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(II)legal Subjects? Contested Identities of Canadian Indoor Sex Workers

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(II)legal Subjects? Contested Identities of Canadian Indoor Sex Workers

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Abstract

Women's participation in the sex trade industry has always been a subject of contention, with conflicting representations. In this paper, I present the finding of in-depth, face-to-face interviews with ten independent in-call and/or out-call sex workers in Canada. Through these interviews, I seek to understand the distinctive names and meanings attributed to the identities of sex workers. Drawing on divergent analytical concepts such as legal consciousness, respectability, self-creation and the intersection between gender, race, class and sexuality I chart participants' perceptions and interpretations of the classifications inscribed to them by legal, political, and the civil society. Moving beyond existing languages and discourses that are particularly used to define, name and characterize women's involvement in the sex industry, in this paper I highlight the fluidity and complexities of personal, social and political identities of the ten sex workers.

Keywords: sex worker, women, law, gender inequality, resistance

El Feminismo de Estado y el Movimiento Vasco de Mujeres: La Transformación de las Relaciones de Género en el Hogar

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Resumen

La participación de las mujeres en la industria de comercio sexual siempre ha sido un tema controvertido, con representaciones conflictivas. En este artículo presento los resultados alcanzados a través de entrevistas en profundidad a diez trabajadoras del sexo en Canadá que reciben a sus clientes en su lugar o van donde esté el cliente. A través de estas entrevistas, busco entender los nombres distintivos y significados atribuidos a las identidades de las personas trabajadoras del sexo. A través de conceptos analíticos divergentes tales como la conciencia jurídica, la respetabilidad, la auto-creación y la intersección entre el género, la raza, la clase y la sexualidad trazo las percepciones e interpretaciones de las personas participantes respecto a las clasificaciones inscritas sobre ellas por el marco jurídico, político, y de la sociedad civil. Yendo más allá de idiomas y discursos que son especialmente utilizados para definir, nombrar y caracterizar la participación de las mujeres en la industria del sexo, en este trabajo se destaca la fluidez y la complejidad de las identidades personales, sociales y políticas de las diez trabajadoras sexuales.

Palabras clave: trabajador sexual, mujeres, derecho, desigualdad de género, resistencia

So inside workers will always be generally underrepresented group, because they don't want to be seen ... [it's] very hard group to represent [laughing] it's, it's next to impossible to represent a group that says no, no, I'd rather you don't see me [laughing]. Yeah that's, that's you know marketing for the group that does not exists. ... it's like having a ghost rider ... they just really do not want to be seen, you know, there is, there is no average user basically, they, you can't get a feel for them, it's tough – Robin.

Robin is a “thirty something” year-old career woman in the field of business development. She is also an independent out-call sex worker.

In this paper, I describe how ten women who are involved in the independent in-call and/or out-call service sector of sex trade form their personal, political and social identities against the backdrop of a criminal subculture. This process of identity formation includes rejecting certain normative characterizations of female sex worker in general and embracing a variety of identities that are fluid. I choose to focus on the indoor sector of the sex trade because very little about their lived experiences have been documented academically or otherwise. Such limitations and ignorance, I show, is partly due to the fact that participants of this particular sector (including clients) highly value individual anonymity and specific desires over collective public or political representations. The individual stories of the women presented here stress the fact that their day-to-day experiences and various encounters within and outside the sex trade are central to the development of their identities which are complex, continuous and conflicting.

Stychin (1995) argues that legal discourse is an important site for the constitution, consolidation and regulation of sexual identities/practices. Based on this argument I will first review the reciprocal process between social logics and legal initiatives that patterned, stabilized and institutionalized the idea of women's proper sexuality. Within this discussion I will also show how such legal initiatives intentionally and inadvertently create discursive spaces for theories of sexual hegemony and

objectification which are implicated in articulating the identity of the excluded ‘other’ in a field of legal and political contest. Given that identities never operate in isolation, the analysis of the interviews presented here recognizes that law is not an ‘all-powerful’ discourse. Stychin (1995) and other socio-legal scholars argue that despite its repressive and unequal regulatory practices both law and regulations has never been entirely successful in constituting and maintaining coherent categories. In fact, the gaps and inconsistencies between law on books and law in action and all the failed promises of equal treatment opens up spaces for resistance against the legal and cultural hegemony such that there is no one common perception of law (Stychin, 1995). The stories of ten sex workers presented in this paper highlights this pivotal point by outlining the strategies of resistance that allows them to engage or avoid the legal meanings altogether.

It is important to note that in this paper I not looking to establish the effectiveness or ineffectiveness of law as a tool. Instead, the aim is to illustrate that in order to sustain its institutional power and legal hegemony, specific laws are made to work better for particular groups, particular interests and according to mainstream social logics, local cultural categories, norms etc. As a result, despite the aspirations of due process and equality, legal actions and legislations continue to make contributions towards sustaining a common culture, historical institutions, and particular structures of power and inequality (Silbey, 2005). The important aspect of this exercise is to emphasize the fact that legal identities are based on a complex web of processes and practices between social logics, local cultural categories, legal provisions, legal actions and other informal and formal regulations. Even though law is a central and constant feature of these women’s lives, women’s everyday experience with law as they engage, avoid or resist illustrates that there is no one common view of law.

The Reciprocal Process: Law as a System Enacting Norms and Rules

The relationship between law and sexuality is complex and dynamic (Stychin, 1995). Currently, in Canada, the sex trade industry and the exchange of sex for money between two consenting adults has never been illegal. However, four sections of the *Criminal Code*, namely sections 210 to 213, prohibits the exchange of sex for money in almost every conceivable

public place, making it difficult to engage in sex trade without breaking any law. Sections 210 and 211 respectively make it illegal for a person to keep a “bawdy-house” or to transport a person to such a place. Section 212 makes it illegal to encourage or force people to participate in the sex trade (also known as “procuring”) or to live on the money earned from sex work by someone else (also known as “living on the avails of prostitution”). Section 213 makes the communication between sex workers and customers in public illegal, this includes enclosed places open to the public, such as bars, adult entertainment clubs, massage parlors, saunas, and automobiles are all considered public places. In sum, even though it is not illegal to be a sex worker, these *Criminal Code* provisions makes it very difficult to engage in sex for money without transgressing criminal boundaries.

Interpreting and enacting these *Criminal Code* provisions especially to the indoor sex trade magnifies another level of complexity. Even though legal provisions define the makeup of public places and where sex trade related activities cannot take place, there are no explicit indications as to what constitutes a private space or where sex trade related activities can take place. I believe that it is safe to say that the vagueness of Canadian jurisprudence begins here – at the point where it fails to set out a legal space for licit sex work. This vagueness has implications for women in the practice of independent in-calls. Women who choose to work from their homes risk being charged under the s.210 - bawdy house laws - even though individual’s homes are not a public space. Yet, massage parlours are legal in certain localities throughout North America under the ordinance of municipalities. In Canada, massage parlours are regulated through by-laws pertaining to the body-rub industry in several municipalities (Lewis, Maticka-Tyndale, Shaver & Schramm, 2005; Bruckert & Parent, 2006). Moreover, escort agencies, which are in the business of providing out-call services, are often scrutinized with the risk of criminalization for third party involvement in advertising and profit sharing. On the other hand, the practice of independent out-call whereby self-employed women choose to work in locations such as clients hotel rooms or homes are most likely to avoid the risk of criminal prosecution under the sex trade related laws. In addition to the difficult interpretations, enforcement of *Criminal Code* sections pertaining to the sex trade varies widely as well. The quasi-criminal nature of the sex trade industry in general and the discrete nature of

independent in-call and out-call business establishments, makes this sector of the sex trade industry difficult to detect, apprehend and convict. In a sense, this socially deviant and marginally legitimate industry challenges the boundaries of law by spinning off a unique service industry and occupational speciality.

Law's Disciplinary Power and Legal Meanings of Character

Smart (1989) argues that the law, combined with specific ideologies, normalized assumption of proper female sexuality and its arbitrary, unreliable and unusually repressive ways of enacting these ideas and assumption embodies disciplinary power. In fact, Smart (1989) notes that as soon as we look beyond a narrow stereotype of law as a system of rules backed up by sanctions it becomes evident that one of law's functions is precisely to distribute its subjects with disciplinary precision around a mean or norm. Policing policies that often adheres to the criminal subculture explanatory model is a good example of how law uses its disciplinary functions to create a normalizing effect. All the women in this study were unanimous in suggesting that policing policies often adhere to the position that, for some women, involvement in the sex trade is either inherent or inevitable. These women claim that such imaginations and assumptions leads to discriminatory and pervasive enforcement practices.

....they [law enforcement] would perceive me as just like trash, that's like the general public – big time – they would want to know who I worked for – but I am independent – I would feel like just like trash and treated like nothing. – Amethyst

We are major, we are consented, so it's kind of weird, because I have always felt like my work was rewarding and the society and the laws would make me feel like a criminal... –Freedra

The women in this study also believe that discriminatory, arbitrary, pervasive policies and enforcement practices that are centred on gendered and culturally coherent norms tend to systematically reproduce structured inequalities in order to maintain the legal and cultural hegemony. These women basically point out that law enforcement typically tends to target certain groups of sex workers more. With street level sex workers perceived

as social and economical outcasts, combined with being deemed a public nuisance and annoyance, these women are often targets of arbitrary law enforcement. Two of the women I spoke to were infuriated by this:

... the law becomes true to the most visible, they are the ones who get the blunt of law and I think [the law] leave escorts to their business as long as they are not, like if I was sticking out in hotel lobbies as it were, you know or on a street or whatever, so the fact is if you know, if you were out in communities, so if you are out visible, you know it's ok to happen as long as nobody knows about it [my emphasis]. You know, maybe that's the reason they have all these side laws, because then we have to be on the down low all the time ... – Samy

And people don't want it. They don't want it in their back yards. People who, they just don't want to see it...because they are classist, that's why... – Maxi

Here, I feel that some background about Samy and Maxi may be useful to understand their views. Samy, claims that in her personal life she is not monogamous – she has a boyfriend and a (separate sexual) partner. Similarly, Maxi indicates that “I am a big queer, I am fem, a feminine queer woman and ... I tend to date polyamorously, people along all sexes and genders...” In a sense, based on generalized identities and normative assumptions these two women would qualify to be classified as “beyond normal” in their personal relations and their labour relations. Most importantly these two women appear to constantly renegotiate their sexual citizenship and their right to public and political identities.

Overall, all the women I interviewed for this study believe that the law treated independent workers differently. They all claim that the law enforcement did not look to arrest indoor workers in general. They unanimously believe that the law did not care about them, or was concerned for them. These women also suggest that the law particularly looks for the street level workers because they are visible and because they are seen as annoying and a nuisance to society. The following accounts by Freeda and Maxi exemplifies how women involved in the indoor sex usually interpret the gaps and inconsistencies of the law and its action.

...escort agency is still criminalized, but it's the easiest way to work, so why would laws allow me work as an escort, go to hotels and not as someone working on the street. You know. Because I have clients who are judges, I have clients who are lawyers and they don't, they don't want to quit our relationships you know...—
Freedra

It is very, well it is the same type of work but it is very different, different risks and different perceptions. Like what I do is considered escorting and somebody who does a very same thing on the street is considered a prostitute. I am not considered a prostitute, even though I do a very similar, similar thing right... In a cops brain it is not even considered the same thing...— Maxi

Importantly all participants appear to be confident that as long as independent workers stayed out of public's sight and kept a low profile the law would not bother them. The following accounts illustrate how these women interpret the arbitrary regulatory practices that look to consolidate a "normal" through an excluded "other."

[...the police have a much more different reaction to] street based sex workers [than] to strippers. There is a hierarchy out there like a social hierarchy ... even in the sex trade. The escorts are not treated the same way than a [street worker] ...according the way we see, like who is worse or not. Maybe it's like a moral thing about the sexual, just. It is easier to attack someone who does not have the money and the contacts to defend themselves. The more vulnerable you are the more people hit on you – Ruby

More or less yes, yeah, the police don't, they don't really bother us, as long as, you know we do what we do, and as long as we are not disturbing the peace in anyways we are cool. I feel good. I just feel better that way that they are not going to come after me, they are not coming after me. Maybe because I am not really, to me I am not breaking the law right. –Alex

Here Ruby and Alex emphasize the role of law in inscribing the identities of the excluded "other." Ruby and Alex point out how these legal provisions

are also implicated in demanding a modality of sexual citizenship by granting some legal subjects fewer rights than the others. Bell and Bonnie (2000) argue that such arbitrary rights claims grants sexual rights only on the understanding that these claims to right will be kept private, such that they are mere tactic to enable the claim to privacy and to secure a private space. This is opposite to what the women I interviewed are looking for – the right to public and political sexual citizenship and identity.

Although systemic social stratifications are inherent part of policing policies and practices, the women I interviewed believe that the harsh and arbitrary policing practices have a particular effect on the women who are involved in the street-sex trade. All ten women appear to believe that policing practices are committed to dominant ideas of morality and their efforts to reinforce powerful social practices are an attempt to regulate the apparent proper sexuality for women. In this sense, these participants are convinced that policing policies are not generally concerned with the indoor sex trade. Such intricate perceptions highlight the complex web of iteration between social logics, cultural categories, legal actions and other informal regulatory practices. More importantly, these perceptions not only challenge normative notions of logic, order, rationality, but also the idea of a centralized source of power and knowledge. Foucault (1980) calls such relations of power, the “matrices of transformation” – that is the possibility for individuals or groups to act through power relations in order to support or resist dominant ideology.

The Common Place Definition of Law

Laws arbitrary disciplinary powers, in addition to sustaining a systematic social stratification practice, also spans across wide frames of time, space and variable performances. Yet, Ewick and Silbey (1998) note that the commonplace experience and images of law vary. For most people the law generally sits on a distant horizon, remote and often irrelevant to the matters before them, and for others it is a constant feature of their lives, seriously impacting the ways in which their lives are organized and lived (Ewick & Silbey, 1998). Sex workers, as a group fall within the latter group. Thus, establishing the varying interpretations of law and images of law constituted by each participant will highlight how these women interpret the legal definitions, names and characterizations that are attributed to them. Overall, based on their views and opinions, it appears that each participant’s

interpretation of law and its disciplinary functions partly originate from the tensions between the quasi-criminal nature of the sex industry and their criminal legal position as independent service providers. Ultimately, these women's definitions of law and the images of law that they generate depends heavily on their individual legal position and their position within the two tiers of the sex trade – the indoor and the outdoor trade. This position appears to be in a gray zone. This is Samy's view:

...the law is kind of hypocritical ... so basically, well you can do it, but you know we don't really want you to do it, so we are going to be a jerk and make a couple of these side laws, which makes it illegal to work no matter how you work it, you just are breaking the law somehow.... – Samy

The following is Ruby's interpretation of the legal gray zone.

First I was an out-call escort. I tried in-call like twice in my life and it wasn't for me. So, I guess I am in the grey zone, where everything I do was legal. I wasn't under criminal pressure for that part personally in my work. I know it is pretty much the only way to work in Canada not being criminal... So, but being here at this sex workers organization, I see a different reality. So, there are lots of problems made by the law to the girls. If I think about just the escort, who does in-call, I mean this law is ridiculous. I mean, working inside with either by yourself in a place you know, you control or working with friends together in a brothel is what, is the safest way to do this job. If you are going to do this job then like, and, and this bawdy house law makes it unsafe. And those who do it anyway because it is safer, they live with the fear of being busted – Ruby

Ruby's views are noteworthy, because she not only has been working as an out-call service provider since she was about 20 years old, but she also at one time operated an out-call service agency for about five years and now she also works for a sex worker's rights organization. Furthermore, both Samy and Ruby's interpretations are pivotal as they provide valuable insight to understanding the ways in which these women engage with the law and its actions.

Engaging with the Law

Not all the women in this study have had firsthand experience with the law. However the experiences of those who have had direct encounters with law vary considerably from individual to individual. This difference in experiences lays the ground work to understand the way these women perceive law and engage with the law despite its promise of equal treatment. Among the five women who had direct encounters with the law, Roxan is the only one who was arrested under the bawdy house charges. Her arrest in the 90's has had a very negative and devastating impact on her life. Roxan was exposed by a co-worker from her "regular profession," which also resulted in losing her straight professional job and she says: "I just buried my head in the sand you know...." Roxan, not only disagrees with the arrest, but she also believes that the legal procedure that criminalized her business practice is unjustifiable. Discussing the matter, she notes:

...for me that was a witch hunt, because I wasn't bothering anybody, I don't see young kids, I don't do drugs, in fact there were people in my [straight] profession who were doing drugs regularly at parties and that's illegal you know, so if you are going to start pointing fingers at people and start throwing stones, go after that... –Roxan

Three other women, Ruby, Alex and Robin, also had direct contact with the police. However, these three women's stories considerably vary from Freeda and Roxan's experience. In fact, Ruby, Alex and Robin's encounter with law and its enforcement policies/practices symbolizes a non-discriminatory aspect. More importantly, these three women's stories first highlight the arbitrary nature of law and legal actions. Second, their stories stress the fact that even within common experiences individuals constitute considerably varying images of law. To exemplify this varying construction of law's image, I will begin with Ruby's story. I met Ruby in Montreal, where she has been working as an independent service provider for about fifteen years. Ruby also wears a second hat: in her experience as a sex worker activist, she has had the privilege to learn about several other sex workers experiences with law. In this sense, I think the way Ruby constructs the image of law, informs a particular element of this study. According to

Ruby, she once had to accompany her friend, an out-call escort to the police to report a client who was stalking her and making death threats. According to Ruby, her friend “got treated like a queen.” She went on to say:

She is like me, we come from the same city – like a small town girls, ...and I come from just middle class, but I can pass, same as her, high class pretty much anywhere we want to ... So, surprisingly the police, ... they are not mean at all with us. They actually try to fight with each other to have the privilege to work with the two girls.—Ruby

On the other hand Ruby also suggests that not all independent service providers are treated this way. Some women are not comfortable reaching out to law enforcement, especially if they are engaged in providing in-call services. According to Ruby, these women fear the legal ramification of revealing their sex worker identity. Ruby stated:

...the escort, who does in-call... they live with the fear of being busted and they feel that... if they got a bad client and [if] they [release the information of this client] for the bad trick list [published by sex workers organization], they don't want the police, having police attention to their brothel, so they don't pursue cases –Ruby

Ruby further emphasizes Jiwani's (2002) point that classism is inherent in elite institutions, such that policing certain groups of people and types of crimes reflect the social stratification system. More important, Ruby's experience highlights two important elements: first, the fact that “...identities come to be formed in part through the exercise of power (including law) in oppressive ways” (Stychin, 1995: 7). Second, Ruby highlights two claims by Razack (1998). First Ruby's account stresses Razack's point that (1998) relations of domination and subordination are stubbornly regulated within policing policies. Second, Ruby's comments also underscore Razack's (1998) claim that “we are each implicated in systems of oppression that profoundly structures our understanding of one another” (p10). That is, the way Ruby has come to know the law and her encounters with the law influences the ways in which she engages with law. Her performance, in

many ways reproduces social hierarchies and hierarchies within the sex trade, unintentionally.

Furthermore, Alex's business is primarily based in Halifax. I met with Alex in Ottawa while she was on a business tour. Like Ruby, Alex also seems to have encountered law through a stalking incident. This experience also appears to have influenced the way Alex constructs law's image and actions. More importantly, Alex's experience suggests that law's disciplinary power and the insidious discriminatory practices may considerably vary from region to region.

That depends on where you are. Let's see, because, like where I am from, my home base, I know the police there right. They have come to see me, I remember the time they came to see me and I was like oh! I must be in trouble [laughing] but they were there to protect me. Yes, because I had a stalker and that's why they came over and they said now we are here to let you know that we are onto this. I think it just really depends on where you're in, what part of Canada you're in, how they view you. The guys from my home base were great, they helped me...–Alex

Finally, Robin's encounter with the Toronto Police Services also coincides with the other two women's positive experiences. In general, Robin views the sex crime unit of the Toronto police services as an advocate for indoor sex workers.

Actually I am a big fan of the Toronto police... which is shocking. Most people are surprised by that, but the sex crimes unit group here really focuses on reaching out to the Toronto inside workers, so they meet with, they will meet with the girls, if they can. They make themselves accessible. They don't prosecute girls which is shocking [laughing] which is very shocking. You know they actually will, they take out ads to help the girls. They advertise in different languages to do outreach on, you know date safety and things like that... They do, they take everything very seriously... – Robin.

In addition to Robin's general perception of law and legal actions which are based on the services provided by Toronto's sex crimes unit, her direct

encounter with this unit further magnifies her image of law enforcement. In Robin's case, she was once videotaped by one of her clients without her consent and she approached the Toronto police sex crimes unit to report this particular incident. She describes the incident:

... I've even had a client that videotaped me and, we took the camera, took it down to them [the police]. They took the camera, took his info and gave us all the information back, wiped it, here we go thank you very much. Didn't take my info at all, but took his and said we appreciate you letting us know about this, you know, this GENTLEMAN [her emphasis] [laughing] -the term used loosely and they didn't ask me for my information. They said ... we appreciate that you would let us know and that it is high time to do this. And you know that's the way they approach things. They said [the police said]..., if they required all of our [sex worker's] information, we [sex workers] wouldn't be willing to go down [to the police for help]... So they said, ... what they wanted to know first and foremost is who is out there, you know doing this and uploading illegal videos on line and things like that. They said they wanted to know who is committing sex crime, so that's what they do. Yeah and they are very sex positive in a way. –Robin.

Based on this encounter, it is clear that Robin is satisfied with policing practices of Toronto Police Services. In addition, based on her experience Robin seems to think that the disciplinary powers of Toronto police unit is only aimed at “sex crimes” and not at sex workers. Here again, implicit within this discussion is that the way Robin constructs her image of law provides her with the possibility of acting through power relations in order to support or resist dominant ideologies.

Although these three women experienced a positive aspect of law in action, the way they interpret and define the law and its disciplinary power, considerably varies depending on the leading circumstances. More important, these testimonies emphasize the discretionary powers of police officers in enforcing the laws that criminalizes several aspects of the sex trade. In this sense when region, class, race or any other potential variables are coupled with flexibility in policing practices it is almost guaranteed to result in inconsistent actions and unequal treatment of social constituents. Thus, whether police officers opt to criminalize women or not, the result is

that sex workers, as a group, are further alienated from any form of predicable legal protections and have to depend on the goodwill or sympathy of police officers.

The Common Place Use of Law

For sex workers, the legal rules pertaining to the sex trade is a constant feature of their lives. Given that each woman's encounter with law varies considerably from the other, in the following discussion I map the ways in which these women use the gaps and inconsistencies in law and its legal actions to shape their views of the same. The images of law formed by the women in this study, I believe, provides a basis for understanding their reasons for engaging, avoiding or resisting the legal meanings and characters that are attributed to them.

Bruckert and Parent (2006), argue that the sex trade presents a unique configuration of challenges, problems and difficulties for law. With social, moral, and criminal regulation, Bruckert and Parent (2006) note that independent in-call and/or out-call workers' precarious labour market situation subjects them to a paradoxical position which excludes them from social security protection, non-statutory benefits and statutory legal recourse traditionally associated with other marginalized employment in the service industry. The vagueness, inconsistent enforcement practices combined with the paradoxical labour relations inadvertently leads to a two-tier sex trade – the indoor and the street-based service sector. As a result, the street-based sex workers try to completely avoid the law by conducting their business discretely, in darker and in remote areas away from the public's eye and the attention of police. Likewise, since the law does not clearly define what constitutes a private space, and where sex trade can take place, many sex workers in Canada have developed creative methods to discretely conduct their business indoors. I think the strategies sex workers use to avoid the law is integral to their strategies of resisting the legal meaning attributed to them. All the women who participated in this study were fully aware of the fact that if they work from their homes, they risk being charged under the bawdy house laws. However, some of these women continue to see customers in their own homes, and some maintained business apartments or houses. Samy, shares her strategy for resistance.

I don't think of that kind of stuff at all, I am like, yeah, whomever I talk to, "I am an escort." I shouldn't be doing that, because if I tell it to the wrong person, they could be like yeah I am reporting to the police, you know, like I know you work out of your apartment and that's illegal you know and I know your boyfriend lives with you and that's illegal for him too, that's technically living off of your money, so you know, I would be arrested for that. What's so illegal about it, like what's the big deal, I am not hurting anyone else, I am a mature adult, you know. It's a job just like anything else and should be treated like that. I deserve the same labour rights as any other women working, so, this is me, the law is hypocritical – *Samy*

Samy, in the above passage, highlights resistance in two ways. First, she stresses the importance of extending the same legal legitimacy that is given to others working in any other service sector employment, despite the predictability in social marginalization. Second she rejects the legitimacy of law by recognizing the hypocrisy of law by its classist, patriarchal and discriminatory actions.

Bruckert, Parent and Robitaille (2003) note that, despite the restricted legal parameters, several sex workers choose to work in the indoor sector of the trade to ensure their anonymity, while a few get involved in this particular sector with the initial impression that all aspects of the indoor sex trade is legal. The ten women in this study concur with the anonymity aspect of their business. Regardless of their initial beliefs all participants appear to fully understand the legal ramifications of engaging in the indoor sex trade. As such, they were certain that they are not engaging in any illegal enterprise or doing anything to violate the laws pertaining to the sex trade.

I really haven't, and to be honest it doesn't even concern me, really... I mean the way that the laws are defined, I really don't worry about it, partially because as an inside worker, you know it's the solicitation itself doesn't actually concern me and then with the inside a private residence, inside a, it's just not a, it's not a big issue for, I think lot of the girls. Depending on how you work, yeah. – *Robin*

The confidence in these women's voices, I argue, stands for resistance - resisting the institutionalized meanings attributed to the women involved in sex trade activities. Respondents of this study mostly appeared less concerned about the legitimacy of legal procedures than about their effectiveness for achieving their desires. This image of law allows the women to resist the process of ideology and hegemony. Robin notes that:

Yeah. I mean, they wouldn't have grounds for a case against me. They don't have grounds to arrest me so yeah. I am not concerned about that, no. From a moral, ethical standpoint... do I think somebody would discriminate against me? Some will, some won't, you know, that's just the nature of people you know... I don't concern myself with people's ethical dilemma, that's their own [problem] [laughing]. That's their own ethics, yeah and if they are going to judge me based on what I do then they need to worry about that, I don't really need to, they don't have a case against me so what I do is within the, within the confines of the law and if, if it is within the confines of the law that's all I need to concern myself with [laughing] that's all I am concerning myself with really though [laughing] – Robin

Robin's view highlights how identities can be articulated and consolidated through acts of resistance. More important, Robin points out, that effective articulation of coherent and oppositional legal identities are not, and should not, look within monolithic notions of ethics or morality. The following passage by Amethyst, I believe compliments, Robin's claim.

... [I am not worried about the law at all] like the way I work requires me to be very discrete. Actually where I am [concerned is] for a different purpose... recently I have gotten a straight job, waitressing, just to sort of deal with the whole tax – like I haven't paid taxes in a while because nothing I have been making has been claimed... it's more of that aspect that I am stressed out about, well I don't fully understand the way the tax system works on a business like this, so that's the only [concern]... if we could pay taxes and like get benefits and not have to be worried, like, I have money saved but it is not under my name because I don't want a huge chunk of cash under my name and so, if I like, wanted to buy

a property or something I wouldn't be able to and that's what's difficult for me.... I would not have to worry about like, plan for taxes, having security. Having benefits... having unemployment [insurance] like any other job. If I break my leg obviously I can't work. – Amethyst

In this particular account, Amethyst, who relies on her independent out-call sex work to pay for her university education and to achieve a better standard of living, ensures that she is less concerned about the legitimacy of legal procedures. Moreover, she also emphasizes the importance of effectively achieving her desires by using her waitress job to address some of the dilemmas of her work as an independent sex worker.

Furthermore, Ewick and Silbey (1998) note that within the image of law as game, individuals and groups accept formal legal constructions and procedures only for specified objectives and limited situations. This was implied by the participants of this study in many instances. Although, the legal ramifications of many aspects of their work are still repressive, the independent in-call and out-call sector uniquely embodies elements of resistance. In order for in-call workers to avoid section 213 – the bawdy house charges - they become more and more invisible to the public's eye and police attention by conducting their business discretely. Studies show that law enforcement officials admit that the discrete nature and invisibility of these businesses makes it difficult and problematic for detection, apprehension and convictions (Lewis et. al., 2005). For sex workers, conducting their business discretely also facilitates the anonymity of their business practice. Furthermore, although the laws pertaining to the sex trade do not clearly define “private space,” there is legal precedence to establish the meaning of “private” in many circumstances. For instance, the Canadian Supreme Court has ruled that a land-based telephone is a private communication, such that when an individual places a phone call, they have a reasonable expectation of privacy (Bakan & Elliot, 2003). The Supreme Court also ruled that the same should extend to cellular phone communication (Bakan & Elliot, 2003). As such, an independent out-call worker has the right to discuss specific acts of sex for money in private using a land-based telephone or cell phones. In addition, advertising in public print is protected as a right of free speech which has been upheld by the Canadian Supreme Court as well (Baken & Elliot, 2003).

Women in this study did not exclusively identify as independent in-call or independent out-call service providers. Drawing from their conversation however, there seems to be a higher degree of convergence in the type of services that they provide. Thus women engaging in in-call services simply adopt the independent out-call business practice and approaches. Almost everyone with whom I spoke claimed that they use private communication methods such as telephone, e-mail, and the internet to advertise and make initial contacts and the women who had regular customers, rarely advertised at all. Maxi describes her practices:

...well I work indoors and I am not who the law goes after. And I also don't break the law in any way; nothing I do in my work is illegal... yeah. The only, the charges are around solicitation and living off the avails and bawdy house and I don't, I don't, I live where I work, so it's my home, so I have sexual partners enter my home. I don't solicit [in public], I solicit myself very carefully, so I don't break the law, and I could never be charged for it and also, I don't have anyone living with me so nobody can get charged. There is no way I can possibly get charged in anyway for what I do because I don't fall into that. Like, it's usually women that who are working in the public eye are at risk for criminalization.... —Maxi

The experiences of these participants also display law as a game image. According to Ewick and Silbey (1998) the image of law as a game image involves an arena of competitive tactical maneuvers whereby in the pursuit of self-interest, skillful and resourceful individuals are expected to make strategic gains. Using modern technologies makes it easy for independent in-call and out-call sex workers to conduct their business discreetly, away from the public's eye, making them more and more invisible. In addition, this also describes these women's world of competitive struggles, such that they seem less concerned about law's power than about the power of self or others to successfully deploy and engage with law.

Among the respondents of this study, some women constructed legality in the second form of legal consciousness, which described law as a formally ordered, rational and hierarchical system of known rules and procedures. This image of law, Ewick and Silbey (1998: 47) note "tell the law's story of its own awesome grandeur, something that transcends by its history and

processes the person and conflicts of the moment.” Often in these situations people express loyalty and acceptance of legal constructions; they believe in the appropriateness and justness provided through formal legal procedures, although the outcomes are not always fair (Ewick & Silbey, 1998). Almost all the women I interviewed have gone through great lengths to avoid and resist the laws that govern the sex trade related activities. Several of them not only endorsed the enforcement practices that targeted the street-based workers, but they also felt that the specific laws that restrict the exchange of sex for money in public place and the related provisions are completely justifiable. Greenly capture the general impressions.

...and the things [aspects of the sex trade] that are illegal ... they are abusive. When you look at street work, its abusive, there is someone controlling somewhere, there are drugs involved and I mean they are, I don't believe that it should be legalized on that perspective. Things should be done, interventions should be put in place to be able to not arrest these women and fine them, what I mean is I am not for the legalization of street solicitation, and I am not for the legalization of brothels either and of pimping either and I actually think there should be more things done to arrest the pimp. Stop arresting the women that are in this... – Greenly

Within this particular vision of legality, in my view, the respondents of this study evaluate their legal experience in terms of the processes and forms of interaction rather than outcomes of those interactions. Greenly's opinion, in the above paragraph, overlaps with hegemonic culture, customs, opinions and ways of thinking and doing things that expresses acceptance of legal constructions, while believing in the appropriateness and justness provided through formal legal procedures.

Finally, Ewick and Silbey (1998) claim that, some people, for whom law is a constant feature of their life, may feel a sense of being caught within the law, or being up against the law. Some may also feel that law's schemas and resources override their own capacity either to maintain its distance from their everyday lives or to play by its rules (Ewick & Silbey, 1998). People who find themselves up against the law typically resist law to seek diverse goals (Ewick & Silbey, 1998). Some women in this study felt that the specific laws that govern sex trade related activities were in many ways

redundant and only served to reproduce structural inequality and as such must be avoided at all cost. Amethyst explains the redundant aspects of law.

Well there are already laws against violence against women to get them out of trouble. That's great. There are laws against theft. If you steal someone's money, it's illegal and like kidnapping and coercion things like that. I don't know exactly all the laws about that. So the pimping laws are not necessary because everything they are trying to prevent is already covered and, like I used to work in escort agency and the women answering the phone and sending me on appointments would be my pimp and *she is just like a business women. And if she did not exist I wouldn't be able to make my money* [my emphasis]. Because I got contacts through her and because I kind of have my own ... I don't know ... no... I think the pimping laws should not exist because it just makes it more difficult. And people have this image of the pimp on the street ... they are beating and that does happen and those women should be protected against in the violence against women laws that are currently available. –Amethyst

For others, the law and its disciplinary attempts to maintain the denigrated status of the women involved in the sex trade through assumed criminal legal identity leads to social practices and relations that continue to stigmatize and marginalize their position in society. Therefore, in order to retain a sense of dignity and honour, they feel the need to resist the laws. Greenly explains:

I would say the law does not affect me more than the stigma affects me. Because, it's not something I am open about, where as everyone in my life, my friends, very, very good friends know about it. Some of them still don't know about it because, my fear is that, I don't want my parents to know about it, I don't want my family to know what I do. Because there is this really bad stigma about it and good girls don't you know [laughing] and it would just break their heart, because of the stigma. Because, really that... that is stronger, a stronger fear for me than the law, because *I am not doing anything illegal, apart from not declaring all my money, but then who does* [my emphasis]. – Greenly

Participants also note that the complex intersection between their socially stigmatized, marginalized, and sometimes criminalized position within society leaves them with a tremendous amount of stress that they have to handle on a regular basis. As a result, many of them live a double life- they keep the sex work part of their life hidden from family and friends. Subsequently they are sometimes forced to live an isolated life.

Conclusion

Although the laws pertaining to the sex trade are oppressive in many ways, the stories I retell in this chapter clearly indicates that legal actions and regulatory practices have never been entirely successful in deterring women from engaging in the sex trade. Participants varying interpretations of law and the strategies of counter-hegemonic resistance that they have developed demonstrate that law is not an “all-powerful” discourse. Rather, ordinary people even from the margins can and do articulate coherent and oppositional legal identities that represent their complex and diverse individual lives and experiences. The strategies of resistance identified by the participants in this chapter include engaging with the law effectively to achieve their desires and conversely avoid the legal meanings all together. The stories presented in this chapter highlights the fact that sex workers do not necessarily represent a homogenous group, as such current laws pertaining to the sex trade cannot be used to regulate all participants of the sex trade equally. On the contrary, the current laws inadvertently promote inequality within the sex industry and among all participants of this trade.

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