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## Editorial

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### **The politics of sex work in Aotearoa/New Zealand and the Pacific: Tensions, debates and future directions**

Prostitution or sex work<sup>1</sup> remains a polarising and emotionally charged topic across all sectors of society. It is a practice that is typically seen as morally suspect, dangerous, and problematic (Chapkis, 1997; Weitzer, 2009), inciting strong emotional, social, and/or political responses, and being subject to special legal treatment. There is frequently a ‘pro/anti’ divide in feminism, academia, and society when it comes to sex work (e.g., Jackson & Scott, 1996; Segal, 1994). Prostitution is typically seen as either degrading or exploitative of its (typically women) sex workers, or as legitimate work that has and will always exist, with some suggesting that it has the potential to be empowering and push the boundaries of acceptability and respectability when it comes to sex and sexuality (Jeffreys, 1997; Weitzer, 2005, 2009; Whisnant & Stark, 2004). The former stance is typically associated with a radical feminist perspective, which seeks to eradicate sex work, and the latter with a liberal feminist approach, which seeks to legitimate it (see Henry & Farvid, this issue, for a full discussion of the various feminist approaches).

Falling somewhere outside the above dichotomy are Marxist and critical feminist approaches. While Marxists maintain that all work, including sex work, is in some way exploitative in a capitalist context, they are typically anti-abolitionist, arguing that sex work cannot be eradicated and hence should be made as safe as possible for the workers. Those who take a critical feminist stance maintain that it is vital to examine the social, cultural, economic, and political context within which any sex work happens, looking for structural and daily inequalities or injustices, without undermining the rights or agency of those who work in the industry (Farvid & Glass, 2014, see also Schmidt and Henry & Farvid this issue).

The legal models regulating sex work represent the moral, social, and political climate of any given context. The sale of sexual services has typically involved unique laws and political management, resulting from (and often maintaining) the social/moral positioning of such activities. Many of the papers in this special feature cover the specifics of these models in detail (e.g., Armstrong, Henry & Farvid, Schmidt). But in short, the four main legal models are: criminalisation (where the buying and/or selling of sex is completely illegal); legalisation (where sex work is legal but highly regulated); the Swedish/Nordic model (where only the buying of sex is illegal, in an attempt to curb the ‘demand’ for it); and decriminalisation (where all adult sex work is legal, and while not morally sanctioned, prostitution is subject only to the same regulations as any other service industry). Before 2003, in Aotearoa/New Zealand it was legal to procure sexual services, but illegal to sell them – making the sex workers particularly vulnerable when it came to legal prosecution, their sexual and physical safety, and various forms of exploitation. This double standard led to a review of the law, where politicians, sex workers and advocacy groups, such as the New Zealand Prostitutes Collective, worked together on the law change (Abel, Fitzgerald, & Healy, 2010). Although the Swedish/Nordic

model focused on demand was also considered at that time, a harm reduction and human rights approach was ultimately favoured, which saw adult sex work become fully decriminalised in Aotearoa/New Zealand with the passing of the Prostitution Reform Act (PRA) (2003).

As this is the first country in the world to decriminalise sex work, there have been important ideological and material shifts within Aotearoa/New Zealand with regard to the industry. In this Special Issue of the *Women's Studies Journal*, we seek to interrogate some of these shifts, as well as address some of the ongoing social, political, legal, and material issues that continue to shape the industry. In what follows, I initially offer a short critical feminist deconstruction of sex work, arguing that as it currently stands, it is a fundamentally gendered practice that is shaped by various sexual and social double standards. Then I provide an overview of the varied papers that fill this special feature. Lastly, I offer some editorial reflections, possible future research directions, and the sorts of frameworks that might better capture the multidimensional aspects of the sex industry in late-modernity.

Despite the popular adage that prostitution is the world's 'oldest profession', historians have successfully demonstrated that what we consider to be prostitution in contemporary society has not existed for very long (Bernstein, 2007). The current large-scale, commercialised version of prostitution emerged within the west during modern industrial capitalism (and its associated trends), and 'the economic transformations of recent decades have restructured the social geography of sex work and the subjective meanings that guide the experience from within' (Bernstein, 2007, p. 86). The current cultural milieu is postfeminist (Gill, 2007, 2017; McRobbie, 2009), with a complicated surge in (popular) feminism (Gill, 2017), while also being 'sexualised' (Attwood, 2006, 2009; Gill, 2009), 'pornified' (McNair, 1996, 2002), and 'pro sex' (Farvid & Braun, 2006). It is also increasingly 'networked' (Castells, 2010), as well as technologically mediated (Farvid & Aisher, 2016). In this context, there has been an notable increase in the purchase of sex (Sanders, 2013; Sanders, O'Neill, & Pitcher, 2017). Furthermore, global economic trends, the relentless grip of neoliberal ideology (Gill, 2011), and the expansion of the commercial sex industry under capitalism means we are dealing with a complex and expansive system (Bernstein, 2012; Sanders, 2013). Sex has increasingly become a commodity which can be consumed as part of a larger service culture, rather than being tied to individuals or relationships (Monto, 2010). This mainstreaming of the sex industry (Brents & Hausbeck, 2007; Brents & Sanders, 2010) can have significant implications for the construction of global economies, contemporary gender relations, sex, sexuality, and intimate relationships, and becomes socially and politically important to examine.

Sex work is a highly gendered domain, with most of the workers or 'sellers' of sex being women, and most of the clients or 'buyers' of sex being heterosexual men (Gurd & O'Brien, 2013; Sullivan, Scrine, & Waldby, 1997), making the industry of particular interest to feminists. The gendering of sex work is tightly bound up with historical as well as current constructions of male and female sexuality, as framed by heteronormativity and moralistic ideologies around gender and sexuality, which affect men and women differently. At its core, the historical and contemporary constructions of prostitution/sex work are premised on a binary and gendered understanding of sex and sexuality. This model positions men as (naturally or biologically) sex-needy and sex-driven, and women as passive and more interested in the relational, emotional or procreative outcomes of sex (Gavey, 2005; Hollway, 1989). The sex-needy model of male sexuality then positions men as legitimately requiring 'uncomplicated' sexual release when and if needed (Harrington, 2012; Weatherall & Priestley, 2001). The lack of a corresponding industry catering to women's sexual desire and need for sexual release is indicative of a gender system where male and female sexuality, as well as men's and women's rights or capacities to pay for erotic labour, are positioned as vastly different. Indeed, when local journalist and

former Member of Parliament Pam Corkery sought to open a male brothel catering to women in Auckland, she was met with public ambivalence, and had trouble securing representation for the venture from a number of legal and accounting firms (Stuff.co.nz, 2011).

Prostitution has long been governed by legal and social double standards. Drawing on the gendered model of sexuality outlined above, men have been historically positioned as having an uncontrollable (animalistic) sexual urge that required an outlet (White, 1993). Prostitutes who might have met such a need were seen as lower-class ‘fallen’ women who were morally reprehensible (Gordon, 2002). This double standard has long been associated with prostitution: men could ‘relieve their primitive desires’ by having sex (before and during marriage) with prostitutes (Reiss, 1960: White, 1993, p. 7) and still retain a respectable moral character; whereas women’s sexuality was either ‘virtuous’ or ‘depraved’, depending on their perceived sexual conduct.

In a similar vein, the continued prominence of the male sex drive discourse (Farvid & Braun, 2014, 2017; Hollway, 1989) positions men as in need of sexual release, and if this need cannot be met within the context of a relationship or unpaid casual sex, then commercial sex is positioned as a viable option. Many men also buy sexual services due to a desire for closeness and intimate connection that they are not able to procure otherwise (Farvid, 2015a; Sanders, 2013). Although sex workers are increasingly seen as offering a useful ‘service’, they continue to be much more likely to be stigmatised for selling sex than men are for buying sex (Bruckert & Hannem, 2013), as well as being depicted publicly in negative and disparaging way (Farvid & Glass, 2014).

Most of the public discourse, media attention, and research on the sex industry has typically focused on the women who sell sex, while the men who buy sex have remained largely invisible (Farvid & Glass, 2014; Sanders, 2013; Weitzer, 2005). Such invisibility within the industry by its consumers denotes a form of social and political privilege that is rarely discussed. Debates related to prostitution law reform have also focused on the rights and well-being of women sex workers, without paying much attention to the engagement of men as clients, and their interests in the industry (Barrington, 2008). Indeed, the catalyst for the law change in Aotearoa/New Zealand itself, as noted above, was the inherent double standard within the law – where it was legal to buy sex, yet illegal to sell it (effectively criminalising the women who provided the service, yet sanctioning men’s purchase of sex).

Although the Swedish model was feminist-driven and sought to redress these double standards, it has been critiqued for creating a difficult environment for sex workers, and for approaching male sexuality in an essentialist and pathologising way (Harrington, 2012). Similarly, ‘John Schools’ in the United States seek to address the demand of prostitution by educating participants on the various harms and risks associated with buying sex (Gurd & O’Brien, 2013). Such diversionary programmes tend to perpetuate moralistic constructions of prostitution, characterising the act, and the actors, as sexually deviant. They leave no room to position both the buyers and the sellers as legitimate actors, making (at times) constrained decisions in a complex socio-political context that is shaped by the norms of their gendered sexuality, as well as uneven access to economic and social capital.

Sex work is not a male problem or a female problem. It is the product of a complex web of power relations, sexual norms, and relational mores that take shape in various ways, across history, when it comes to negotiating the economic, social and relational value of sex (Clement, 2006). For example, even the most traditional of moral contracts, the heterosexual marriage union, has historically involved the exchange of a woman’s (sexual, emotional and domestic) labour in exchange for a man’s financial upkeep. In many ways, prostitution is an extension of normative heterosexuality (see Henry & Farvid, this issue), making the traditional sex/money

transaction more transparent. This has the double-edged effect of both disrupting the traditional system (Rubin, 1975), and simultaneously solidifying it. I argue that as feminists, our task is to identify the structural asymmetries that shape the industry as a whole (that is the demand, the entry, the daily experiences, and the social and individual ramifications of engaging in the industry). Rather than focusing on the ideological battle over the legitimacy of prostitution, we need to continue deconstructing the gendered and heteronormative cultural system that produces a particularly gendered sex industry, which on the whole continues to benefit men as a group.

As a gendered industry, sex work requires a structural gender analysis. In the first paper of this Special Issue, Johanna Schmidt sets the scene for the rest of the papers, providing an overview of the regulation of sex work in Aotearoa/New Zealand. This discussion is overlaid with a theoretical interrogation of the ways in which discourses of heteronormative sexuality have shaped the industry in particularly gendered ways. She argues that our gender system, 'coupled with the dominant discourses related to sex work, means that engaging in prostitution results in (primarily) women being entangled in a complex web of power relations that affect their working and non-working lives, and often their identities, in various ways that are not common among those engaged in other forms of work'. In this review paper, Schmidt also considers the legal and social positioning of sex work within Aotearoa/New Zealand historically, before moving on to discuss the ideological context in which the PRA was developed and passed. She concludes by suggesting that while the PRA may not challenge the gendered nature of the industry, it protects the immediate interests of the women who work within it.

In the next piece, we have a reflection from the field by Catherine Healy, Ahi Wi-Hongi, and Chanel Hati, who provide an overview of the gains made since the PRA, as identified by the New Zealand Prostitutes Collective. They discuss some of the strides made in the industry with regard to sexual health, dealings with police, labour disputes, and employment relationships, and examine the ongoing challenges with street based sex work, violence and the illegal status of migrant sex workers. Two of the topics they raise are further elaborated on by the next two pieces. In another reflection from the field, Bridie Sweetman discusses some of the successful judicial applications of the PRA within the New Zealand justice system. While the PRA legislation is not a magic bullet when it comes to prosecuting exploitation or harassment, the cases Sweetman outlines demonstrate a much better legal protection of the human and working rights of sex workers than was possible prior to the PRA. Following this, Lynzi Armstrong argues in a detailed commentary that change is needed when it comes to the legal status of migrant sex workers. Currently, those on a temporary visa cannot take part in the sex industry as providers, investors, or operators. While this legislation was enacted in order to mitigate the risk of sex trafficking under the PRA, Armstrong maintains that the policy is discriminatory and has the potential to create harms, including the exploitation of such workers.

Next comes an empirical paper by Natalie Thorburn, who carefully unpacks the thorny issues related to domestic sex trafficking within Aotearoa/New Zealand. Thorburn conducted two qualitative surveys examining the knowledge and practice of frontline medical and social services staff when it came to identifying domestic trafficking victims. She argues that practitioners had varied experiences and demonstrated some problematic interpretations of trafficking and potential victims, as a result of the absence of dialogue about the shape and characteristics of domestic trafficking. This is another form of gender-based violence that is often perpetrated by those intimately known by the victims; therefore greater attention and understanding needs to be directed at domestic trafficking, alongside the efforts made with regard to family violence and sexual violence.

In the next paper, we move overseas, where Kate Burry and Polly Stupples examine sex work, agency, and sexual and reproductive rights in Luganville, Vanuatu, using a body work approach. The authors note that sex work is prevalent in Luganville, and that this may reflect similar situations in other urbanising contexts in the Pacific region. Their research indicates that while women's bodies may provide them with much needed or desired financial revenue, their participation in sex work involves numerous vulnerabilities and risks to their health and survival. The contextual norms seriously limit the women's ability to manage boundaries and be assertive in interactions with men who buy sex. The authors argue that sex workers in this context are ontologically constructed as merely and only 'a body'. This dehumanisation is identified as part and parcel of the dominant gender norms that reify male desire and power, but marginalise sex workers, reducing their abilities to be assertive in claiming their sexual and reproductive health rights.

In the last paper, the debates surrounding the sex industry are brought firmly into the technologically mediated twenty-first century, where Madeline Henry and I examine the politics of computer-mediated sex work in the era of 'camming'. After contextualising prostitution and covering the various feminist approaches and legal models, we theoretically discuss the practice of 'camming', where 'webcam models' perform sex acts, often while alone in their own homes or in other private indoor domains, for online audiences who pay them. We argue that camming challenges some of the conventional understandings and critiques of sex work, while ushering in modified challenges and (gendered) power dynamics. Finally, we call for more critically oriented research that weaves in the hybridity, complexity, and rapidly changing nature of contemporary sex work.

As the summaries above indicate, and the papers that follow will demonstrate, sex work is an expansive, complex, contradictory and contested arena. As feminists, scholars and/or activists, it has never been more appropriate for us to engage in a critical and structural analysis of the industry. Given the progressive legislation in place in Aotearoa/New Zealand, we are in a unique position to critically examine the structural complexities, discursive constructions, and material realities of the industry. It is important to be able to critically examine the *industry* of prostitution, without being anti-sex work or anti-sex workers, or being deemed as such. Whenever possible, such research should also be done in partnership with sex workers, and such critical analyses undertaken jointly (van der Meulen, 2011).

No work is completely problem-free or pleasurable all the time. Many jobs outside the sex industry involve long hours, are labour intensive and consist of other daily burdens, as well as providing financial gains and other possible pleasures. Similarly, while sex work can be lucrative, offering flexible working conditions and financial independence, as well as other pleasures, it is labour intensive work. Not only does it involve the close physicality of bodies and bodily fluids, it increasingly involves relationship building and emotional labour (in some ways similar to other professions, such as massage therapy, physiotherapy, medical care, or nursing). Sex work entails physical, social and emotional labour, as well as individual, affective, and psychological management (Abel, 2011). Sex workers no longer sell just 'sex' but an intimate experience, with a desire for repeat custom (Sanders, Connelly, & Jarvis King, 2016; Sanders et al., 2017). What is on offer is a 'bounded authenticity' (Bernstein, 2007) that invokes 'deep acting' (Hochschild, 2003), emotional labour (Murphy, Dunk-West, & Chonody, 2015), and the offer of profound and intimate forms of erotic connection. Hence, the work not only needs to be compensated accordingly, but space made available to speak of, and deconstruct, the daily material realities. Such a deconstruction needs to include a robust analysis of the economics of the industry to better understand who is financially profiting the most from this form of gendered labour (Ehrenreich & Hochschild, 2003). Lastly, the politics,

asymmetries and various gender, class, and racial stratifications of the industry itself requires further critical analysis (Wojcicki, 1999).

Although research with men who buy sex is on the rise, much more space needs to be given to examining men's experience and engagement in the sex industry. Some recent critical analyses indicate that there are much 'softer' masculinities on display with men who buy sex, and this requires further analysis (Farvid, 2015b). Other research shows that some men engage in the sex industry as a lifestyle choice over conventional relationships (Sanders, 2013), and this has been tied to broader transformation in the commodification of intimacy (Brich, 2015). The increasingly technologically mediated domain of sex work also requires further research (Jones, 2015). As progress is being made with creating smarter and lifelike sex robots, what are the ethics of men buying sex from machines, with artificial intelligence, and/or having relationships with them (Yeoman & Mars, 2012). Lastly, much more needs to be understood with regard to how sex work unfolds in our neighbouring Pacific regions.

As I sign off, it has been a pleasure to edit this special issue of the *Women's Studies Journal*. I would like to acknowledge the support and guidance Dr Johanna Schmidt provided with the process, to thank all of our excellent contributors, Tara Pond for her administrative assistance, and Anne Else for her copy-editing. I look forward to our continued work in deconstructing heteronormativity and creating a social, cultural and legal context where sex work is no longer as asymmetrical, and where sex workers live free from stigma, discrimination, violence and other harms.

**Panteá Farvid**

#### Note

I want to acknowledge the complexity of these terms and the political meanings each bring. I tend to use the term prostitution to refer to the industry, sex work to refer to the job of selling sex, and sex worker to those who work in the industry (for a full discussion Farvid & Glass, 2014, and Henry & Farvid, this issue.)

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