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"If I'm gonna hack capitalism": Racialized and Indigenous Canadian sex workers' experiences within the Neo-liberal market economy



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Introduction

On December 2014, Canada criminalized the purchase of sexual services. This law reform was in response to the famous 2013 case of Canada (Attorney General) v. Bedford.¹ In Bedford, three applicants (current and former sex workers), constitutionally challenged three Criminal Code prohibitions on sex-work-related activities – keeping a bawdy-house,² living on the avails of prostitution³ and communicating in public for the purpose of prostitution.⁴ In a unanimous judgment, The Supreme Court of Canada struck down all three provisions, and suspended the declaration of invalidity for one year, thus giving time for the Parliament of Canada to respond legislatively.⁵ During this law reform process, conventional understanding and stereotypical tropes of those who engage in the sex industry took centre stage with lawmakers invoking raced, classed and gendered identities to classify the people engaged in the Canadian sex industry. Bruckert (2015) argues that Bill C-36, *Protection of Communities and Exploited Person's Act*,⁶ the end product of the law reform process, also made the dubious assertion that sex work is inherently violent and exploitative.

Judging from the contents of Bill C-36 we can infer that pimps/third parties and Johns/clients are exclusively males, and are inherently violent and abusive. From the wording of the document, we can also deduce that all those who sell sexual services are females and are inherently victims. They are framed as victims who are so disadvantaged that they have no other choice in life, and who are manipulated or forced into the sex industry under duress. Furthermore, Bill C-36 emphasizes that its objectives are to save the disproportionate number of marginalized, Indigenous women and girls who are involved in the sex industry, minimize the opportunity for human trafficking, and prevent the sexual exploitation of these vulnerable populations. From this,

we can conclude that the new laws attribute the normative version of "victim" to a racialized woman.

The narrative of the female sex worker as the inherent victim is not only prevalent in Bill C-36 but is the dominant discourse among anti-sex work feminists and activists (Farley, 2003, 2004; Holsopple, 1999; Raphael, Reichert, & Powers, 2010). Razack (1998) specifically condemns the Canadian sex industry for the victimization of racialized and Indigenous women.⁷ Scholars in the field have argued that representations of sex workers as essential victims are not only problematic, but also inaccurate as it does not leave room to address the complexity of sex workers identities and often irrelevant, as it aims to control some women's sexuality (Brewis & Linstead, 2000; Jeffrey & Macdonald, 2006a, 2006b; Kesler, 2002.). Drawing from Moscovici (2001) I identify three problems with the essential representations of sex works as inherent victims that affect racialized and Indigenous sex workers. First, such normative representations, despite being false, present a definite form and a specific category of racialized and Indigenous women who choose to sell sexual services. Second, the trope of sex workers as victims is then used to establish racialized and Indigenous sex workers as a model of a certain type of victim, even when some racialized women do not conform precisely to that model. Finally, imposing such a prescriptive representation of 'victim' upon all racialized and Indigenous women who decide to sell sexual services with irrepressible force is intended to influence the minds of the general public in such way that the victim narrative is not contested or questioned, rather it is recited and reproduced without any thought (see Weitzer, 2011).

Drawing on the lived experiences of racialized and Indigenous sex workers, in this paper, I contest the normative representations used to categorize racialized and Indigenous sex workers as all victims. I present an empirically informed discussion that draws on multiple, interrelated conceptual frameworks to provide insight into how racialized sex workers locate their identities within the neoliberal market economy. Since Carol Leigh (1997), coining the term "sex work" in the 1970's, many scholars in the field have challenged the victim narrative by drawing attention to sex workers' positions as workers and entrepreneurs. Canadian scholars have examined the many aspects of sex workers' experiences in life and at work, including transitioning out of sex work (Bowen, 2015; Brock, 1998; Bruckert, 2002; Bruckert & Chabot, 2010; Bruckert & Parent, 2006; Jeffrey & Macdonald, 2006a, 2006b; Law,

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¹ Herein referred to as *Bedford*.

² A bawdy-house is defined in s. 197(1) of the Criminal Code as a place "Kept or Occupied, or resorted to... for the purpose of prostitution or the practice of acts of indecency". Section 210 lays out offences for keeping, being an inmate of, or being found without lawful excuse in a common bawdy-house.

³ The indictable offence of living "wholly or in part on the avails of prostitution of another person" is laid out in s.212 (1)(j).

⁴ Section 213(1)(c) defines the offences of communicating for the purpose of prostitution, which includes stopping or attempting to stop anyone or communicating or attempting to communicate with anyone in a public place for the purpose of engaging in prostitution or hiring a prostitute.

⁵ Canada has two primary sources of criminal law: legislation and judicial decisions.

⁶ Herein will be referred to as *Bill C-36*, which received royal assent and became law on December 2014.

⁷ Razack (1998) claims that "...patriarchy is the culprit and white supremacy and capitalism are merely the accomplices" in "the most socially disadvantaged women occupy[ing] the lowest rungs of the prostitution hierarchy and encounter[ing] more violence" (p339).

2013). However, no Canadian studies have exclusively focused on racialized and Indigenous women's experiences within the neo-liberal market place. This study is the first of its kind.

In this paper drawing on Brighenti's (2010) visibility theory, I start from the position that racialized and Indigenous sex workers' "(in)visibility composition" has a profound effect on their economic subjectivity. According to A. Brighenti (2007), visibility as a single field is composed of three key features: visibility as relational, visibility as strategic and visibility as a process. Secondly, drawing on Goffman's (1963) notion of passing, I explore racialized and Indigenous sex workers' entrepreneurial activities that allow them to compete for economic rewards in the marketplace. Here I link racialized and Indigenous sex workers' (in-)visibility compositions to their passing and performing subjectivity in order to articulate the fluidity, ambiguity, and instability of their raced, classed and gendered identity categories. In doing so, I establish that sex workers carry out a cost-benefit analysis of their relationships, interactions, and behaviours to maximize not only their economic worthiness in the marketplace but also, by extension their political and social capital.

Research participants and method

I interviewed a total of 40 individuals between August 2014 and April 2015. Of these 40 participants, 38 individuals self-identified as women, and 2 identified as women for the purpose of sex work; these two individuals otherwise self-identified as gender non-binary.⁸ Among the 40 participants, 2 self-identified as Arabs, 4 as East/Southeast Asians, 3 as Indigenous, 6 as South Asians, 13 as black and 12 as mixed race.⁹ Only two identified as former sex workers. The remaining 38 participants are currently engaged in various indoor sectors of the sex industry, such as escort agencies, massage parlours, independent in-call and out-call service providers, and webcamming.

I interviewed participants through in-depth, open-ended, and face-to-face interviews in Vancouver, Niagara Falls, Toronto, Kingston, and Ottawa. I also interviewed participants by telephone and Skype. Interviews ranged in duration from 40 to 150 min. Interview questions for this study primarily focused on each individual's lived experiences as a person of colour who is engaged in sex work. A scripted interview guide, approved by Carleton University's Research Ethics Board was used to interview research participants. In addition to relying on the sequential probes to pursue leads provided by respondents, I also posed follow-up questions to narratives offered by respondents. Interview sessions were very conversational, such that the dialogue between the two of us sometimes veered off the scope of this study, but not off the larger topic of racism, oppression, and marginalization.¹⁰ Hence the length of the interview depended on the extent to which respondents were willing to expand on their stories. On average, interviews were about 90 min long. In this paper, names and other details that could be used to identify research participants have been altered to protect their anonymity.

The contemporary sex industry and sex worker

The contemporary adult commercial sex industry is complex. This complexity originates from the plurality of services offered, and the range of settings (from saunas, escort agencies, and streets, to private

apartments) in which sex workers operate. The structuring practices within the sites of this particular industry are not static, linear or ordered, but are rather flexible, fluid and uncertain. In other words, the adult commercial sex industry has evolved with the popularity of the Internet, and it is also shaped by globalization and a consumer-driven, service-based economy (Bernstein, 2007; Brents & Hausbeck, 2010; Gall, 2006). The evolution of the adult commercial sex industry is so significant that Brents and Hausbeck (2010) argue that mainstream culture and the adult commercial sex industry are converging in many important ways.¹¹ With the convergence of sex industry and square marketplace, it is important for us to learn about the different kinds of labours in the current global cultural and economic context (Brents & Hausbeck, 2010). Under these economic conditions, the narrow, victim narratives advanced by dominant conservative discourse are nonsensical and therefore irrelevant.

While the sex industry itself carries a very low status, some women in the industry are perceived as "unrespectable" and "immoral," yet others, depending on their race, class, and stratum, are deemed "respectable." For example, street-based sex workers with drug problems and extreme poverty are deemed unrespectable and upscale escorts and call-girls are perceived to be respectable. This relational process of subjectification and objectification prevalent in dominant discourses reinforces sex workers' degraded legal subjectivity. Sex workers are first subjected to social condemnation. Their low social reputation then makes it easy to justify sex workers' subordinate position, and undermine their right to societal membership and active citizenship. Denying sex workers their right to articulate a public and political identity prevents them from integrating into the social and political world, rendering them economically and politically unworthy and passive citizens (Pratt, 2005). Under these circumstances, it is necessary to develop an understanding of how racialized sex workers operate within the current global cultural and economic context of the adult commercial sex industry.

Sex workers interviewed for this study overwhelmingly reported that in the Canadian sex industry, especially the 'upscale' sectors, in order to meet the demands and desires of the middle-class and upper-class clients, who are often white, owners and managers of escort agencies, massage parlours, and exotic dance clubs employ a quota system. In their work with third parties in Canadian sex industry, Bruckert and Law (2013) also found a quota system. Based on my observations the quota system varies by city and sector, but in general, establishes a limit on the number of women of colour who can work in one location. For instance, there is a cap of about five women of colour working at any one given time in an establishment managed by third parties. I want to point out that there are no governing bodies that enforce this system. It is a self-enforced, business maneuver on the part of owners and managers to ensure that they meet the needs of upscale clients, and by extension, the business establishment is also profiting (see Brents & Hausbeck, 2010; Bruckert & Law, 2013).

It is also important to note that not all massage parlours in Canada are subject to this limitation, in that massage parlours owned/managed by Asian third parties often only hire Asian women. A few white passing women in this study reported working for Asian-owned/managed massage parlours. According to these women, they were the only non-Asian worker who is on the roster of service providers for that particular establishment. Indigenous women who self-identify as such pointed out that in 'upscale' Canadian sex industry establishments, third parties hesitate to include them on the roster of service providers. However, if owners and managers felt that these women could convincingly pass

⁸ I fully acknowledge that the term "woman" is neither a static category, nor does it have internal homogeneity. I use the term "women" to refer to all 40 participants of this study as an everyday, speaking term.

⁹ Mixed race women had parents who were of two or more different races, such as black and white, black and Asian, Asian and white, East Indian and white.

¹⁰ Often these conversations were related to the respondent's life in that it involved stories of their family members or friends. Even though it was not within the scope of this study, these conversations helped me to contextualize each individual's story and the effects of cultural/racial backgrounds. As such, parts of interviews were excluded from the transcript.

¹¹ According to Brents and Hausbeck (2010) "the more formal and upscale parts of the sex industry are increasingly organized and operated more like mainstream business" (p.9) and "Non-pornographic advertising, fashion, art, education, comedy, movies and television and their celebrities are all experimenting with representations and parody of porn" (p.11).

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