal offence? Should there be any exceptions? Please explain.
2. Do you think that selling sexual services by an adult should be a criminal offence? Should there be any exceptions? Please explain.
3. If you support allowing the sale or purchase of sexual services, what limitations should there be, if any, on where or how this can be conducted? Please explain.
4. Do you think that it should be a criminal offence for a person to benefit economically from the prostitution of an adult? Should there be any exceptions? Please explain.
5. Are there any other comments you wish to offer to inform the Government's response to the Bedford decision?

6. Are you writing on behalf of an organization? If so, please identify the organization and your title or role (Department of Justice, 2014).

In addition to asking these questions, the DOJ informed respondents of the four major regulatory models for prostitution implemented around the world. Academic literature recognizes these models, and The Justice Department acknowledges this within their OPCPRO concluding report. The DOJ provided the following summaries:

Decriminalization/legalization: seeks to reduce the harms associated with prostitution by decriminalizing both the purchase and sale of sexual services and regulating the way in which prostitution takes place. Prohibition: seeks to eradicate prostitution through the prohibition of both the purchase and sale of sexual services, as well as the involvement of third parties in prostitution. Abolition (the “Nordic Model”): seeks to abolish prostitution through criminalization of those who exploit prostitutes (clients and third parties) and decriminalization of prostitutes themselves, who they view as victims of sexual exploitation and assisted through programs (Department of Justice, 2014).

The next section discusses the existing literature on these models, as well as some common criticisms they receive. Following this description, I describe the theoretical approach of understanding social problems through the claims making processes.

Legal Frameworks

Various cultures, religions, and nations have attempted to control, prohibit, regulate, or contain the sale of sex. Societies evoke religious doctrines and morals to justify laws against prostitution. Further, perceptions of safety and danger frame most policy decisions (Wagenaar & Altink, 2012). The current literature acknowledges four major models of sex work policy. These models are legalization, criminalization, asymmetrical criminalization (also referred to as “the

Nordic model”), and decriminalization (Brents & Hausbeck, 2005). In this section of my research, I outline existing research of the four models, as well as some common criticisms of these approaches.

Legalization

Legalization is a framework where sex work is “subject to formal government regulation, such as restrictions regarding licensing, location, health precautions, and advertising” (Rio, 1991, p. 1). Legalization supposedly benefits sex workers by providing them the full protection of the criminal justice system, the protection of labour laws, and legitimizing the sale of sexual services (Brents & Hausbeck, 2001; Kavermann & Rabe, 2007; Sullivan, 2010; Verhoeven & van Gestel, 2017). Legislators simultaneously rationalize legalization through a crime control and health care narrative, where the intent of policies is to reduce or eliminate deviance and social disorders supposedly connected to sex work. This deviance includes behaviors such as drug use, the spread of disease, and acts of public indecency, as well as criminal activity (Brents & Hausbeck, 2001; Verhoeven & van Gestel, 2017). Legislators also rationalize the legalization model by emphasizing its supposed ability to reduce sex workers’ reliance or dependency on criminally involved third party associates, often referred to as “pimps” or “procurers”. Legalization proponents identify third parties as “immoral” criminals who sexually and financially exploit psychologically vulnerable women through use of violence, access to drugs and offers of extravagant lifestyles. These proponents view legalization as the best alternative to full decriminalization because the control over the sale of sex is handled by a few registered brothel owners, rather than multitudes of unregulated self-employed “pimps” and sex workers (Hannem & Bruckert, 2017).

A quick review of the various countries that implement legalization policies reveals the focus that legislators have on reducing the supposed harms of the sex industry through legalization. Amsterdam, Germany, Nevada, and some regions in Australia have models of legalization justified by self-contradictory narratives. For example, in Germany the *German Prostitution Act* has clearly defined goals of ending discrimination against sex workers by removing stigmatizing labels related to immorality, while simultaneously emphasizing that sex workers need to be able to easily leave the profession and that the criminal activities accompanying sex work must be stopped (Kavermann & Rabe, 2007). Similar to Germany, the Netherlands focuses on ensuring sex workers' ability to "exit", touting the fact that their laws strengthen the autonomy of sex workers but also combat sex trafficking and protect sex workers from abuse (Verhoeven & van Gestel, 2017).

The United States criminalizes prostitution except for a few counties within Nevada, laws focus on preventing harm through regulation. Sex workers are subject to heavy scrutiny and stigma, still face criminal charges for minor breaches, and are frequently the subject of criticism by lawmakers (Brents & Hausbeck, 2001; Brucket & Hannem, 2013). Unlike the United States, most of the states in Australia have adopted some form of non-criminalization, but there is little uniformity. Victoria and Queensland are the only states out of nine that adopted regulatory models based on legalization. New South Wales implemented a decriminalized model, whereas Tasmania, South Australia, and Western Australia employ legal frameworks similar to Canada's prior to the Bedford decision. These models criminalize activities associated with prostitution, but not the sale of sex itself. Despite not having a national uniform plan, Australia aims to enforce practical governance of the sex industry through the promotion of neo-liberal values by the acceptance of certain activities, regulatory and licensing frameworks, new policing practices,

and changes in women's health care (Sullivan, 2010). However, prostitution remains a divisive topic in all of Australia's states and, in Victoria and Queensland; there have been multiple regulatory reviews (Sullivan, 2010).

Legalization, as it exists in all four of the jurisdictions mentioned above, makes prostitution considerably less visible on the streets through zoning laws, red light districts, and legal brothels (Hausbeck and Brents, 2001; Brents and Hausbeck, 2005; Kavemann & Rabe, 2007; Sullivan, 2010; Verhoeven & van Gestel, 2017). The purpose of zoning laws is the reduction of public nuisances supposedly inherent in street-based sex work. However, Kavemann and Rabe's (2007) study of German sex work policy found that zoning laws prevent sex workers from organising and determining for themselves which venues offer satisfactory working conditions. This results in sex workers operating in sub-standard and potentially unsafe conditions. Exclusion zones may also reduce sex workers' opportunities to find clients while increasing competition, creating greater need for third party associates to solicit and secure clients (Kavemann & Rabe, 2007).

Conditions in some areas of Australia had negative consequences for sex workers in a similar fashion to Germany. Australian laws incentivize sex workers to operate in licenced brothels; however, these brothels are limited in size and the number of employees they may hire. This has reportedly led to discriminatory hiring practices based on race, gender, sexual orientation, and other physical attributes (Sullivan, 2010). Queensland had 25 legally operating brothels as of 2010, which limits working opportunities, the possibility of unionization, and greatly disadvantages sex workers from marginalized groups. The operation of the brothels forces sex workers not employed by them back into illegal markets (Sullivan, 2010). Brothels are also subject to heavy annual fees, typically reallocated onto the workers. Additionally, zoning of

brothels is almost exclusively in industrial and commercial areas, effectively making residential-based sex work illegal and preventing sex workers from working out of their own homes. Those sex workers who operate illegally in Australia face punishments and fines that have greatly increased since the implementation of the new regulatory framework (Sullivan, 2010).

Working within a legal model also places significant restriction on sex workers' freedoms. Nevada's policies allow brothel owners to regulate sex workers' mobility and require that sex workers undergo regular medical testing (Brents & Hausbeck, 2001). In states of Australia that legalize sex work, employees are independent contractors, meaning they do not have access to basic employment rights and must adhere to brothel owners' demands. In some cases, refusing to work with a particular client can result in dismissal from the brothel (Sullivan, 2010). In Germany, the introduction of employment contracts has led to situations of exploitation, where sex workers are contractually obligated to work with clients despite potential risk (Kavermann & Rabe, 2007). These policies infringe on sex workers' human rights but are justified as reducing the spread of disease, preventing public nuisance, protecting brothel owners, and increasing access to social services (Brents & Hausbeck, 2001; Kavermann & Rabe, 2007; Sullivan, 2010; Verhoeven & van Gestel, 2017).

Amsterdam's legal model further complicates the autonomy of sex workers by designating them as self-employed. Self-employment places administrative, security, and transportation burdens on sex workers, in addition to threatening their anonymity. Sex workers are particularly concerned with anonymity because of the social stigma they experience. Working with third parties may alleviate these demands, but also makes sex workers more vulnerable to engaging in relationships that are coercive and abusive (Verhoeven and van Gestel, 2017). Although legalization is preferable to criminalization because it removes some of the

legal barriers that sex workers face, it is not an ideal model because it increases sex workers vulnerability, and conveys a broader stigmatizing message that the sale of sex (and those who sell it) require intensive state oversight.

Criminalization

The second approach that I will discuss is criminalization. Criminalization policies typically criminalize both the purchase and sale of sex and sexual services, as well as activities that commonly accompany the practice (Benoit, Jansson, Smith & Flagg, 2017), criminalization is intended to deter the provision of sexual services in hopes of eliminating prostitution altogether. This approach to regulation of sex work is the most common around the world. Modern criminalization policies build on assumptions that sex work is morally reprehensible, erodes community values, disrupts the peace, is exploitative of vulnerable young girls and women, and is synonymous with drug use, violence, sexual violence, and other criminal and deviant behaviors (Vanwesenbeeck, 2017). These key principles of criminalization fuel stigmatizing assumptions about sex workers, conferring “spoiled identities” (Goffman, 1963) that lead to exclusion, undervaluation, and discrimination (Vanwesenbeeck, 2017).

According to proponents of criminalization the most effective way to deter solicitation or provision of sexual services is by making the practice illegal (Farley, 2004; Brents and Hausbeck, 2001; Hayes-Smith and Shekarkhar, 2010). Critics of these scholars argue that criminalization overlooks the economic and social heterogeneity of the sex industry, preferring to follow an “oppression model” that frames all “variations of sexual commerce as institutionalized subordination of women, regardless of the conditions under which it occurs” (Weitzer, 2012, p. 1138). Critics assert that criminalization has consistently resulted in a range of negative outcomes for sex workers. These negative effects include increased stigmatization, and

greater vulnerability among migrant workers, street based sex workers, sex workers with drug dependency issues, and sex workers who identify as LGBTQ (Benoit, McCarthy, & Jansson, 2015). Deering et al. (2014) found that the risk of violence and sexual violence increased for sex workers in criminalized environments by as much as a seven times, compared to sex workers in non-criminalized situations. The researchers came to this conclusion after conducting a systematic review of research from over forty-two different multi-national studies. Multiple studies found that sex workers are more likely to have negative relationships with police when criminalizing models regulate them. These negative perceptions of officers are likely the result of the higher rates of arrest that sex workers experience, as well as the human rights violations police are responsible for globally. Reports of these violations include denial of sex workers access to the justice system, unlawful detention, profiling, deportation, forced “rehabilitative” schooling, confiscation of property, and removal of children from parental custody (Vanwesenbeeck, 2017; Durisin, van der Meulen, & Bruckert, 2018).

Criminalization models are also at odds with self-determination in terms of sexual and bodily agency. The underlying assumptions of criminalization policies are that sex work is not a “true” choice, and this is rationalized by the evaluation of the sale of sex as so “debased, devoid of meaningful human value, so inherently intolerable that no rational person would freely choose it” (Vanwesenbeeck, 2017, p. 1635). The consequences of this denial of sex-workers’ agency and their negative interactions with police and government is that the relationships between sex workers and authority are distrustful (Vanwesenbeeck, 2017).

In addition to the negative relationship sex workers experience with law enforcement, there are few reports of members of the sex industry working with those in positions of power to craft the policies that affect them. Those situations where sex workers or their allies are invited

to contribute to policy decisions are marked by stigma and the opinions of those in the industry are largely disregarded (Benoit, Jansson, Smith & Flagg, 2017). This demonstrates that consultations for public policy creation often marginalize the views of those most impacted by the policies being considered. For example, multiple studies demonstrate that sex workers who operate within criminalized regulatory frameworks experience greater unmet healthcare needs (Benoit, Ouellet & Jansson, 2016). Street-based sex workers in Canada are at an elevated risk for experiencing barriers to health care access (Benoit, Ouellet & Jansson, 2016). These barriers include the cost of medications or services, availability of transportation to receive those services, the availability of services near sex workers locations and fear of “outing” themselves to their physicians (Benoit, Ouellet & Jansson, 2016). If sex workers were more involved in the creation of public policy, it is possible that their input could mitigate many of these problems.

Many of these barriers relate directly to the stigma that sex workers experience. For example, sex workers reported difficulty receiving lines of credit because they do not have legitimate incomes, which results in their inability to receive lines of credit to purchase independent forms of transportation. Canada’s public health care system does not cover many of the services that sex workers require, such as prescription drugs and mental health counselling. While these systemic barriers likely affect a variety of marginalized and poor communities, the intersectional nature of stigmatization from being both poor and a sex worker heightens the negative experience (Benoit, Ouellet & Jansson, 2016). Clearly, literature that discusses the lived experiences of sex workers is unambiguous in its message that criminalization of sex work negatively affects sex workers.

Asymmetrical Criminalization

The next regulatory framework that I will discuss is asymmetrical criminalization. Asymmetrical criminalization is a form of regulation that targets the purchase, but not the sale of sexual services; criminalizing clients or buyers of sex. Described often as the “Swedish model” or “Nordic model,” this model exists in Sweden, Norway, and now Canada, (Benoit, Jansson, Smith & Flagg, 2017). The rationale behind the institution of this framework in Sweden in 1999 was the belief that purchasing sexual services constitutes male violence against women and children, and prevents the progression of gender equality (Bindel & Kelly, 2003). This model of regulation intentionally frames women who sell sex as the victims of crime and exploitation. The Swedish government introduced fines and imprisonment as punishment for purchasing or attempting to purchase sexual services. Despite the internationally reported success of this regulatory model, recent research has brought to light biases in the evaluation of these laws’ efficacy as well as some of the failures inherent in the model itself (Levy & Jakobsson, 2014).

For example, a decade after the laws introduction in 1999, it came to light that evaluations conducted by the Swedish government of the law were subject to the caveat that their evaluations would not directly comment on the laws themselves, ensuring that they would remain unchallenged (Levy & Jakobsson, 2014). Although some active sex workers provided feedback, Swedish legislators dissuaded many from submitting testimonies because their views were critical of the regulatory framework. Cis-gendered male and trans-gendered sex workers were also widely excluded from evaluations because of the law’s primary objective of preventing violence against women (Levy & Jakobsson, 2014). Negative outcomes for sex workers resulting from this model include increased feelings of insecurity, increased competition between workers, decreased bargaining power, and greater difficulty for sex workers to identify clients, and greater

difficulty accessing social programming unless they intend to leave the industry (Levy & Jakobsson, 2014).

In Canada, following the Supreme Court decision in 2013, the government, under Prime Minister Stephen Harper, chose to adopt an abolitionist regulatory framework by passing Bill C-36, “The Protection of Communities and Exploited Persons Act” (PCEPA). The stated objective of Bill C-36 is to protect sex workers, framed as exploited victims, by criminalizing the purchase of sex and thereby eliminating the demand for prostitution. Although there were many submissions of anecdotal and evidence-based data from active sex workers, sex worker organizations, legal scholars, and social scientists who disagreed that all sex workers are “exploited victims”, the legislators responsible for drafting Bill C-36 were influenced most by proponents of the Nordic model of regulation (Benoit, Jansson, Smith & Flagg, 2017). There has only been a small body of research conducted on Canadian sex work since the implementation of the PCEPA, and therefore it is still difficult to generalize about how this regulatory framework has changed the lives of sex workers (Benoit, Jansson, Smith & Flagg, 2017). However, results from studies conducted in other countries that have established asymmetrical forms of criminalization are not promising (Bruckert & Hannem, 2013, (Benoit, Jansson, Smith & Flagg, 2017).

In the coming years, Canada may expect to see greater displacement of sex workers and marginalization from their communities, as well as increased negative experiences with authorities and law enforcement (Benoit, Jansson, Smith & Flagg, 2017). Documentation of sex workers’ struggle to gain access to health care already existed prior to the implementation of this new legal framework (Benoit, Ouellet & Jansson, 2016). However, these new laws are unlikely to have a positive impact on sex workers’ experiences with stigma, potentially increasing these

difficulties further. Furthermore, there are no studies which provide conclusive evidence that asymmetrical criminalization reduces the number of people engaging with the sex industry, the goal upon which these policies were predicated.

Decriminalization

In contrast to criminalization, decriminalization “is the removal of selling and buying of sexual services and related activities from criminal codes” (Benoit, Jansson, Smith & Flagg, 2017, p. 3). Decriminalization is not a complete absence of regulation on the sale of sex, but the regulations reflect local or municipal level (non-criminal) regulations that are imposed on other service industries (Benoit, Jansson, Smith & Flagg, 2017). There are fewer examples of decriminalization than other regulatory models. In 2003, New Zealand implemented a form of decriminalization with the aim of improving the working conditions, health, and safety of sex workers through the Prostitution Reform Act (PRA) (Bruckert & Hannem, 2013; Comte 2014). The laws in New Zealand allow adults to sell sexual services from their own homes, in brothels, and from the street and other unregulated spaces; it allows up to four workers to sell services from a shared space without requiring a brothel license (Abel, 2014).

In cities such as Auckland, bylaws prohibit sex workers from advertising on the street and ban brothels from certain neighborhoods (Abel, 2014). Longitudinal evidence shows the PRA has been effective at increasing the health and safety of workers. At the same time, the number of workers has not increased (Abel 2011; 2014a; 2014b). New Zealand is one of the few countries in recent times to use social science research and feedback from diverse workers and involvement of the national sex worker organization (the New Zealand Prostitutes’ Collective), to inform its policy decisions and legislation. This evidence-based policy-making has been largely successful for sex workers operating in “in-door” environments (Abel, 2014). For

example, the laws protect sex workers from dangerous working conditions and against exploitative management practices. These laws also protect sex workers from clients who attempt to bribe or threaten them to provide sexual services.

Multiple sex workers have already won court cases against brothel owners, clients, and police, because of crimes committed against them (Abel, 2014). Sex workers' increased access to the justice system, as well as greater access to information about their rights, has increased instances of sex workers taking brothel owners to work dispute tribunals. These tribunals reportedly improve the balance of power between sex workers and their employers (Abel, 2014). Abel et al (2010) found that at least ninety percent of sex workers know their legal and employment rights. Reports also indicate that sex workers in New Zealand have greater capacity to refuse clients they do not want to provide services to without fear of interference by brothel owners (Abel, 2014).

Enhanced access to the justice system also appears to improve sex workers' relationships with police. Abel (2010) found that sex workers view police presence as enhancing their safety and that police are focused on "making sure that sex workers are alright, and that their clients can provide identification" (Abel et al, 2010, p. 227). Sex workers also report greater ability to enact health safety measures because the law requires them to adopt safe sex practices. This requirement gives greater protection to sex workers when they deny services to clients who do not want to use condoms, as failure to do so would break the law (Abel, 2014). Despite these positive findings, New Zealand sex workers operating in out-door settings are not faring as well as those working in-doors. Although advocates of decriminalization predicted that the regulatory model would improve conditions for street based sex work, the improvements are marginal at best. Studies still find that street-based workers experience higher rates of refusal to pay for

services by clients, forcible confinement, theft, threats of violence, physical assault and sexual assault (Abel, Fitzgerald, Healy, & Taylor, 2007; Abel, Fitzgerald, Healy, & Aline, 2010; Abel, 2014). Lawmakers recently implemented policies that will allow police to remove street-based sex workers from public areas and stop vehicles for the purpose of arresting people deemed to be working illegally in the industry. These policies will likely diminish the improving relationship between police and sex workers, and will further isolate street based workers from accessing the justice system (Abel, 2014). Decriminalisation does not provide a solution for all challenges that sex workers experience. However, New Zealand's policies demonstrate that non-criminal approaches improve sex workers' working conditions, enhance sex workers' ability to access social services, and respect their individual rights.

Ultimately, each of the regulatory models described above have both proponents and detractors. The Canadian Department of Justice provided apt descriptions of these models to respondents prior to their answering OPCPRO questions in 2014, however, respondents make a variety of assertions about the sex industry that are not addressed in the literature in relation to regulatory models. In the next section, I describe the constructionist approach to understanding social problems rhetoric, as it is useful for understanding the process that organizations engage in to justify their support for various sex work related policies.

Constructionist Claims Making

Following in the subjectivist tradition, social constructionists see meaning as assigned to the world via human language and communication. The social constructionist approach is mainly concerned with questions of "how" social problems emerge, become identifiable, and change overtime. Ultimately, they seek to understand how some things became "problematic" while others do not. In pursuit of answering these questions, social constructionists evaluate the roles

that individuals, groups, politicians, the media, etc. play. Peoples' awareness of social problems not only has impact on the world, but also creates feedback about the problem that causes it to evolve and redefine (Best, 2017).

When people use language and other forms of communication to convey their understandings of the world, and categorize their reality, they engage in creating social problems. Although language is constrained by formal and informal rules, it is also flexible because words constantly mean new things and find use in different contexts (Best, 2017). Social problems are subject to the same language processes, always evolving depending on the claimsmakers who draw on them. Best (2017) suggests that because social problems exist within our language and are subject to language processes, they are social constructions. Social constructionists describe the social problems process using a variety of phrases and terms. Those who refer to or suggest that a social problem exists are claimsmakers. Claimsmakers create claims, which are arguments that a social condition is troubling and needs addressing or solving. The process of claimsmaking is multi-faceted, and claims often inspire other claimsmakers to devise counterclaims that oppose the tenets of the original argument. Claims are usually in line with sets of beliefs, and so many claims become associated with particular ideologies (Best, 2017). Claimsmaking processes typically contain two major components, resources and rhetoric. Resources are the things that claimsmakers possess which allow them to spread their claim or give their claim greater validity. For example, a person with money may use their wealth to spread their claims via the radio, thus making it more accessible to large groups of people. Those with high levels of educational attainment may have their claims taken more seriously than those who did not go to school.

Thus, resources are a valuable component of the claims making process (Loseke & Best, 2011). In addition to resources, claimsmaking processes also contain elements of rhetoric.

Rhetoric refers to the way that claimsmakers persuade through framing. Claimsmakers achieve rhetorical framing via appeals to logic or emotion, and claimsmakers use many rhetorical devices to make these appeals (Best, 2017). The rhetoric of claimsmaking divides into three major components. The first component is the grounds, which provide information and evidence that establish reasons a social condition is troubling. There are many different types of grounds claims. For example, claimsmakers will often provide typifying examples to illustrate the importance of the problem they are bringing awareness to (Loseke & Best, 2011). These examples are often extreme, and not representative of the problem at large, but their dramatic or disturbing nature will resonate with the audience and make the problem appear serious. Claimsmakers will also often name social problem, which has the effect of making a social problem more identifiable and memorable (Best, 2017). Claimsmakers will also ground their claims using statistics, and these numbers convey the seriousness or scope of the problem. The statistics used by claimsmakers may not be well researched or empirically verifiable, but they draw attention to the problem and convey to the audience that the claimsmakers awareness of the problem is accurate.

Claimsmakers establish the grounds of a claim by suggesting a situation is getting worse, which conveys to the audience something needs fixing quickly. Claimsmakers may familiarize the type of problem by drawing upon tropes we are familiar with, such as labeling a social problem a crime or an illness. Claimsmakers will identify the “kinds of people” the troubling condition involves, and this can either establish the victims of a social problem (those who we sympathize with), or the villains creating the social problem (those who the audience should despise or seek to stop) (Best, 2017). Grounds claims may also contain suggestions about the range of people affected by the social problem, which can create tension among specific

communities and groups or even entire countries. Finally, claimsmakers may provide grounds that challenge older interpretations of a social problem, these types of claims transform preconceived ideas about whom and what are to blame, shifting peoples focus and resources in new directions (Best, 2017).

Once the grounds of a claim are established, claimsmakers can begin to appeal to people's values and emotions using warrants in order to motivate them to fix the social problem. Values tend to be vague ideas and principles, utilized to justify multiple causes or ways of doing things, and so claimsmakers mold them to justify that their audience take action. For example, most westernized people will rally behind the concept of justice; however, it is difficult to determine exactly what steps ensure justice prevails. Once claimsmakers establish that a social problem violates a core value, they more easily evoke emotion in the audience and move them towards action (Best, 2017). Once a claims grounds and warrants are established, claimsmakers draw conclusions about solutions needed and how to go about implementing them. Conclusions are a reaction to the conditions and infringed values that the claimsmakers have described. Conclusions can offer both simplistic and complex solutions, as well as short-term and long-term plans, but ultimately they are a call to take action by the claims maker (Best, 2017). The process of establishing grounds, warrants and conclusions is not a "top down" approach. Claimsmakers and audiences engage in a reciprocal dialogue, providing feedback to one another and strengthening arguments. The dialogue groups engage in creates a marketplace of ideas, and engagement in the social problems marketplace is part of the claimsmaking process (Best, 2017).

Claimsmaking is also part of the process used in creating social movements. Social movements and claimsmaking rhetoric contain many parallels, especially with regard to the use of framing strategies to construct the grounds of problems and motivate action to ameliorate

these problems. Framing issues is intentional, and used in order to appeal to prospective members of the social movement. Claimsmakers create appeals using frame alignment, which is “the way in which a social movement addresses an existing frame or way of looking at the world by prospective members” (Best, 2017).

Essentially, this means that the claimsmakers must frame their claims so that they align with the worldviews of their audience (Best, 2017). Claimsmakers achieve frame alignment using a variety of different tactics. One such tactic is bridging, which is an attempt to rally support for a new cause from those who support similar causes. Another method is amplification, which is the process by which claimsmakers call upon peoples’ values or beliefs in an attempt to elicit an emotional response that will motive people to action (Best, 2017). Claimsmakers may also engage in frame extension, which is the process by which they enlarge their frame to encompass people with varying viewpoints, even if those people’s viewpoints or values do not directly coincide with the core supporters of the social movement. Finally, claimsmakers engage in frame transformation, which is the process whereby activists call on their audience to reject a familiar worldview and adopt the new perspective the claimsmakers are sharing with them (Best, 2017).

Chapter 3 - Description of Data

The Department of Justice (DOJ) collected 31,172 responses to the OPCPRO between February 14th and March 14th, 2014. In May 2015, my supervisor, Dr. Stacey Hannem, submitted a freedom of information request to the Department of Justice to obtain the raw data and responses submitted to the OPCPRO. In fulfilling the request, the Department of Justice divided responses between 30 files, each of which is approximately 500 pages long. The individual responses separate into one of six columns within a table, and each column designates one of the six questions posed to the public. Respondents wrote in both French and English. The Department of Justice assigned each response an identification number, which begins with identification 1183 on file three and ends with identification 31954 on file 28. Response numbers 1 – 1182 contain only “yes” or “no” answers to the consultation questions, and were not useful for the purpose of this research. The PDF documents appear to be copies of Excel or Word documents, and the Department of Justice did not provide them in a format that was searchable. The Department of Justice did not organize the data by word length, which resulted in some one-word answers being included next to responses that provide rich detail and description.

Files 1-29 contain the responses of individuals. These files do not contain respondents’ names, demographic information, places of residency, or occupation. Respondents who provided this information had these portions redacted from their answers in order to protect their privacy. Due to the large quantity of data and the limitations of the file format, I had to make decisions about how to analyse the data. The size of the data set made it impractical to analyze all responses, and creating a sample of the data was challenging because the DOJ did not provide demographic information or separate the responses into “yes” or “no” categories.

File 30 contains the responses, letters, and reports written on behalf of self-identified organizations. File 30 also contains multiple indexes that list the content of pages and break them down by the organizations' names, and the pages within the data. The DOJ redacted respondent's identities; however, the documentation provides occupational information, such as exotic dancer, pastor, or police officer. Responses are substantive and vary in length; the "organizations" include municipalities (6), policing organizations (6), advocacy organizations (40), social service and outreach (47), sex worker organizations (8), religious organizations (10), and (5) "other" organizations. The file also contains the responses of 112 self-identified sex workers and sex industry third parties; however, these responses were not analysed by the Department of Justice or included within the Department of Justice's final report. They have been included in this analysis.

Department of Justice's Methodology

The Department of Justice's Research and Statistics Division collected, compiled, and analyzed the responses using a mixed method approach. The Department conducted analysis quantitatively using Microsoft Excel and SAS. The Research and Statistics Division sought to determine the proportion of responses that expressed favourable or oppositional views to criminalizing aspects of sex work. Analysts conducted qualitative coding to evaluate written responses so that they could be analyzed statistically (Department of Justice, 2014). This included responses such as "yes" or "no" as well as written responses such as "I think purchasing sex should be illegal."

The Department of Justice received 30,073 online submissions to the consultation, as well as 959 emails. The DOJ's Ministerial Correspondence unit also accepted 140 additional hand written responses. In total, the DOJ received 31,172 responses (Department of Justice,

2014). The Department excluded emails considered incoherent or that did not provide feedback on prostitution; as well as responses left blank or not worded in ways that they could be coded “yes” or “no”. Emails that did not directly address the consultation questions but discussed sex work, or advocated for a particular approach, are included (Department of Justice, 2014). The DOJ counted emails containing petitions or groupings of responses separately. Responses determined to be from outside Canada were not included, but assessed separately. The DOJ was (supposedly) able to determine whether responses came from outside Canada based on self-identification (Department of Justice, 2014).

Department of Justice’s Results

The first question asked whether respondents believed purchasing sexual services should be a criminal offence. Fifty-six percent (15,993) felt that this activity should be a criminal offence, and 44% (12,418) felt that it should not (Department of Justice, 2014). The DOJ did not include unknown or missing responses, which accounted for 9% of the total responses:



Fig. 1 DOJ’s analysis of the responses to question #1

The second question inquired whether respondents believe that selling sexual services should be a criminal offence and 66% (17,801) felt that it should not be a criminal offence to sell sexual services while 34% (9,121) felt that it should be a criminal offence (Department of Justice, 2014). The department excluded unknown or missing responses, which accounted for 14% of the total responses submitted:



Fig. 2 DOJ's analysis of the responses to question #2

Question 3 asked whether those who support legalizing the sale or purchase of sexual services believed there should be limitations for regulation of sex work. The DOJ utilized keyword searches to identify these limitations (Department of Justice, 2014).

Table 1

What limitations should there be on how the sale or purchase of sexual services is conducted?

Limitations	Number of times mentioned
Health Concerns (STD/STI)	6,431
Regulation/Taxation/Licensing	3,693
Street/Schools/Neighborhood/Residential	3,637
Brothel/Bawdy House/Red Light	3,065
Age (Age of Majority)	868

The table above provides the number times respondents mention each concern. The most commonly suggested limitations are public health related (Department of Justice, 2014). Sexually transmitted disease and infection testing was most commonly referred to. Respondents explained that they felt it was important to have regular health inspections of brothels and medical testing for sex workers. Respondents also suggested that taxation and licensing of those who provide sexual services was important, and that forms of indoor work, or “red light” districts, would be ideal. Respondents highlight their concern about sex work happening on “streets”, as well as near schools, residences, and neighbourhoods. Sex workers’ age was also of concern, and respondents indicated that those who provide sexual services must be over the age of majority (Department of Justice, 2014).

Question four asked respondents if it should be a criminal offence to benefit economically from the prostitution of an adult and 62% (15,293) believed that it should be a criminal offence whereas 38% (9,384) felt that it should not be a criminal offence. Many respondents stipulated that providers of sexual services should be able to hire third parties such as drivers or security (Department of Justice, 2014). The responses also indicated that there should be regulations or protections in place to prevent exploitive relationships:

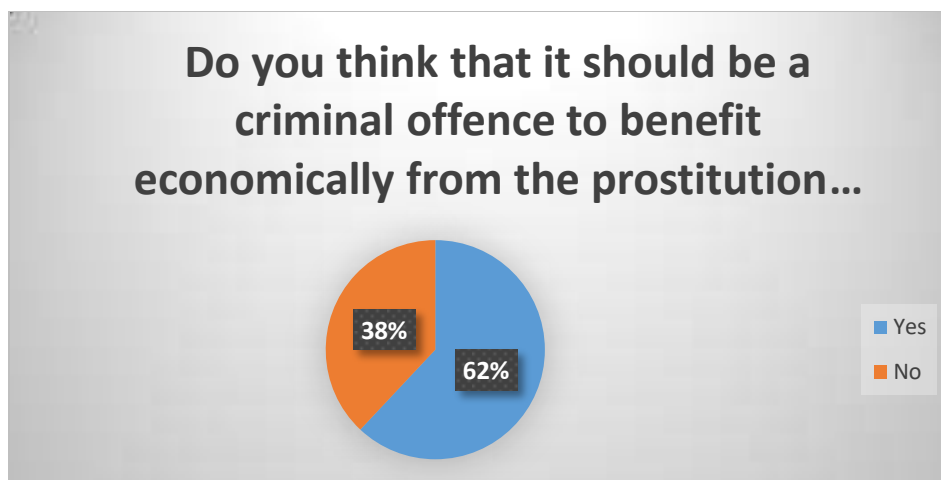


Fig. 3 DOJ's analysis of the responses to question #4

The DOJ reported that 117 organizations had submitted responses to the online public consultation. These included “educational providers, public awareness, and front-line support groups, sex worker advocacy groups, police forces, municipalities and faith-based organizations” (Department of Justice, 2014, p. 6). The DOJ did not identify the individuals who represented the groups in order to ensure confidentiality and anonymity. The DOJ determined that respondents represented a group by conducting key word searches of question 6, “Are you writing on behalf of an organization? If so, please identify the organization and your title or role”, and listed those who responded “yes”. The DOJ used an additional keyword search for terms commonly written by those responding on behalf of a group/organization (e.g. “behalf,” “founder,” “director,” “president”). Fifty-seven organizations (49%) supported the abolitionist approach or Nordic Model, while thirty-six (31%) supported decriminalization. The remaining organizations supported either prohibition (10%) or provided more general comments that did not necessarily directly correlate with abolition, decriminalization or prohibition (10%) (The Department of Justice, 2014).

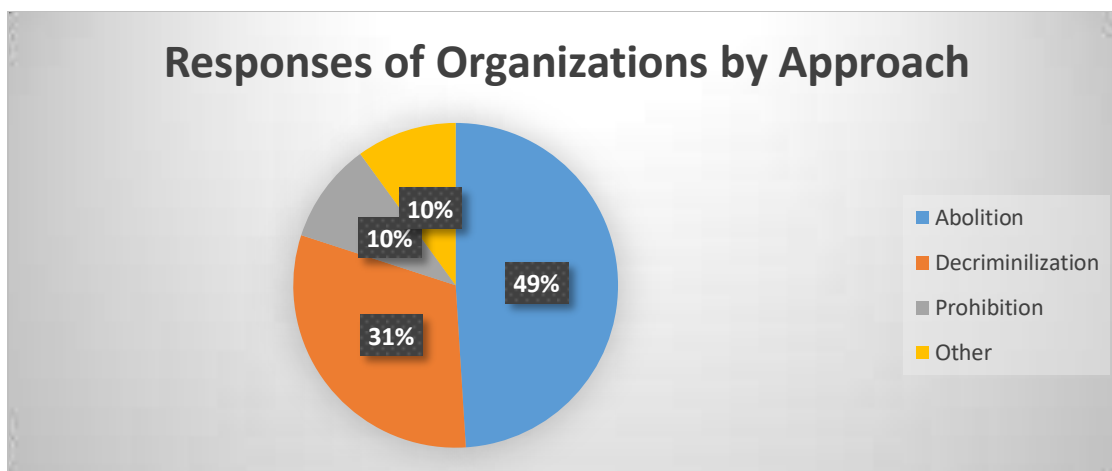


Fig. 4 DOJ's analysis of the responses by Organizations who self-identified in question

#1

The federal government released a technical paper outlining the decision making process and empirical basis for the creation and passing of Bill C-36. The technical paper mentions that the Online Public Consultation of Prostitution Related Offences is partially influential to the ideological basis for the passing of the bill, demonstrating that the findings had an impact on legislators' decision-making process:

Bill C-36 was informed by the evidence before the courts in *Bedford*, as well as the decision itself, the public consultations conducted by the Government in February and March of 2014, jurisprudence interpreting existing prostitution-related *Criminal Code* offences, the available research on prostitution in Canada, including relevant Canadian Parliamentary reports, as well as available international research on prostitution, including relevant government reports from other jurisdictions (Department of Justice, 2014).

In the next section of this chapter, I discuss the data selected for the purpose of this research, and the methodological approach I use for coding and analysis.

Chapter 4 - Methodology

As previously mentioned, this study draws from the subsection of response data provided by organizations and individual sex workers, and the nature of this data lends itself to the use of a qualitative approach for analysis (Charmaz, 2014) consistent with the symbolic interactionist theoretical perspective (Blumer, 1969). Respondents to the OPCPO provide claims about what policies Canada should implement to regulate the sex industry effectively. This nature of the responses lends itself to analysis through the subjectivist approach to the construction of social problems (Best, 2017). This study seeks to answer the following questions:

1. How do respondents to the OPCPRO construct sex work and the experiences of sex workers?
2. How do claimsmakers frame their positions to appeal to a Canadian audience?
3. How did the Department of Justice analyse and present the data collected from organizations?
4. Are the Department of Justice's methods effective?

Data Sample

For the purpose of this study, I chose to analyze disc 6, file 30 of the OPCPRO data. This file contains all of the response data from self-identified organizations and individuals connected to the sex-industry. The data divides into multiple categories assigned by the DOJ that consolidate organizations into groupings with similar characteristics. For example, the DOJ listed respondents who state that they sell sexual services as "sex-workers". The file lists groups by assigned category in alphabetical order, and respondents' answers to each question arrange numerically. I chose to analyze disc 6, file 30 for a few reasons. The first is that I suspected file 30 was large enough to allow for theoretical saturation. Hayden, Levy, & Thompson (2015) suggest that it is difficult to

determine whether a sample will contain enough data to achieve saturation; however, I was aware that if I did not achieve theoretical saturation, I could sample more data from the other 29 files until categories became fully developed (Hayden, Levy, & Thompson, 2015).

Working with file 30 was also more practical because it was the most clearly organized, provided indexes, and the DOJ provided names of responding organizations. I also chose to analyze file 30 because it contains the responses of individuals connected to the sex industry. The reason that these responses are important is that sex workers experiences have historically been underrepresented (Benoit, Jansson, Smith, & Flagg, 2017). In total, the sample size for this study is 241 respondents. The DOJ labeled respondents based on their self-identification. Organizations included government and police (n=23), advocacy (n=40), social outreach (n=47), sex worker (n=8), religious (n=10), and other (n=5). Individual responses are also included in this file. The DOJ labeled them as current sex workers (n=73), retired sex workers (n=17), friends of sex workers (n=3), individual members of sex work organizations (n=7) and sex industry managers (n=8).

Qualitative Approach

Qualitative analysis draws on methods of research based in the concepts of symbolic interactionism. The flexibility of this approach allows for transference across a variety of ontological and epistemological stances (Charmaz, 2014). Qualitative analysis is an “inductive, comparative, emergent and open-ended approach” that emphasizes iterative logic, the existence of inter-subjective realities, and denounces the possibility of a neutral observer (Charmaz, 2014).

I chose to use NVivo Pro software to code the data in this study. Codes arise from the “language, meanings and perspectives” of the respondent’s answers (Charmaz, 2014, pg. 114). I use codes to assist in identifying how respondents construct their social realities (van den Hoonaard, 2015). Codes also helped me to explain people’s understanding of events, the meanings they assign to

these phenomena, and how these meanings develop over time (Charmaz, 2014). The coding for this research occurred in two phases. The first phase is “initial coding”, where I applied terms and names to words, lines, or segments of the data. The initial coding process helped me to think creatively, develop my understanding of the research subjects’ experiences, and reduce my bias (Charmaz, 2014; van den Hoonaard, 2015). The second phase is “focused coding” where the most frequent and significant codes are sorted and combined to organize the data and allow greater meanings to emerge. This phase is intended to “expedite analytic work” (Charmaz, 2014, pg. 138) because it allowed me to emphasize the most important, or most commonly drawn upon codes so that the theoretical direction of my research could be found. Charmaz describes this process as “synthesizing, analyzing, and conceptualizing” the data (2014, pg. 138).

During the initial coding phase, I began by assigning names to segments of the data, considering throughout the process what respondents were suggesting, their point of view, and the context within which respondents use certain words. I chose to code “incident-to-incident” rather than use line-by-line or word-by-word methods (Charmaz, 2014). Incident-to-incident coding is the process of assigning codes to segments and paragraphs of data, and Charmaz describes this method as useful in situations where comparison of large excerpts of data is required. I chose this approach for two reasons, the first being that respondents’ expressed multiple claims within a few lines of their responses, and their answers became confusing and disjointed outside the context of their larger response. Coding segments of data was preferable because it allowed me to unpack codes and themes embedded within a response without losing the greater context of the respondents’ claim or misinterpret their position on an issue (Charmaz, 2014). The second reason I chose to use incident-to-incident coding is that the OPCPRO data set is large, and line by line coding would have unnecessarily delayed the progress of my research. I allowed codes to operate flexibly and be

subject to change, rather than operating as concrete understandings. Codes remained open and malleable throughout interpretation so that new codes could emerge and integrate into larger ideas. I reworded codes that did not integrate into my new findings, or removed them if they became redundant (Charmaz, 2014). For example, some of my initial codes included “choosing to sell sex”, “it’s my body” and “no one forces me”, these codes reflect the language used by respondents while making claims about sex workers’ agency.

During the focused coding phase of the study, I narrowed my emphasis on codes that emerged often within the response data, and merged codes that contain comparable meanings. This process allows for patterns in the data to become more noticeable, resulting in the development of themes (Charmaz, 2014). For example, initial codes that arose from responses of those opposed to decriminalizing sex work included “exploiting women”, “causing harm” and “being violent”. I theorized that these codes are part of a larger rhetoric of “safety”, and created a focused code labeled “making sex workers safe”. The process of consolidating initial codes into larger thematic codes and “trimming away the excess” (Charmaz, 2014, pg. 141) provides a framework for analysis.

Sensitizing Concepts

Throughout both the initial and focused coding phases of this study, I allowed my interests, understandings of the prior literature, and pre-existing theories to function as tentative ideas, which guided my study’s direction (van den Hoonaard, 2015). Blumer defines these pre-existing understandings as sensitizing concepts, which are theories that lack precise reference or fixed frameworks and allow researchers to keep a general sense of what is relevant in mind (1954). Recognizing sensitizing concepts allows studies to remain grounded by providing researchers with a point of departure from which their ideas can develop. Charmaz cautions that researchers not allow

sensitizing concepts to limit their focus, or force pre-conceived theories into the data. Although sensitizing concepts are useful, they need to be discarded if better or more relevant ideas emerge, otherwise certain aspects of the data that have been unexplored may be ignored (Charmaz, 2014). Sensitizing concepts I was mindful of included structural stigma (Hannem, 2012), perception of risk (Sanders, 2004), and emotional labor (Pinsky & Levey, 2015). Not all of these concepts were relevant to the research, but they assisted in identifying key themes and provided alternative lens through which I could understand the data.

Sampling and Sorting

After creating my initial codes, and amalgamating them as focused codes, I began the process of theoretical sampling and sorting. The purpose of theoretical sampling is to examine initial ideas through organized, refined, specific, and systematic analysis of the patterns and themes that emerge. The goal of theoretical sampling is to develop the properties of the theories and their variation (van den Hoonaard, 2015; Charmaz, 2014). I theoretically sampled the data using multiple methods. For example, memo writing helped identify and predict gaps within theory so that the gaps could be “filled and saturated” (Charmaz, 2014). I utilized word searches to focus on particular key ideas within responses, and to collect more data that complimented the themes that emerged. For example, throughout my initial coding, I identified key words such as “exploitation” and “violence” because they consistently reoccurred in responses. I realized that constituents who support criminalization of the sex industry more often used this type of language. During the focused coding phase, I conducted word searches to gather further examples of this language so that I could determine how often respondents used these terms. If these terms continued to be prevalent, that justified the use of these words through the focused coding process.

I also utilized word searches to locate negative cases, which refute the initial ideas that I had, and that aided me in identifying alternative explanations so that the emergent theories were more robust (Charmaz, 2014). The theoretical sampling process was useful for this study because it helped me to compare beliefs of responding groups against one another. This process provided context concerning the relationship between the labels assigned to organizations and support for the legal frameworks they espouse. Theoretical sampling also assists in comparative analytics because it allowed me to elaborate on discovered categories that contain variation (Charmaz, 2014). According to Charmaz (2014), “variation within a category or process usually becomes apparent while conducting theoretical sampling ... because you focus on certain actions, events, experiences or issues, not on individuals” (p. 207). This method was useful for this study because both Sex Work Legal and Sex Work Criminalized claimsmakers draw from many of the same themes; however, they discuss these themes differently. Theoretical sampling allowed me to identify similarities and differences within these respondents’ discourses.

Terminology and Language

In order to analyze the data, I draw from social problems literature. Social problems rhetoric is appropriate for analyzing the responses submitted to the OPCPO because the open-ended questions provide respondents with the opportunity to engage in claimsmaking processes and construct for their audience the “realities” of the sex industry. Throughout my analysis, I focus on how claimsmakers establish these “realities”, and what these constructions achieve. Although claimsmaking rhetoric is useful for this analysis, I do not subscribe fully to the ambivalent nature typically associated with constructionist thinking regarding the “truth” value of claims. Throughout the data, respondents draw on various terms that receive criticism from criminologists and advocates. For example, the term “abolitionist” describes those who seek to eliminate prostitution

through criminalization of purchasers of sexual services while decriminalizing sex-work itself (Department of Justice, 2014, p. 1). Criticisms of the term “abolition” stem from the history of its use during the anti-slavery movement and the appropriation of black liberation (Maynard, 2018). Additionally, use of terms such as “sex-worker” and “sex-work” apply differently depending on the constituencies evoking them. While some people use these terms to denote the need for social and economic justice or to legitimize selling sex as a form of labor, others distance themselves from the “sex-work-is-work” paradigm, arguing that the sale of sex is not labor and is harmful (Durisin, van der Meulen, & Bruckert, 2018). Terms such as “prostitution” or “prostitute” also face scrutiny for their negative connotation and historical context. However, others argue that the use of these terms is necessary given their continued relevance in socio-political and legal understandings (Durisin, van der Meulen, & Bruckert, 2018).

I was aware of these criticisms, but I chose to include the language used by respondents to describe themselves or the groups they claim to respond on the behalf of. My terminology choices are consistent with the social constructivist and symbolic interactionist perspectives that, “how people name things affects what they know, how they know it, and the actions they take” (Charmaz, 2014, pg. 272). The goal of social constructionist theorists is to understand how people create their social realities through individual and collective action, as well as to accept that meanings are the product of inter-subjective collective processes (Charmaz, 2014). Keeping this in mind, I chose to adopt the terms and language respondents to the OPCPRO use to identify themselves and their group as well as their position on various issues. Charmaz suggests that researchers not focus on the “types of people” whose responses are being coded because this runs the risk of assigning static typologies and labels that can impede theoretical development (2014). This advice was particularly challenging to follow because the DOJ created categories such as “advocacy group” or “social-

outreach group” and placed respondents in these categories using criteria that were not in the final report.

Throughout the coding process, I was mindful that “In Vivo” codes might emerge from the data. InVivo codes are phrases, terms, or special words that are analytically useful because they function as symbolic markers within participant’s responses that convey deeper meaning (Charmaz, 2014). During this study, In Vivo codes emerged in the discourses of respondents, and allowed me to recognize “condensed and crystalized” (Charmaz, 2015, pg. 135) meanings that the respondents wished to convey, which were later useful during analysis. For example, many sex workers described how they “chose” to work, which was the code I adopted when they described anything regarding their agency over their profession.

Criticisms of Qualitative Research

Qualitative research is subject to several points of criticism, for example, critics suggest that that qualitative research is only exploratory or brings into question the personal subjectivity of researchers (Denzin & Lincoln, 2011). Charmaz instructs researchers to acknowledge their own subjectivity while conducting research, and reminds those who examine the world that their analysis is not a fully accurate representation or rendering, but rather is itself a construction. I recognize that my subjective understanding of the world, as well as my biases, shape the coding procedure, interpretation of prior research, and analyses of the data for this study. However, subjectivity is “an inseparable part of social existence” (Charmaz, 2014, pg. 14) and so I recognized that this as an unavoidable attribute, and sought to mitigate the impact of my bias by actively being open to new ideas and ways of thinking. In the next chapter, I lay out the findings of my research, and provide my theoretical insights.

Chapter 5 - Findings

The purpose of this chapter is to examine responses that organizations and sex industry workers submitted to the Online Public Consultation of Prostitution Related Offences (OPCPO) as justification for their support of preferred policies and regulatory models. The respondents' statements generally support one of four frameworks (decriminalization, legalization, prohibition, and asymmetrical criminalization). This finding is unsurprising given that academic studies of sex work policy acknowledge support for these frameworks (Bruckert & Hannem, 2013; Benoit, Jansson, Smith, & Flagg, 2017) and the Department of Justice provided an explanatory paper alongside the OPCPRO that identified these positions as common internationally (Department of Justice, 2014).

Despite the government's attempt to frame the policy positions of sex work as fourfold, analysis of the responding groups' narratives suggests that their beliefs about the sex industry are largely dichotomous. Supporters of decriminalization and legalization (sex-workers, sex-industry third parties, sex-trade worker organizations, social-outreach organizations and "other organizations") make similar claims about the realities of the sex industry, the social problems that affect the industry, and provide comparable warrants for why Canada needs to improve the social conditions affecting sex-workers. Supporters of prohibition and asymmetrical criminalization (police, police forces, religious organizations, social service outreach organizations, and advocacy organizations) also frame the realities of the sex industry by making similar claims, and provide comparable grounds and warrants that establish the realities of sex-work and why these problems needed fixing.

I recognized the dichotomy of these narratives between the four groups, and amalgamated them into two larger constituencies. I labeled constituents of prohibition and

asymmetrical criminalization as “Sex Work Criminalized claimsmakers” (SWC) and proponents of decriminalization and legalization as “Sex Work Legalized claimsmakers” (SWL). The beginning of this chapter describes the SWC claimsmakers beliefs and discusses the claims they make regarding sex workers’ identities, the realities of sex workers’ lives, the socio-economic social problems sex workers struggle with, and the inherent harms and challenges third parties pose. The second half of this chapter clarifies the beliefs of SWL claimsmakers and discusses the claims they make when constructing their narratives about the sex industry, especially concerning sex workers’ identities, issues of criminalization, and the need for third parties.

Some of the themes identified are unique to SWL and SWC claimsmakers, while others operate as position issues (human-trafficking, consent, exploitation, safety, and health). The penultimate argument of this chapter is that SWC and SWL claimsmakers draw on warrants of agency, security, and dignity. I conclude that SWC and SWL claimsmakers adopt these same warrants because these values are widely held by their Canadian audience, and the policy makers they intend to persuade. The discussion that follows addresses how these shared values complicate the production of policy.

Prohibitionist and Asymmetrical Criminalization: Sex Work Criminalized

As mentioned at the outset of this chapter, analysis of the data reveals that respondents expressed support for four varied sex-work policy frameworks. Two of these models rely on partial or full criminalization of prostitution in order to abolish the practice. Previous studies of these frameworks identify these models core assumptions, and define them as Prohibition and Asymmetrical criminalization (abolition) (Benoit, Jansson, Smith, & Flagg, 2017; Durisin, van der Meulen , & Bruckert, 2018). The Justice Department recognized these frameworks, and provided respondents with a brief summary of what philosophies inform the adoption of these

frameworks legislatively worldwide. The DOJ defined Prohibition and Criminalization in the following manner:

Prohibition: seeks to eradicate prostitution through the prohibition of both the purchase and sale of sexual services, as well as the involvement of third parties in prostitution.

Abolition (the “Nordic Model”): seeks to abolish prostitution through criminalization of those who exploit prostitutes (clients and third parties) and decriminalization of prostitutes themselves, view sex workers as victims of sexual exploitation and assisted through (social) programs (Department of Justice, 2014, p. 1).

According to the DOJ analysis, 49 percent of respondent organizations provided answers consistent with the asymmetrical criminalization perspective, and 10 percent provided responses consistent with the prohibitionist perspective. This section of the chapter will deconstruct asymmetrical criminalization and prohibitionist claimsmaking processes, and the data demonstrates that proponents of both policies make similar claims concerning the “problematic realities” of the sex industry. The similarities in the two groups’ discourses led me to amalgamate the two groups, and I labeled the Sex-Work Criminalized claimsmakers (SWC). I also identify how SWC claimsmakers construct “kinds of people” narratives to classify sex workers and sex industry third parties as “victims” and “villains”. SWC claimsmakers use these classifications to emphasize that sex workers are not culpable for their behavior, and are therefore more sympathetic. Conversely, constructions of third parties as villains make their behavior appear dangerous and objectionable. Establishing these classifications strengthens SWC rhetoric.

Women and Children

According to Best (2017), establishing the “kinds of people” affected by a social problem is an effective way of establishing the grounds of a claim. The most prevalent “grounds” claim made

by SWL claimsmakers is that the majority of sex workers are female. One asymmetrical criminalization supporter wrote that, “prostitution, regardless of physical location, is not engaged in by a random cross-section of the domestic and international population, the sexual exploitation, coercion, and violence that define prostitution are practices committed overwhelmingly by men against women” (Social Outreach, Asymmetrical, p. 230). Prohibitionist groups also made these claims, responding with statements such as “Canada has the opportunity to be a world leader in sexual equality through clearly naming prostitution as a violation of women” (Religious Organization, Prohibitionist, p. 257).

Claiming that sex workers are mostly women warrants that action be taken to solve the “problem” of sex work by evoking stereotypical understandings of femininity, gendered violence, and female sexuality. The words “prostitution as a violation of women” denotes that purchasing sexual services is inherently harmful. SWC claimsmakers frame sex work as harmful in order to invoke discourses of safety and justify criminalization as a means of protecting women from the “exploitation, coercion, and violence” that “define” sex work. Claims that sex workers are mostly women also draw on ideas that sex work is degrading and contrary to how women “should” engage in sexual acts. The idea that sex work degrades women calls to mind moralistic views of female sexuality that can be traced back as early as the Victorian puritan movement. Canadian cultural understandings have remained consistent from that time to include women’s sexuality as something to protect, both within the context of the family, and as part of the moral fabric of the nation (McLaren, 1986; Shaver, 1994; Bruckert & Hannem, 2013; Sampson, 2014). By framing women as victims of the sex industry, SWC claimsmakers evoke ideas associated with femininity including gentleness, empathy, humility, and sensitivity; all of which give credibility to the victimization narrative SWC claimsmakers intend to achieve (Pompper, 2017).

In addition to describing sex workers as women, abolitionists and prohibitionists claim that the majority of sex workers are underage. For example, an Advocacy Organization responded, “The average age of entry into sex slavery in our country is 13-14 years old! We need to protect and defend our children” (Abolitionist, p. 165). This is another example of “kinds of people” grounds claims. SWC’s frame sex-workers as youth, and this draws on assumptions that children are “helpless or defenseless” and more vulnerable to victimization (Best, 1987; van der Meulen & Durisin, 2018; Bittle, 2018). Framing sex workers as children is especially useful in these claims making processes because children generate sympathy due to their supposed vulnerability and need for protection (Best, 2017). Establishing these grounds leads to the warrants “we need to protect and defend our children” that elicit emotional responses such as fear, anger and disgust.

Claiming that sex-workers are underage brings into question their agency. Canadian federal statutes specifically state that individuals below the age of eighteen possess a diminished capacity to consent. SWCs frame sex-workers as underage in order to establish that the sex industry preys upon unwilling and illegal participants. The use of the words such as “slavery” drive this point further by making clear that sex-workers lack choice or the capacity to choose. SWC’s expand on this claim to include adult sex workers as well. Although adults possess the legal capacity to consent, SWC’s question their agency by claiming that the majority of sex workers began selling sex as children, this insinuates that they became “trapped” in the industry. One abolitionist group responded that, “We know based on evidence ... an enormous percentage of these women ... were first introduced into prostitution or other sexually exploitive activities when they were children” (Social Outreach, Abolitionist, p. 221). Prohibitionists also cast doubt on adult sex workers’ agency, “Yes, the ‘adults’ who are selling sex are abused as youth and made into sexual slaves who are owned by human traffickers and pimps” (Retired Police Officer, Prohibitionist, p. 73).

SWC claimsmakers typically describe sex workers as “young women” or “girls” to imply that most sex-workers experience the challenges from being both female and young. One abolitionist respondent stated, “These men want younger and younger girls every year; if we legalize the industry than trafficking young women will become easier” (Social Outreach, Abolitionist, pg. 223). Framing sex workers in this manner contributes to narratives of “worsening conditions” (Best, 2017). Connecting these two identities compounds the problems associated with sex work, creating an “ideal” victim that requires saving. Once SWCs establish the grounds of their claims, and appeal to their audiences’ emotions, they conclude that criminalization policies are the solution, and that sex workers need saving from their oppressive situation. When asked if purchasing sexual services should be illegal, one respondent wrote, “Yes, Prostitution is the oldest form of oppression; it is a women and children's issue and they need to protection from exploitation” (Social Outreach, Abolitionist, p. 221). Similarly, when asked if selling sex should be illegal, a prohibitionist respondent wrote, “Yes, the demand for paid sex is the direct cause of commercial sexual exploitation of women and children, and fuels the trafficking in of women and children” (Religious Organization, Prohibitionist, p. 249).

Although SWCs primarily frame sex workers as young women in order to question their agency and safety, they also frame the sale of sex by young girls as inherently undignified. One prohibitionist group stated that, “no one with respect for women and girls would view prostitution as a means of income for them” (Prohibitionist, Federal Government, p. 55). Abolitionist groups, such as the following respondent, make similar claims:

(Purchasing sex) is a crime that violates of human rights; it is the purchasing of a sacred body and enslaves people. Compartmentalizing a human being and considering the sex act as separate is participating in dissociation and denial of the real physical, spiritual,

psychological and emotional harms young women experience in having multiple sex acts by multiple people enacted in and on them daily (Social Outreach, Abolitionist, p. 232)

SWC claimsmakers frame the sale of sex by women and girls as inherently undignified by drawing on widely held beliefs that protecting women and children's "virtue" is integral to the protection their personal dignity. These grounds claims frame the criminalization of sex work as morally correct by suggesting that they are protecting women from undignified treatment.

The Family

Framing sex workers as women and children allows SWC claimsmakers to transition into claims that sex work is a social problem that impacts families. Many of the respondents refer to mothers, daughters and sisters, explicitly stating that Canadians would not want women in their families to sell sexual services. One prohibitionist response illustrates this view "We have respect for women, all women. The Prime Minister's daughter deserves better than this. My daughter deserves better than this. And quite frankly all daughters across this country deserve better than this" (Prohibitionist, Federal Government, p. 55). The audience of a claim is more likely to consider a social problem serious when the problem affects them or their families directly, and the family is a great source of concern for people who are considering moralistic arguments (Best, 2017). The claim above exemplifies the frame extension (Best, 2017) that SWCs use throughout the OPCPO to suggest that the sex industry is not only dangerous and undignified for women generally, but is also threatening to the audiences' families:

What are we teaching our kids if we allow this? ... There is no woman who has a healthy mind and comes from a good home that would "choose" to be used. No one wants to see his or her mom or sister engage in this behavior (Social Outreach, Abolitionist, p. 215).

The suggestion that sex workers came from bad homes puts forward that they are victims, and need protection because they are vulnerable from a poor upbringing. These claims work to mitigate sex workers' agency by suggesting that "reasonable people" would not subject themselves to the "degrading" practice of selling sexual services. Instead, SWC claimsmakers construct sex workers as victims whom the state need to protect by implementing laws and imposing limits on their freedom and the freedom of others (Hannem & Bruckert, 2014). Claims relating to families function as a motivational framing technique (Best, 2017), especially when they call out those who support decriminalization as morally depraved:

What kind of person would allow their daughter to become (a sex worker)? I dare you to show me the kind of person that would do that (Abolitionist, Social Outreach, p. 221).

I would like any mom or dad to stand up and say they feel this is a career option for their daughter or son, if they cannot say that, than it is not an option for anyone's daughter (Prohibitionist, Advocacy Group, p. 157).

In the quotes above, SWC claimsmakers "call out" hypothetical parents who are supporters of decriminalization and legalization. This is a rhetorical device, and the purpose is to suggest that those who support decriminalization and legalization are disingenuous because no "reasonable" person would be comfortable with their own children engaging in the sale of sex. SWC claimsmakers also question the moral character of decriminalization and legalization proponents with statements that "no kind of person" would accept that their family members are sex workers. Constructing these hypothetical parents and pointing out incongruence in their arguments strengthens SWC claimsmakers narratives by suggesting that SWL claimsmakers are duplicitous or morally bankrupt. SWCs make similar statements concerning men purchasing sexual services. The following quote illustrates these types of claims, "those who support full decriminalization would

... also be opposed to their sons, brothers, husbands, and nephews, exploiting, violating, raping or buying a girl or woman (Social Outreach, Abolitionist, p. 202). The purpose of these types of claims is to vilify clients of sex workers, and warrant taking action to criminalize the sex industry because it poses a threat to families.

Trafficking Victims

SWC claimsmakers claims that most sex workers in Canada are victims of human trafficking from foreign countries, Prohibitionists and Abolitionists' frequent claims about the prevalence of human trafficking are notable, considering that the judiciary concluded prostitution-related laws needed rewriting, not laws concerning sex trafficking. Prior to the Bedford decision, Canada already had a number of sex-trafficking specific laws in effect (O'Doherty, Millar, Clancey, & Mackenzie, 2018). The grounds of these claims focus on the "kinds of people" who are sex workers, and the purpose of these claims is to diminish sex worker's capacity to consent, label sex work as unsafe, and define sex work as undignified:

Homegrown Canadians operate only 10% (of brothels). First generation immigrants operate the rest. Seventy-Five Percent are East Asians, Eastern Europeans, Latin Americans, Filipinos, South Asians, and others make up the rest ... The proponents of legalization always skirt around the issue of human trafficking. However, only around 2% of sex workers are homegrown and choose sex work freely, 98% are trafficked from overseas (Social Outreach, Abolition, p. 213).

No, it should not be legal in this country. The majority of the victims of this are women and children. They are trafficked here from other countries. They do not speak English so they cannot ask for help, and they are enslaved. No one wants to do this; they do not have a choice otherwise (Social Outreach, Prohibition, p. 210)

SWC claimsmakers frame sex workers as lacking the capacity to consent to the sale of sex by insinuating that sex workers are financially insecure, and are therefore vulnerable to exploitation.

SWC claimsmakers also claim that sex workers are trafficked from third world countries, and so their primary language is not English. SWC claimsmakers suggest that sex-trafficking victims experience difficulty seeking help in Canada because of these language barriers. These claims are conducive to warrants of agency because of the framing of sex workers as “modern sex slaves”. SWC claimsmakers also draw on narratives of human trafficking to define sex work as unsafe:

I am very concerned with the lack of awareness of human trafficking happening at the borders of Canada. A lot of woman are being brought into country on false pretenses that they have work as models, and nannies ect. and the minute they are in country their passports are being confiscated and they are taken and held captive against their wills and used in our local night clubs, brothels, and private residences. If prostitution is allowed to remain legal, we are only making it easier for the human traffickers to do business (Abolitionist, Social Outreach, p. 208).

These claims frame sex workers as victims of manipulation, coercion and violence. These grounds not only establish that sex workers are victims, but they also label traffickers as villains, creating a clear sense of who should be supported (Best, 2017). The conclusion drawn from these claimsmakers is that legalization frameworks result in sex-traffickers more easily exploiting and abusing sex-workers. Claimsmakers also seek to define sex work as undignified through their claims about sex-trafficking:

Prostitution is a form of male violence and sexual exploitation against women (which is) fundamentally contrary to sex equality. Prostitution necessitates a group of women to be available for purchase by men, which is a deterrent to all women's equality. Many women in prostitution are under the control of violent pimps and traffickers (Asymmetrical Criminalization, Advocacy Organization, pg. 158).

SWC claimsmakers conflate sex work and sex trafficking, and use language of objectification (such as that women are available for purchase) in order to frame the sale of sex as degrading. SWC claimsmakers state that sex work prevents equality between men and women. These claims warrant the use of criminalizing legal frameworks to ensure women are treated with dignity, and have access to the same rights as men.

Abuse and Childhood Abuse

In addition to discourses of sex-trafficking, SWC claimsmakers state that sex workers are victims of physical and sexual abuse. Although SWC claimsmakers discuss the abuse sex workers experience working in the industry, they also suggest that abuse was likely to have occurred during workers' childhoods:

Let's not dismiss that Bedford and Valerie Scott both were minors /children - 13 and 16 years old when they first entered into prostitution. They were victims of sexual abuse and sexual exploitation- this was not a choice that they entered into the sex trade. We declare that prostitution is usually the consequence of women (having suffered) different forms of sexual violence (Advocacy Group, Abolition, p. 165).

People engaged in selling sexual services should have penalties, and I say this with a heavy heart, knowing they are very likely to have experienced ongoing childhood sexual abuse (Religious Organization, Prohibition, p. 248).

Claims that sex workers experience childhood sexual abuse are significant for a few reasons. As previously mentioned inclusion of children in claims-making rhetoric acts as a motivational framing device because children elicit sympathy, are deserving of protection, and most vulnerable to harm (Best, 2017). SWC claimsmakers seek to frame sex workers as victims by claiming they were abused children. The grounds of these arguments are that experiencing sexual or physical abuse as a child “damages” their minds, and results in sex workers perceiving the sale of sex as “a real choice”. SWC claimsmakers propose that if it were not for the abuse that sex workers experienced, they would recognize that selling sexual services is not a “legitimate” choice. These claims serve to discredit sex workers agency, and the conclusion drawn from these claims is that criminalization is ideal because it protects people who, due to prior trauma, are incapable of making socially appropriate decisions.

Narratives of childhood sexual abuse also suggest that sex workers are more susceptible to exploitation by pimps, procurers, and traffickers. Criminalization proponents assume that because sex workers experienced traumatization, their perceptions of personal safety are also diminished, “Ms. Bedford is not the majority and has many issues ... do not go by her and those who follow her reasoning. They are not in the right frame of mind to accept the realities of the damage (sex work) causes to the brain and physical being” (Social Outreach, Prohibitionist, p. 196). Claims such as the one above further the victimization narrative, and warrant that action is necessary because the sex industry preys on vulnerable individuals. SWC claims makers conveniently refrain from explaining how childhood abuse and trauma operate psychologically or cause adults to enter the sex industry.

Drug Dependency

SWC claimsmakers argue that most sex workers are addicted to drugs and that this poses a threat to sex workers security and compromises their agency. SWC claimsmakers also frame criminalization of purchasers, pimps, and traffickers as providing sex workers greater agency and security by preventing them from enabling sex workers addiction. There is a long history of research suggesting that drug users are heavily stigmatized (Palamar, 2013; Room, 2005) and this stigmatization is especially true for sex workers whose identities have historically been discredited as morally tainted (Bruckert, 2012; Bruckert & Hannem, 2013). The trope of the “drug-addicted sex worker” is prevalent and well documented (Gillies & Bruckert, 2018; Hannem, 2018) and it was an unsurprising feature of SWC claimsmakers discourse. Many respondents make grounds claims that women sell sexual services in order to fund their drug addiction:

(Selling sex is a) desperate response to (solve) other issues they may be facing such as drug addiction ... Prostitution is the oldest form of oppression ... it is never a choice made with any real alternative (Prohibitionist, Social Outreach, p. 222).

They also claim that sex workers engage in drug (ab)use in order to deal with the trauma of sex work itself:

Drugs and alcohol are also often a factor within the sex trade, and the women are forced to mask the emotional abuse they are feeling through abusing narcotics, which in turn keeps the cycle of the sex trade alive (Abolitionist, Social Outreach, p. 194).

These constructions of sex workers behavior suggests that drug use is an inevitable consequence of engaging in the sex industry, and that it diminishes sex workers’ agency. These claims also suggest that sex workers would otherwise want to exit the sex industry, but they do not have

other options of sustaining their drug use. SWC claimsmakers rhetoric proposes that by assisting sex workers to end their drug use, they are able to make “better” choices, this belief underscores SWC claimsmakers calls for more rehabilitation programming: “there is a clear need for access to social programs which can assist with common underlying problems of substance abuse” (Police Service, Prohibitionist, p. 65). These claims further the victimization narrative, and warrant taking action to solve the social problem by framing sex workers as needing saving. Prohibitionists conclude that criminalization is the best approach to solve the problem, whereas Abolitionists suggest asymmetrical criminalization and social programming. SWC claimsmakers also frame sex workers as addicts in order to vilify third parties. SWC claimsmakers suggest that the clients, pimps, and traffickers of sex workers provide them with drugs as a strategy of control:

Pimps and organized drug dealers purposely addict adolescents and groom them for the sex trade and exploitation (Social Outreach, Asymmetrical, p. 218)

Young girls are (forced) under the threat of violence to take drugs like crack, meth, and cocaine so that they will become dependent on pimps and traffickers (Advocacy Group, Prohibitionist, p. 160)

SWC claimsmakers draw on stereotypical understandings of the “drug dealer/pimp”, which is a well-documented trope in studies of sex work (Hannem & Bruckert, 2017; Gilles and Bruckert, 2018). SWC’s construct those who supply sex workers with drugs as intending to control them and as forcing them to take drugs through physical violence. These claims vilify third parties, and label the sex industry as both unsafe and as contrary to sex workers’ freedom. These ground claims work well within the victim narrative, and warrant taking action by evoking emotion. The conclusion drawn is that criminalizing policies protect sex workers by punishing

third parties. SWC claims about sex workers' drug use also convey the underlying message that criminalization policies are necessary to prevent sex workers from engaging in the undignified act of using drugs:

There should be laws designed and put in place that criminalize exploiters while providing sex workers with exit opportunities, that guarantee women and girls their dignity and provide opportunities for their social integration through counselling, drug addiction treatment, and shelter programs (Abolitionist, Advocacy Group, pg. 32).

SWC claimsmakers draw on stigmatizing assumptions that drug use is a degrading personal flaw. Studies suggest that sex workers are vilified for their drug use (Abel., Fitzgerald, Healy, & Taylor, 2007; Young, 2008; Bruckert & Hannem, 2013) but the findings of this study suggest that drug use is not constructed as a personal flaw but is framed as part of sex workers victimization. SWC claimsmakers connect drug use with the "sex worker as victim" narrative to justify criminalization policies as reducing sex workers' drug use, thereby saving them from victimization. There is broad consensus that "getting clean" is a positive outcome and SWC claimsmakers conclude that criminalization is appropriate because it legally empowers state actors to intervene in sex workers' lives and provide them with the help they need.

Uneducated and Economically Disadvantaged

SWC claimsmakers frame sex workers as lacking formal education and as the victims of economic disadvantage:

"Women who must sell their bodies, because they are not literate ... are not given full choice ...if someone chooses to sell themselves for sex it's a social, economic, financial situation that (has) put them there. No one truly decides to sell their bodies and let people

abuse them every day I think we need to offer these people a way out so that we can put them into the real workforce” (Social Outreach, Abolitionist, p. 224).

This is about the 96% who wish they'd never run into that lover-boy, who wish they'd never had that family, those babies, that background of poverty and of limited education, who wish they could understand the social benefit application form (Advocacy group, Abolitionist, p. 21).

According to SWC claimsmakers, lack of education and money limits sex worker's available options, resulting in their selling sexual services in order to survive. These claims deny sex workers' autonomy and bring into question their security. Best (2017) describes these kinds of claims as “familiarizing the problem”. SWC claimsmakers draw on class-based stereotypes, and suggest that sex workers “do not know any better” because they received less opportunity to be formally educated. SWC claimsmakers state their warrants plainly, “no one truly decides” to sell sexual services. SWC claimsmakers also make these claims to elicit an emotional response. The conclusion SWC claimsmakers draw is that criminalization policies prevent sex workers from being victimized by an industry that will exploit their economic and educational disadvantages. SWC claimsmakers' rhetoric also stresses that the legislature should implement policies that focus on “support services which aim to improve the lives of sex trade workers through initiatives that focus on prevention, education, intervention, and exit” (Police service, Prohibitionist, p. 62). SWC claimsmakers claim that by improving sex workers social standing, they will be less likely to engage in the sale of sex, and enter the “real workforce”.

SWC claimsmakers' backgrounding of the physical, intellectual, and emotional labor required of sex workers is convenient. Many studies document the complex levels of emotional labor that are common practice in the sex industry (Chapkis, 1997; Hochschild, 2003; Pinsky &

Levey, 2015) as well as the intellectual labour performed by sex workers. Studies draw comparison between sex work and other stereotypically “prestigious” professions, such as psychologists (Pinsky & Levey, 2015; Thomas & Williams, 2016). By backgrounding these perspectives, SWC claimsmakers advance the narrative that sex work is not a “legitimate” occupation, and that those involved in the sex industry would prefer to engage in “real work”.

Male Sex Workers

The majority of SWC claimsmakers frame the sex industry as harmful to young women and girls, however, male sex-work is absent from their narratives. Very few SWC claimsmakers acknowledge the presence of male sex workers in the sex industry. When male sex workers are discussed, claimsmakers suggest that so few men engage in the sale of sexual services, they should not be the focus of concern. The response of a retired police officer illustrates the trivialization of male sex work, “while there are a relatively small number of male prostitutes, this is primarily a service provided by women” (Prohibitionist, p. 70). In addition to explicitly minimalizing the male sector of the industry, some respondents insinuate that male sex work is less significant by placing the words men or boys in parentheses: “the fact is that prostitution is a form of violence, (including violence against men, boys and society), but primarily against women and girls” (Social Outreach, Abolitionist, p. 218).

One explanation for the absence of discussion about men in SWC claimsmaking is that stereotypes about men and masculinity do not align well with the narrative SWC claimsmakers establish about sex worker victimization. SWC claimsmakers often suggest that “no reasonable woman” would want to be “used” for sex or have multiple sexual partners. These claims draw on stereotypical assumptions that women enjoy sex less, want fewer sexual partners, and that “good” women protect their virtue. Alternatively, stereotypes suggest that men enjoy sex, have higher

sexual compulsions, and enjoy having many sexual partners. These stereotypes are not conducive to narratives of sex workers as victims, because they suggest that men would more willingly engage in sex work. Such a belief would threaten the framing of the sex-industry as predatory, coercive and exploitive.

SWC claimsmakers also claim that men possess more power than women within social hierarchies “primarily it is men who have status, money, and power... it relates not only to patriarchal systems of power but often to racial systems of power and gender status systems of power” (Abolitionist, Advocacy Organization, p. 4). SWC claimsmakers routinely highlight these gendered power dynamics to frame female sex workers as vulnerable to the exploitive practices of male purchasers, pimps, and traffickers. Female sex workers are framed as physically weaker than their male victimizers, and as economically vulnerable and naïve, whereas men are framed as physically dominant and capable of violent exploitation. Existing stereotypes problematize situations where female sex purchasers engage with male sellers, or other non-heterosexual practices. In these scenarios, justifying how women would physically exploit men is less clear. Rather than engage with the complexities involved with subverted gender roles in situations of sexual commerce, SWC claimsmakers background the existence of male sex workers within the sex industry to simplify their narratives.

Racialized and LGBTQ+

Although sex workers’ vulnerability is a key claim made by SWC claimsmakers, discussion of racialized minority groups are notably absent from SWC narratives. Some organizations address racialized or marginalized groups within their responses, but those that did are organizations that provide services specifically to members of these communities:

In the case of Asian women, men seek racist experiences to fulfill stereotypical expectations of Asian women. Stereotypes such as submissive, eager to please, geisha like, or Japanese schoolchild stereotypes confirm and reinforce racist and sexist expectations that carry into non-prostitution situations (Advocacy groups, Abolition, p. 143)

The Native Women's Association of Canada agrees that in many cases, women's choice is no real choice at all or in most cases, Aboriginal women are recruited for prostitution before the age of consent and feel they do not have other options (Advocacy Organizations, Abolitionist, p. 175)

The minimal mention of racialized and marginalized groups within SWC discourse is surprising considering that supporters of Prohibitionist and Abolitionist policies frame sex workers as victims, and these groups are statistically far more likely to experience victimization. Indigenous sex workers are not a central feature of SWC responses, despite Canadian indigenous women making up an over-representative number of sex workers, and often operating in the lowest paying, street-based settings (Krusi, Kerr, Taylor, Rhodes, & Shannon, 2016). SWC narratives did not mention LGBTQ communities, despite the fact that LGBTQ people are statistically twice as likely to be the victims of physical abuse and nine times more likely to be the victims of sexual abuse (Simpson, 2018).

There are a few possible explanations for SWC claimsmakers backgrounding of the experiences of marginalized groups. One possibility is that SWC claimsmakers were cognisant of the potential for their target audience to hold racist or homophobic views. This possibility may have been a disincentive for SWC claimsmakers to discuss these groups. Social problems claimsmakers attempt to rally broad support for changing social conditions (Best, 2017). In order to create persuasive claims, the victims of troubling conditions must be broadly sympathetic. Raising

LGBTQ+ concerns may have run the risk of alienating those who harbor homophobic, transphobic or racist beliefs. Further, indicating that racism and homophobia are problematic for sex workers complicates the victimization narrative, and transfers blame from easily villainized third parties to broader social factors that are more difficult to solve and may make audience members who benefit from existing racial and sexual hierarchies uncomfortable.

Summary

In summary, SWC claimsmakers construct the sex industry as inherently violent, exploitive, and detrimental to the lives of those engaging in sexual trade in order to provide persuasive rhetoric that social conditions need to be changed. These proponents frame sex workers as vulnerable women and girls who are victims of childhood abuse, drug addiction, economic disadvantage, and human trafficking. SWC claimsmakers also frame sex industry third parties as dangerous pimps, and sex traffickers by evoking stereotypical understandings of these roles, and suggesting that the sale of sex results from power imbalances between men and women. In the next section, I will discuss the narratives SWL claimsmakers use to justify their support for decriminalization and legalization frameworks.

Legalization and Decriminalization: Sex Work Legalized

Respondents who oppose the criminalization of sex work generally endorse either legalization or decriminalization. I label these respondents as Sex Work Legalized (SWL) claimsmakers. Generally, the claims made by these two groups are interconnected. Some respondents did not express a clear preference for either model, and I categorized these respondents depending on how closely their recommendations aligned with either framework. For example, I classified respondents who make suggestions such as, “sex work should only be legal in brothels” or “sex workers should have to get medically tested regularly,” as proponents

of legalization because they prefer more strict government regulation of the industry.

I classified respondents who state that, “the government has no business regulating sex work” or “sex should be sold like any other free market service” as decriminalization supporters because they expressed discomfort with the government interfering in the lives of sex workers and implementation of strict regulation of the sex industry. Supporters of legalization and decriminalization policies who responded to the OPCPRO include advocacy organizations, sex-trade worker organizations, sex workers, third party associates, and social outreach groups.

Adults and Children

A common rhetorical feature of SWL claimsmakers discourse is that the majority of those working in the sex industry are adults and that only adults should engage in the sale or purchase of sex. Respondents support this claim by framing adult sex workers as having the capacity to consent, and as capable of understanding the consequences of their actions. SWL claimsmakers suggest that children should not engage in prostitution, purchase sexual services, or witness the sale of sexual services in public because their decision-making is underdeveloped and they cannot provide consent:

Purchasing sexual services from a consenting adult by a consenting adult is none of anyone's business other than the people engaging in the transaction. These people are customers looking for a service. It should not be a crime to have sexual needs (Sex Worker, Decriminalization, p. 335).

Children are too young to make responsible decisions and we should not permit them to sell sex. We should not permit street based sex workers near schools, playgrounds or around children (Sex Worker, Legalization, p. 361).

These claims demonstrate that legalization and decriminalization proponents are primarily concerned with agency. Whereas prohibitionists and abolitionists feel that participating in prostitution results from lack of agency regardless of age, SWL claimsmakers frame sex work as a choice, which adults should be able to make without excessive restriction. The importance placed on adulthood also suggests an underlying theme of security. Although respondents frame current laws as unjust, they recognize certain restrictions are required to provide protection for those deemed unable to provide consent:

Purchasing sexual services from an adult over the age of 18 should be legal so long as it is not discussed or performed in public places. What goes on behind closed doors should stay between consenting adults (Legalization, Third Party Associate, pg. 440).

Canadian law allows youth to engage in sexual activity consensually (under certain circumstances) and enter the work force. SWL claimsmakers clearly state they do not want sexual services sold by children. Their reservations are peculiar; given that they also claim, “sex work is real work” and “the government should not interfere in the bedrooms of its citizens. If SWL’s objective is to minimize the harms associated with sex work and frame it as a form of labor, voicing concerns about youth engagement in the sex industry seems counterintuitive.

One possibility is that SWL claimsmakers are cognisant of the stigma surrounding the sexual activity of youth. For example, Bruckert (2012) documented that sex workers express stigmatizing assumptions about other sex workers in order to manage their sense of self and the structural stigma that they experience. The subjects of Bruckert’s study articulated disdain for the behaviors of some sex workers in order to manage other’s assumptions about themselves and preserve a non-deviant personal identity. The objections that SWL claimsmakers express are an attempt to leverage the stigma surrounding youth sexuality and retain a non-deviantized identity,

while also pushing back on prevalent stigmatizing discourses that underlie current policies affecting adults. SWL claimsmakers want sex workers and the sex industry to “transcend stereotypical assumptions” (Bruckert, 2012) but are also cognisant that they must concede to the dominant narratives about youth sexuality in order for their claims to appeal to a broader base.

The Role of Third Party Associates

SWL claimsmakers also suggest that criminalizing third parties is detrimental to sex workers because third parties enhance their safety and sex workers should be free to hire them. Both legalization and decriminalization proponents claim that third parties play an important role in security and protection:

Too many co-workers, spouses and boyfriends/girlfriends, drivers, security providers, and managers and service providers end up hurt by these laws. These laws make sex workers less safe because they keep them from working together or hiring service providers that help their business and safety (Sex Worker, Decriminalization, p. 326)

Sex workers can benefit from hiring staff, such as bodyguards, receptionists, or even advertising staff. By making it illegal for others to profit off sex work, you further marginalize and isolate sex workers from society and the support staff they need to stay safe (Social Outreach, Decriminalization, p. 189)

These claims provide strong counter-narratives to SWC claims that criminalization is necessary because third parties are exploitive and harmful. The grounds of SWL claims challenge older interpretations of the pimp. Western society has entrenched tropes and stereotypes of what it means to be a pimp, and these conjure a remarkably ubiquitous image (Hannem & Bruckert, 2014). Pimps are “known” to be “unethical individuals who use drugs, violence, and/or their victims’ psychological vulnerability in order to financially and sexually

exploit them” (Hannem & Bruckert, 2016, p. 824). SWL’s counter narratives describe third parties as a legitimate part of the sex industry, and re-affirm the “sex-work-is-real-work” paradigm by placing third parties in the context of bodyguards, support staff, receptionists and boyfriends.

SWL claimsmakers denounce criminalization by framing sex workers use of third parties as a safety enhancing strategy. The grounds they outline are that third parties protect sex workers from those who would actually do them harm, and that criminalizing the industry prevents sex workers from protecting themselves. The warrant that these claims draw from is “security of person”. Generally, Canadians agree that people have the right to be secure from harm, and so the audience of these claims is compelled to take action because sex workers rights are infringed, which elicits an emotional response. SWL claimsmakers’ rhetoric also furthers the narrative that criminalization unfairly restricts sex workers’ liberty interests. SWLs accomplish this through use of entrepreneurial rhetoric, such as referring to sex workers as business owners and describing third parties as “support staff”. Placing sex work in a capitalist context draws on broad belief in the free market. Framing sex work and third parties in this way warrants taking action to change social conditions for third parties because people generally agree that others should be free to pursue their business interests.

The Body

Themes of agency, security and dignity are also visible within SWC claimsmakers discourse of “the body”. Both legalization and decriminalization proponents suggest that individuals possess ownership of their bodies, and that they should be free to use their bodies as they feel is suitable. For example, decriminalization proponents make claims such as “She or he has the right to do with their bodies as they see fit and if they choose to sell sex for money that is

their right” (Sex Worker, Decriminalization, p. 332). Legalization proponents also make this claim; however, they assert the importance of governmental oversight to ensure sex workers’ safety:

I think a woman (should be able) to decide what to do with her body (as) a way to make money ... The government should truly follow the steps taken up by Amsterdam, which has been able to address issues with prostitution in a successful manner” (Sex Worker, Legalization, p. 410).

The parallels between SWC and SWL claimmakers discourses of the body are interesting because both suggest that sex workers are, to some degree, objectified. However, SWC claimmakers use language about objectification to promote the idea that the sex industry is undignified, and that the women within the sex industry experience exploitation enabled by systems of patriarchy and misogyny.

SWL claimmakers use language about objectification to promote the idea that decriminalizing the sex industry upholds bodily autonomy, and that the government should not prevent sex workers from “using their bodies as they see fit”. From this perspective, sex work is not inherently degrading; however, the prevention of people from making choices about their bodies is degrading. SWL claimmakers strategically use language that challenges older interpretations of what it means to retain personal dignity, while also drawing on the value that Canadians place on personal freedom. The conclusion that they provide is that criminalization is contrary to individual freedom, and so legalization or decriminalisation are preferable.

Taxation and Legitimate Income

SWL claimmakers frame sex workers as entrepreneurs and willing taxpayers, they suggest that sex workers benefit from legitimation of their income:

I paid over \$8,000 last year in income tax, and I am working as an HST business. I consider myself a legitimate businessperson. I work hard, and enjoy my job much more than what I was doing before” (Sex Worker, Decriminalization, pg. 341).

Why criminalize this stuff when it is clear that it is always going to happen? We might as well legalize it, and tax it so that we can benefit off it rather than paying to arrest people (Sex worker, Legalization, pg. 363).

The grounds of these claims further the narrative that legalization and decriminalization enhance sex workers security, autonomy, and dignity. SWL claimsmakers frame sex workers as entrepreneurs. SWLs claim that sex workers are in control of the services that they provide, and that they should profit from their labour. This claim serves as a counter narrative to stereotypical assumptions that sex workers are under the control of pimps, and do not receive the full value of their work. This claims also frames criminalization as harmful because sex workers face barriers engaging in the legitimate economy, by making purchases (such as housing, investments, appreciating assets) or paying taxes. The grounds of these claims are effective because stereotypical beliefs surrounding entrepreneurialism are synonymous with independence and personal liberty. These claims also justify decriminalizing sex work by framing sex workers as willing taxpayers. The claimsmakers suggest that sex work is inevitable, and that rather than placing sex workers in jail and costing taxpayers money, they could contribute taxes, thereby improving Canadians perception of their work

Enjoyment of Work

Some SWL claimsmakers claim that sex work can be an enjoyable profession. Proponents of both decriminalization and legalization suggest that there are rewarding elements

of sex work, including financial benefit, independence, varied working hours, good clientele, and sexual arousal:

I am a sex worker. I am a good person. I chose to leave my other career to do this job. I am very content in my choice. I enjoy my work very much. I have great clients, healthy clients and I will not tolerate anything less ... I work hard, and enjoy my job much more than what I was doing before. I provide for myself completely, and I am in charge. I felt more exploited in my previous career, working for a multi-million dollar corporation, while just slaving away to make ends meet. Now I can live more comfortably, and almost all of my money goes right back into the economy. I can also save more for my retirement ... I sell a service just like tradesmen, models, athletes, etc. I make people happy. I have never encountered any violent clients, and the last thing I want is for them to be criminalized. They are good people, with jobs, and families. They are regular members of our community. My clients treat me very well. (Sex Worker, Decriminalization, p. 341)

I am happily an escort by choice and absolutely love my job and will continue doing it with or without your support. (Legalization, Sex Worker, p. 330)

These claims provide counter narratives to the prominent discourses that sex work is an unpleasant experience for those involved. By highlighting these counter claims; SWL claimsmakers move forward the narrative narrative that legalization and decriminalization will enhance sex workers agency, security, and dignity. The grounds of these claims emphasize the rewarding qualities of sex work in order to persuade Canadians that sex work is not inherently harmful and that sex workers are not victims. By framing sex work as enjoyable, SWL frame criminalizing policies as contrary to sex workers freedom to make choices for themselves. These

claims also suggest that some sex workers view working in conventional professions as not providing them with the same feelings of comfort or independence that sex work does. SWL claimsmakers counter narratives dispute prevalent assumptions that sex work is inherently degrading by framing the sex industry as preferable to restrictive forms of employment and occupations that offer low pay and little reward. The warrant that these grounds draw on is dignity. SWL claimsmakers frame sex work as more dignified for some sex workers than working in other menial forms of labor, and there is a general agreement that people should engage in work that they find meaningful and enjoyable.

The Impact of Criminalization

SWL claimsmakers most often claim that criminalizing the sale or purchase of sexual services infringes on sex workers human rights and freedoms by making their work less safe. For example, legalization supporters provide responses such as “by criminalizing the sale and purchase of sex, we are making it difficult for sex workers to negotiate safer sex, thereby putting their health and safety at risk” (Legalization, Sex Trade Workers Organization pg. 239).

Decriminalization proponents also make these claims to justify their preferred legal model:

Criminal offences relating to the selling of sexual services by an adult and prohibition of purchasing these activities by adult’s makes working and living conditions more dangerous and unsafe for people working in the sex industry, which violates sex workers' right to safety (Sex Trade Workers Organizations, Decriminalization, pg. 236).

Additionally, individual sex workers expressed concern about their ability to implement safety-enhancing strategies while working under a criminalized model:

You should not have to jump in a car and worry about being pulled over. A lot of women get harmed because they get into a car too hastily without being able to check out the

person because they're worried the police will pull you over and the john ends up getting scared and things like that (Sex Trade Worker, Legalization, p. 230)

The grounds of these claims point to structural barriers rather than individual actors. SWL claimsmakers vilify Canada's existing legal model in attempt to "challenge older interpretations" (Best, 2017). SWL claimsmakers warrant these claims by suggesting criminalization places sex workers at risk, which draws on the notions of security. Framing criminalization as contrary to security motivates claimsmakers audience to take action. The conclusions drawn from these claims are that implementing legalized or decriminalized regulatory frameworks will positively affect sex workers by making them safer.

Economic Factors and Labor Laws

SWL claimsmakers claim that socio-economic factors influence sex workers' choices, but insist that sex workers retain the capacity to choose. However, the claims of decriminalization proponents are notably more positive compared with the claims made by legalization proponents. Decriminalization proponents highlight positive aspects of sex work, such as that selling sexual services a convenient form of income:

I am an escort. I chose to be in this profession of my own free will. It pays well and I choose when I work. I have met hundreds of escorts and 90% of them have chosen to do this of their own free will for similar reasons (Sex Worker, Decriminalization, p. 329). Does it not strike you as odd that in most parts of the world we regulate vaginas more than guns? It's ok for me (a borderline-poverty single woman trying to pay her student loans on \$1.25/hr) to let a man have sex with me after a few dates, but if we just cut to the chase instead for the first meeting and he pays me what he would have spent on a few dinners, it's a criminal offence. In my case, I would rather have the money as well as the

time/money spent on hair products, make-up, clothes, dressing up for each date (Sex Worker, Decriminalization, p. 380).

Legalization proponents claim that sex work is something that “has to be done” by sex workers to “get by”. Although they do not frame participation in the sex industry as coercive, they do concede that selling sex is a less than ideal means of navigating economic hardship:

I should be able to do what I need to do to survive; I cannot live off social services. I do hope I'll be getting some work pretty soon but in the meantime this is what I have to deal with. Some people put themselves through school with this trade ... For them it is just a job. Survival sex-trade workers have a very hand to mouth existence; poverty is a shame, not a crime (Sex Worker, Legalization, p. 324).

People with little education have few opportunities to make a decent living; there are many reasons people sell their services to feed and house their children and themselves (Sex Worker, Legalization, p. 387).

Decriminalization proponents' provide counter-narratives to the notion that sex workers are “trapped” within the sex industry because of economic desperation. Alternatively, legalization proponents concede that economic factors influence decision-making, but they fall short of framing the sale of sexual services as coercive, likening it to other menial forms of labor. For example, a legalization supporter suggested that selling sex is equivalent to modeling, “A model uses her body to illicit a sexual response from the opposite sex and they are paid, what is the difference?” (Sex Worker, Legalization, p. 328). Decriminalization proponents challenge the notion that selling sexual services is a menial form of labor, comparing sex work to therapy and other more prestigious professions:

“It was through the 1970's that I began to see this line of work as the therapeutic modality

that it is ... I live a normal stable healthy life and I engage in my work as a therapeutic modality within a healthy framework” (Sex Worker, Decriminalization, p. 374).

Regardless of the differences in significance that these groups attribute to the job, both agree that sex work poses the same difficulties and challenges as other conventional forms of labour:

Everyone looks to the few examples of problems with the industry and assume that it is a horrible, dirty, drug-infested societal issue. It is not. For the most part, it is a wonderful job with no fewer "bad point" than other careers (Sex Worker, Decriminalization, p. 329).

Obviously, there are things I would rather be doing than selling sex, but it pays the bills and I can manage my time. It is not great, it is just whatever (Sex Worker, Legalization, p. 325).

These constructions of sex work as a form of labor place agency at the forefront of the discussion. By comparing sex work to other conventional forms of labor, SWL claimsmakers suggest that the criminalization of the activity unjustifiably infringes on sex workers’ ability to make a living. SWL claimsmakers suggest social conditions need to change because people generally agree that individuals are free to choose whatever form of labor they see fit (so long as that labor is victimless). Ultimately, these claims challenge dominant narratives of sex work as economic slavery, instead comparing it with entrepreneurialism or menial labor. SWL claimsmakers also stress the importance of ensuring the establishment of labor laws and safety standards to protect sex workers:

The Government should introduce a "made-in-Canada New Zealand model" that protects, respects and fulfills sex workers' human and labour rights ... by legitimizing their work as labour and offering protections through occupational health and safety standards (Social Outreach, Decriminalization, p. 199).

One of the major reasons sex workers are vulnerable to violence and abuse is because the criminalization of their work means they cannot avail themselves of the protection of most other laws that the rest of Canadians take for granted. Government should apply or develop labour and employment laws to ensure that sex workers are working under safe conditions, have access to employment services and benefits, can pay taxes, and can organize effectively by joining professional societies or labour unions (Social Outreach, Legalization p. 227).

Mandatory Health Inspections and Zoning Laws

Legalization and decriminalization proponents responded with many of the same claims. However, aspects of sex work policy they disagree on include policies concerning health inspections, safe sexual practices, and zoning laws. For example, legalization supporters claim that zoning laws are a good idea:

Licences [sic] body houses should be applicable. Just like licensed strip clubs and licensed massage parlours or something like the bunny ranches or red light districts ... It's happening people make it legal so it's happening safely (Exotic Dancer, Legalization, p. 327).

I would like there to be red light districts. That way it would be safe for those who are involved, but away from those who do not wish to be involved such as children. We have existing zoning regulations about where one may situate an adult bookstore. Perhaps something similar, not placing a brothel right beside the nursery school. I think legalized sex work with an empowered work force and rights-and-abuses protections in place would cause much less havoc to neighbourhoods than existing underground setups (Sex Worker, Legalization, p. 362).

Conversely, proponents of decriminalization do not support zoning:

Do not create a red light district or public solicitation. This creates a ghetto & blight upon the city, lowers our pay, and invites poor behaviour in a "vice neighbourhood" Toronto has had a thriving sex worker business for over 10 years. The vast majority of the business is not crassly commercialized, or in the public space (Sex Worker, Decriminalization, p. 359).

It is indoors, so why would people think that a few cars going in and out of a driveway means that the woman is conducting sexual business there? Could just as easily be an accountant! The same laws that currently apply to public nudity or sexual acts in public are sufficient to control any issues with the public. How is this hurting anyone? A few women using their home do not bother anyone. This happens now and it is not a huge public nuisance. (Sex Worker, Decriminalization, p. 328)

Advocates of legalization promote zoning as improving sex workers safety by providing them the formal protection of in-door environments such as brothels. Legalization claimsmakers suggest that restriction of the sale of sex to one area makes surveillance easier and enforcement of regulations stringent. Legalization claimsmakers also place children's safety at the foreground of their claims, suggesting that zoning protects youth from observing and engaging in the sale of sex. Alternatively, decriminalization claimsmakers construct zoning as harmful to sex workers safety because it restricts them to areas that eventually are "ghettoized".

They also oppose zoning by framing it as unnecessarily restricting sex workers freedom, and they support this claim with grounds that sex work already occurs in an unregulated manner throughout communities and commercial areas without detection. Legalization claimsmakers suggest formal state controls legitimize sex work, thereby reducing the stigma and enhancing

people's perception of the service. Decriminalization claimsmakers suggest the opposite; zoning sends the message that sex work is dangerous, and therefore needs substantial regulation.

Further, both legalization and decriminalization claimsmakers draw on themes of safety and dignity to warrant their claims, however, decriminalization claimsmakers additionally describe concern of infringing on sex workers' freedoms. As well as zoning, decriminalization and legalization proponents disagree on the need for mandatory health screenings:

Do not force health checks; this puts us at risk of violence from our clients. Men often beg us not to use protection, even offering extra money. Clients force women not to use protection, effectively rape. The likelihood of this happening rises if clients know women are tested and safe. Trust women to get testing; believe me, we do (Sex Worker, Decriminalization, p. 359).

(Prevent from working) anyone who ... has a non-curable disease that can be spread through the act of sex. That is a danger to people. Anyone who practices non-safe acts could potentially cause risk to others... The act of safe sex should always be a mandatory factor. STI's can still transmit through oral sex ... Safety should be prioritized. There should be mandatory testing for STDs ... Streetwalkers are a danger to everyone. The easy solution to monitoring these elements is licensing and mandatory STI testing and monitoring safe sex practices (Adult Entertainment Industry Worker, Legalization, p. 325).

Legalization and decriminalisation proponents draw on the value of safety to warrant their claims, but the grounds they provide lead them to different conclusions concerning the need for policies that require sex workers to practice safe sex and receive regular testing for sexually transmitted diseases. Legalization advocates claim that monitoring sex workers is necessary

because some sex workers will not practice safe sex despite being untested or knowingly having a disease. Legalization proponent's claims suggest that public safety supersedes sex workers individual freedoms.

Alternatively, decriminalization proponents claim that sex workers consistently practice safe sex, and that they are capable of protecting themselves and others from harm without the interference of the state. Decriminalization respondents' also voice concern that enforcement of mandatory testing will embolden clients to pressure sex workers to refrain from using condoms, because they no longer fear contracting a disease. These findings parallel Hannem and Bruckerts' (2017) discussion of how third parties subvert stigmatizing scripts of themselves as "dangerous" in order to deal with unruly clientele. These understandings reveal that policies intended to "legitimize" the sex industry may have the unintended consequence of making sex workers less safe. Ultimately, these differences in policy opinion are not pertinent to the main objective of the OPCPO, which was to determine if Canadians want sex work criminalized. However, these responses illustrate that while legalization and decriminalization proponents largely agree, some deviation in opinion exists.

Chapter 6 - Analysis

In his discussion of prostitution policies, Wagenaar argues, “all policy making may be viewed as the struggle over the realization of core societal values, but in many of the advanced democracies of the West, prostitution is the subject of fierce debates and frenzied, often far-reaching, legislation” (p. 1). The findings of this study do not fully support Wagenaar’s characterization with respect to Canadians’ debate of sex work policy as a “struggle over core values.” These findings suggest that SWC and SWL claimsmakers often evoke the same values to endorse their claims.

Canadian values are communal and frequently cited as the moral beliefs and ideals of Canadians (Douglas, Grabb, & Willam, 1993). Although it is difficult to ascribe a single set of values to Canadian culture, certain examples are repeatedly found in studies of Canadian national identity. Three of these commonly cited values are liberty, security (safety) and human dignity. There are numerous examples to support this, Statistics Canada ran a survey in 2013 that found a majority of Canadians (92%) felt that freedom and safety as human rights were shared Canadian values (Sinha, 2015). The University of Waterloo Index of Wellness also states that two of the most prominent Canadian values include safety and security (Romanow, 2012). The Charter of Rights and Freedoms is another example of how safety, security and dignity operate as Canadian values. The Charter was developed and added to the Constitution in 1982, under then Prime Minister Pierre Trudeau, primarily as a way of expressing Canadian values. Trudeau wanted to ensure that these values were codified in the Constitution of Canada so that they could exist as political rights (Kernerman & Resnick, 2005). Statistics Canada’s survey of Canadians found that Canadians believe that the Charter of Rights and Freedoms (93%) is an important symbol of national identity (Sinha, 2015).

Analysis of responses to the OPCPO reveal that, despite making contradictory grounds claims about the sex industry, SWC and SWL claimsmakers draw most often from the same three values of liberty, security, and dignity to warrant their claims. Sociological studies of Canadian values consistently find that these values are among the most widely held principles of Canadians. In this chapter, I will discuss how the values of liberty, security, and dignity underscore the majority of claims submitted, and I will argue that claimsmakers purposefully draw on these themes to present their claims as favourable for a Canadian audience. I will also discuss how use of these themes was advantageous for persuading policymakers in the wake of the *R v. Bedford* decision.

Constructions of Liberty

Liberty is one of the central warrants used in the claims making processes of OPCPRO respondents. Although SWC and SWL claimsmakers make contradictory claims, both sides insist that the solutions they support will respect Canadians sense of liberty. SWL claimsmakers frame the criminalization of sex workers, third parties, and clients as a social problem that violates these groups' liberties by claiming that it places unnecessary restrictions on their choices and exacerbates their experiences of socio-economic hardship. SWL claimsmakers advocate for decriminalization and legalization by claiming that these policies enhance sex workers' agency, and remove structural barriers that limit their ability to make choices.

Unlike SWL claimsmakers, SWC claimsmakers frame criminalization as liberating sex workers by preventing them from experiencing the violence and exploitation perpetrated by clients and pimps. Criminalization proponents frame purchasers and third parties as exploiters of the social ills that force women into the sex industry, and they claim that removing deviant associates from sex workers lives results in their being free to make "better" choices. Some SWC

claimsmakers frame criminalizing the sale of sex as within sex workers long-term liberty interests because criminalization provides government with the authority to relocate sex workers, and enrol them in social programs. SWCs advocate for these programs by claiming that they help sex workers realize the harmful nature of their circumstances. SWC claimsmakers also suggest that these programs assist sex workers make the “real” choice to exit the sex industry and enter socially acceptable work.

Both SWC and SWL claimsmakers draw on liberty because it brands their grounds claims as consistent with Canadian beliefs and with the Charter of Rights and Freedoms. Liberty is a particularly useful value for claimsmakers to use because the social conditions SWC and SWL claimsmakers address connect to the R v. Bedford decision. One of the major legal arguments presented to the Supreme Court concerned whether prior sex-work related laws infringed on sex workers section seven liberty interests. Considering that the DOJ conducted the OPCPRO within this context, it is unsurprising that claimsmakers, regardless of opinion, constructed their responses to reflect the language of this charter right. Claimsmakers were aware that new laws they supported needed to be consistent with the Charter of rights and freedoms, and so it was advantageous to justify the grounds of their claims using warrants that reflected the Charters’ language. SWC and SWL claimsmakers use of liberty to warrant claims was also advantageous because the intent of the OPCPO was to influence policymakers. Following the Bedford decision, policymakers from all political parties faced the conflicting demands of creating new sex-work related policies that respected the Bedford decision while still pleasing their electoral base and constituents.

Constructions of Security

In addition to liberty interests, SWC and SWL claimsmakers warrant their claims through rhetoric of security. SWC claimsmakers frame the sex industry as inherently dangerous for those who sell sexual services by claiming that sex workers experience physical, sexual, and emotional abuse perpetrated by male “pimps”, procurers and sex traffickers. They also frame the sex industry as posing a threat to society by claiming sex traffickers and pimps prey on vulnerable young women and children, ultimately trapping them within the sex industry by abusing them and forcing them to become addicted to drugs. SWC claimsmakers framing of the sex industry as harmful legitimizes the use of criminalization as a punitive policy against the pimps, procurers and traffickers. They also frame criminalization as method of deterring vulnerable people from entering a dangerous industry that “reasonable people” would not subject themselves to (Hannem & Bruckert, 2014).

Alternatively, SWL claimsmakers frame criminalization as endangering sex workers’ lives, and against their security interests. These claimsmakers highlight the marginalization and stigmatization that sex workers experience in a criminalized regulatory framework. SWL claimsmakers call attention to how criminalization prevents sex workers from hiring third parties that can provide them with security, and protect them from potentially dangerous clientele. SWL claimsmakers also assert that criminalization isolates sex workers by stigmatizing their work, affecting their mental health. Additionally, SWL claimsmakers emphasize that criminalization prevents sex workers from engaging in conventional business practices, such as unionization, accessing labor laws, and enforcing safe sex practices, all of which negatively affect their security by jeopardizing their physical health and economic stability.

Both SWC and SWL claimsmakers use security to warrant the grounds of their claims because it invokes emotional response from Canadians likely to support individual and collective safety. Similar to liberty, security was a useful value for claimsmakers to draw on because it reflects Canadians commonly held beliefs, and speaks directly to Charter challenges put forth during the *R v. Bedford* decision. The respondents submitted their claims to the OPCPO, who gave them a summary of the Bedford case to contextualize why the federal government was writing new laws; therefore, it was advantageous for claimsmakers to construct their responses so that their claims reflected the language of the Charter.

SWC and SWL claimsmakers use of security was also strategic because the intent of the OPCPO was to inform and influence policymakers. By framing their conclusions as most conducive to the security of members of the sex industry, both SWC and SWL claimsmakers position their ideas for policy change as best suited for policymakers to implement. Ultimately, policymakers faced the challenge of creating laws that respected sex workers security interests and pleased their constituents. SWC and SWL claimsmakers rhetoric both persuades policymakers by proposing policies that appear to respect the Bedford decision while also maintaining each group's constructed realities of the sex industry.

Constructions of Dignity

The Canadian Human Rights Commission states that Canadians are born with inalienable human rights, and this includes entitlement to treatment with dignity. Section 15 of the Charter of Rights and Freedoms legally protects this belief, guaranteeing equality rights to all Canadians, including treatment of all with the same respect, dignity, and consideration (Department of Justice, 2018). SWC and SWL claimsmakers' rhetoric emphasizes equality rights through appeals targeting Canadians' belief in human dignity. SWC claimsmakers frame the legalization

or decriminalization of sex work as contrary to sex workers' dignity by claiming that the sale of sex makes men and women unequal. From this perspective, as long as men can purchase sexual services from women, an imbalance of power will exist, and this is not in accord with women's inherent human dignity. Conversely, SWL claimmakers frame punitive regulatory models as infringing on sex workers' dignity by preventing them from exerting personal agency, and contributing to stigmatizing discourses. SWL claimmakers claim that those who believe sex work needs to be "controlled" through regulatory approaches adhere to stigmatizing scripts of sex workers as "risky" and the sale of sex as "shameful" or problematic. According to these claimmakers, criminalization does not ensure sex workers equality, but rather perpetuates narratives that sex work is undignified.

SWC and SWL claimmakers rhetoric strategically draws on the value of dignity by positioning contradictory claims as contrary to basic notions of human rights. Clearly, the public expects policymakers to enact laws that do not infringe on peoples' basic human rights, and so constructions of these claims are suitable for influencing policymakers. Use of dignity as a warrant is also advantageous given that the government was only enacting new laws because the previous laws infringed on sex workers' equality rights (among others). By choosing this language, SWC and SWL claimmakers frame their conclusions for new policies as not having this same potential for being unconstitutional.

In this chapter, I demonstrated that the claims put forward by respondent groups to the OPCPRO draw on similar underlying values, yet propose different conclusions about how the government should implement remedies that uphold sex workers liberty, security, and dignity. These conclusions result in advocacy for various models of sex work regulation, and ultimately, the government's task was to choose from among these options. The government did not offer

empirical justifications for the legislation that passed, the *Protection of Communities and Exploited Persons Act* (2014), but they did specify that Canadians supported the Swedish model, which criminalizes the purchase (but not the sale) of sex. In the next chapter, I examine the methodological problems with the OPCPO and the issues associated with “crowdsourced” policy.

Chapter 7 - Critique of OPCPRO

The OPCPO offered a promising catalyst for producing meaningful discourse concerning the problems facing sex workers, as well as solutions that comprehensive legislation could include. However, the flawed nature of crowd sourcing, the methodological flaws permitted by the DOJ during the consultation process, and the problematic ways that the DOJ portrayed the consultation as scientific, overshadowed the potential for the consultation to benefit the sex work debate. This chapter is a critique of the OPCPRO and focuses on the problematic nature of the questions posed, as well as issues with the format of the consultation, and concerns about how the questions phrasing. This chapter concludes with commentary of how the consultation is more consistent with crowdsourcing than traditional public consultation, and the issues that use of crowdsourcing pose.

Purpose of Public Consultation

The purpose of the OPCPRO was to consult the public about prostitution policy, and the government justified using a consultation by arguing that the public should be part of the regulatory process (Department of Justice, 2014). Governments often justify consultations by proposing that the public requires the opportunity to provide input on policy matters that affect them (Rodrigo, 2006). The main purpose of public consultation is improvement of efficacy and transparency in public policy production, as well as the increase of public involvement (Rodrigo, 2006). Consultations typically involve a reciprocal flow of information and opinion exchange between the government and the public, publicizing the results gathered, and participation of interest groups in drafting policy or legislation (Rodrigo, 2006). Despite what the title suggests, the techniques employed by the Department of Justice in administering the OPCPRO are not consistent with public consultation. The following paragraphs address the failings of the DOJ to

provide the public with meaningful consultation by means of the OPCPRO. One such problematic method was the self-identification of interest groups.

Self-Identification

The Department of Justice posed six questions to the public; the sixth question stated as follows, “Are you writing on behalf of an organization? If so, please identify the organization and your title or role” (Department of Justice, 2014, p. 2). The purpose of this question was to identify interest groups whose opinions the DOJ determined to be of importance. Although the DOJ included a methodologies section in the “survey results” paper published on the government of Canada website, they did not make available explanation of the criteria they used to determine which interest groups received special consideration. Even more concerning is that the DOJ does not specify how (or if) they validated respondent’s self-identification.

Without verifying the identity of respondents, it is possible that respondents misrepresented who they were, and which organizations they represent. For example, those who identified as police officers had their responses evaluated separately, but the Department did not require respondents to provide any evidence to legitimate their claim. The lack of verification also allowed respondents to claim that they spoke on the behalf of large numbers of people, even if they were only expressing their own views. The following excerpt demonstrates how a respondent answered question one of the consultations. This respondent claimed to represent the views of an organization with over 5000 members, “yes; I believe purchasing sexual services from anyone should be a criminal offense, no exception” (Prohibitionist, Advocacy Organization p. 173). Not only did the respondent answer in the first person, they also did not provide evidence that they consulted the organization they claim to represent, or that their opinion is reflective of the views of the organization.

Clearly, the ease with which respondents could inflate the significance of their responses is concerning, and represents a serious methodological flaw. In addition to poorly vetting the credibility of respondents, the DOJ did not implement a method to determine whether respondents actually lived in Canada, despite specifically stating that was the intent of the consultation process. Some respondent groups self-identified as non-Canadian, but identification of this information was not required, therefore, many of the responses collected could be from individuals or groups in other countries. Allowing anyone with internet access to respond to the consultation is problematic because the purpose of consultation processes was to ensure that those impacted by a policy are able to influence decisions through the provision of their input.

Another issue is that methods were not in place to determine whether respondent groups answered the consultation questions more than once. Respondents were required to “answer the online public consultation either by filling out and submitting the online form or by sending an email directly to a ‘consultations-prostitution’ email addresses” (Department of Justice, 2014). By allowing respondents to submit through email, an individual could submit multiple times using multiple email addresses. Obviously, this is problematic because the views of some policy supporters may be overrepresented. The concerns discussed above demonstrate that the OPCPRO does not ensure that legitimate interest groups provided input to the federal government to inform them about the production of sex work policies. These methodological blunders bring into question whether the OPCPRO provided a meaningful consultation, especially considering that contribution from interest groups is an essential component of the public consultation process (Rodrigo, 2006).

Use and Portrayal of the Consultation as Scientific

Self-identification was not the only concerning methodology employed by the DOJ, their use of academic research is also questionable. For example, the Department of Justice published three documents on the Government of Canada's official website that offer context for the OPCPO and PCEPA. The first document, entitled "Online Public Consultation on Prostitution-Related Offences in Canada Final Results" provides the context during which the DOJ conducted their survey, the methodologies they employed, and their results (Research and Statistics Division, 2014). The second document published is PCEPA technical paper, which provides clarification of the newly passed regulations, an overview of the Supreme Court of Canada's findings during the Bedford decision, and the basis for the Canadian governments' legislative response. Finally, a document published entitled "Q's & A's Prostitution Criminal Law Reform: Bill C-36, the Protection of Communities and Exploited Persons Act" provides answers to frequently asked questions about PCEPA, specifically, what activities are currently illegal.

Context and expert knowledge are important elements of the public consultation process (Rodrigo, 2006), however, the DOJ did not outline how they determined which academic research was credible, or how they prioritized the findings of certain studies over others. Question 10 of the "Q's and A's" document asks, "Why do the new laws make prostitution illegal, instead of legalizing prostitution and regulating it?" (Department of Justice, 2014). The response provided by the DOJ is that international studies demonstrate "the inherent harms of prostitution". The technical paper provides a brief summary of the conclusions drawn from research that informed its development, however, these studies all suggest that prostitution is dangerous and exploitive to women and children, reinforces gender inequality,

disproportionately impacts those who are socio-economically disadvantaged, and harms communities (Department of Justice, 2014).

The selectivity demonstrated by the DOJ raises questions about the problematic nature of the use of expert knowledge by political entities. A key feature of policymaking processes is collection and analysis of expert knowledge or opinion in order to understand likely benefits and downfalls of policy choices (Howlett & Adam, 2011; Best, 2017). Thus, the policy makers draw upon various “expert” input before political decision-making (Lundin & Oberg, 2014). Conceptualization of expert knowledge lacks specificity and sparks debate (Lundin & Oberg, 2014). For example, Lundin and Oberg define expert knowledge as “systematically gathered information presented in research, expert, or evaluation reports” (p. 22), whereas Boswell (2009) assign a more flexible definition, describing expert knowledge as “contingent on the beliefs and interests of the administrators who are making use of it” (p. 25).

Proclaiming knowledge as expert implies that “academic scholars, research institutes, consultants, think tanks, public authorities, or other individuals and organizations” produced the information; and they did so in a manner consistent with acceptable research methods (Wijers, 2015). The problem with use of expert knowledge is that those in positions of power are at liberty to decide which expertise they would like to draw upon. Benoit et al. (2017) previously highlighted how parliamentary committees during the legislative reform process demonstrated clear preference for research from Sweden (the source of the abolitionist ‘Nordic model’) and testimony from survivors of sex-trafficking, rather than evidence from active sex workers, sex worker organizations, and social scientists researching sex workers’ lived experiences.

The decision by policy makers to consider only certain narratives as “expert” is troubling; however, the presentation of the OPCPRO raises even greater concern because it appears as

scientific data, when, in truth, it is crowdsourced opinion polling. For example, the DOJ published the OPCPRO on the official Department of Justice website alongside other credible research papers, research series, crime statistics, and surveys (Reports and Publications, 201). Although the DOJ specifies the differences between different document types, they listed the OPCPO results as a report. This listing type is misleading because it does not characterize the nature of the data collected, and the academic standards between different reports vary greatly. Other documents listed as “reports” follow significantly more rigorous scientific standards. For example, as a point of comparison, the “Violence Perpetrated by Ex-Spouses in Canada” report, unlike the OPCPO, has a listed author, bibliography, cited academic research, and an extensive description of the methodology. The portrayal of the OPCRPO as scientific demonstrates that the DOJ did not provide the public with a meaningful public consultation. Although public consultations involve publication, they are not scientific data (Rodrigo, 2006).

Problematic Questions

As mentioned at the outset of this research, the Department of Justice posed six questions to the public regarding the Canadian Federal governments’ response to the (Attorney General) v. Bedford² decision. The Department constructed the questions as follows:

1. Do you think that purchasing sexual services from an adult should be a criminal offence? Should there be any exceptions? Please explain.
2. Do you think that selling sexual services by an adult should be a criminal offence? Should there be any exceptions? Please explain.
3. If you support allowing the sale or purchase of sexual services, what limitations should there be, if any, on where or how this can be conducted? Please explain.

² *Canada (AG) v Bedford*, [2012] ON CA 186. [*Canada v Bedford*]

4. Do you think that it should be a criminal offence for a person to benefit economically from the prostitution of an adult? Should there be any exceptions? Please explain.
5. Are there any other comments you wish to offer to inform the Government's response to the Bedford decision?
6. Are you writing on behalf of an organization? If so, please identify the organization and your title or role.

van den Hoonaard (2015) discusses the importance of asking appropriate research questions when conducting qualitative research. Specifically, she argues that questions should elicit responses that are “descriptive and analytical, rather than prescriptive” (p. 48). Clearly, the nature of the questions posed by the DOJ does not aim to prompt nuanced responses from Canadians about their thoughts on the sex industry, but instead sought to establish whether Canadians view this as “right or wrong behavior” (van den Hoonaard, 2015, p. 208). Although it could be argued that consultations do not need to meet the same standards as scientific inquiry, nevertheless, the DOJ conflated the results of the OPCPO with other scientific reports, and so it is concerning that the questions they put forth did not meet scientific standards.

One of the other issues with the questions asked in the OPCPRO was that they were open-ended. The nature of the questions led to various interpretations by respondents and prompted answers that addressed other, tangential, issues. Although the questions specify the government's interest in how Canadians felt about adult sex work, many respondents elected to voice concern about human trafficking and the involvement of youth in the sex industry. Although respondents' concerns are legitimate, existing laws do protect children from sexual abuse and address human trafficking, and these laws were not at risk of modification during the time of the consultation. The tendency by respondents to conflate adult sex work with human

trafficking and child sexual abuse made focusing the discussion on specific laws difficult. This is one of the many drawbacks of asking open-ended questions on an online forum. Without an interviewer to guide respondents to reveal specific thoughts, responses may become awkward or unrelated to the topic of interest (van den Hoonard, 2015). Typically, policy makers do not conduct public consultations using online forums, but rather engage with interest groups in-person. During in-person forums, those who preside over the proceedings can maintain focus on the specific issues disputed.

Sex Workers not at Forefront of Discussion

Many sex workers, sex work organizations, third parties, and individuals who research the sex industry, have made calls for meaningful consultation with sex workers during the production of sex work related policies. Numerous respondents to the OPCPO shared this desire to place sex workers at the forefront of the debate:

The government's response should develop in consultation with sex workers themselves and this response should not reproduce the harms and effects created by the previous legal framework (Sex Work Organization, p. 243).

Lawmakers should work closely with sex workers across Canada in the writing of any new law. As with many issues, laws based on ideology or public stigma will prove disastrous (Sex Worker, p. 345).

Despite the Online Public Consultations' various methodological flaws, it did deliver an opportunity for members of the sex industry to provide legislators with their viewpoints, and potentially change the direction of PCEPA towards something that would benefit them and respect their safety and liberty interests. Unfortunately, the Justice Department did not take the steps to make this happen. Rather than produce an in-depth analysis of the responses from sex

workers, the DOJ only published the results from organizations that represent sex workers. This resulted in only a fraction of sex workers' responses receiving special consideration, and bolstered the submissions of police departments, municipalities and religious organizations, that have traditionally held power over the lives of sex workers, and controlled the narratives that shape policy. Unsurprisingly, all of these establishments' responses overwhelmingly supported asymmetrical criminalization, the legal model preferred by the Harper administration.

The fact that the DOJ separated of responses from sex workers is curious, considering they did not include sex workers' responses in their organizational results, or analyze their contributions separately in the final report. One possible explanation is that (as this research demonstrated) sex industry workers favor decriminalized policies, which were not popular among the Harper administrations' electoral base. The data from self-identified sex workers and sex industry third parties overwhelmingly emphasizes that decriminalization is the best model to protect sex workers safety and security interests. Had the government chosen to focus on the opinions of the people who are most affected by the laws, they would have found themselves having to contend with the option of decriminalization. An important element of any public consultation is that the stakeholders and interests groups are included in the discussion (Rodrigo, 2006).

Despite sex workers being able to respond to the OPCPRO, their contributions are not analyzed with the same level of consideration as other interest groups. The DOJ's use of sex workers responses demonstrates that the OPCPRO does not provide a platform consistent with traditional forms of public consultation. Sex workers arguably the most significant interest group to query about sex work related policies because these laws affect them the most severely.

Grouping their responses with other organizations, and not analyzing their concerns separately, indicates that the federal government was not concerned with providing meaningful consultation.

Crowdsourcing

The issues raised above demonstrate that the methodologies used by the DOJ during the execution of the OPCPRO are not consistent with traditional public consultation. The methods used by the DOJ are more consistent with crowdsourcing practices. Crowdsourcing is a relatively new phenomenon, whereby groups acquire goods, services, and information through solicitation of individuals online (Estellés-Arolas & González-Ladrón-de-Guevara, 2012). The individuals solicited possess varying levels of expertise, education, knowledge, capital and familiarity with the undertaking being crowdsourced. Typically, crowdsourced projects provide benefit for both the crowdsourcer and those petitioned. The crowdsourcer uses the product or information that was crowdsourced to their benefit, while those who undertook the project receive personal satisfaction from contribution, the development of new skills, and may reap the benefit of the product produced (Estellés-Arolas & González-Ladrón-de-Guevara, 2012). The OPCPRO also provided mutual benefit to both the crowdsourcer (the Federal government) and the petitioned (respondents). The Federal government was able to use the findings of the consultation to justify the implementation of their policies, while those who responded to the OPCPRO received satisfaction from feeling that they contributed to the policy production process. Criticisms commonly levied at crowdsourcing also apply to the OPCPRO.

Firstly, Crowdsourcing allows participation from everyone, even those who are unqualified or unfamiliar with the undertaking, and crowdsourced projects regularly receive unusable or low quality contributions (Estellés-Arolas & González-Ladrón-de-Guevara, 2012). The OPCPRO solicited responses from all Canadians, regardless of their familiarity with sex

work related policies or knowledge of the sex industry. The openness of the OPCPRO to all Canadians, regardless of knowledge about the sex industry, raises questions about the appropriateness of using crowdsourcing to inform policy decisions, especially policies that deal with Canadians constitutional rights.

Organizations that crowdsource projects regularly hire qualified individuals to sift through contributions in order to determine which submissions are usable or of high quality (Estellés-Arolas & González-Ladrón-de-Guevara, 2012). Although the DOJ redacted responses they deemed indecipherable or entirely unrelated to the questions posed (Department of Justice, 2014), they did not explain the criteria they used to make these judgements. The design of a crowdsourcing platform also affects the quality of products produced (Estellés-Arolas & González-Ladrón-de-Guevara, 2012). This research highlights some design flaws of the OPCPRO, such as allowing for the self-identification of respondents, the potential for multiple submissions, and posing leading questions.

Additionally, the OPCPRO may not have provided respondents with enough information and context to propose meaningful policy changes. Organizations that crowdsource projects typically collect lower quality submissions when they fail to provide adequate information about the product they require (Estellés-Arolas & González-Ladrón-de-Guevara, 2012). Although the DOJ published some information about international regulatory models and the Bedford decision, their descriptions were not comprehensive, nor is it clear that respondents actually read this information. Respondents' unfamiliarity with the sex industry likely adversely affects their contributions, and brings into question the strength of the Justice Departments' results.

The issues commonly attributed to crowdsourcing described above raise questions about whether the Canadian government should use crowdsourcing as a means of developing policy.

Although crowdsourcing is an inexpensive and convenient means of obtaining data, and increasing public participation in policymaking is admirable, the data it generates is not reliable. Additionally, crowdsourcing from those who are not familiar with sex work policy or the realities of the sex industry is counterintuitive, because it is unlikely that those without knowledge or expertise will yield information that result in pragmatic and nuanced policy decisions. Rather than considering all claims as equally valuable, soliciting the opinions of a variety of experts and those who operate within the sex industry is logically more appropriate.

In this chapter, I analyzed the execution of the OPCPRO by the Department of Justice, including the use of leading questions, self-identification of respondents, and portrayal of the consultation as scientific data. I also argue that the DOJ did not execute the OPCPRO in a manner consistent with traditional public policy consultation, but has features similar to crowdsourcing. I also highlight many of the criticisms of crowdsourcing, and propose that using crowdsourcing to inform the production of public policy is problematic because the government should not weigh the perspectives of people unfamiliar with prostitution as equal to those who possess lived experiences of the industry.

Chapter 8 - Conclusion

The purpose of this study was to answer four research questions:

- 1) How do respondents to the OPCPO construct sex work and the experiences of sex workers?
- 2) How do claimsmakers frame their positions to appeal to a Canadian audience?
- 3) How did the Department of Justice collect, analyse, and present the data collected from organizations?
- 4) Are the Department of Justice's methods consistent with best practices in social science research?

In what follows, I provide summaries of this study's research contributions, and discuss the conclusions drawn for each of these questions. I then review the study's limitations, and identify areas for future research.

Summary of Findings and Research Contribution

This study contributes qualitative findings to the body of academic research concerning Canadians diverse views about regulating the sex industry (Lutnick & Cohan 2009; Hayes-Smith & Shekarkhar, 2010; Krusi, Kerr, Taylor, Rhodes, & Shannon, 2016; Benoit, Jansson, Smith, & Flagg, 2017). This study also provides needed context concerning the lead up to the implementation of PCEPA, especially considering the law requires that the Canadian government review PCEPA in mid-2020 (Benoit, Jansson, Smith, & Flagg, 2017). Many of the findings of this study reflect the characterizations put forth in similar research of pro-criminalization and anti-criminalization constructions of the sex industry (Lutnick and Cohan 2009; Jeffrey & Macdonald 2006; O'Doherty, 2011; Durisin, van der Meulen & Bruckert, 2018; Khan, 2018; Shaver, Bryans, & Bhola, 2018).

The findings of this study demonstrate SWC claimsmakers provide grounds such as that the sex industry is inherently violent, exploitive, and detrimental to the lives of those engaging in sexual trade. These proponents construct sex workers as victims by describing them as vulnerable women and girls who are the victims of childhood abuse, drug addiction, economic disadvantage, and human trafficking. SWC claimsmakers vilify third parties by framing them as pimps, procurers, and sex traffickers. SWC claimsmakers also claim that they are male victimizers who use drugs and violence as methods of power and control to harm female sex workers.

SWC claimsmakers establish these “realities” to promote narratives that the sex industry is contrary to Canadians basic belief in equality rights, such as those individuals should be guaranteed freedom, security and dignity. Establishing that these equality rights are at risk is advantageous for two reasons. The first is that these values are widely held by Canadians, and would therefore act as convincing justifications for implementing these policies. The second is that the DOJ conducted the OPCPRO as a response to the Supreme Courts’ ruling in the Bedford decision; therefore, framing policies using language drawn from the Canadian Charter of Rights and Freedoms was advantageous because implementation of new policies needed to be consistent with sex workers charter rights.

The findings of this study also demonstrate that SWL claimsmakers construct sex workers and sex workers clients, and third parties as adults who freely choose to engage in both the sale and purchase of sex. SWL claimsmakers frame the sale of sex as a legitimate service and profession; they also express the belief that legalizing or decriminalizing sex work will alleviate the stigma that sex workers experience. SWL claimsmakers claim that third parties provide invaluable services to sex workers, and that in-door sex work is preferable to operating outdoors because it is safer. SWL

claimsmakers differentiate between sex work and sex trafficking, suggesting that current laws provide the state with sufficient power to prosecute individuals who exploit sex workers, trafficking victims, and youth. Lastly, respondent's claim that sex workers need to be at the forefront of policy creation because they possess expert knowledge about the realities of the industry. SWL claimsmakers establish these "realities" to support narratives that criminalization is contrary to sex workers equality rights, such as freedom, security and dignity. Establishing criminalization infringes on these equality rights is beneficial because Canadians overwhelmingly support the values entrenched in the Charter of Rights and Freedoms, and framing their policies with language drawn from the Canadian charter of Rights and Freedoms ensures that policymakers will believe decriminalization and legalization to be consistent with the Charter.

SWC claimsmakers constructions of the sex industry are overwhelmingly similar; however, the one major difference is that abolitionist proponents do not support criminalizing sex workers, whereas criminalization proponents do. Abolitionist proponents claim that criminalizing sex workers is wrong because they are victims who would leave the sex industry given the opportunity. Criminalization proponents agree that sex workers are victims; however, they frame criminalization as a tool that the state can use to place sex workers in programs to assist them and remove them from exploitive situations. Oddly, criminalization and abolition advocates still both draw on values of freedom and security to justify these opposing beliefs. Abolitionists suggest that by not criminalizing sex workers, they will not be burdened by criminal records, and therefore more capable of exiting the sex industry and making "real" choices. Abolitionists also suggest that in an asymmetrical criminal environment, sex workers will be less afraid to call police, and report violent pimps and clients, thereby making them safer. Alternatively, criminalization proponents feel that criminalizing sex workers allows police additional power to remove them from exploitive

situations, and help them find programs that will assist them to exit the sex industry.

SWL claimsmakers claims are also overwhelmingly similar; however, there were some small differences. Legalization advocates felt that there is a need for mandatory health evaluations to screen sex workers for sexually transmitted diseases. They justify these policies by stating that sex workers pose a risk to themselves and their clients. Decriminalization proponents did not express this as a concern, and claimed that sex workers already act appropriately to protect themselves and their clients. Legalization proponents also suggest that sex work should be subject to “zoning” laws that would only allow performance of sex work in certain areas. They justify these policies by claiming that zoning makes sex workers safer and allows for surveillance of potentially harmful clients and third parties. Decriminalization advocates did not express this as concern, and claimed that provision of sexual services already occurs safely in non-commercialized settings.

One major valence issue emerged from both SWC and SWL claimsmakers rhetoric. Both claimsmaking groups agreed that youth should not have legal access to the sale or purchase of sex, and that youth require protection from exploitive pimps or procurers. The unanimity on this position is likely the result of Canadians general agreement that youth do not possess the capacity to consent to sexual services, and that they are relatively vulnerable. Espousing support for protecting youth conveys to the audience that respondents’ preferred legal models uphold Canadians rights to security and freedom. In addition to my analysis of the claims made in the OPCPRO, I provided a critique of the OPCPRO. I found that there were multiple flaws in how the DOJ conducted the consultation, specifically that they did not follow methods consistent with public consultation, instead drawing on methods commonly found in crowdsourcing. I determined that use of crowdsourcing to solicit public opinion of policy production was problematic because crowdsourcing allows those who may be uninformed to provide input and it typically produces data

that is unreliable. Analysis of the OPCPRO demonstrated that it is comprised of data that has many of the same drawbacks. I suggest that soliciting the opinions of experts and those involved in the sex industry is a better method of acquiring data that is both useful and pragmatic.

Limitations

Despite contributing valuable theoretical analysis to the body of literature concerning sex work, I concede there were limitations to this study. First, while the sample size of responses was large (n=241), the second hand nature of the data, and the way that the DOJ constructed the questions, limited the nuance that respondents could provide, and presumably lead respondents to focus on particular aspects of the sex industry, rather than explaining more broadly their understandings. This study was also constrained by the methodologies that the Department of Justice employed to collect and analyze responses to the OPCPRO. The perspectives and experiences described by respondents are not fully representative of the majority of Canadians, partially because there were many flaws in the DOJ's methods as discussed above.

Directions for Future Research

Throughout this study, I identified a number of possible future research endeavours that align with both my findings and unanswered questions regarding the DOJ's methods. First, I feel that valuable insights will arise from conducting a comparative analysis of the rhetoric found within the responses to the OPCPRO and legislators involved in the creation of PCEPA. I propose this research because it provides the opportunity to understand the effectiveness of the OPCPRO had in supplying a platform for Canadians to engage with legislators in creating policy through claims making processes. A second suggestion is to evaluate whether the themes found in this study reflect the claims making of the other 30'000 responses submitted to the OPCPRO. As previously mentioned, the consultation process raises concerns about the use of crowdsourcing

for purposes of producing public policy. Examining the rest of the responses would provide insight concerning how Canadians who are less familiar with the sex industry construct its realities, and then assessing the value of those constructions in creating effective policy. A third suggestion is to conduct interviews with analysts and key decision makers who work at the DOJ. While conducting this research, I had an opportunity to have an informal conversation with a Justice Department crime analyst. He provided some interesting insights about the impact bureaucracy has in decisions concerning how the DOJ presents data, chooses methods of analysis, and informs key policymakers about their findings. I feel that formally interviewing more analysts would expand on these insights and create new knowledge about the relationship between claims making and policy production.

Bibliography

- Abel, G. (2011). Different stage, different performance: the protective strategy of role play on emotional health in sex work. *Social Science and Medicine*, 72(1), 1177-1184.
- Abel, G. (2014). A decade of decriminalization: Sex work 'down under' but not underground. *Criminology and Criminal Justice*, 14(5), 580-592.
- Abel, G., Fitzgerald, L., Healy, C., & Taylor, A. (2007). The impact of the prostitution reform act on the health and safety practices of sex workers. *Prostitution Law Review Committee*, 14(1), 7-23
- Belak, B. (2018). Bedford v. Canada. In E. Durisin, E. van der Meulen, & C. Bruckert, *Red Light Labour* (pp. 48-56). Vancouver: UBC Press.
- Benoit, C., Jansson, M., Smith, M., & Flagg, J. (2017). Well, it should be changed for one, because it's our bodies: sex workers' views on canada's punitive approach towards sex work. *Social Sciences*, 6(52), 1-17.
- Benoit, C., McCarthy, B., & Jansson, M. (2015). Occupational stigma and mental health: discrimination and depression among front-line service workers. *Canadian Public Policy*, 42(1), 561-569.
- Benoit, C., Ouellet, N., & Jansson, M. (2016). Unmet health care needs among sex workers in five census metropolitan areas of canada. *Revue Canadienne De Sante Publique*, 107(3) 266-271.
- Best, J. (2017). *Social Problems*. New York: Norton.
- Bindel, J., & Kelly, L. (2003). A Critical Examination of Responses to Prostitution in Four Countries: Victoria, Australia; Ireland; the Netherlands and Sweden. London: London Metropolitan University.
- Bittle, S. (2018). Protecting Victims Sexually Exploited Through Prostitution? In E. Durisin, E. van der Meulen, & C. Bruckert, *Red Light Labor* (pp. 134-156). Vancouver: UBC Press.
- Blumer, H. (1969). What is wrong with social theory. *American Sociological Review*, 3-10.
- Boswell, C. (2009). *The political uses of expert knowledge. Immigration policy and social research*. Cambridge: Cambridge Press.

- Brents, B., & Hausbeck, K. (2001). State-sanctioned sex: negotiating formal and informal regulatory practices in Nevada brothels. *Sociological Perspectives*, 44(3), 307-332. doi:10.1525/sop.2001.44.3.307
- Brents, B., & Hausbeck, K. (2005). Violence and legalized brothel prostitution in Nevada: examining safety, risk, and prostitution policy. *Journal of Interpersonal Violence*, 20(3), 270-295. doi:10.1177/0886260504270333
- Bruckert, C. (2012). The Mark of Disreputable Labor: Workin' It Sex Workers Negotiate Labour. In S. Hannem, & C. Bruckert, *Stigma Revisited Implications of the Mark*, 55-78 Ottawa: University of Ottawa Press.
- 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.
- Chapkis, W. (1997). *Live sex acts: women performing erotic labor*. New York: Routledge.
- Charmaz, K. (2014). *Constructing Grounded Theory*. London: SAGE.
- Comte, J. (2014). Decriminalization of sex work: feminist discourses in light of research. *Sexuality & Culture*, 18(1), 196-217.
- Denzin, N., & Lincoln, Y. (2011). *The Sage Handbook of Qualitative Research*. Los Angeles: Sage.
- Department of Justice. (2014). *Prostitution Criminal Law Reform: Bill C-36, the Protection of Communities and Exploited Persons Act In force as of December 6, 2014*. Department of Justice Canada.
- Department of Justice. (2014). *Technical Paper: 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*. Department of Justice Canada.
- Deering, K. (2014). A systematic review of the correlates of violence against sex workers. *American Journal of Public Health*, 104(5), 1-13.

- Douglas, B., Grabb, E., & Willam, J. (1993). National character, regional culture, and the values of Canadians and Americans. *Canadian Sociological Association*, 10(2), 14-38.
- Durisin, E., van der Meulen, E., & Bruckert, C. (2018). Contextualizing Sex Work: Challenging Discourses and Confronting Narratives. In E. Durisin, E. van der Meulen, & C. Bruckert, *Red Light Labour* (pp. 3-26). Vancouver: UBC Press.
- Estellés-Arolas, E., & González-Ladrón-de-Guevara, F. (2012). Towards an integrated crowdsourcing definition. *Journal of Information Science*, 189 (200), 1-14.
- Farley, M. (2004). Bad for the body, bad for the heart: prostitution harms women even if legalized or decriminalized. *Violence Against Women*, 10(10), 1087-1125.
- Gilles, K., & Bruckert, C. (2018). Pimps, Partners and Procurers: Criminalizing Street-Based Sex Workers' Relationships with Partners and Third Parties. In E. Durisin, E. van der Meulen, & C. Bruckert, *Red Light Labour* (pp. 82-93). Vancouver: UBC Press.
- Goffman, E. (1963). *Stigma: Notes on the Management of Spoiled Identities*. London: Penguin Books.
- Hannem, S. (2018). Everybody Knows Everybody: Sex Work in Rural and Small Communities. In E. Durisin, E. van der Meulen, & C. Bruckert, *Red Light Labour* (pp. 224-233). Vancouver: UBC Press.
- Hannem, S., & Bruckert, C. (2014). Legal Moralism, Feminist Rhetoric, and the Criminalization of Consensual Sex in Canada. In J. Kilty, *Within the Confines: Women and the Law in Canada* (pp. 318-335). Toronto: Canadian Scholar Press.
- Hannem, S., & Bruckert, C. (2017). I'm not a pimp, but I play one on tv: the moral career and identity negotiations of third parties in the sex industry. *Deviant Behavior*, 38(7) 824-836.
- Hayden, M., Levy, J., & Thompson, J. (2015). *The SAGE Handbook of Research in International Education*. New York: SAGE.
- Hayes-Smith, R., & Shekarkhar, Z. (2010). Why is Prostitution Criminalized? An Alternative Viewpoint on the Construction of Sex Work. *Contemporary Justice Review*, 13(1), 43-55.

- Hochschild, A. (2003). *The Managed Heart*. London: The University of California.
- Howlett, M., & Adam, W. (2011). Policy analysts in the bureaucracy revisited: the nature of professional policy work in contemporary government. *Politics and Policy*, 49(4) 613-633.
- Jeffrey, L. A., & Sullivan, B. (2009). Canadian sex work policy for the 21st century: enhancing rights and safety, lessons from australia. *Canadian Political Science Review*, 3(1), 57-76.
- Kavemann, B., & Rabe, H. (2007). The act of regulating the legal Situation of prostitutes – implementation, impact, current developments: Findings of a study on the impact of the German Prostitution Act. *Social Science Women's Research Institute*, 2(1), 3-43.
- Kernerman, G., & Resnick, P. (2005). *Insiders and Outsiders: Alan Cairns and the Reshaping of Canadian Citizenship*. Vancouver: UBC Press.
- Krusi, A., Kerr, T., Taylor, C., Rhodes, T., & Shannon, K. (2016). 'They won't change it back in their heads that we're trash': the intersection of sex work-related stigma and evolving policing strategies. *Sociology of Health and Illness*, 1137-1150.
- 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. doi:10.1177/1748895814528926
- Loseke, D., & Best, J. (2011). *Social Problems: Constructionist Readings*. New Jersey: AldineTransaction.
- Lundin, M., & Oberg, P. (2014). Expert knowledge use and deliberation. *Policy Science*, 2(1) 25-49.
- Maynard, R. (2018). Do Black Sex Workers' Lives Matter? Whitewashed Anti-Slavery, Racial Justice, and Abolition. In E. Durisin, E. van der Meulen, & C. Bruckert, *Red Light Labour*(pp. 281-292). Vancouver: UBC Press .
- O'Doherty, T., Millar, H., Clancey, A., & Mackenzie, K. (2018). Misinterpretations, Inadequate Evidence, and Impediments to Justice. In E. Durisin, E. van der Meulen, & C. Bruckert, *Red Light Labour* (pp. 104-120). Vancouver: UBC Press.
- Palamar, J. (2013). An examination of beliefs and opinions about drug use in relation to personal stigmatization towards drug users. *Journal of Psychoactive Drugs*, 45(5), 367-373.

- Pinsky, D., & Levey, T. (2015). A world turned upside down: emotional labour and the professional dominatrix. *Sexualities*, 18(4) 438-458.
- Pompper, D. (2017). *Rhetoric of femininity: female body image, media, and gender role stress/conflict*. Palo Alto: Lexington Books.
- Redwood, R. (2018). Myths and Realities of Male Sex Work: A Personal Perspective. In E. Durisin, E. van der Meulen, & C. Bruckert, *Red Light Labour* (pp. 160-167). Vancouver: UBC Press.
- Reports and Publications. (2019, 08 15). Retrieved from Department of Justice.ca: <https://www.justice.gc.ca/eng/rp-pr/index.html>
- Research and Statistics Division . (2014). *Online Public Consultation on Prostitution-Related Offences in Canada Final Results* . Department of Justice Canada.
- Rodrigo, D. (2006). Background Document on Public Consultation. *OCDE*, 1- 8.
- Romanow, R. (2012, 06, 27). *Reflecting Canadian values*. Retrieved from Canadian Index of Wellbeing: <https://uwaterloo.ca/canadian-index-wellbeing/about-canadian-index-wellbeing/reflecting-canadian-values>
- Room, R. (2005). Stigma, social inequality and alcohol and drug use. *Drug and Alcohol Review*, 24(2), 143-155.
- Roots, K. (2013). Trafficking or pimping? an analysis of canada's human trafficking legislation and its implications. *Canadian Journal of Law and Society*, 28(1) 21-41.
- Sampson, L. (2014). "The obscenities of this country" canada v. bedford and the reform of canadian prostitution laws. *Duke Journal of Gender Law & Policy*, 22(137), 138-172.
- Sanders, T. (2004). A continuum of risk? the management of health, physical and emotional risks by female sex workers. *Sociology of Health and Illness*, 26(5) 557-574.
- Shaver, F. (1994). The Regulation of Prostitution: Avoiding the Morality Traps. *Law, Feminism and Sexuality*, 11(3) 123-145.
- Shaver, F., Bryans, J., & Bhola, I. (2018). Perceptions of Sex Work: Exploring the Narratives of Police and Regulatory Officials. In E. Durisin, E. van der Meulen, & C. Bruckert, *Red Light Labour* (pp. 121-133). Vancouver: UBC Press.

- Simpson, L. (2018). Violent victimization of lesbians, gays and bisexuals in Canada. *Juristat: Canadian Centre for Justice Statistics*, 1, 1-13.
- Sullivan, B. (2010). When (some) prostitution is legal: the impact of law reform on sex work in Australia. *Journal of Law and Society*, 37(1), 85-104. doi:10.1111/j.1467-6478.2010.00496.x
- Thomas, J., & Williams, D. (2016). Getting off on sex research: a methodological commentary on the sexual desires of sex researchers. *Sexualities*, 19(1-2), 83-97.
- van den Hoonaard, D. (2015). *Qualitative Research in Action*. Don Mills: Oxford University Press.
- van der Meulen., & Elya, D. (2018). Sex Work Policy: Tracing Historical and Contemporary Developments. In E. Durisin, E. van der Meulen, & C. Bruckert, *Red Light Labour: Sex Work Regulation, Agency and Resistance* (pp. 27-47). Vancouver: UBC Press.
- Vanwesenbeeck, I. (2017). Sex work criminalization is barking up the wrong tree. *Archive of Sexual Behavior*, 46(6), 1631-1640.
- Verhoeven, M., & van Gestel, B. (2017). Between visibility and invisibility: Sex workers and informal services in Amsterdam. *Feminist Economics*, 23(3), 110-133.
- Wagenaar, H. (2017). Why prostitution policy (usually) fails and what to do about it? *Social Sciences*, 6(2) 1-15.
- 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.
- Weitzer, R. (2012). Sex Trafficking and the Sex Industry: The Need for Evidence-Based Theory and Legislation. *The Journal of Criminal Law and Criminology*, 101(4), 1137-1369.
- Wijers. (2015). Purity, Victimhood, and Agency: Fifteen Years of the UN Trafficking Protocol. *Ani-Trafficking Review*, 4, 56-79.
- Young, A. (2008). The state is still in the Bedrooms of the nation: The control and regulation of sexuality in Canadian criminal law. *The Canadian Journal of Human Sexuality*, 17(4), 203-220.

