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Claims-making and prostitution: An analysis of Bill 206, the Traffic Safety
(Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003

by

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Abstract

Over the last several decades, politicians, police and communities have increased their attention on the activities and behaviours of men who solicit prostitutes. This study critically examines one recent legal policy aimed at addressing the demand side of prostitution: Bill 206, the Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act, 2003. This study explores what claims-making processes are used to justify this legislation, how johns and prostitutes are represented, and how this legislation (re)produces racialized and gendered subjects. It argues that several claims-making strategies are employed, including a “crisis” of child prostitution, individualization and responsabilization tactics, and stereotypes about johns and prostitutes, to justify and legitimate this legislation as an appropriate response to prostitution. As a result, the perspectives’ of prostitutes were absent from the debates, and there was a broad neglect of a socially and historically contextualized analysis of prostitution as a social problem.

Table of Contents

Introduction.....	1
Overview and Objectives.....	1
Literature Review.....	4
Early perspectives and policy on prostitution in Canada.....	4
Prostitution law and policy: The john.....	11
Research Questions and Methodology.....	15
Thesis Summary.....	19
Conclusion: Summary and Contribution.....	21
Chapter One: Claims-Making and Prostitution.....	24
Politics and Prostitution Policy in Alberta.....	24
Relations of Power - Analyzing Race, Class and Gender in Prostitution.....	28
Second-Wave Feminism and Prostitution Debates.....	38
Feminism, Prostitution and Violence.....	45
Who is Allowed to Speak and What are they Saying?.....	50
Chapter Two: Bill 206 and Claims-Making around Prostitution.....	53
Voices of Authority.....	53
Prostitution as Exploitation.....	62
Taking Action against Prostitution.....	67
Chapter Three: Bill 206, Claims-Making and Prostitutes.....	76
A “Crisis” of Child Prostitution and the Safety of Children.....	77
Victim Claims-Making.....	90
Representations of Prostitutes.....	98
Gender and Prostitution.....	106
Race and Prostitution.....	111
Chapter Four: Bill 206, Claims-Making and Johns.....	114
Individualization, Responsibilization and John School.....	114
Prostitution and the Family.....	125
Representations of Johns.....	131
Violence as Rhetoric.....	139
Conclusion.....	150
Introduction: Summary of Critique.....	150
Significance and Contribution.....	153

References..... 156

Appendix..... 164

Introduction

Overview and Objectives

Until recently, law, policy, special interests groups, community organizations and academics have ignored men who solicited street prostitutes (Lowman, 2001; Oosenbrug, 2007; Fischer, Wortley, Webster & Kirst, 2002; Monto, 2004). Over the past two decades, legal and social policies aimed at the demand side of prostitution, including Prostitution Offender Programs (“john schools”), Report-A-John campaigns, “Dear John” letter campaigns, publishing johns’ names in local newspapers and vehicle seizure legislation, have proliferated. While these policies and campaigns have placed the public spotlight on johns and increased awareness of their activities, academic research has not kept pace (Lowman, 2001). Few researchers have attempted to understand this recent focus on men who solicit street prostitutes, or to analyze what this means within contemporary Canadian society. Given the recent proliferation of initiatives aimed at men caught soliciting street prostitutes, it is important to understand how and why these programs have come to be and what knowledge claims are used to justify their formation. I begin to fill this gap by analyzing one recent legal policy aimed at addressing the demand side of prostitution: Bill 206, the *Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act*, 2003. This Bill allows for the immediate seizure of a vehicle from an individual caught soliciting a street prostitute.

This thesis explores Bill 206 through a feminist lens and addresses the following questions:

- How are prostitutes and johns represented in this legislation?
- What knowledge claims are used to legitimate this legislation?
- How does this legislation (re)produce racialized and gendered subjects?

Bill 206, the *Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act*, was introduced into the Alberta Legislature in March 2003 as a Private Members' Bill by Harvey Cenaiko, a Progressive-Conservative MLA and retired beat-cop from the Calgary-Buffalo riding. The Bill passed in the Alberta Legislative Assembly unanimously on November 24, 2003. The Act received Royal Assent in 2005 and after several delays and amendments, was first utilized by police services across the province in the summer of 2006. Harvey Cenaiko argued that the "intent of this Bill is to target sex trade offenders as the main contributors of street prostitution and provide police services with another tool to fight street prostitution" (Alberta Hansard, April 28, 2003, p. 1250). This legislation allows police officers to seize vehicles from individuals who are caught and charged with prostitution-related offences under Canada's Criminal Code (sections 211, 212 or 213). If the individual is found guilty of the offence, and it is not their first conviction, their vehicle is auctioned off and the revenue is kept by the Alberta Government. First-time offenders are given the opportunity to take part in a Prostitution Offender Program ("john school"). Vehicles are returned to offenders who have agreed to pay a \$500 enrollment fee and take part in the eight hour Saturday program. Upon successful completion of the program, the criminal charges are dropped. Under the "You Cruise, You Lose" Campaign, the Edmonton Police Service seized 66 vehicles in 2007 and 83 vehicles in 2008

(Fiorelli, March 2009). In total, 99 men were charged under Section 212 of the criminal code in 2007 and 125 men in 2008 by the Edmonton Police Service (Fiorelli, March 2009).

This project untangles competing knowledge claims made during the legislative debates on Bill 206. A better understanding of legal policy allows us to highlight how it is used to maintain the status quo and reaffirm patriarchy, capitalism, and colonialism. Carol Smart (1989) argued that law is not a tool of feminist struggle, but a site of feminist struggle which (re)produces gendered and racialized subjects. Like other institutions, law becomes powerful by claiming to discover truth and exerts power through its ability to disqualify other forms of knowledge. Smart (1995) urges us to “analyse law as a process of producing fixed gender identities rather than simply as the application of law to previously gendered subjects” (p. 191). Indeed:

it is the work of feminism to deconstruct the naturalistic, gender-blind discourse of law by constantly revealing the context in which it has been constituted and drawing parallels with other areas of social life. Law is not a free-floating entity, it is grounded in patriarchy, as well as in class and ethnic divisions (Smart, 1989, p. 88).

Feminist goals in law should be to critically examine law as a site for the (re)production of racialized and gendered beings. This thesis project will examine the ways in which the operations of patriarchy, capitalism and colonialism are played out within and through Bill 206.

Prostitution has always been a troubling subject for politicians, policymakers, academics, community groups, citizens and police. No unified or coherent position has emerged. In the remainder of this introduction, I situate my research project within the larger academic and social responses to prostitution. In particular, I highlight the historical racism, sexism and inconsistency that have plagued prostitution social and legal policy. First, I provide some background on early perspectives and policy on prostitution in Canada. Then, I discuss the major trends in academic research on johns and identify gaps in this literature. I conclude with a discussion of my guiding research questions and the methodological and theoretical assumptions underlying this project.

Literature Review

Early perspectives and policy on prostitution in Canada

Canada's prostitution-related legislation has a long history of differentially treating female prostitutes and johns (Bittle, 2006). Historically, "police, magistrates, and judges presumed that prostitution was a female vice" (Minaker, 2006, p. 84) and generally speaking, law, policy, and police enforcement have concentrated on street level prostitutes but not johns. Social policy in Canada directed towards reducing prostitution also focused mainly on women and children. "During the early twentieth century, for example, when reformers lobbied for greater protection of young women and children involved in prostitution, law enforcement officials focused their efforts primarily on women involved in the trade" (Bittle, 2006, p. 197). As both Minaker (2006) and Bittle

(2002; 2006) described, this represented a shift in public perception from viewing the prostitute as needing punishment, to requiring protection. This involved a transition from viewing the prostitute as a “villain” or criminal in need of retribution for her promiscuity and immorality, to a belief that the prostitute is a victim of unfortunate circumstance and the sufferer of unspeakable violence who needs protection and pity. Unfortunately, the legal and social responses to “punishment” vs. “protection” were almost identical. Government and policing agencies imprisoned women in the name of protection, compassion and sympathy in ways identical to being “punished” for immoral and deviant behaviours (Minaker, 2006). Those from whom prostitutes must be protected, the johns, were left relatively untouched. As I explore in chapter one, this differential treatment is likely the result of the patriarchal, capitalist and colonial influences on prostitution in Canada.

Regardless of the perception of prostitutes as villains or victims, Canadian federal and provincial governments have continually relied upon and perceived criminalization as an appropriate mechanism to address prostitution. Despite outcries from academics, community groups and pro-sex work groups that criminalization only increases risks to prostitutes and does not address their concerns, Canada continues to criminalize these individuals (Kesler, 2002; Prenger, 2003), which stands in stark contrast and profound contradiction to the perception of them as victims of violence and abuse.

Throughout history, there have been numerous representations of prostitutes in politics and the media that have served various purposes.

McLaughlin (1991) suggests that, historically “the image of the prostitute was an important one in terms of the relationship between moral code and social order” (p. 251). The construction of a category of “fallen” or erring women helps simultaneously cement the definition of the ideal, virtuous women. While this dichotomy oversimplifies the complex interplay between gendered, racial and class components of a woman’s life, it is helpful for theorizing political and moral crusades against prostitutes and the limited representations of these women. What constitutes a “fallen” woman has shifted over the years depending on the category’s usefulness in regulating certain groups of women. Thus it is critical that any account of prostitution first situate it within its historical context, and be cognizant of the relations of power which are obscured or emphasized as legitimating strategies. This thesis recognizes the importance of a historically situated understanding of prostitution in Canada and continually reflects back upon this context to try and understand the knowledge claims offered during the legislative debates on Bill 206.

Minaker (2006) has explored legislators and moral entrepreneurs of the 20th century in Canada who “emphasized that without good moral influences, erring women would find loose company, take stimulants, and thereby slide or be induced into prostitution” (p. 82). This rationale was used to justify laws that regulate prostitutes and more generally women in public spaces who engaged in unacceptable behaviours. Many women who engaged in behaviours such as drug use and sexual promiscuity but were not prostitutes would frequently be mistaken and treated as such or assumed to be on a course in that direction. These women

were considered sexually deviant, having loose morals, and weak constitutions which could make them prone to drug use and the lure of men. Minaker's analysis focused on the importance of historical and contextual understandings of responses to prostitution, and points to the value of positioning social actors in these relationships to understand how their cultural and social positions influence their authority to speak and the knowledge they produce.

Sherene Razack (2000) has addressed the spatial and symbolic racialized, gendered boundaries of contemporary prostitution in Canada with a specific focus on the history of colonial and patriarchal interactions between settlers and natives in the 19th century. Razack (2000) has argued that "sexual violence towards Aboriginal women was an integral part of 19th century settler technologies of domination" and that negative images of Aboriginal women were used to help "justify the increasing legal regulation of Aboriginal women's movement and their confinement to reserves" (p. 94). She highlights that newspaper records from the time "indicate that there was a near universal conflation of Aboriginal women and prostitute" (Razack, 2000, p. 95). This understanding of Aboriginal women as being uncivilized and having poor moral characters was one of the justifications for the reserve system and their general mistreatment by colonizers. Razack argued that this is an influencing factor on contemporary john-prostitute interactions and must be accounted for in discussions of prostitution. Chapter one further explores Canada's history of racism and colonialism as it relates to prostitution, and we will see the importance of the issue of race and colonialism in the subsequent analysis of Bill 206.

These early perspectives and policies on prostitution focused heavily on the role that female prostitutes played in the act of prostitution. Governments and law enforcement agencies monitored and regulated female prostitutes' behaviours and movements in highly coercive ways, while men's behaviour was regularly ignored or dismissed. This enabled governments and law enforcement agencies to reinforce and reinscribe the second-class status of certain groups of women in Canada, such as Aboriginal and working-class women. Missing from early strategies was any attempt to understand how or why women engaged in prostitution-related activities beyond sexist and racist stereotypes about loose, sexually deviant women. Further, policy makers and law enforcement made little or no effort to engage prostitutes themselves in discussions around prostitution. Prostitutes were spoken for, but not with. No attempts were made to address or understand the prostitution seeking behaviours of men.

In the 1970's and 1980's writing about prostitution exploded as a result of increased discussion by second-wave feminists around issues of sexual violence and women's second class economic status. Many second-wave feminists saw prostitution as the ultimate example of male domination and female exploitation in a patriarchal, capitalist society (O'Neill, 1997). Contemporary feminist debates on prostitution stem from the feminist-sex wars of the 1980's, which pitted anti-pornography feminists such as Catherine MacKinnon (1989) and Andrea Dworkin (1987; 1993), against sex-positive feminists, pro-sex work organizations and prostitutes (Chapkis, 1997; Vance, 1984). At the centre of this war were debates around sexuality, pornography and prostitution.

Feminist debates on prostitution are often divided into two positions, paralleling the feminist sex wars of the 1980's: those who are "pro-sex work," that is, those who argue that prostitution is legitimate work and should be treated as such, and those who view prostitution as a mechanism of patriarchy which is inherently degrading towards women and should thus be abolished (Chapkis, 1997; Barton, 2002; Glick, 2000). The pro-sex work position is typically aligned with sex-positive feminists and Abolitionists with anti-pornography feminists. In chapter one I present a more detailed account of the feminist debates on prostitution. For now, I would like to highlight two points that are relevant to my discussion of prostitution policy and perspectives. First is that the overwhelming majority of this literature was focused solely on the experiences of female prostitutes and much of that literature was directed at either the economic desperation and exploitation of female prostitutes, or the severe violence experienced at the hands of clients and pimps. This was a direct result of the more general focus of second-wave feminism on issues of economic equality for women and women's experiences of physical and sexual violence. As a result, very little effort was made to examine customers of prostitutes, or interrogate their behaviour.

Second, much of the feminist debates on prostitution involved discussion *about* but not *with* prostitutes. Because of the division between groups, many feminists ignored or silenced voices of prostitutes whose experiences were not consistent with the version of truth being put forth by their faction. Prostitutes' stories which were consistent with the representation of prostitution being

promoted by that group were touted as the true prostitute experience, while inconsistent experiences were dismissed. Andrea Dworkin's (1993) speech on prostitution and male supremacy is a prime example. In it, Dworkin argues that prostitution is intrinsically abusive and suggests that there is only one experience of prostitution; the experience of prostitution as encased in violence and necessarily exploitative, dominating and oppressive. Not only does Dworkin claim to speak for all prostitutes and suggest that all prostitutes' experiences are alike, she argues "that the premises of the prostituted woman are [her] premises" (1993, para. 5). As we shall see, this dismissal of inconsistent narratives and general disregard for the voices of prostitutes is a prevalent theme in the debates on Bill 206.

This thesis employs a feminist lens which is neither abolitionist nor pro-sex work. It refuses to be either for or against prostitution. Instead, it remains critical of the social, structural and historical context within which prostitution policy is situated, while recognizing the importance of the voices, experiences and agency of men and women involved in prostitution. As I detail further in chapter one, the polarizing and essentializing nature of the sex wars detracts from a comprehensive understanding of the varied experiences of women working in prostitution. It is the perspective of this thesis that social and cultural acts have multiple, shifting meanings. Prostitution is not solely exploitative nor is it solely empowering. These oversimplified categorizations fall short in providing complex and contextualized accounts of the reality of sex work, or practical solutions to the problems associated with prostitution.

Prostitution law and policy: The john

In 1985 the Federal government introduced Bill C-49, or the communicating law. This law was an effort to create formal equality within prostitution law by making johns equally as culpable as prostitutes. The previous vagrancy and solicitation laws exclusively targeted prostitutes and were heavily criticized by prostitutes' rights groups and pro-sex work organizations in the 1970's and 1980's for being discriminatory (English Collective of Prostitutes, 1997). The communicating law marked the beginning of a broader focus in Canada by politicians, police, activists and communities on the behaviours and activities of johns.

To date, most research on johns has focused on two key areas: johns' motivations, and the john school program. Research on johns' motivations seeks to uncover the rationale or justification johns themselves use to legitimate their prostitution seeking behaviours. Authors such as Bernstein (2001), Plumridge, Chetwynd, Reed, and Gifford (1997), Jordan (1997) and Monto (2000b; 2004) have conducted qualitative studies in an attempt to uncover the reasons why men purchase sex from prostitutes. A variety of reasons are cited, such as an inability (perceived or otherwise) to establish conventional sexual relationships, a desire to have unemotional sexual contact, an attraction to certain physical characteristics, a desire for sexual experiences not provided by current partners, a desire for non-sexual companionship or friendship, and a desire for control during the sexual encounter (Monto, 2000b; Plumridge et al., 1997; Jordan, 1997). These studies, using first person accounts, attempted to uncover johns' motivations and to

understand how johns' themselves legitimate their own behaviour. While these studies offer valuable insight into the ways johns' perceive and legitimate their own behaviour, they offer no insight into how johns are perceived or represented in public forums or public consciousness. How johns are represented speaks to our understanding of their behaviour and can help deconstruct our social, cultural and political responses.

Researchers looking at john school typically focus on capturing the demographic characteristics of this previously unidentified population or conducting program evaluations designed to understand the impact and effectiveness of the program in changing johns' behaviour and attitudes (Preston & Brown-Hart, 2005; Monto, 2000a; Wortley & Fischer, 2002; Sawyer, Rosser & Schroeder, 1998; Kennedy, Klein, Gorzalka & Yuille, 2004). Few feminist researchers have taken up johns' behaviour or activities as a subject of inquiry. Further, only a small number of researchers have questioned this recent focus on men who solicit prostitutes or have critically examined new laws and policies. Two notable exceptions are Wortley and Fischer (2002) and Van Brunschot (2002). While Wortley and Fischer's project was first and foremost an evaluation of the Toronto diversion program, they did analyze the meaning of their data within the broader social and political climate and looked critically at the effect of the john school program on specific groups of men. They discussed the role of the emergent "victims discourse" within the Toronto diversion program and argued that "the discourse of the 'victims' of prostitution played a central and distinct role in the emergence of the Canadian 'John School' initiative" (Fischer et al.,

2002, p. 393). In this way, “the ‘John School’ fundamentally disseminates and builds on the imagery and symbolic mechanisms of the prostitute as ‘the victim’” (p. 393) and subsequently, the john as the criminal/villain. Building on these victims’ discourses, Wortley and Fischer (2002) argued that john school also constructs communities as a powerful group of victims in the world of prostitution. Certain neighbourhood groups were key actors in the formation and implementation of the john school program. These groups used the shifting emphasis of the criminal justice system towards “victims’ rights” to ensure that their rights, interests and needs were included in the john school agenda. These groups argued that street prostitution victimized them through physical destruction and debris, as well as the crime, drugs and violence often accompanying prostitution activities. The authors argued that the prostitute and community as victims were used as the main rationale and legitimization of the john school program. This was accomplished by framing johns as responsible and accountable perpetrators of the victimization of prostitutes and communities. As I display in chapter three, a similar use of the image of prostitute and community as victim was a powerful claims-making strategy in the debates on Bill 206.

Wortley and Fischer (2002) were also critical of john schools’ focus on men who solicit street prostitutes, and argued that this focus on street level activity disproportionately affects men from low socio-economic backgrounds, as well as immigrant men. Punishment of men who engage in visible prostitution activities is not mirrored by efforts to punish or correct indoor prostitution activities. The authors argued that this focus on working class men is reflective of

the more general Canadian trend in prostitution laws to systematically target working class prostitution activities. Indeed, “the John School diversion programme continues and further facilitates existing class biases of prostitution control in Canada” (Fischer et al., 2002, p. 401).

Van Brunschot’s (2002) research was concerned specifically with how the prostitution diversion program relates to a community policing philosophy of urban disorder and the amplified role of the citizen in protecting their communities. Her analysis focused on the relationship between the police, community members and johns, and the ways in which concepts of urban disorder and community safety are used to justify formal and informal mechanisms of social control and surveillance. Citizens increased involvement in crime prevention efforts was associated with increased participation in reporting criminal activities in their neighbourhood. Citizens involved in community policing claimed to be victims of the physical disorder associated with prostitution, such as debris, traffic and harassment; disorder which was created by both johns and prostitutes. Van Brunschot (2002) argued that these claims about urban disorder and victimization made by communities and police agencies were used to justify the focus of policing initiatives and programs, like the john school, on street level prostitution activities while ignoring indoor venues. The physical disorder and victimization of communities was connected to visible street prostitution, with the primary concerns being public nuisance and issues around safety caused by these activities. Because most indoor prostitution activities have a less visible impact on community neighbourhoods in terms of traffic, violence

and debris, they were not targeted to the same extent as street level activities. This continued to reinforce the unequal focus and punishment of street level prostitution activities.

Existing research has contributed to our understanding of johns' motivations and john school, however there has yet to be a focused effort made to analyze legal and political responses to johns using a critical feminist perspective. The overwhelming majority of critical feminist scholarship on prostitution focuses on prostitutes themselves, or has attempted to uncover the motivations behind johns' behaviour. Further, no research project has yet attempted to analyze how a social or legal response to prostitution represents both prostitutes and johns, or the ways in which that legislation reinforces or transforms gender norms and stereotypes. My project draws attention to how legislators and policy makers think about, talk about and regulate prostitution, with a specific focus on the representations of both johns and prostitutes. Given the recent proliferation of initiatives aimed at men caught soliciting prostitutes, it is important to understand what claims-making strategies are used as justification. This thesis project looks critically at these new initiatives and asks whether they are simply a repackaging of old gender and racialized norms and stereotypes, or whether they represent a new way of understanding prostitution.

Research Questions and Methodology

My project begins to fill this research gap by examining the various claims-making strategies which informed the debates on Bill 206, the *Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act*,

2003. More specifically, I answer the following questions: First, how are prostitutes and johns represented in this legislation? Second, what knowledge claims are used to legitimate this legislation? Third, how does this legislation (re)produce racialized and gendered subjects?

This thesis employs a feminist content analysis of 1) the Traffic Safety Act; 2) the legislative debates on the Act; and 3) key supporting documents, including news releases, newspaper articles, sessional papers, and police statistics. All of the primary source data for this project is publicly available online. The Traffic Safety Act (2007) is available for online viewing through the Queen's Printer website and the legislative debates on Bill 206 are transcribed and available through the Alberta Hansard website (Alberta Hansard, March 3, 2003; April 28, 2003; May 5, 2003; May 12, 2003; November 24, 2003; May 4, 2005). Online database services provided news releases and newspaper articles and the Alberta Legislature Library contained sessional papers.

The bulk of the content for this project came from the legislative debates on Bill 206 and the subsequent debates on Bill 39, which amended several components of the original Bill. In total, six days were spent debating the *Traffic Safety (Seizure of Vehicles in Prostitution Related Offences) Amendment Act*. The transcripts for these debates exceed 90 pages. A content analysis was conducted using these documents, which involved coding the data, connecting those codes into broader categories, and identifying common themes and linkages among those categories based on the research questions.

My theoretical and methodological approach is heavily influenced by Laureen Snider's (2000; 2002) work on neo-liberal claims-making processes. Snider's work on corporate crime (2000) and time fraud (2002) examines the connection between knowledge production, claims-making, and political, economic and social privilege. Claims are ideas or categories of knowledge set forth as commonsense or fact. They can have the power to define how people can and do think or act. Claims often begin in the realm of social or natural science. Research, scientific or otherwise, produces information upon which interpretations are mounted. These interpretations, or claims, are always laden with social, economic and political implications and have far reaching consequences. Claims can also be based on personal experience, first-hand knowledge, or even gleaned from other sources of information. While anyone can act as a claims-maker, Snider argued that corporate elites and other key high-profile groups with access to social, political and economic resources have the upper-hand in knowledge production and claims-making. These groups have "the most persuasive, best publicized, and most assiduously promoted claims" which are used to "support, secure or reinforce their own privilege" (Snider, 2002, p. 93). Those with access to or control over economic and political institutions directly control the production of knowledge. These groups are best situated to identify and transform what is "common-sense" and "fact."

While counter-hegemonic claims do exist and can make their way to mainstream culture, Snider (2002) argued that these voices are more likely to be silenced or held to a higher standard of proof than elite-endorsed claims. More

often than not, counter-hegemonic claims are depicted as “radical” or “special interest,” in contrast to the elite-endorsed “mainstream” claims (Snider, 2002, p. 94). Indeed, claims made by high-profile or privileged groups are frequently linked to dominant cultural themes or the “latest legitimizing concepts” to resonate with citizens (Snider, 2002, p. 95). These strategies enable privileged knowledge claims to become popularized and accepted within mainstream consciousness. Importantly, claims-making does not take place on a level playing field; the scales are inevitably tipped in favor of those with access to social, political and economic resources.

Legislative debates are a very specific type of claims-making process. They are not conversations or dialogue, but prepared speeches with a specific intent or purpose, such as stating a position, constructing an argument, fulfilling a governmental role, or speaking for citizens. Members have a variety of intentions behind their speeches, such as arguing for or against a Bill, elaborating on or criticizing other government initiatives, voicing community concerns, and in the case of a private members Bill, voicing personal concerns or opinions. Importantly, only Members of the Legislative Assembly (MLAs) are allowed to speak. Others wishing to have their concerns or opinions included must do so through their MLA. In this way the MLA acts as a gatekeeper and mouthpiece for concerned citizens, interest groups, and others affected by legislation. This is a very significant aspect of legislative debates because it allows MLAs to control the content and direction of speeches and the framing of community concerns. It also provides MLAs the opportunity to censor unwanted perspectives or opinions.

As I demonstrate in chapter two, this position as gatekeeper plays a key role in the framing of discussions around prostitution during the debates on Bill 206. MLAs offer opinions and ideas consistent with Abolitionist perspectives on prostitution, while silencing those who suggest prostitution is work. Through their role as mouthpiece, MLAs allowed voices consistent with the aims of this legislation to be heard, while voices crucial to any discussion of prostitution, those of prostitutes themselves, were noticeably absent.

Thesis Summary

Chapter one addresses historical claims-making around prostitution. I outline feminist conceptualizations of prostitution and focus on the role that relations of power such as race, class and gender play in the context of prostitution. This outline further develops and situates my theoretical and analytic feminist perspectives on prostitution. I describe the major political trends in Alberta over the past half century and discuss one important piece of prostitution legislation, the Protection of Children Involved in Prostitution Act (PChIP). I also discuss the influences of second-wave feminism on contemporary debates around prostitution and address the Pro-Sex Work/Abolitionist debates that emerged from the 1980's Feminist Sex-Wars. I address the issue of feminism, violence and prostitution and discuss both the realities of violence in street prostitution, but also the varying perspectives on violence and its use as rhetoric in political debates. Finally, I speak to the question: what claims have been made about prostitution and who is making them? I look at who has historically had authority to speak about prostitution, how they are situated and what claims they made.

Chapter two addresses claims-making processes around prostitution made during the debates on Bill 206. This chapter looks at who was an authorized speaker/knower during the debates and how prostitution was understood. I demonstrate how a specific framing of prostitution as exploitation influenced discussions about appropriate social and legal responses and how claims-making strategies of community responsabilization and delegation of power were used to direct the discussion about who was responsible for taking action against prostitution. I show how each of these claims-making processes ultimately reinforce two significant themes in the debates: first, there is little or no regard for the needs and wants of street prostitutes; and second, there is no concerted effort to contextualize prostitution or to connect any of the issues around prostitution to larger social or historical processes.

Chapter three examines the claims-making processes around prostitutes themselves. I demonstrate how speeches on Bill 206 are influenced by the “crisis” of child prostitution constructed during the government’s passing of the Protection of Children in Prostitution Act (PChIP) several years earlier. The safety of children is a powerful theme that served multiple functions in the debates. Several claims regarding prostitution victims and empowerment were also identified as playing important roles in how Bill 206 was framed and justified as an appropriate response to prostitution. I explore how discussions of prostitutes’ identities are limited to a few socially acceptable caricatures which ultimately limit discussion on prostitution. I suggest that these representations serve a valuable purpose in reinforcing racial and gendered stereotypes about

women involved in street prostitution. The lack of attention to the racial and gendered nature of prostitution and the implications of this omission are also discussed. These representations continue to reinforce the general disregard for the agency of street prostitutes and a complex and contextualized understanding of street prostitution in Alberta.

Chapter four examines the claims-making processes around johns. I argue that the use of claims-making strategies of responsabilization and individualization, in tandem with Edmonton's john school program, casts a veil over the social and structural influences on prostitution. The market logic of supply-demand economic theory is also used to disregard the cultural and structural influences on men's prostitution seeking behaviours, and women's involvement in prostitution. I explore the few representations offered of johns and their motivations, and discuss these representations in relation to themes discussed in previous chapters about the "crisis" of child prostitution in Alberta, prostitutes' identities and john school. I specifically address the relationship between one common representation, the john as sexual predator and pedophile, with the use of violence as rhetoric during the debates. These issues are then connected back to the two themes in the debates: the disregard for the needs and wants of street prostitutes, and the lack of social and historical contextualization of street prostitution in Canada.

Conclusion: Summary and Contribution

Criminal policy is important to analyze for a number of reasons. It represents the intersection of a number of competing interests including special

interest groups, legislators, the state, the community, and those affected themselves by the policy. By looking at policy and the knowledge claims that surrounds policy, we gain a better understanding of whose voices are heard and listened to and whose voices are ignored or distorted. Snider (2000) argued that “the acceptance of knowledge claims is not an equal opportunity game. All claims validate some interests and demonize others, all create winners and losers” (p. 171). By analyzing the debates around Bill 206, this project untangles the claims made by different interest groups. It attempts to understand which claims are currently in vogue and by default which are not, and piece together why that may be the case in our current social climate. By codifying boundaries into laws, legal discourse has an incredible power to legitimate certain forms of knowledge and ways of thinking, while delegitimizing others. Understanding which forms of knowledge are being privileged at any given time within law is an important step to understanding and responding to gender and racial stereotypes and moving towards significant and substantive equality.

Because there has been little research conducted on recent legislative efforts to deter and punish men soliciting prostitutes, this research can make a valuable contribution to our understanding of these new initiatives. The widespread acceptance and popularity of these initiatives as appropriate responses to prostitution makes them an important topic to research. My project attempts to partially fill this gap by using a critical feminist perspective to analyze the claims-making processes that informed Bill 206, with a specific objective of understanding the ways in which various strategies serve to reinforce or

undermine patriarchal, colonial and capitalist relations of gender, race and class. While few feminist scholars have studied initiatives for johns, I believe analyzing these initiatives with a feminist lens can contribute important insights into the gendered and racialized impact of this legislation and the ways in which it reinforces or reconstitutes the relationship between the prostitute and the john. In this way, this project can make a valuable contribution to the feminist prostitution literature. Understanding how this legislation reinforces or undermines prostitution stereotypes is an important step to understanding and responding to gender and racial stereotypes and moving towards appropriate and effective solutions to problems associated with street prostitution.

Chapter One: Claims-Making and Prostitution

Introduction

This chapter addresses historical claims-making around prostitution. I focus on the role relations of power such as race, class and gender play in the context of prostitution with the goal of further developing and situating a theoretical and analytic feminist perspective on prostitution. First, I provide some context on Alberta's political landscape during the last half century and discuss its recent responses to prostitution, including the Protection of Children Involved in Prostitution Act. I discuss the influences of second-wave feminist activism and theory on contemporary debates on prostitution and describe the pro-sex work/Abolitionist debates. I also address the issue of feminism, violence and prostitution and discuss the realities of violence within street prostitution, the varying perspectives on this violence and its use as rhetoric in political debates. I address the question: what claims have been made in the past about prostitution and who is making them? I discuss who has historically had authority to speak about prostitution, how they are situated and what claims they made. I also discuss prostitutes as silenced/silent and address the question of agency vs. exploitation in prostitution.

Politics and Prostitution Policy in Alberta

Alberta is a province with a long politically conservative history. The Social Credit party, known for its religious fundamentalism and moral conservatism, governed Alberta for more than 30 years, 1935 to 1971 (Jeffrey,

1999). In 1971 Peter Lougheed and the Conservative party upset the Social Credit's hold on Alberta's provincial politics and, in the process, ushered in the Tory dynasty. The Conservatives have governed Alberta for nearly 40 years. While there have been noticeable shifts in Conservative support over the years, most notably in the late 1980's, the overwhelming dominance of the Conservative party in Alberta's legislature has influenced the direction of Alberta's political landscape and policy (Archer, 1992). In the 25th Legislature, which was sitting during the debates on Bill 206, the Conservative party held an 89.3% majority (75 seats), while the Liberals, the official opposition, held only 8.3% (7 seats) and the NDP 2.4% (2 seats). With only 10% of the seats filled by opposition members, the government needed to ensure that only 11% of their 90% majority showed up to vote. This guaranteed that legislation the government wanted to pass would.

While Alberta's conservative tradition has spanned nearly 75 years, there have been noticeable shifts in the type of conservative ideology employed. The Social Credit party, for example, was known for their non-partisan politics, which included religious fundamentalism, moral conservatism and a family values orientation. With the election of Peter Lougheed's Conservative party in 1971, provincial politics underwent a significant change. As many political historians have pointed out, Lougheed's government shifted away from rigid social conservatism to a modern, market-oriented and urban-focused approach to politics (Jeffrey, 1999). This new Tory government focused on partisan politics and progressive, modernized approaches to the changing social landscape in Alberta, including the shift from heavily rural to urban populations.

Peter Lougheed stepped down as Alberta's Premier in 1985 and, after an interval with Don Getty as Premier from 1985-1992, Ralph Klein won the 1993 provincial election. Klein remained Premier of Alberta until 2006 and was in office during the debates on Bill 206. Klein's win in 1993 was due in large part to his use of rural populism and strong support from rural and low-income citizens (Jeffrey, 1999, p. 81). Klein was a partisan leader who did not share the moral conservative perspective held by others in his party. Klein believed that "family values" issues "would distract from his "Alberta Advantage" focus on economic prosperity" (Jeffrey, 1999, p. 94). In this way, tensions were continually played out between a social conservative focus on family-values and morality by some members of the caucus, and neo-liberal self-sufficiency, market-orientation and individual responsibility by Klein and others. Because much of Klein's support came from rural and social conservative constituents, moral conservatives were well represented in Klein's cabinet. While Klein may not have agreed with some of their concerns, compromises were made on several issues (Jeffery, 1999, p. 94-95).

Alberta's secure care legislation (the Protection of Children Involved in Prostitution Act, or PChIP) was a unique piece of legislation passed in the Alberta legislature in 1999. Prior to this time, responses to street prostitution in Alberta were similar to, and often modeled after, policies and programs from other provinces and Western countries. Steven Bittle (2006) examined how Alberta's enactment of secure care legislation allowed for youth involved in prostitution to be held in "protective confinement for a seventy-two-hour assessment, during

which they receive emergency care and treatment, with additional provisions that allow authorities to apply for a maximum of two more periods of detainment” (p. 201).

Bittle (2006) argued that secure care utilizes neo-liberal strategies of control and represents a simultaneous increase in government involvement in child prostitution and devolution of government responsibility in crime prevention. PChIP “supports market conditions, activates community partnerships, befriends the family, throws responsibility for the youth sex trade onto the individual prostitute, and focused on risk situations” (Bittle, 2006, p. 196). This response strategy increases the control and regulation of young women and children involved in street prostitution while individualizing and responsabilizing these groups, all under the rhetoric of protection and security. In this way, the youth sex trade is individualized and the relations of power which influence a young woman’s decision to prostitute go unnoticed. Secure care, under the guise of neo-liberal logic, overlooks key social and material aspects of these youths’ involvement in prostitution.

Dianne Martin (2002) also looked at Alberta’s secure care. Martin (2002) argued that there has been a recent, troubled transition from the view of child prostitutes as criminals to child prostitutes as victims. This transition was not met with a wider social safety net for child prostitutes but instead increased criminalization, surveillance and control over their movements and behaviours. Legislators used neo-conservative insistence “on a combination of punishment and the charitable ‘rescue and reform’ model” in tandem with a neo-liberal fuelled

reduction in social spending to commodify crime and intensify criminal regulation of child prostitutes in an era of privatization (Martin, 2002, p. 360). Indeed “the combined effect of cuts and new initiatives is to reduce the state’s ameliorative role while expanding its coercive power” (Martin, 2002, p. 361). She argued that this was accomplished by constructing a “crisis” of child prostitution in Alberta; a crisis containing elements of Stanley Cohen’s (1972) “moral panic,” including an exaggeration of the problem and the necessary response.

Child prostitution is an excellent choice for the construction of a “crisis” because, regardless of one’s position on prostitution, there is general consensus about the inappropriateness of children involved in the sex trade. Martin (2002) argued that this “crisis” is best understood “as a marketing campaign selling fear, crime control, and obfuscation of issues as well as crafting partial and individualized solutions to complex social issues” (p. 362). As we will see in chapter three, this construction of a “crisis” of child prostitution identified in Alberta’s secure care policy was carried over into debates on Bill 206 and influenced the framing of prostitution. Speakers used knowledge and language gained during the formation of the PChIP legislation to inform the debates on Bill 206. The “crisis” of child prostitution in Alberta fostered during the PChIP debates gains new life during the Bill 206 debates to justify and legitimate this legislation as an appropriate response to prostitution.

Relations of Power - Analyzing Race, Class and Gender in Prostitution

Traditional notions of femininity and masculinity have an enormous impact on societal beliefs and perceptions about prostitution. In recent history,

societal constructions of traditional roles for white, middle-class women were ones where she tends to the home, the husband, and the children. Women's roles were tied to the private sphere of domesticity and reproduction (Roberts, 1992). From this relegation to the home, North American gender stereotypes about men and women have emerged. Characteristics associated with domesticity and reproduction, such as nurturing, emotional, caring, weak, submissive, and vulnerable, are viewed as desirable traits for a woman to have (Rudman & Heppen, 2003). Opposing characteristics, such as strong, dominant, rational, objective, and controlling, are associated with masculinity. These characteristics serve as a basis for what is deemed sexually desirable within our heteronormative culture (Kimmel, 2005). Men are socialized to desire women who are submissive and powerless. They are also socialized into playing games of sexual coercion and eroticized domination with women. This creates a "culture of coercion in which young women and men in Canada act out traditional gender roles. According to this script, men are to demand, pressure, harass, and joke while women are to avoid, give in, blame themselves, and feel guilty" (Duffy, 2005, p. 132). Men are taught that women are coy and will withhold sexual access from them. Many men impose force to gain access to female sexuality. Women, on the other hand, are socialized to be the gatekeepers of sex. They are taught that "good women" do not have a sex drive and must withhold sexual access from men (Tuana, 2004).

Implicit within this socialized sexual coercion is what Miriam (2005) discussed as

‘the law of male sex right over women,’ meaning men’s tacit right of access to women’s emotional and physical capacities...sex right is part of the background understandings of gendered, unequal social relations that make, say, an individual man’s use of coercive force over a woman legitimate and intelligible even when explicit expressions of sex right (such as coverture) have been eliminated. (p. 11)

While men’s legal right to access women’s bodies has been extinguished, its essence continues to play out in gendered relationships of the 21st century. This “sex right” is rooted in the notion that women are male property as well as the need for men to control female sexuality. This has implications for our understanding of traditional gender performance and the ways we view the prostitute and client. This “sex right,” along with the traditional construction of femininity as chaste and virginal, set up a paradoxical set of expectations for women. While men demand sexual access to women, they simultaneously uphold the construction of a ‘respectable woman’ as one who does not engage in sexual acts (Leblanc, 2002). This allows men to engage in sex, while maintaining control over the sexuality of ‘respectable women’ and constructing stereotypical representations of prostitutes as weak-willed, promiscuous women.

This contradiction is at play within prostitution. The tacit understanding that men have the right to demand sexual access to women is often used to justify and legitimate the existence of prostitution within our culture. Many men feel entitled to demand commodified sex. This commodification of women’s bodies is the outcome of the need to own and control female sexuality, an implicit

assumption of patriarchal masculinity. The demand for prostitution, resulting from the commodification of women's bodies, is rooted in patriarchy and capitalism.

While most research on prostitution revolves around the female in the trade, traditional masculinity and the naturalization of hyper-sexual men also inform public opinion on prostitution and relationships between prostitutes and johns. These notions tend to be hidden from view or naturalized to such an extent as to be unquestionable. While many do not interrogate these understandings of traditional male sexuality and masculinity, they play a large role in societal beliefs on prostitution. Within our culture, "prostitution seeking is sometimes treated as a natural aspect of masculine sexual behavior" (Monto, 2004, p. 162). Men are simply perceived as having a naturally high sex drive and it is assumed that many use prostitutes to assuage that need. However, "such a perspective ignores the ways that sexual "needs" and desires are structured and shaped by society" (Monto, 2004, p. 163). Naturalizing the male desire for a sexual outlet obscures the social and historical forces that construct those desires in the first place.

This conceptualization of johns overlooks the ways in which desire and sexuality are produced by society through normalizing or naturalizing the behaviour. This limits discussion on prostitution by constructing sweeping generalizations about johns which close the door to contextualized and historically situated understandings of prostitution.

Another set of common perceptions about men who solicit prostitutes is that they are "psychologically deficient, socially inadequate, or sexually deviant"

(Monto, 2004, p. 168). Proponents of these perceptions have used a variety of mechanisms to rationalize these claims about men who solicit prostitutes, such as religious morality, psychoanalytic or psychological theory, or allusions to patriarchal masculinity (Roberts, 1992; Monto, 2004). Recently this perspective has been reinforced through the john school program and its use of psychological theories of addiction, which encourage johns to “consider the possibility that they have an addiction to sex and suggest that they may want to seek help for this disease” (Wortley, Fischer, & Webster, 2002, p. 374). By framing johns as “diseased,” john school individualizes the demand for prostitution while simultaneously pathologizing it. Constructing the purchasing of sex as a “disease” removes the social and historical implications of prostitution. Constructing johns as sexually deviant creates a similar situation in which johns actions are individualized and pathologized and thus removed from the social context within which they are situated. All three representations, psychological deficiency, social inadequacy and sexual deviancy, can be used to reinforce masculine stereotypes of potency, virility and self-control. Men who solicit prostitutes are often represented as “failed” men because they cannot control their sexual urges or have to pay for something that “real” men get for free. Contradictorily, the opposite can also be true in which solicitation is viewed as the embodiment of masculine behaviours of virility, sexual domination and conquest. Both representations can be employed to reinforce similar masculine stereotypes. As we shall see, prostitution seeking behaviour was represented in a variety of ways during the debates on Bill 206: sexually deviant, psychologically deficient, and naturally

occurring. Each conceptualization fails to account for the social and structural influences on sexual desire and behaviour.

Race is another essential component to understanding prostitution in Canada. Although Aboriginal women make up a large majority of the street-level prostitutes in Canada, little research has explored this topic. Estimates of the number of street prostitutes who are Aboriginal vary by city. The Edmonton Social Planning Council estimated that in 1993 roughly 50% of street prostitutes in Edmonton were Aboriginal (Edmonton Social Planning Council, 1993, p. 1). A study conducted in Winnipeg estimated that 70% of the street prostitutes were Aboriginal (Subcommittee on Solicitation Laws, “The Prevalence of Aboriginal Women” section, para. 1). These figures are startling, considering the fact that over the past two decades the Aboriginal population of these cities has remained between 5% and 9% of the total population (Statistics Canada, 2008a; Statistics Canada, 2008b; Statistics Canada, 2010).

Although there is little research on the subject, I believe that Canada’s history of colonialism and colonial representations of Aboriginal women play a large role in the overrepresentation of Aboriginal women in street prostitution in Canada. Canada has a long and unfortunate history of mistreating and misrepresenting Aboriginal peoples and of intentionally portraying Aboriginal women as primitive, immature, hyper-sexual and immoral (Carter, 1997). Canada’s patronizing and assimilationist policies have been well documented, as has the depiction of Aboriginal people as childlike, “wards of the state” and the “white man’s burden” (Getty & Lussier, 2000). Sarah Carter (1997) suggests that

“Aboriginal women were said to be accustomed to being bought and sold by their own elders and to be mistreated by their own men” (p. xvi) and “assiduous efforts were made to cast Aboriginal women as dangerous and immoral, as a threat to the emerging non-Aboriginal community” in Canada (p. 8).

The Canadian government has historically treated Aboriginal people in general and Aboriginal women specifically as second class citizens whose rights and movements could be restricted or removed on a whim (Stanley, 2000). They were considered wards of the state, too immature and child-like to be granted full citizenship status and incapable of making their own decisions (Tobias, 2000). The paternalistic nature of the reserve system in Canada highlights this infantilization of Aboriginal peoples. They were placed on reserves “where the Indian could be prepared for coping with the European” (Tobias, 2000, p. 41) and gradual civilization could ensue wherein Aboriginals “might be taught to farm and learn the value of work” (Tobias, 2000, p. 45). Once a status-Indian was proven appropriately “civilized,” the government would remove their Indian status and have them leave the reserve. Given the continued existence of the reserve and Indian status systems to the present day, it is not surprising that stereotypes about Aboriginal immaturity, immorality, and primitiveness persist (Nightingale, 1991).

Canada’s history of colonialism has been linked to the complex and interconnected relationship between contemporary racism, poverty, drug and alcohol abuse, child abuse and poor quality of life and standard of living of Canada’s Aboriginal population (Brownridge, 2008). While extensive discussion

of the topic is outside the scope of this paper, I believe Canada's colonial history and the colonial construction of Aboriginal women as promiscuous, primitive, and immoral play a significant role in understanding the overrepresentation of Aboriginal prostitutes. Further, these racialized constructions influence the socialized demand for prostitution and the persistence of insidious stereotypes regarding prostitutes as having loose morals and weak constitutions (Razack, 2000). It is vital not to divorce Canada's colonial history from gendered understandings of prostitution and it is also important to avoid reducing Aboriginal over-representation within prostitution to an economic issue.

The discussion of race takes on another dimension when one considers the findings of several studies on johns. Fischer et al. (2002) found that the socio-demographic characteristics of the Toronto john school participants revealed a predominately marginalized group of foreign born or first generation immigrants, the majority of whom did not speak English as their first language and indicated that high school or less was their highest level of education completed (p. 401). Their data suggested that the men typical of the john school population were "working class, visible minority and English as Second Language (ESL) immigrants" (p. 401). They found no evidence to suggest that the men in the john school program were representative of the male population of Toronto, or even of Canadian men who were purchasing sexual services. These conclusions are mirrored by other researchers, such as Lever and Dolnick (2000) who, relying on information supplied by call girls and street prostitutes, found that high-end prostitute services were more likely to be utilized by higher-income, older white

men, while street prostitutes, who themselves were more likely to be visible minorities, also had a higher proportion of non-white clients. These results suggest that the long-standing focus of criminal law and policing on street prostitution not only discriminates against working class and minority female prostitutes, an argument made by feminists for decades, but that it also discriminates against working class and minority johns. A comprehensive understanding of prostitution in Canada must, then, include a complex and historicized analysis of the intersection of race, class and gender, for both men and women.

Socio-economic status, or class, is the final key factor included in most discussions of prostitution. The link between street prostitution and poverty is impossible to ignore, and it comes as no surprise that studies find the “primary incentive leading individuals to engage in prostitution appears to be economic” (Lucas, 2005, p. 514). In particular, street prostitutes are often undereducated, possess few marketable skills, and are disproportionately single mothers (Monroe, 2005). These women are typically viewed as victims of their lot in life, forced into prostitution through economic desperation. Women of colour and immigrant women, groups that are disproportionately affected by poverty and economic inequity, are over-represented among street level prostitutes (Norton-Hawk, 2003). From these studies and reports come variously employed representations of prostitutes as poverty-stricken mothers and economically destitute women forced into prostitution to make ends meet (Brooks-Gordon & Gelsthorpe, 2003).

While the link between poverty, social inequality, and prostitution is undeniable, these explanations are insufficient. First, they often neglect to account for the creation of demand for prostitution in the first place. These arguments assume that if poverty and inequality were eliminated, prostitution would no longer exist. However, demand for prostitution is a socially constructed phenomenon rooted in historical and structural institutions and fueled by gender and racial stereotypes. While the elimination of poverty is an essential component to eradicating prostitution, the institutional creation of demand for prostitution must also be eliminated.

Second, while these discussions do take race into account as an important concept for understanding prostitution, they neglect to understand the impact of colonialism and primitivist discourses on societal understandings of women of colour's sexuality. Class tends to subsume the discussion of race, and it is assumed that the sole reason women of colour are over-represented in street prostitution is their economic marginality. While economic marginality may be one of the major factors pushing these women into prostitution, the demand for this specific racialized, classed, and gendered group in street level prostitution is likely also a result of colonial discourses that construct these women as promiscuous and hyper-sexual. As Razack (2000) argued, the interaction between a native prostitute and a white john can be viewed as a neo-colonial form of conquest. It is possible that this "conquest" is a socialized desire for this specific racialized interaction. To ignore or dismiss the importance of race, and instead

focus solely on economic class, is a critical error in any academic or policy literature.

While this brief discussion divided relations of power into discrete categories, it is important to draw attention to the fact that relations of power influencing a woman's involvement in prostitution are not discreetly categorized, stand-alone causes. Women's lives and life chances are structured by highly complex and interconnected individual and social variables, as are the factors that influence a woman's decision to prostitute. Prostitution literature identifies a wide-range of factors influencing a woman's decision to prostitute, such as childhood sexual abuse, poverty, addiction, physical violence, mental health problems, homelessness, gang involvement, and pimps to name but a few. Each factor is influenced by and connected to broader social and structural dynamics of patriarchy, capitalism and colonialism. We cannot divorce each factor from one another, or from the broader social and cultural milieu from which it came. Each component of a woman's life is intimately connected to others, and to separate them indefinitely, for the purpose of analysis or otherwise, leaves an incomplete picture which ultimately falls short in providing a solid understanding of prostitution and the experiences of prostitutes themselves.

Second-Wave Feminism and Prostitution Debates

Feminist debates on prostitution are often divided into two positions,¹ paralleling the feminist sex wars of the 1980's: those who are "pro-sex work";

¹ Because of the enormous diversity within and between these positions, it is difficult to synthesize the arguments into discrete sections. Instead of providing an extensive discussion of each position,

and those who are abolitionists. The pro-sex work position is typically aligned with sex-positive feminists and Abolitionists with anti-pornography feminists. These positions are aligned with broader opinions from the general public regarding prostitution, specifically those who view prostitution as victimless and who wish to see prostitution decriminalized or even regulated and taxed, and those who perceive it as exploitation that needs to be abolished. As we shall see in chapter two, the consequences of perceiving prostitution as exploitation as opposed to work are significant.

Abolitionists argue that prostitution is a mechanism of patriarchy and that it is inherently degrading and violent towards women (Barton, 2002; Scambler & Scambler, 1997). They want to see an end to prostitution, either through legislation, an end to patriarchy, or economic gain for working class women. It is often assumed that women who enter prostitution do so under immense pressure, be it coercive pressure from a partner or pimp, or the economic pressure of deep poverty. Thus, it is frequently argued by Abolitionists that “prostitutes are desperate women whose judgment is clouded by the unjust economic deprivation in which they find themselves... The choice of prostitution is not an authentic one” (Stolba, 2000).

Radical and socialist feminists argue that prostitution is caused by the intersection of patriarchy and capitalism, and that inherent within the act of purchasing sex is a power differential between racialized, gendered, and classed bodies (Shrage, 1994). Prostitution is inherently demeaning and dehumanizing to

I provide a brief description of each “side” of the debate and discuss some of the major criticisms of each.

certain groups of women and needs to be abolished. Socialist feminists argue that ending patriarchy and capitalism will also end unequal power between men and women, making prostitution unnecessary because the demand for prostitution is entrenched in the power differentials between men and women. Prostitution is thus the ultimate oppressive force of patriarchy. Kesler (2002) has argued it's "the absolute embodiment of patriarchal male privilege" (p. 219). This perspective parallels those in the population who perceive prostitution as a public nuisance and exploitative towards women and children (Brock, 1998; Van Brunschot, 1994). They see no value or need for prostitution and desire only to see it eradicated. This perspective also includes those who want prostitution eliminated on religious or moral grounds, such as those who perceive prostitution as morally deviant.

"Pro-sex work" feminists argue that prostitution is work and should be legalized or decriminalized (Brock, 1998; Chapkis, 1997). They argue that most problems associated with prostitution are a direct result of social stigma attached to the trade, as well as the criminalization of prostitution which forces prostitutes to work in dangerous conditions with no safe guards or regulations (Bruckert & Parent, 2006). The stigma attached to prostitution is linked to the taboo of sex and sexuality. Aside from this stigma, there is little difference between sex-work and other forms of labour. Indeed, prostitution is often analogized with other forms of "pink collar" jobs, such as service industry work. Some even argue that prostitutes are the vanguards against male domination and are utilizing the oppressive elements of patriarchy and capitalism to live subversive, independent, and

fulfilling lives (Roberts, 1992). In a broader sense, this perspective parallels one point of view among the general population that prostitution is victimless and the best approach to reducing the nuisance and violence experienced by prostitutes is to decriminalize, legalize or regulate prostitution (Brock, 1998).

More recently, feminists and pro-sex work groups have made an effort to expand representations of prostitutes to include a wide range of identities such as mother, sister, daughter, worker and citizen (Razack, 2000; Jeffrey & MacDonald, 2006). The major driving force behind this was the desire to construct prostitutes as complex individuals with multiple and multifaceted identities, similar to other people. Too often in history, prostitutes were constructed as deviant “others” who had no morals and were considered a different category of person from respectable women. By opening up representations of prostitutes, feminists hoped to humanize prostitutes and make their struggles more relatable to the public. Sherene Razack (2000) offered a powerful case study of the murder of Pamela George, a prostitute from Regina, to highlight the ways in which media and law use the social and cultural idea of “prostitute” to engulf the identities of women working in prostitution. Razack argued that throughout the murder trial and in the media, Pamela George was trapped in identity of “prostitute” and “Indian” while other details of her life were left uninterrogated. This, in turn, reinforced colonial and patriarchal stereotypes about prostitutes and allowed people to easily fall into cultural scripts about prostitutes as sub-human and disposable. Despite these cultural scripts, in general over the past several decades, feminists, academics, politicians and communities have rejected explicit and overt representations of

prostitutes as morally and sexually deviant individuals and instead have tended to represent them as victims of poor circumstances and abuse.

One major criticism of Abolitionists is that they provide an incomplete understanding of the social nature of desire and sexuality. While many Abolitionists understand that the demand for prostitution is situated within capitalism and patriarchy, they essentialize sexuality and desire. They claim that capitalism and patriarchy are repressing an innate and natural female sexuality which can flourish once these institutions are abolished. Male sexuality must be restrained by outlawing prostitution. This is problematic because it reinforces the idea that men's demand for commercial sex is an inherent and natural element of their biological make-up. It is important to understand that both male and female sexuality and desire are socially constructed and contextually situated (Kimmel, 2005). If patriarchy and capitalism are abolished there will not be a flourishing of "natural" sexualities. The socialization of desire will continue. The problem is thus not with prostitution itself, but with the socialization of the demand for commodified sex and the historical understanding of certain raced, classed, and gendered bodies as sexually available.

Associated with this idea is the tendency for both Abolitionist and pro-sex work theorists to conflate "prostitution" with the selling of sex for money or goods. "Prostitution" is our understanding of the act of selling sex for money within our current ideological climate. It is situated, and thus discursively constructed, within patriarchy, capitalism, and colonialism. The prostitute "comes into being as a consequence of specific strategies and knowledges" and our

understanding of the prostitute is situated within these knowledges (Smart, 1995, p. 197). The act of prostitution itself is not inherently degrading or dehumanizing. Instead, it is the social context within which it is situated and the meanings placed on that act, which impact our conception of prostitution. Many Abolitionists conflate the two ideas (that of prostitution, and that of selling sex for money) and argue that we must abolish all forms of selling sex for money to release women from the oppression of men. Many pro-sex work theorists, on the other hand, conflate “prostitution” and selling sex for money in the opposite direction arguing that because there is nothing inherently degrading about selling sex for money, prostitution is not degrading or dehumanizing either. Both of these arguments are problematic because neither takes into account the way in which our understandings of prostitution are historically and discursively situated.

One final point of criticism for both pro-sex work and Abolitionist feminists, and even many feminists who reject both of these labels, is the general avoidance of any substantive discussion of the role that race plays within prostitution in Canada. While many writers will identify race as an important issue in their introductions as a disclaimer, they will not engage in a discussion of it as an essential component of their argument. By failing to address the important role that race and the history of colonialism plays in Canadian prostitution, an incomplete analysis of prostitution is presented which ultimately falls short of providing relevant insight.

Like any other act or market exchange, there is nothing inherently degrading about the act of prostitution. What matters are the meanings imposed

on those acts and the ideologies that fuel them. Prostitution, like any other social phenomena, is highly complex and often contradictory. There is no simple answer to the “problem” of prostitution and no single theory or analysis which can explain prostitution across time and space. Instead, we must try to contextualize prostitution in order to understand its different forms and meanings for different individuals. While women should have the right to freely choose prostitution as a legitimate form of work, this does not mean that we must unquestioningly accept all elements of prostitution. We can support prostitutes, but not prostitution. We must interrogate the unquestioned assumptions in prostitution of eroticised power, domination, and ownership of men over women, as well as violence against women and the marginalization of certain raced and classed groups. Further, we must recognize the historical relationship between men and women, particularly women of colour and working class women, which inform our understanding of prostitution. It is these social connections that should fuel public policy on prostitution. However, knowledge claims on prostitution are based on an understanding of prostitution as a social problem in-and-of-itself, instead of the outcome of historically situated social relations (Brock, 1998). Because prostitution is situated within a gendered and racialized social context, we must have a complete understanding of this context in order to understand prostitution. Prostitution in Canada is the result of patriarchy, capitalism, and colonization. Until we address those issues as root causes, policy will do little to impact women’s lives or the proliferation of prostitution.

Feminism, Prostitution and Violence

Violence is a common experience among prostitutes. One study found that “violence was such a frequent occurrence within the street prostitution scene that it was almost commonplace; women expected it to happen at some point and considered themselves lucky if they had so far managed to avoid it” (McKeganey & Barnard, 1996, p. 70). Studies have found that at least 80% of women working in street prostitution have at some time experienced physical assault by a client or pimp and at least 70% had been raped or threatened with rape (Raphael & Shapiro, 2004, p.127). The violence experienced by prostitutes comes not only from clients; many women also experience violence from police and the public. As Sanders (2004) points out, women working in street prostitution experience threats, intimidation, and harassment from protesters, business owners, and members of the community. Prostitutes also experience psychological and emotional distress because of the social stigma attached to their profession and the degrading treatment they receive by police, clients, and the public (Bruckert & Parent, 2006).

Street prostitutes are particularly susceptible to violence because of their vulnerable position within society. Solicitation laws are set up in such a fashion as to encourage women to do business away from busy public areas where they may be arrested for solicitation. Businesses and community members also participate in pushing street prostitution into remote, desolate areas where they are not a nuisance to business or a disgrace to the community. Within these remote areas, prostitutes are less likely to get help when needed if a john becomes aggressive or

tries to make demands the prostitute is not willing to fulfill. Clients are aware that the chances of a prostitute reporting an attack are slim due to poor treatment by police, so little is at stake for the aggressor. Because prostitutes are such a vulnerable population, men are more likely to take advantage of that vulnerability to inflict violence and intimidation on these women (Miller & Schwartz, 1995; McKeganey & Barnard, 1996; Monto, 2004).

Many scholars believe that violence is inherent in prostitution, and some go so far as to argue that violence is synonymous with prostitution (Dworkin, 1993; Farley, 2004). They claim that violence in prostitution is an inevitable side effect of the transaction, and the only way to end the violence is to abolish prostitution. These arguments play a large role in naturalizing and normalizing the violence that is experienced by prostitutes. However, violence experienced by women in prostitution is a result of their vulnerable position within society and the logical outcome for a society that socializes men to be domineering, controlling, and demand/coerce sexual access from women.

There are some important implications that stem from the belief that violence is a natural outcome of prostitution. One major implication is the way in which the public can blame victims of violence for the abuse they suffer. If one argued that violence is inherent within prostitution then society can easily blame women who choose to prostitute for their negative experiences. It can be argued that “they should have known better” or “they should have expected this to happen.” If violence is an inevitable outcome of prostitution, then those who are involved in prostitution should expect violence. When it does, authorities need not

be sympathetic because “abuse and violence are just a part of the scenario” (Kinaschuk & Gordon, 1993). Naturalizing violence within prostitution can also mask the factors that lead men to abuse and assault these women in the first place. While violence is a common experience among prostitutes, it is problematic to presume that violence is a natural and inherent element to prostitution. Instead, it is important to identify that the violence experienced by prostitutes is a result of their marginalized and vulnerable position within our society. This is not just the result of patriarchal gender relations but also colonial race and class relations of power.

One cannot discuss violence in prostitution without examining the impact of colonialism and racialized violence on Aboriginal women. Studies have shown that Aboriginal women in Canada experience higher rates of violence than non-Aboriginal women. Brownridge (2003) found “that not only are Aboriginal women more likely [than non-Aboriginal women] to experience violence but they are more likely to experience all forms of violence...with the greatest differences appearing on some of the most severe forms of violence” (p. 77). His results “indirectly lend empirical support to the theory that the unique experience of colonization of Aboriginals in Canada plays a large role in their disproportionate likelihood of violence against women” (Brownridge, 2003, p. 81). Similarly, authors such as Razack (2000) have argued for a historical understanding of the violence experienced by Aboriginal women and the need to contextualize this violence in terms of the colonial legacy of Canada.

During the colonial conquest of Canada, governments subjected Aboriginal women to degrading and dehumanizing representations as a way of demoralizing Aboriginal communities and justifying their oppression. Violence, particularly sexual violence, was used as a mechanism of colonial domination. “For example, government agents sometimes withheld rations to reserve communities unless Aboriginal women were made available to them” and “white men in positions of authority often beat Aboriginal women, sometimes fatally” (Razack, 2000, p. 99). Aboriginal women were constructed as disposable people. This colonial legacy continues to exhibit itself today and is expressed by the high levels of violence experienced by Aboriginal women. The violence Aboriginal prostitutes experience must be understood as a continuation of the colonial history of violence in Canada. It is imperative that any analysis of violence within prostitution, or of prostitution itself for that matter, take into account the colonial history of Canada and contextualize the experiences of Aboriginal women.

Finally, while violence is a common experience within prostitution and a comprehensive understanding of it is essential, it is important not to become so overwhelmed by the discussion that we neglect to engage in a complete analysis of prostitution or take into account positive experiences some women have within prostitution. Indeed, as Jeffrey and MacDonald (2006) explore, prostitutes, like all women, have complex and wide-ranging experiences with various aspects of their work. While the authors acknowledge the very serious nature of violence against prostitutes and the wide variety of negative experiences prostitutes can and do have, they also describe how, in allowing the prostitute to narrate her own story

positive experiences are also conveyed. The authors describe several participants in their study who “experienced positive interactions with clients in their work, felt a sense of empowerment, and gained or maintained their independence” through sex work (Jeffrey & MacDonald, 2006, p. 62). Too often women working in prostitution are constructed as passive victims of relentless violence and violence is used as rhetoric to shut down debate or discussion on the trade. Frequently, the women working in prostitution themselves are denied voice because it is said they suffer from “false consciousness” regarding their work. Abolitionists utilize this method of overwhelming violence to argue for the abolition of prostitution. These arguments understand the women working in prostitution to be a homogenous group and violence to be a homogenous experience within that group. Radical feminists in particular create “meta-narratives” of the violence experienced by prostitutes and “purport to have accessed the truth of women’s experience of sexual victimization” (Sutherland, 2004, p. 147). Prostitutes are only allowed to speak “in so far as they are the voices of former sex workers who are telling the right story, the brutal “truth” of the experience of prostitution” (Sutherland, 2004, p. 154). These representations do a disservice to women working in prostitution by reducing their experiences to violence and constructing them as passive objects of victimization. Not only does it deny them a voice in constructing their own futures, it also denies the opportunity to hold open discussions on prostitution. As discussed later in this thesis, this form of claims-making around violence and prostitution is used

frequently during the legislative debates on Bill 206 as a way to legitimate this Bill and silence opposition.

Who is Allowed to Speak and What are they Saying?

Governments, academics, communities and police have debated prostitution for centuries. Street prostitution has far reaching consequences for groups outside the prostitute and the john. Community organizations, neighbourhood residents, business owners, police and politicians are all affected by prostitution-related problems and have a stake in the outcome of prostitution-initiatives. Historically, these groups have been the most vocal about opposing prostitution and working to remove the problems of prostitution from their locale (Gray, 1971). Police agencies have simply moved women working as prostitutes from one space to another depending on who was complaining about them and where the complaints were coming from (Larsen, 1992; Gray, 1971). Respectable citizens and business owners not only have access to the necessary cultural capital and social channels to contact politicians, but officials are also highly motivated to deal with issues affecting groups of citizens who vote, pay taxes, own property and own businesses. Policing agencies have historically used resources and policy to restrict the movement of prostitutes to certain areas in order to minimize their disruption on more affluent citizens and neighbourhoods. Because community groups and businesses have the necessary social, economic and political resources to vocalize their concerns through the correct channels, their voices are often the loudest and most frequently heard during policy debates. It comes as no surprise that the concerns vocalized by these groups reflect their own needs and problems

with prostitution, such as the dangers and nuisances it causes themselves and their families. Unfortunately, this often means that the voices of prostitutes themselves are drowned out or silenced.

In discussions around prostitution, be it with community groups, politicians, police, academics or feminists, there is a long history of excluding prostitutes themselves from the discussion (Barton, 2002). Prostitutes are spoken *for* but not with. It is assumed that they either have nothing of value to offer the discussion, or that they are too disempowered and disenfranchised to speak for themselves. The most vocal groups, those with access to political, social and cultural resources, are those whose voices are heard and whose concerns are addressed.

Conclusion

The above discussion highlighted the major conceptual underpinnings of my approach to prostitution. I addressed the relations of power, including patriarchy, capitalism and colonialism, which influence a woman's involvement in street prostitution. I stressed the importance of complex and contextualized understandings of the individual and structural influences that make prostitution a viable choice for some women. I also addressed violence in prostitution and discussed the use of violence as rhetoric in some ideological and political debates. Many feminists themselves exploit the violence experienced by street prostitutes to propel their position on prostitution and in doing so, can potentially silence women involved in prostitution and conceal those whose experiences are not consistent with the image presented. Lastly, I reflected on who typically speaks

during discussions on prostitution and what issues they bring forward. The most frequent speakers are vocal residence and business owners who experience the nuisance and physical dangers associated with prostitution. Politicians and police respond to those concerns in ways that accommodate those citizens, but oftentimes are negligent or even detrimental to the needs and concerns of street prostitutes themselves. More often than not, prostitutes are spoken for, but not with, and their concerns and opinions go unsolicited and unheard.

Chapter Two: Bill 206 and Claims-Making around Prostitution

Introduction

This chapter examines the knowledge claims that informed the discussion around prostitution during the legislative debates on Bill 206. I specifically address who was given the authority to speak and voice opinions during these debates and how ideas around prostitution in were structured. I demonstrate how framing prostitution as exploitation influenced resulting discussions about appropriate social and legal responses. Claims-making strategies of community responsabilization and decentralization of power were used to direct the discussion about who was responsible for taking action against prostitution. I show how each of these claims-making processes ultimately reinforce two themes in the debates: first, that there is little or no regard for the needs and wants of street prostitutes; and second, there is no concerted effort to contextualize prostitution or connect the issues around prostitution to larger social or historical processes.

Voices of Authority

The Legislative members speaking during the debates were the most obvious claims-makers on the subject of prostitution. Harvey Cenaiko² in particular, because of his status as supporting member of the Bill, used his previous identity as police officer and community resident to legitimate his perspective on street prostitution and the Bill. Multiple times during the debate he

² Due to the overwhelming majority of Progressive Conservative speakers during these debates, I have chosen not to identify the political party for each speaker. Unless otherwise stated, speakers are members of the Progressive Conservative governing party.

introduced claims with phrases such as: “based on my 25 years of experience as a police officer...” and “after living and working in downtown Calgary for nearly 20 years...” (Cenaiko, Alberta Hansard, April 28, 2003, p. 1250). He framed himself as having first-hand experience with prostitution through his “25 years of experience as a police officer” and also aligns himself with the concerns of neighbourhood residents because he has been “living and working in downtown Calgary for nearly 20 years.” Based on this experience, he made several claims about prostitution and prostitution related activity:

After living and working in downtown Calgary for nearly 20 years, I have watched communities literally crumble due to the criminal activity that follows street prostitution. I know that children who play in inner-city neighbourhoods and communities are vulnerable to the debris of this trade, including dirty needles and used condoms, as well as sexual predators lurking in the playgrounds and streets. (Cenaiko, Alberta Hansard, April 28, 2003, p. 1250)

Cenaiko has first hand-experience with prostitution, both as a police officer and as a community resident; based on that experience he was authorized to speak as an authority on problems relating to prostitution such as communities crumbling, criminal activity, prostitution debris, and sexual predators. He “watched” communities crumble and “knows” about the vulnerability of children and this gave him the authority to put forward this Bill as a legitimate and appropriate response to street prostitution.

Cenaiko's experiences played on, and likely resonated with, the first-hand experiences of many residents in these communities. In general, our society places a high value on direct, first-hand experiences as representing "real" or authentic knowledge. Cenaiko played on this inclination by highlighting his lived experience as both a community resident and police officer. Even citizens who did not have first-hand experience with prostitution-related problems in their neighbourhood could likely relate with Cenaiko's discussion of children's safety from physical dangers like debris and sexual predators. In this way, Cenaiko's claims play on dominant cultural themes around first-hand experience and "real" knowledge, as well as the importance of community safety and the safety of children, to legitimate his authority to speak on prostitution. Significantly, this focus on the authenticity of lived experience did not transform into any efforts to include prostitutes as authorized knowers on prostitution, a topic I address later in this section and numerous times throughout this thesis.

Other members similarly chimed in with statements about Cenaiko's background as a police officer as legitimation for this Bill. Hugh MacDonald, Liberal MLA for Edmonton-Gold Bar, began his speech pointing out that he "listened with interest to the hon. Member for Calgary-Buffalo, who has brought forward this Bill, and his background before he entered this Assembly would certainly give him considerable authority and background on this issue" (Alberta Hansard, April 28, 2003, p. 1252). Here we see an explicit reference to Cenaiko's authority on prostitution-related issues based on his experience as a police officer and deference to his knowledge because of that experience. This constructs

Cenaiko as an authority on prostitution and prostitution-related issues, and validates not only his right to speak, but also his ability to construct and bring forward valuable and appropriate legislation to address prostitution.

Other speakers drew on their first-hand experiences as community residents and workers to legitimate their claims-making about prostitution. Richard Marz legitimated his perspectives on the importance of community by stating that “as a longtime rural constituent I understand the meaning of community” (Alberta Hansard, April 28, 2003, p. 1254). He drew on stereotypes about rural communities being close and tight knit to justify his discussion of community-based crime prevention initiatives. Other speakers, such as Liberal MLA Bill Bonner, Heather Forsyth, Karen Kryczka, Carol Haley and Bob Maskell described first-hand experiences with prostitutes or prostitution-related problems as a justification for their opinions on prostitution. Bonner, Forsyth, Kryczka and Haley each relayed a story of a young street prostitute who they met over the course of their political career, who had a deep and profound effect on how they view prostitution. As Carol Haley claimed, “I don’t think I’ve ever met anybody that had a bigger impact on me in such a short period of time as this very young girl” (Alberta Hansard, May 12, 2003, p. 1585). Based on her experience, Heather Forsyth claimed that she has “seen the tragedy of prostitution firsthand” and “out of that experience came the Protection of Children Involved in Prostitution Act” (Alberta Hansard, May 12, 2003, p. 1578). Each speaker used this personal experience in their speech to construct themselves as an authority on prostitution and prostitution related-issues. Each speaker drew on personal

experience, direct or indirect, as support for their authority on the topic of prostitution and, perhaps more important, these experiences were used to propel arguments about what legislative and policy initiatives will be most successful in reducing street prostitution.

Although only MLAs are speaking during the debates, they are in the unique position of representing the opinions and concerns of their constituents, either through tabling documents or verbal representation during their speeches. Tabled documents, or sessional papers, are any reports, letters, information packages, or other literature filed by Members of the Legislative Assembly. These documents, once tabled, are stored in the Alberta Legislature Library as part of the official transcript of the legislative debates. There were several key stakeholders identified during the debates with the three most prominent being community organizations, neighbourhood residents and police. All 852 sessional documents tabled by Harvey Cenaiko during the debates were in support of the Bill, and all but two of them were from Edmonton and Calgary area residents, concerned citizens and community organizations.³ Nearly all of the tabled documents were form letters sent by concerned residents and included ideas similar to the following:

I live in a neighbourhood impacted by prostitution and am writing to support your Bill because I believe it will deter johns from entering my community. Our neighbourhoods are wonderfully historic parts of

³ The last two were letters of support from local politicians.

Edmonton and home to many families, young and old. We do not accept being victimized by prostitution. (Appendix)

Neighbourhood residents and community groups were represented as one of the key stakeholders in the prostitution debate, and as authorized knowers on prostitution-related issues. Residents and community groups relied heavily on first-hand experience to legitimate their perspectives on prostitution in ways similar to the MLA's during the debates. Their position as key stakeholders was likely due to their ability and willingness to lobby politicians for change in their communities and their knowledge of the correct channels for legal and policy change. This, combined with their voting capacity and fiscal base as tax-paying homeowners, made them a prominent voice in the prostitution debate and one given a fairly large platform.

Politicians, community groups, and residents were among the most frequent voices heard during the legislative debates on Bill 206. Unfortunately, one voice missing from the legislative debates was that of prostitutes themselves. In numerous instances, the ideas, expertise or concerns of certain groups were brought up in situations where it would be entirely appropriate and, I would go so far as to say nearly essential, to hear from prostitutes themselves. For politicians to neglect that perspective and instead include another is detrimental to a comprehensive policy that addresses the actual concerns, safety or otherwise, of street prostitutes. For example, as sponsor of the Bill, Harvey Cenaiko spent time at the beginning of each reading introducing guests and describing the process involved in creating the Bill. At each reading, individuals in attendance included

members of community organizations aimed at eliminating prostitution (Prostitution Awareness and Action Foundation of Edmonton, Communities for Awareness and Action on Prostitution Issues, and the Community Action Project), residents from affected communities and police officers from the Edmonton and Calgary Police Services. Not once was there any mention of working or retired prostitutes attending the debates or supporting the legislation. Further, when Cenaiko discussed the input offered by various interests groups on this legislation, his list of stakeholders was perhaps unsurprisingly missing one important category of people. As he described it, “I’ve met with hundreds of inner-city residents in Calgary and Edmonton...Based on the support from inner-city residents, police agencies, city councils, and members of this House, I think the support for this Bill is strong and growing” (Cenaiko, Alberta Hansard, November 24, 2003, p. 1805). This list of supporters included individuals and groups with political clout and spending power, but did not include one of the groups most affected by legislation on prostitution: prostitutes themselves. Cenaiko’s description of the contribution of one group of stakeholders is particularly salient in highlighting this point. He discussed this group as people who

shared their experiences with several members in this House about the horrible costs of street prostitution...These people have shared their real-life experiences with my colleagues and myself. Their contribution cannot be overstated, and I’d once again like to thank them for all of their help. They took time out of their busy schedules to offer their support and

insight into the street prostitution issue and how to deal with it. (Alberta Hansard, November 24, 2003, p. 1805)

This quote *should* be in reference to individuals involved in street prostitution, women, men and youth alike. Their “real-life experiences” about the “horrible costs of street prostitution” would no doubt be extremely valuable in creating meaningful policies that address problems associated with street prostitution. Unfortunately, this quote is actually in reference to several male police officers from the Calgary and Edmonton police services who, while undoubtedly offered insight into street prostitution, should not have been one of the only few perspectives solicited during these debates.

There are a number of reasons why prostitutes’ voices, opinions and concerns are not represented in these debates and why they are excluded as authorized knowers on prostitution. Prostitutes’ status as moral deviants, their disadvantaged social and economic position as well as their lack of access to political clout have always been, and continue to be barriers to their engagement with the political process in Canada. As I elaborate further in chapter three, there are also a number of claims-making processes that took place during the debates, such as the “crisis” of child prostitution, the construction of the prostitute as a “silent victim” and the use of stereotypical representations, which also worked against the participation of prostitutes in this discussion.

The most vocal political opposition to the Bill came from four Progressive Conservative party members: Carol Haley, Hung Pham, Brent Rathgeber and Alana Delong. These were the only four members to vote against the Bill in the

second reading. Their criticism of the Bill included concern over the legal right to due process, concern over the constitutional challengability of the Bill, concern with increased police discretion over criminal proceedings, and the potential for unequal punishment among offenders. For example, Hung Pham argued that

In Canada we are rightly blessed with the presumption of innocence until being proved of guilt. Bill 206 rearranges this presumption. Under Bill 206 a driver is considered guilty until he can prove his innocence. This is unfair to the driver, who has a right to a fair trial. (Alberta Hansard, April 28, 2003, p. 1256)

Significantly, because Bill 206 was a private members Bill, there was more freedom for MLAs to offer individual and divergent opinions. An important aspect of the debates to highlight is the fact that, while several opposition party members offered criticism of this Bill none were as vocal or dissenting as the four Progressive Conservative members described above. This is noteworthy as a reminder that, as a private members Bill, there is personal and constituent claims-making taking place, as well as governing-party.

Media attention on the Bill mirrored the common themes of the debates themselves, and typically represented similar perspectives and opinions. In general, news articles on the Bill relayed stories about frustrated community residents who were concerned about the safety of community children and the deteriorating conditions of their neighbourhoods, as well as success stories of similar programs in Manitoba and Saskatchewan. Most news stories also included discussions of the Bill's connection to the John School program, and the low

recidivism rates and claimed success of john school in Edmonton. News articles focused the majority of their attention towards concerned residents, police officers and politicians, and these three groups were the only categories of people whose quotations were solicited and included in the article. Opinion pieces also tended to reflect the general perspectives brought forward during the debates on Bill 206. The criticism levied against the Bill was either focused on the constitutionality of the law and its infringement on due process or, less frequently, on the absence of any effort to address the causes of women's involvement in street prostitution. In a style reflective of the debates themselves, there was little mention of prostitutes, and when they were included in a news article, they were spoken for and about, never with. This parallels the general trend of dismissing, ignoring or silencing prostitutes' voices as irrelevant, unnecessary or deviant.

Prostitution as Exploitation

As voices of authority and the sole speakers during these debates, MLAs are in the distinctive position of framing the discussion of prostitution in ways that are consistent with their arguments. One of the fundamental distinctions, stemming from the pro-sex work/Abolitionist debates which inevitably structure the direction and content of prostitution-related discussion, is the belief that prostitution is either work or exploitation. There is a very explicit effort at the beginning of the debates on Bill 206 to portray prostitution as exploitation and not work. In his opening remarks during the second reading of Bill 206, Harvey Cenaiko stated:

I also believe that we must get away from this notion that prostitutes are part of a sex trade. Based on my experience and the experience of hundreds of citizens, 99.9 percent of prostitutes are addicted to some form of substance. What other trade has those sorts of statistics?...They are not part of a trade. They are tragic victims of violence. (Alberta Hansard, April 28, 2003, p. 1251)

Here Cenaiko explicitly addressed the work vs. exploitation debate. He shut down the “prostitution as work” argument by employing drugs, addiction and violence as rhetoric. How could anyone make claims about something as work if “99.9 percent of prostitutes are addicted to some form of substance” and “are tragic victims of violence?” It doesn’t matter that these observations are based on his own perceptions or personal experiences because it parallels “the experience of hundreds of citizens” whose lives are negatively impacted by the nuisance and dangers of prostitution. Cenaiko made his position very clear when he stated that “they are not part of a trade.” He openly and explicitly rejects the notion of prostitution as work and sets the tone for the debates on Bill 206.

Heather Forsyth, the Solicitor General, also takes a moment during her speech to point out the illegitimacy of claiming that prostitution is work. She argued that “prostitution is sometimes referred to as the sex trade. Mr. Chairman, prostitution is not a trade. It’s not like being a welder, and it’s not like being a carpenter” (Alberta Hansard, May 12, 2003, p. 1578). Like Cenaiko, Forsyth made her position very clear by stating that “prostitution is not a trade” and by doing so shuts down the opportunity for discussion of that perspective. By

claiming that prostitution is “not like being a welder, and it’s not like being a carpenter,” Forsyth is dismissing those who claim prostitution is legitimate work and should be recognized as such. The voices of prostitutes who may perceive prostitution as legitimate work are noticeably absent from the debates and that perspective is given no validity or airtime.

Unfortunately, there was no space in these debates for a complex understanding of prostitution. In reality, prostitution can be both exploitative and empowering for different women or even the same woman at different times. The speakers chose not to engage in a multifaceted discussion of the varied experiences of prostitutes. While these black and white representations lend themselves well to policy debate and creation, they stifle the voices of prostitutes whose experiences may not fit neatly into the paradigm created and used to justify this Bill.

A significant consequence of framing prostitution as exploitation is that it necessarily limits the discussion about other solutions to the problems associated with it. By framing prostitution as exploitation and thus a problem that needs to be eliminated, increased criminalization is constructed as the only viable solution. There cannot be a discussion of decriminalization or legalization because both of these approaches involve the continuation and possible flourishing of prostitution. Decriminalization and legalization are perceived as either being “soft” on crime or as accepting prostitution and permitting it in our communities (Prenger, 2003). Criminalization, on the other hand, is perceived as being “tough” on crime and ensures the public that something is being done about the problem, regardless of

whether or not criminalization actually addresses the problem or reduces crime. Implicit throughout the debate on Bill 206 is the idea that criminal justice measures are the most appropriate and effective responses to problems caused by prostitution. There is no attempt to discuss the suitability or appropriateness of legal responses to problems of prostitution. The only legitimate argument within the context of Bill 206 is that increased criminalization is the most effective method to deal with street prostitution.

It is important to note that there were a few speakers who discussed prostitution as a problem that needed to be managed, not necessarily abolished. Doug Griffiths and Carol Haley were the two most notable exceptions. Griffiths' perspective is aligned with the general opinion that adult prostitution is victimless, is simply a public nuisance when acted out on the street and is harmless when moved indoors. As he argued:

Whatever goes on behind closed doors, Mr. Chairman, and in the bedrooms of citizens is not the business of this government. It's not the business of any government, and it never has been. This Bill is going to attempt to take whatever is out on the streets where we're raising children – in people's backyards, on street corners, and on playgrounds – and it's going to put it back behind closed doors, off the street, back in people's bedrooms where it can be dealt with appropriately between consenting adults. (Alberta Hansard, May 12, 2003, p. 1585)

The idea communicated here is that the only problem with prostitution is its effects on families trying to raise children. The government has no business “in

the bedrooms of citizens” and should get involved in prostitution only when it causes a public nuisance. Indoor prostitution, which is “behind closed doors, off the street” is not problematic because it does not affect a family’s ability to raise children. He also claimed that prostitution is “between consenting adults” thus offsetting any criticism about endorsing child prostitution or violence against women. This perspective presumes “consent” is a stable concept that remains the same across racial, gendered and class categories. It also presumes that prostitutes are independent social agents who can and do act freely outside the influence of social and structural inequalities. Further, this perspective neglects to take into account the fact that women who work in indoor prostitution venues can and do experience violence at the hands of johns, pimps and others in much the same ways as street prostitutes and can cause nuisances similar to street prostitution (Raphael & Shapiro, 2004).

Carol Haley made a similar argument when she stated:

I really believe that we’ve got to stop pretending that we can beat this out of society, and maybe we need to start dealing with it on the basis that it needs to be cleaned up. It needs to be controlled. At least anybody that’s involved in it needs to be health tested, and they should bloody well be paying taxes. (Alberta Hansard, May 12, 2003, p. 1586)

She made sure to include the caveat that she believed “it’s an adult issue, and we need to be able to deal with it as adults, for adults, by adults but not when it comes to messing with kids” (Alberta Hansard, May 12, 2003, p. 1586). Haley, like Griffiths, believed that this is an “adult issue” that is not going away but

instead needs to be “cleaned up” and “controlled.” She did not believe that “we can beat this out of society” and instead saw the issues of prostitution as ones of management. The problems simply need appropriate regulation, such as having prostitutes “health tested” and “paying taxes.” Haley, like Griffiths, made sure she pointed out that this is not in reference to “messaging with kids” but only “for adults,” deflating possible criticism about endorsing or overlooking child prostitution. These two speakers diverged from the common opinion of the debate that prostitution needs to be abolished.

Taking Action against Prostitution

Criminalization was represented as a key component to addressing prostitution in this legislation and alongside this, several claims-making strategies were employed to structure who should be acting as agents of social control and engaging in crime prevention measures. There is a very explicit effort made during the debates on Bill 206 to cast communities as the central force behind prostitution prevention, in partnership with local police. The government’s role is downplayed in favor of citizens, communities and community organizations’ involvement in reducing prostitution. The role of organizations such as PAAFE, CAAPI, Crossroads, and Alberta Avenue Patrol are highlighted throughout the debate. Gary Masyk, the Progressive Conservative MLA from Edmonton-Norwood – an inner-city neighbourhood known for its problems with prostitution – spent his entire speech discussing “what is currently going on to reduce street prostitution in my constituency and my community and how concerned individuals are making a difference” (Masyk, Alberta Hansard, May 5, 2003, p.

1407). He described PAAFE's work with community awareness, outreach services, transitional housing, and resource and information provisions. He further discussed their role as the organizer and implementer, in partnership with the Edmonton Police Service, of Edmonton's john school. This is significant because "PAAFE and their programs are a major part of the rehabilitation process of Bill 206" (p. 1407). Each program described PAAFE as being heavily involved in crime prevention, punishment and rehabilitation strategies, and working in partnerships with police and criminal justice agents.

Masyk also discussed the Crossroads program, implemented by the Edmonton City Centre Church Corporation, which provides street level outreach services to individuals involved in prostitution. Part of this outreach involves information and referrals as well as support in finding housing and accessing community services. To a lesser extent, Crossroads, like PAAFE, is involved in crime prevention and reduction strategies. The last group discussed is the Alberta Avenue Patrol which, as he claimed, "is an excellent example of citizens taking responsibility for their neighbourhoods" (p. 1408). This patrol program "is a community-based initiative where citizens patrol their own neighbourhoods observing and reporting suspicious activity. The mission of the group is crime prevention leading to a safer community" (p. 1408). Here we see citizens themselves forming crime prevention coalitions and acting as agents of social control. Masyk's heavy focus on community groups' actions to eliminate prostitution draws attention away from what the government could be doing to eliminate prostitution. The government is on the sidelines, helping groups through

the creation of legislation like Bill 206. As Masyk points out, “Bill 206 is a piece of legislation that will help these and similar organizations in their pursuit of stronger and safer communities” (p. 1408). In this way, community organizations are the primary crime prevention agents while the government stands back in a supporting role. Organizations, which are at “the grassroots level,” are “making a real difference in the complicated battle against street prostitution” (p. 1408). Community organizations are represented as being in the best position to engage in crime prevention activities because of their first-hand experience and “grassroots level” position in relation to the problem.

Richard Marz, a Progressive Conservative from Olds-Didsbury-Three Hills, also focused his speech on community involvement in crime prevention activities. As he argued, “there are many angles that a community can implement to prevent and eliminate street prostitution” (Alberta Hansard, April 28, 2003, p. 1254). He argued that the best method to crime prevention in any community is “one in which the police work closely with the local residents in the community and the local authorities to develop a response that involves new styles of intense policing” (p. 1254). Integral to this is “relationships with the community organizations and with a range of relevant agencies” and “the sharing of responsibility for crime prevention and control with other agencies and communities” (p. 1254). Marz’s speech focused on the work done by CAAPI and the Calgary Police Service, and the work these groups will be doing in the future to reduce and prevent prostitution-related crime. Marz never addressed the role that government will play in crime prevention strategies, either through policy,

legislation or funding. In fact, he only briefly mentioned Bill 206 at the end of his speech by stating that “Bill 206 is a move in the right direction of reducing prostitution-related offences, reducing the crime that always follows, and in the same token strengthening the communities that so many of us here in Alberta pride ourselves on” (p. 1254). Other than this mention, his speech focused entirely on what individual citizens and community-police partnerships can do to eliminate prostitution.

The role of community organizations such as PAAFE, CAAPI, Crossroads and Alberta Avenue as well as, less frequently, citizens and neighbourhood residents, are highlighted in the debates as integral to the elimination of prostitution. This downplaying of the government’s primary role in crime prevention comes with heightened surveillance on johns’ activities through report-a-john initiatives, ‘Dear John’ letter campaigns, and identifying johns in newspapers. Johns, who were once hidden from public view, are experiencing an intensification of surveillance on their activities by both police and community members. As I explore in more detail in chapters three and four, this intensification of surveillance likely reflects the framing of johns as the cause of prostitution and as “sexual predators” preying on young vulnerable girls working as prostitutes. By constructing johns as sexual predators and pedophiles, and prostitutes as victims, the surveillance initiatives by community members and police are responses that protect these young girls and create safer communities. Of course, community organizations, in partnership with police, are the ones leading these social control initiatives.

Another tactic used to structure who should be acting as agents of social control and crime prevention strategies is delegation of power. Delegation of power was an integral component to Bill 206 and one of the most contentious issues during the debates. Bill 206 gave discretionary power to police officers to seize the vehicles of johns caught and charged with solicitation. Several speakers claimed that police would be acting as “judge, jury and executioner” because they would be both charging and punishing the individual. Further, a “Financial Hardship Clause” was included which “provides for the release of the vehicle if the seizure created a financial hardship to a family, including a mom or a child” (Cenaiko, Alberta Hansard, May 5, 2003, p. 1411). In it, police officers decide whether or not vehicle seizure created undue financial hardship on a family and could release the vehicle if they determined hardship. Multiple speakers brought up concerns over this increase in discretionary power of police officers. The primary criticism was that there is no accountability for police officers making these decisions and that this goes against Canadian values of an independent, impartial judicial process. The concern was it will become an on-the street decision by individual officers. Hung Pham, a Progressive Conservative from Calgary-Montrose and one of only four MLAs to vote against the Bill in the Second Reading, argued that:

We have courts to determine guilt, not police officers. A police officer’s job is to ensure peace and safety and to charge offenders with a crime. At that point, it is a judge or jury’s role to determine guilt and assign a penalty. If we alter this arrangement and allow police officers to take the

role of judge and jury, then we seriously jeopardize the integrity of our legal system. It could be compared to asking what other powers we're prepared to hand over to police officers and in what other ways we are willing to compromise the impartiality of the law. (Alberta Hansard, April 28, 2003, p. 1256)

Pham expressed concern about increasing the powers we "hand over to police officers." He argued that it is not a police officer's role to determine guilt, but the courts that make impartial decisions about offenders' guilt and punishment based on law. By allowing police officers to act as judge and jury, we "jeopardize the integrity of our legal system" and "compromise the impartiality of the law." His concern stems from the belief that police officers, unlike judges and juries, are not impartial and could make incorrect decisions.

Even speakers who supported the Bill expressed concern over the increased police discretion in seizing vehicles. For example, Laurie Blakeman, Liberal MLA for Edmonton-Centre, described her concern during the Committee of the Whole. She stated that

the part that distresses me the most and causes me the most concern about whether or not I support the Bill is the discretionary power that is delegated to the on-the-street officer to be able to accept an argument from a john that the vehicle is needed for their family or needed for their ability to earn money. (Alberta Hansard, May 12, 2003, p. 1576)

She goes on to say that "I really struggle when we delegate that kind of discretionary power to an individual to either make something like this stick or

make it go away” (p. 1576). She also pointed out the potential influence of having a “bad day or a really good day” (p. 1576) on an officer’s decision whether or not to seize a vehicle. She was concerned over the power of an individual on-the-street officer to make decisions about whether or not to seize a vehicle based on an argument from a john. In this scenario there is no procedure or process to determine what constitutes “financial hardship” and instead it is left up to police officers to determine whether or not an individual john’s situation qualifies. This lack of procedure makes accountability and transparency in the decision making process difficult.

In the end, it was determined that police officers can and should make the decision about vehicle seizure. As Harvey Cenaiko argued, “police officers are in a much better position to decide if a vehicle should be seized or if a family has been harmed by the actions of the offender” (Alberta Hansard, April 28, 2003, p. 1251) and this “simply makes sense, Mr. Speaker, because leaving it in the hands of a police officer – they already have that right, they’re closest to the problem” (Magnus, Alberta Hansard, May 4, 2005, p. 1291). Because police officers are “closest to the problem,” they are in the best position to determine whether or not a vehicle seizure would create financial hardship. Section 173.1 of the Traffic Safety Act (2007), which deals with the seizure of vehicles in prostitution related offences, simply stated that

Where a motor vehicle is seized or immobilized under subsection (1), a peace officer may release the vehicle to the registered owner, or a person authorized by the registered owner, if the officer is satisfied that...(c)

seizure of the vehicle is causing or will cause undue financial hardship.
(Traffic Safety Act, 2007, Part 8, Division 3, § 173.1)

What constitutes undue financial hardship is never defined, either in the Act or during the debates on Bill 206 or the subsequent debates on Bill 39 to amend Section 173. It was generally agreed that policing organizations can and should be allowed to create their own procedures on how to determine the criteria for “undue financial hardship.”

Conclusion

Claims-making around prostitution can take several forms, and the approach you choose fundamentally structures how prostitution is thought about, spoken on and acted towards. In this chapter, I detailed who spoke about prostitution, how they framed their dialogue and how that, in turn, influenced who takes action and what that action entails. While MLAs are the only group allowed to speak during legislative debates, they are in the unique position of providing voice to other groups through their speeches and documents. A distinct pattern was identified during these debates, wherein community organizations, concerned residents, and police were the most vocal and frequent outside voices represented. Prostitutes, by contrast, were noticeably absent. The explicit framing of prostitution as exploitation influenced resulting discussions about appropriate social and legal responses, and claims-making strategies of community responsabilization and delegation of power were used to direct the discussion about who was responsible for taking action against prostitution. These strategies ultimately led to little or no involvement from street prostitutes in the legislative

and crime prevention processes, and yielded little by way of contextualized social analysis of prostitution and its root causes.

Chapter Three: Bill 206, Claims-Making and Prostitutes

Introduction

“We should also realize that many of the prostitutes that walk the streets of our province have been ripped away from their families in smaller communities, either by the lure and addiction of drugs and alcohol or by kidnapping or by the empty promises made by gang leaders and pimps or by running away and getting caught on the streets with no money or, finally, by a misguided sense of the things one must do to support themselves or their family.”

- Mary-Anne Jablonski, Alberta Hansard, May 5, 2003, p. 1406

The above quotation depicts the knowledge claims offered about prostitutes during the debates on Bill 206, and the focus of this chapter. Three themes are presented in this quotation which, as I argue, dominated the discussion of prostitutes. Each theme is connected to a very specific representation of prostitutes as silent, passive victims. The three representations Jablonski employed are: the drug addict, the poor mother, and youth. This chapter examines how these representations are constructed and used to justify and legitimate this legislation. I argue that the speeches on Bill 206 were strongly influenced by the “crisis” of child prostitution constructed during the government’s passing of the Protection of Children in Prostitution Act (PChIP) several years earlier. The safety of children is a powerful theme that served multiple functions in the Bill 206 debates and was the foundation for the construction of prostitutes as vulnerable and exploited children and youth. I also explore several claims around

prostitution victims and empowerment and discuss the different ways that community victims and prostitute victims were portrayed. I explore the discussions of prostitutes' identities which took place during the debates, and argue that they were limited to a few socially acceptable caricatures which ultimately limit discussions on prostitution. I suggest that these representations served a valuable purpose in reinforcing racial and gendered stereotypes about women involved in street prostitution. The lack of attention throughout the debates to the racial and gendered nature of prostitution and the implications of this omission are also discussed. These representations continue to reinforce the general disregard for the agency of street prostitutes and a complex and contextualized understanding of street prostitution in Alberta.

A “Crisis” of Child Prostitution and the Safety of Children

There is general agreement that children represent one of the most innocent and vulnerable segments of our population (Ahmed, 2000; Martin, 2002). Children are typically perceived as undeveloped, immature, and naïve, and society has decided that children are by and large incapable of making their own decisions. We have separate laws governing their behaviour because it is understood that they cannot be held accountable for their actions in ways similar to adults. Most children have legal guardians who are responsible for making decisions for the child, as it is understood that the children cannot make appropriate decisions for themselves.

Politicians have often used the safety of children as an effective political tool for enacting legislation and effecting change. Due to our perceptions of

children as innocent, vulnerable and helpless, the state's involvement in their affairs through legislation or policy is generally perceived favorably by citizens. The safety of children is often employed as justification for various crime prevention and policy initiatives. As Sara Ahmed (2000) argued:

The figure of the child comes to perform a certain role within the narrative of crime prevention and stranger danger: the innocence of the child is what is most at risk from the proximity of strangers. The child comes to embody...all that could be stolen or lost by the proximity of strangers. The child's innocence and purity becomes a matter of social and national responsibility" (p. 35).

Not only does the child represent all that society could lose by the actions of dangerous criminals, they are the population most at risk and incapable of protecting themselves. In this way, the safety of children creates the perfect political argument: an innocent, vulnerable population that is incapable of protecting itself is at risk from dangerous offenders. One would be hard-pressed to find someone who disagrees with legislation that claims to protect children.

This rationale was at the core of the Protection of Children In Prostitution Act (PChIP) 1999. Dianne Martin (2002) argued that "regardless of the position taken on consenting adults in the sex trade, there is considerable unanimity of concern over the employment of children in any of its aspects" (p. 364). The PChIP debates constructed child prostitution in Alberta as a burgeoning crisis that needed immediate attention. Despite the use of questionable statistics and confusion over, and difficulty measuring, actual numbers of child prostitutes, the

rhetoric of a “crisis” of child prostitution in Alberta prevailed throughout the PChIP debates (Martin, 2002, p. 364). The debates did not attempt to address the relations of power that push or pull certain youth into prostitution in the first place. Indeed, “the public debate that takes place when prostitution involves young people tends to be about approaches and techniques of rescue and interdiction, not about whether or not child prostitution is wrong, increasing, and harmful” (Martin, 2002, p. 365). Because of the general consensus over the inappropriateness of children’s involvement in prostitution, legislative debates focus on tactics to rescue these helpless children and typically fail to account for their involvement in the first place. By constructing child prostitution as a “crisis,” legislators guarantee that even the most restrictive, punitive or unsuitable policies will garner public support and pass through the legislature mostly unchallenged.

Members frequently employed this “crisis” of child prostitution and the rhetoric of safety of children, during the debates on Bill 206 to justify and legitimate this legislation as an appropriate response to street prostitution. Legislators repeatedly referenced the PChIP legislation as proof of the “crisis” of child prostitution in Alberta, as well as evidence of work being done by the Albertan government on behalf of prostitutes in Alberta. Harvey Cenaiko made a direct link between Bill 206 and the PChIP legislation by claiming multiple times throughout the debate that Bill 206 “assists young females and males in prostitution, removing them from the street through the Protection of Children Involved in Prostitution Act” (Alberta Hansard, May 12, 2003, p. 1586). Heather

Forsyth, the Solicitor General and supporting member of the PChIP legislation, discussed child prostitution multiple times throughout her speech and claims that she's "seen the tragedy of prostitution firsthand. Out of that experience came the Protection of Children Involved in Prostitution Act, that has done so much to protect our children from any form of child abuse" (Alberta Hansard, May 12, 2003, p. 1578). Tony Vandermeer, a vocal speaker on child prostitution, claimed that "this government has championed many programs to curb prostitution. We have especially tried our very best to get the young streetwalking children off the corner with the creation of the Protection of Children Involved in Prostitution Act" (Alberta Hansard, April 28, 2003, p. 1252). He goes further to point out that PChIP "is a great example of a working program this government has championed to help children" and that "one of the biggest impacts of the act was a shift in understanding that the legislation created in the public...it became clear to all Albertans that children involved in prostitution are victims of sexual abuse" (Alberta Hansard, April 28, 2003, p. 1252). This repackaging of child prostitution as child abuse, which was used heavily during the legislative debates on PChIP, persists in the debates on Bill 206.

Vandermeer, Progressive Conservative MLA from Edmonton-Manning, argued during the second reading:

I will repeat it: the average age of a streetwalking prostitute is 15 years of age. A 15 year old is a child, a child who has no business being on the street for any reason, but the worst bit is that if 15 is the average age, that means there are children on the street selling themselves who are younger

than 15. That is why I support this Bill. It is a good way of going after the men who pursue children for sex. I have heard disturbing reports of men prowling the streets for young girls for sex. To me that is child abuse of the worst kind. There is no excuse for a person who pays a child to have sex with him. (Alberta Hansard, April 28, 2003, p. 1252).

In a few short sentences, Vandermeer constructed prostitutes as children, johns as pedophiles and prostitution as “child abuse of the worst kind.” By constructing prostitution as child abuse he effectively shuts down opposition to this Bill. A black and white dichotomy is created wherein anyone who argued against this Bill was siding with pedophiles and child abuse. Whether purposefully or not Vandermeer mistakenly identified 15 years as the average age of a streetwalking prostitute in Alberta, even though 15 years is actually the average age of a *child* prostitute in Alberta (Edmonton Social Planning Council, 1993)⁴. This slippage works in his favor by exaggerating the “crisis” of child prostitution. The attempted shock value of his comments are also apparent when he points out that this means “there are children on the street selling themselves who are younger than 15.” While it is undeniable that children younger than 15 sell themselves on the street, the outcome of making such statements without context neglects a well-rounded understanding of the issues of street prostitution. The actual proportion of children that young involved in street prostitution is quite small, but speakers like

⁴ The study referenced by Vandermeer and others was conducted by the Edmonton Social Planning Council in 1993. The actual study results found the average age of street prostitutes in Edmonton was 24.9 years old.

Vandermeer would have people believe they are the overwhelming majority⁵. Further, an intense focus on abuse experienced by prostitutes under the age of 18 detracts from the fact that abuse traverses age boundaries and adult prostitutes also experience violence and abuse at the hands of johns.

By claiming pedophilia as the cause of prostitution, patriarchal, colonial and capitalist power relations are ignored in favor of simplistic, individualized explanations. Unfortunately, simplistic explanations lend themselves well to legislative debates, policy discussion and political forums in general. Well-rounded, contextualized discussions can be complex, conflicting, and convoluted, and are difficult to pin-down for the purposes of law and policy creation. While a contextualized discussion would benefit those directly affected by the legislation and would likely increase the number of competing voices heard during the debates, it can also draw out debates and cause policy creation to slow or stall due to incompatible claims.

Other speakers in the debate make similar comments with regards to child prostitution:

Mr. Chairman, as I've said, in my mind I think of most street prostitutes as young, vulnerable girls. The average age, we know now, of children involved in prostitution in Alberta is 15 to 16 years old, and that's only the average. However, I know that police and social workers have dealt with children as young as 12 years of age. These girls are taken advantage of by

⁵ Although difficult to measure, there is general agreement that the number of children under 18 working as prostitutes in Canada is roughly 10-15% of the overall prostitute population (Hay, 2003).

johns, who exploit their desperation and mostly, I think, their vulnerability. (Kryczka, Alberta Hansard, May 12, 2003, p. 1578)

Kryczka employed the same shock tactics as Vandermeer by pointing out that police have caught children as young as 12 years old working as street prostitutes. She used the language of exploitation to describe johns' actions, claiming that these are desperate, vulnerable children who are being exploited by johns. This creates a fool-proof argument to justify Bill 206. To wit we have desperate, vulnerable children who require protection from the exploitation of johns and fortunately Bill 206 addresses this directly by going after johns who are the cause of child abuse and exploitation. This argument effectively skirts the issue of why children become involved in street prostitution in the first place. "Why" doesn't matter because they are being exploited by johns now and something must be done about it.

Another interesting segment of Kryczka's quotation is her framing of prostitutes as youth. As she pointed out, she "thinks of most street prostitutes as young, vulnerable girls." By claiming this as her own perspective, she avoided the statistical or factual evidence necessary to back up such a claim. Indeed, was she to highlight such evidence she would discover that most street prostitutes are not children but adults as defined by our legal and political system. However, she framed it in such a way as to construct most street prostitutes as youth, further perpetuating the "crisis" of child prostitution.

Mary-Anne Jablonski similarly claimed that "the key factor in the proliferation of prostitution in Alberta has been the increasing number of sexual

predators who prey upon young, desperate, and vulnerable street girls” (Alberta Hansard, May 12, 2003, p. 1580). A clear connection is made between prostitution, pedophilia and children. She claimed that the “key factor in the proliferation of prostitution in Alberta” is more “sexual predators” that “prey” on young girls. Like Vandermeer, her argument that prostitution is largely created by the demand of pedophiles ignores how relations of power such as patriarchy, colonialism and capitalism influence a child’s (or adult’s) involvement in street prostitution in favor of individualized, pathologized explanations. She furthered the “crisis” of child prostitution by claiming the demand of pedophiles as the key factor in the proliferation of prostitution. By claiming this as the key factor, she ignores how government cuts in social spending, the feminization of poverty or the commodification of women’s bodies influence certain groups’ involvement in prostitution.

One final example highlights the perpetuation of the “crisis” of child prostitution in Alberta and its use to justify Bill 206 as a legitimate response to prostitution:

Some of the women who sell themselves on our streets are not women but girls, young girls. Some as young as 12 years old ply their trade on our streets...Is that what we want? No, I submit it is not. So what are we doing to fight this scourge? What should we do but to fight tooth and nail to put an end to the children and adolescents working in situations that are adult in every sense of the word. (Hutton, Alberta Hansard, May 12, 2003, p. 1582)

Having a child of no more than 14 sell herself on the streets to men who are two, three, or four times her age has to be among the most heinous and vile offences that can be committed against a child in our society today. It is child abuse pure and simple. (Hutton, Alberta Hansard, May 12, 2003, p. 1582)

Again, we see 12 year old prostitutes employed to create shock value around prostitution. An element of moral condemnation is added when he argued that this “has to be among the most heinous and vile offences that can be committed against a child in our society today.” Prostitution is framed as child abuse “pure and simple.” Setting up his argument in this way, Hutton ensures nearly unanimous agreement on Bill 206 because it addresses this “heinous and vile offence” and goes after pedophiles that are endangering children. Finally, Hutton argued that we should “fight tooth and nail” to stop child prostitution and later in his speech, argued that “whenever a child’s well-being and long-term health are at stake, there is no measure that’s drastic enough that we shouldn’t attempt” (Alberta Hansard, May 12, 2003, p. 1582). In this debate, that means children’s safety trumps John’s legal rights to due process, as we must do everything and anything, regardless of its infringement on rights, to ensure the safety of children.

Even speakers who voted against Bill 206 took special care to point out their disgust for child prostitution. Hung Pham, prior to criticizing Bill 206’s infringement on due process, took time to declare that “there’s nothing more sickening than forcing or inducing a child to become a prostitute. No kids should

have to go through that, and anyone that forces a child to go through that should be punished to the full extent of the law” (Alberta Hansard, April 28, 2003, p. 1256). Carol Haley, after discussing her concerns over encroachment on federal jurisdiction and unequal punishment, made sure to point out that “I understand and sympathize with this Bill, which is why I supported the Solicitor General on the child prostitution act. It is why I support the john school and why I support the youth project ranch in my constituency” (Alberta Hansard, April 28, 2003, p. 1256). She concluded her speech by stating that “we sit here and we talk about children; I totally concur. You know, people that abuse children this way should be dealt with harshly, but I don’t believe that taking somebody’s car addresses that issue” (Alberta Hansard, April 28, 2003, p. 1256). These speakers felt the need to qualify their arguments against the Bill with statements about their position on child prostitution. Even though their arguments against the Bill were grounded in concerns over legal process and constitutionality, they ensured that their distain for child prostitution was known.

Children’s safety also takes on another meaning during the Bill 206 debates. The safety of community children is brought up multiple times as justification for this legislation. Of course there is the obligatory story about a child picking up a used condom and, mistaking it for a balloon, tries to blow it up. This story is common among policy debates and finds itself used and re-used multiple times during the debates on Bill 206. At its core, the story represents the potential for prostitution to be a physical threat to the bodily integrity of one of the most vulnerable and innocent segments of our population: children. The child

is at risk of contracting HIV, hepatitis or other diseases through prostitution debris. The dangers of other debris, such as used needles, are also brought up during the debate:

I know that children who play in inner-city neighbourhoods and communities are vulnerable to the debris of this trade, including dirty needles and used condoms, as well as sexual predators lurking in the playgrounds (Cenaiko, Alberta Hansard, April 28, 2003, p. 1250)

These children, as Cenaiko pointed out, are also at risk from “sexual predators lurking in the playgrounds.” Here we see that johns are not only pedophiles who purchase sex from child prostitutes, but are also “lurking” in communities and preying on innocent children not involved in the sex trade. By discussing the physical dangers (through debris or “sexual predators”) of prostitution towards community children, the problem of prostitution becomes one that could universally affect everyone, regardless of whether or not they are directly involved in the sex trade. As George VanderBurg stated “this could be your child or, for some of you, your grandchild” (Alberta Hansard, April 28, 2003, p. 1256). Here we see that the “child’s innocence and purity becomes a matter of social and national responsibility”(Ahmed, 2000, p. 35). The argument stands that we must pass legislation, Bill 206 in this instance, which protects these children from the encroachment of johns and the physical violation of their health and wellbeing. Combined, the “crisis” of child prostitution and the safety of community children from johns create political arguments that withstand critique.

Infantalizing prostitutes served a number of functions during the debates. It allowed the government to avoid the inclusion of prostitutes in dialogue about policy and legislation on prostitution. Children do not engage in political debate, but instead are spoken for and about. While ignoring the voices of prostitutes is something governments around the world have been doing for years, constructing prostitutes as children or child-like provides them with an excellent excuse to circumvent any genuine discussion or inclusion with these groups of women. Constructing prostitutes as children also created a highly effective political argument to justify and legitimate this legislation. The Bill targets pedophiles and tries to save children from physical and sexual abuse. This is undoubtedly a premise that nearly everyone can support.

Constructing prostitutes as children has the possibly unintentional effect of taking responsibility away from prostitutes. In general, we believe that children cannot be held accountable for their actions in ways similar to adults, and that they require more guidance, education and rehabilitation in the Criminal Justice System. A Statistics Canada report from 1997 appears to reflect this tendency, with few youths actually charged with prostitution related offences and instead diverted to social service agencies by police (Duchesne, 1997). In general, youth were handled differently by policing agencies and courts than adults, with more cases focused on prevention, protection and redirection than criminal punishment. This lack of responsibility could have both positive and negative affects. With responsibility can come blame and scorn, and governments are less prone to offer assistance to those who are responsible for their actions. Further, placing the

responsibility for prostitution on prostitutes' shoulders could be accompanied by an increase in the criminalization around their activities. On the other hand, constructing prostitutes as children with little or no accountability takes away prostitutes' agency, and also denies voice to those women who do choose this lifestyle. Unfortunately, legislators frequently employ this black and white, all-or-nothing characterization of prostitution and it is highly conducive to the legislative process. Obviously a more nuanced depiction would include a range of experiences from a multitude of different individuals working in street prostitution. It would also entail both individual and structural factors that work in tandem to make prostitution a viable option.

Constructing prostitutes as children, and characterizing them as immature, naïve and irrational, is also consistent with historical representations of Aboriginal women in Canada, and more generally with gendered stereotypes about women. Both women and Aboriginal peoples in Canada have a long history of experiencing patronizing characterization about childishness and immaturity as compared to white men, and men have oftentimes taken on the role of protector and savior of these wayward or backward groups.⁶ Both groups at some point in time were deemed unable or unfit to make their own decisions and were either wards of the state, or wards of their husbands and fathers. Many of these stereotypical characterizations have made inroads into Canadian culture and persist to this day in very insidious and institutional ways.

⁶ This is not to say that certain groups of women have not also taken on a patronizing and paternalistic role in regards to both Aboriginal peoples, as well as other "wayward" women (Minaker, 2006). Indeed, the complex interplay between race, class and gender means that some can simultaneously oppress and be oppressed.

Unfortunately, the gross overrepresentation and intersection of prostitutes as Aboriginals, women and poor, when analyzed in conjunction with the characterization of prostitutes as children, leads one to believe that these historical stereotypes and mistreatments are alive and well in our legislative process. While I do not believe that any policy makers overtly or maliciously intend to patronize or silence women working in street prostitution, I do believe that this is the inevitable outcome of a policy built on the premise of a “crisis” of child prostitution and prostitutes as dejected, exploited, abused victims. Until women working in street prostitution are represented and perceived as human beings with legitimate thoughts, opinions and ideas, dialogue on prostitution will always be held without the group most integral to the process. By continually excluding this group, legislative policy will always fail to address the actual needs or wants of street prostitutes. This requires that legislators and policy makers treat women and youth involved in street prostitution as citizens with legitimate concerns and valuable insight into the problems of and possible solutions to street prostitution.

Victim Claims-Making

'Victim' is an unruly word. Its meanings and connotations, its capacity to invite scorn or sympathy, tend to depend not just on what 'type' of victim is being addressed, but on whether 'victim' is supposed to denote a kind of agency or an utter lack of agency, and on what reading of power relations the denotation is servicing.

- Stringer, 2001, para. 6

For centuries the prostitute has been variously perceived as both criminal and victim (Roberts, 1992). More recently, due to increased attention to the circumstances of prostitutes by second wave feminists and community organizations, the prostitute as victim in need of help or protection, as opposed to a deviant in need of punishment, has become recognized as a legitimate and appropriate way to perceive prostitutes (Bittle, 2002). The concept of prostitute as victim plays an important role in the debates on Bill 206 and is used in specific ways alongside the “crisis” of child prostitution to frame the victimized prostitute in a particular light.

Speakers during the debates variously portrayed prostitutes as victims of: childhood abuse, circumstance/poverty, addiction, johns’ violence, and pimps/gangs. Cindy Ady explained, “the vast majority of these girls suffer from social and family-related problems including childhood sexual abuse, leaving home early, poor financial situations, and substance abuse” (Alberta Hansard, May 5, 2003, p. 1410). Karen Kryczka explained, “they confront problems in relation to drug dependency, homelessness, and mental and sexual health” (Alberta Hansard, May 12, 2003, p. 1578). These quotations, combined with Mary-Anne Jablonski’s quotation at the beginning of this chapter, describe prostitutes as victims of sexual abuse, poverty, addiction, physical violence, mental health problems, homelessness, and gang leaders and pimps. A number of things are striking about this framing of prostitutes’ victimization. First, and perhaps most important, all of these experiences can be directly linked to social or structural causes. For example, multiple speakers referenced conditions relating to

poverty: “poor financial situations,” “broken homes or dysfunctional family environments” and “homelessness.” Further, problems such as childhood sexual abuse, physical abuse, mental health problems and substance abuse are magnified for those with low socio-economic backgrounds because these problems are underscored by inaccessibility of social services, as well as systemic racism and Canada’s history of Colonialism (Barron, 2000; Martens, et al., 2002; Brownridge, 2008). Evidence that Aboriginal people in general, and Aboriginal women specifically, experience significantly higher levels of violence than the Canadian population is well documented, as is the history of childhood sexual abuse in residential schools and reserves (Brownridge, 2008; Milloy, 1999). The connection between systemic racism and Colonialism, social problems such as those described above, and involvement in prostitution is hard to ignore, yet these links are consistently overlooked during the legislative debates. Further, issues such as mental health, homelessness and substance abuse are directly affected by social welfare spending in areas of health care, social services and affordable housing. Each of these issues were directly affected by The Klein Revolutions’ cuts to health care and social services in the early 1990’s and can be directly linked to government actions, and thus structural causes (Laird, 1998; Jeffrey, 1999). Unfortunately, the connection between prostitutes’ experiences of victimization and the social and structural inequalities that create those situations in the first place are never explored during the debates on Bill 206. Instead, as I discuss later, johns are cast as the cause of prostitution and in doing so, obscures

the relations of power that push and pull certain women into prostitution in the first place.

The second striking aspect of these quotations is the continued emphasis of the involvement of children in street prostitution. The use of the phrase “girls” continues to reinforce the “crisis” of child prostitution in Alberta and the importance of this legislation in addressing issues of child prostitution and child abuse. This adds another layer of concern over the victimization of prostitutes because the homelessness and substance abuse of children are important and legitimate concerns for the legislature to address. Jablonski quotation includes a number of interesting verbs to describe the victimization of prostitutes, including prostitutes being “ripped” away from their families, “lured” by drugs and addiction, and “kidnapped” by gang leaders and pimps. A number of outside forces are acting upon these children, which they need protection from. The youth themselves are not agents structuring their own future, but passive victims of drugs, gangs, pimps, and circumstance. This passivity of prostitutes as victims is a recurring theme throughout these debates.

A useful point of comparison is how the community as victim is portrayed. The community as victim is used as a powerful claims-making device in the debates on Bill 206. Communities, and the families residing in them, are repeatedly discussed as direct victims of prostitution and johns’ actions. Traffic and noise pollution, humiliation, physical dangers like debris and distracted drivers, restricted movements and lowered property values all victimize communities. For example “needles, crack pipes, used condoms are littered across

neighbourhoods, and also they've been known to be found in schoolyards and playgrounds" (Masyk, Alberta Hansard, May 5, 2003, p. 1407) and other speakers have heard "the numerous stories of mothers who, while walking down the street with their children, have to put up with the humiliation of johns pulling over and asking them how much they charge for a certain sexual service. (Danyluk, Alberta Hansard, May 5, 2003, p. 1411). While multiple speakers brought up concerns about the safety of neighbourhood children from debris, these quotations highlight other ways in which communities are victimized. Mothers are humiliated because they are treated like prostitutes, and people become trapped in their homes because johns cruise the streets looking for sex. Johns are terrorizing homeowners and law-abiding citizens through their prostitution-seeking behaviours. In these examples, they threaten the bodily integrity and physical health of children and community residents through debris, as well as threaten the psychological and emotional health of mothers who are humiliated as they walk down the street with their children. These rhetorical devices are used to capture the threat of prostitution to law-abiding and home owning citizens. Categories of citizens that we typically view as vulnerable and innocent (children), and upstanding and respectable (mothers) are at risk from prostitution. Karen Kryczka captures this sentiment in the closing comments of her speech:

I feel that this Bill is about much more than seizing vehicles. It is about protecting our communities. Street prostitution co-opts the street...Street prostitution infringes on other citizens' rights to have neighbourhoods without condoms in the streets, women safe from being solicited, and

children free from viewing half-naked women in front of their homes.
(Alberta Hansard, May 12, 2003, p. 1579)

Prostitution is represented as infringing on citizens' rights to live in a safe, clean, healthy community. Bill 206 is going to address this victimization by helping to protect communities from prostitution. That is, Bill 206 protects communities from prostitution debris and protects community residents from being victimized by prostitution-related activities such as mistaken solicitation. By framing the Bill as "protecting" either children or communities, or both, speakers place a positive spin on the Bill that can overshadow any potential negative impact or alternative solutions to the problems at hand. The emphasis on protecting children and communities from the harm of prostitution overshadows the possible harm that this Bill can cause prostitutes themselves by creating a heightened sense of urgency and rushed interaction during transactions.

Speakers construct communities as "empowered" victims who are encouraged to take action against the victimization of themselves and their families. One of the most vocal supporters of community empowerment and action during these debates was Richard Marz, Progressive Conservative MLA from Olds-Didsbury-Three Hills. As he argued:

Many communities across this country and across North America have taken these initiatives on themselves to improve their area of living...By individuals getting involved in creative strategies with other members of the community, it creates an atmosphere of proactivity, not reactivity, in the community. (Alberta Hansard, April 28, 2003, p. 1254)

Marz goes on to elaborate various community initiatives, such as neighbourhood meetings, citizen incident reports for police, and the creation and maintenance of sex-trade offender identification websites as examples of action communities can take to combat prostitution on their streets. He argued that policing agencies can “assist in mobilizing citizens from the community to address the issue” and “with the involvement of the community this problem can be overcome” (Alberta Hansard, April 28, 2003, p. 1254). We can see that while prostitution victimizes communities, these communities are also represented as key agents in the crime prevention initiatives required in their neighbourhoods. Communities must be mobilized to take action and it is only with their involvement that “this problem can be overcome.”

Laurie Blakeman explicitly evokes the language of empowerment when discussing community involvement in crime prevention. She argued:

I have my community saying: ‘Help us get some power back. Help us get some control over our communities to stop these tourists coming in, these men coming into our communities and threatening our integrity and our safety. Give us a tool in the toolbox to help us look after ourselves, to empower ourselves.’ (Alberta Hansard, May 12, 2003, p. 1576)

The most striking part of this quotation is the voice given to the community. While Blakeman was obviously paraphrasing, she still provided a political platform for her community to voice their concerns. And those concerns are about johns (“tourists”) victimizing communities and communities who want to themselves take action to “get some power back” and “get some control over our

communities.” These communities want to “look after ourselves” and “empower ourselves.” This quotation constructs a narrative, using the language of empowered victims, of communities who have been disempowered by prostitution but who want to take action, regain their agency and become central to the crime prevention strategies in their neighbourhoods. Here we see feminist knowledge of “empowerment” used as a claims-making strategy of responsabilization and delegation of power onto communities. By “empowering” communities to take action, the government relieves itself of at least partial responsibility for crime prevention strategies. Significantly, the quotation avoids any reference to government involvement, aside from being given “a tool in the toolbox.” Instead, it constructs an image of communities pulling themselves up by their own bootstraps. Communities will use a small tool provided by the government to run their own lives, prevent crime in their neighbourhoods and ensure safety.

While both prostitutes and communities are perceived as victims in the debate, they are represented in very different ways. Speakers described communities as “empowered” victims, central to the crime prevention in their neighbourhoods. Communities are “taking control” of their safety, “taking power back,” “looking after themselves” and becoming “mobilized to take action.” Speakers encouraged communities to organize and take action against prostitution in their neighbourhoods. By contrast, prostitutes are *never* described as empowered victims, *never* encouraged to take action against their victimization and *never* asked to voice their concerns over their safety. It is very apparent that

prostitutes were intended to play the silent victim in the debates on Bill 206. That speakers represented prostitutes as silent, passive victims comes as little surprise, particularly in light of the long history of this treatment (Roberts, 1992). The continued disregard for the voices of street prostitutes in legislative and policy debates signifies that little has changed over the years in relation to how prostitution and prostitution-related problems are dealt with. Governments continue to formulate and implement patronizing and paternalistic laws and policies with little or no regard for the actual needs or wants of street prostitutes.

Representations of Prostitutes

Speakers limited their representations of prostitutes during the legislative debates on Bill 206 to a few socially acceptable caricatures, including prostitutes as addicts, prostitutes as poverty stricken mothers, and prostitutes as vulnerable and exploited youth. The strong connection between drug use and prostitution was not lost on the MLAs. They commonly used the representation of prostitutes as drug addicts to justify this legislation. Harvey Cenaiko started the discussion of drug addiction during his opening remarks when he pointed out that “based on my experience and the experience of hundreds of citizens, 99.9 percent of prostitutes are addicted to some form of substance...Whether it’s liquor, drugs, or other narcotics, these men, women, and children are selling their bodies on the street to feed their addictions” (Alberta Hansard, April 28, 2003, p. 1251). This is a very bold statement and one which likely resonates with the opinions of many citizens. He made the claim that all prostitutes are addicts (save for that 0.1% anomaly) and that all prostitutes are “selling their bodies on the street to feed their

addiction.” The direction of the drug-addiction relationship here is that people become prostitutes to fund an addiction. Gary Masyk made a similar comment when he argued that “with prostitution often comes drug addiction. The two drugs most often related to prostitution are heroin and crack cocaine, which is both highly addictive and potentially deadly. The sex trade provides quick income for drug abusers” (Alberta Hansard, May 5, 2003, p. 1407). Again, we see here that drug abusers turn to prostitution as a source of income to fund their addiction. Laurie Blakeman pointed this relationship out quite clearly when she argued that “I think the reason that we end up with women in the sex trades is because they are trying to get money” and more specifically, “they are trying to get money to support a drug or an alcohol problem” (Alberta Hansard, May 12, 2003, p. 1577).

Other speakers identified the cyclical relationship between drug addiction and prostitution, and the effect that prostitution involvement might have on drug use. For example, Cindy Ady made the point that “many young girls leave their homes and turn to prostitution in order to support their [drug] habits. Once on the street many of them become even worse substance addicts who find that alcohol and drugs are the only ways that they can deal with the mental and physical degradation associated with prostitution” (Alberta Hansard, May 5, 2003, p. 1410). Simply put, “substance abuse leads to prostitution, Mr. Speaker, and prostitution leads to further substance abuse” (Ady, Alberta Hansard, May 5, 2003, p. 1410). Regarding the effect prostitution might have on drug use, Mary-Anne Jablonski observed that “The john, I’ll bet, rarely has thoughts about the fact that a street prostitute will spend many of her days either crying alone or

making sure she is in a drug-induced stupor so that she can forget about the nightly abuse her body and mind are put through” (Alberta Hansard, May 5, 2003, p. 1406). Regardless of the perceived relationship between drug abuse and prostitution, it’s clear that speakers during the legislative debates on Bill 206 represented prostitutes as drug addicts and prostitution as a trade intimately connected to the world of drug use, crime and addiction.

The representation of prostitutes as poverty stricken mothers who turn to prostitution in a desperate attempt to make money for their children was another prostitution narrative. Speakers described prostitutes as poor mothers multiple times during the debates. Extending her argument about prostitutes and drug addiction discussed above, Laurie Blakeman argued that the second economic reason a woman might turn to prostitution, other than supporting a drug habit, is that “they’re trying to get money to somehow support their families” and that “either way it’s about an economic incentive” (Alberta Hansard, May 12, 2003, p. 1577). Another speaker who used both the drug addiction and poverty stricken mother themes was Drew Hutton, who argued that

for some being a prostitute means to support themselves and any dependents they may have. For others it is a way to finance their drug habit. I am sure that there are other reasons why someone would wind up working the streets, but I am just as certain that none of them involve choice, enthusiasm, or job satisfaction, things that the rest of us take for granted. (Alberta Hansard, May 12, 2003, p. 1581)

Hutton touched on the two most important narratives, the drug addict and the poor mother, and although claims “there are others,” made no effort to investigate or discuss those possibilities. He concluded by making the sweeping statement that “none of them involve choice, enthusiasm, or job satisfaction,” a topic I address later in the chapter.

Both Brian Mason and Mary-Anne Jablonski are two other speakers who used the narrative of the poor mother to rationalize their arguments. Mason, the New Democrat leader from Edmonton-Highlands, in arguing for the necessity of a variety of tools to tackle prostitution, described an instance where community policing officers

asked people in the community to donate things like disposable diapers at Christmas time, things that young mothers would need in their homes so that they did not have to go out on the street. The police collected the necessities of life for women who were working the street in order to provide for their children, and they provided them to these women at Christmas time. (Alberta Hansard, May 5, 2003, p. 1406)

This example highlights both the use of the poor mother narrative in propelling an argument, as well as the involvement of community citizens in crime prevention and community safety initiatives described in chapter one. Of interest is that this is the only example Mason provided during his first speech of ways to address the poverty of women involved in street prostitution. While one would expect the leader of the New Democrat Party to address solutions such as government social spending, affordable housing and welfare, his only solution was a community

policing initiative involving members of the community themselves supporting street prostitutes.

Mary-Anne Jablonski also used the image of the poor mother to drive home her point about the callous motivations of johns and the importance of john school in educating men about the realities of street prostitution. She argued that most johns don't think about "the fact that many of these women walk out the door at 6 o'clock every evening with their kids at home either wondering where their mom is going or, worse, knowing full well where their mom is going" (Alberta Hansard, May 5, 2003, p. 1406). Speakers used the image of the mother supporting her dependents by whatever means necessary to propel an argument about the value of john school and Bill 206.

Stemming from the heavy use of child prostitution and child abuse rhetoric, speakers frequently used the representation of prostitutes as children. Speakers framed child prostitutes as being unable to comprehend the severity of their situation, or for having foolish or naïve beliefs about prostitution. Further, they frequently represented child prostitutes as a vulnerable, helpless group that needs protection from johns. For example, Cindy Ady argued that "many young prostitutes are not mature enough to realize how dangerous the trade can really be when they get involved" (Alberta Hansard, May 5, 2003, p. 1410). Karen Kryczka argued that "these girls are taken advantage of by johns, who exploit their desperation and mostly, I think, their vulnerability" (Alberta Hansard, May 12, 2003, p. 1578). Cindy Ady patronizes young prostitutes by claiming that they are "not mature enough" to understand how dangerous working as a street prostitute

may be, despite the fact that for many, prostitution may be the result of leaving dangerous homes or abusive relationships.

Connecting these examples with Mary-Anne Jablonski's quotation from the introduction of this chapter, we can see that all of the representations constructed women as weak willed, naïve or passive. Speakers' explanations for women's involvement in street prostitution utilized passive verbs: they are "lured" by drugs and they are "kidnapped" by gangs or pimps. They are also foolish enough to believe the "empty promises made by gang leaders and pimps" or make irrational decisions like "running away" only to "get caught on the street with no money" and are "not mature enough" to understand how dangerous street prostitution can be. Both Jablonski and Ady are particularly patronizing when they claimed that some women become prostitutes because they have a "misguided sense of the things one must do to support themselves or their family" or "are not mature enough to realize how dangerous the trade can really be." This presumes these women have other viable options available and are simply too ignorant to exercise those options. These speakers also skipped over the possibility of this being a choice for some women and even some youth. Particularly in reference to the comment about "misguided" women who are trying to support their families, one could think about the choice for many women between minimum wage work and prostitution. While I am not suggesting that the decision to prostitute is made by free social agents with no constraints on their choices or actions, it is equally unreasonable to suggest that women in street prostitution make no informed decisions about their situations and are simply

passive victims of circumstance. Each decision to prostitute is influenced by a number of individual and social factors, such as poverty, background, or education. As Jeffrey and MacDonald (2006) explored, some women choose prostitution as a more realistic, viable, or simply better option than the range of choices available to them at the time. In the same vein, many youth who are “running away” and “get caught on the street with no money” are typically running away from poor family lives and abusive situations (Nandon, Koverola, & Schludermann, 1998). Again, we must look at the range of choices available to these youth when trying to understand the decision to prostitute. Instead of simply framing them as immature, foolish or naive, a better solution would be to offer reasonable alternatives, such as placement residences, to youth at risk of running away.

Each of these representations employed a specific stereotype to power their argument. These stereotypes limit the discussion of street prostitution and construct prostitutes as passive victims in need of help. The representation of female prostitutes as addicts feeds into the stereotype of prostitutes as immoral, loose women with insatiable appetites and little or no self-control. The addiction is all consuming and becomes an ever increasing cycle of heightened drug use to deal with prostitution, and more prostitution to fund increasing drug use. Without broader contextualization of drug use and its relationship to racism, sexism, childhood abuse and mental health problems, one is left with a uni-dimensional depiction of prostitutes as addicts who simply need money to feed their addiction. Without addressing any of the underlying causes of addiction, there is little hope

of recovery for many women in street prostitution. Despite what many speakers would have you believe, Bill 206 will not address this problem by simply “taking away the demand” and forcing women to find other work.

The representation of poverty stricken mothers relies heavily on the image of the selfless mother who will do anything to support her children. This plays on the stereotype of “good” mothers as self-sacrificing individuals who do everything in their power to provide for their children and “bad” mothers as selfish and indifferent to the needs of their children. Unfortunately, discussions of poverty stricken mothers during Bill 206 was rarely connected to broader social and historical processes, such as Canada’s history of colonialism or patriarchy, or processes directly influenced by the government such as social spending. Brian Mason and Laurie Blakeman were the only speakers during the entire debate who connected the feminization of poverty to prostitution. As Blakeman clearly stated “we’re not dealing with one of the most obvious problems, and that’s the issue of poverty and particularly poverty of women” (Alberta Hansard, May 12, 2003, p. 1577). The fact that both speakers are members of opposing parties (NDP and Liberal, respectively) likely played a role in their decision to integrate these issues into their speeches. There is greater incentive to include social and structural criticisms by MLAs who are not members of the governing party, as their legislative criticisms are leveled at the government and government policy itself.

The representation of prostitutes as exploited youth who are vulnerable and in need of help was a very effective image in validating the importance of this legislation. Proponents of Bill 206 used these themes to their advantage by

arguing that this law will help protect vulnerable children from exploitation by johns and pimps. Further, it provided a (perceived) legitimate reason for excluding this group from discussions on appropriate responses to prostitution: children are not included in political discussions and do not know what's best for them. Adults know what is best for children and hold discussions on their behalf to decide how to deal with these situations.

None of these representations framed women working in street prostitution in a positive or strong light. The incredible strength and resilience that an individual must have to survive and live as a street prostitute on a day to day basis is never once mentioned during the debates on Bill 206. In fact speakers made a very explicit effort to cast prostitutes as desperate, downtrodden, hopeless, helpless and exploited. While this may be productive during the legislative process in order to justify and legitimate legislation such as Bill 206, it silences prostitutes and does a disservice to their experiences working as street prostitutes.

Gender and Prostitution

The gendered nature of prostitution is undoubtedly one of the most obvious characteristics of prostitution. It is generally understood that women are prostitutes and men are johns or customers (Duchesne, 1997). This gender division, while quite obvious, is often treated as a condition so basic it goes unnoticed or un-interrogated. Unfortunately, this most basic structure of prostitution is one of the most important subjects to unpack when discussing solutions to prostitution related problems. A solid understanding of the

relationship between gender and prostitution is essential to formulating substantial changes needed in the lives of people working in street prostitution.

One of the most striking features of the debates on Bill 206 was the lack of direct attention paid to the gendered relationship between prostitutes and clients. While the gender discrepancy between prostitutes and clients was always present, it was never explicitly discussed. The most obvious example was the use of the phrase “john” when talking about customers of prostitutes. John is an unambiguously male word used to describe men who solicit street prostitutes; using it clearly identifies the gender of the individual purchasing sex. The term “john” was used liberally throughout the debates to describe the target of the Bill, as well as in reference to “john school,” which also makes the gender of the target offender clearly known.

This gendered relationship is also present when speakers discussed the actual act of prostitution. For example, Vandermeer talked about “men prowling the streets for young girls for sex” (Alberta Hansard, April 28, 2003, p. 1252) and Cenaiko described how a john publicly challenging the law “would reveal to the world that he has taken part in an illegal activity and actively seeks the services of young girls for his own pleasures” (Alberta Hansard, May 12, 2003, p. 1575). These instances explicitly reference customers of prostitutes as men, and prostitutes as female (“girls”). Besides specifying the sex of each participating side of the prostitution equation when talking about the actual interaction, the gender of customers and prostitutes was also referenced in a number of other ways. For example, when discussing the undue financial hardship clause and the

effect Bill 206 might have on families, speakers always talked about the fact that “the intent of this Bill is not to penalize the mom or the wife” (Cenaiko, Alberta Hansard, April 28, 2003, p. 1251). When describing the influence that a customer’s actions would have on others, it was always described in the context of a man’s influence on his family: “not only would he be subjecting himself to a great deal of shame but also his family, including his wife, sister, mother, brother, et cetera” (Cenaiko, Alberta Hansard, May 12, 2003, p. 1575). Even at john school, “wives of johns speak at the session about how their husbands’ actions of engaging in relations with prostitutes have affected their lives. Women...have contracted diseases from their husbands” (Kryczka, Alberta Hansard, May 12, 2003, p. 1579). Not only does this presume heteronormativity (johns are straight males with wives and children) but it also presumes that *men* are the sole purchasers of sex. This has the effect of making invisible the experiences of gay, lesbian and transgendered sex workers and clients. In keeping with this depiction of men as the purchasers of sex, offenders are also described as males. For example, Hung Pham argued that “the suspect, and until he’s proven guilty, he is still a suspect – hasn’t spent one second with his lawyer” (Alberta Hansard, April 28, 2003, p. 1257).

On the flip side of this equation are women as prostitutes. Stories of prostitutes during the debates on Bill 206 always focused on women or girls involved in street prostitution. Bill Bonner, Liberal MLA from Edmonton-Glengarry, told a story about a “14-year-old girl who had been picked up soliciting officers for prostitution” (Alberta Hansard, April 28, 2003, p. 1255),

Heather Forsyth told a story about a mother in her constituency whose “young daughter was working as a prostitute” and who wanted to “get that little girl off of the street and away from the sexual predators prowling the night” (Alberta Hansard, May 12, 2003, p. 1578) and Mary-Anne Jablonski told a story about a constituent’s granddaughter who was “hooked on drugs” and became a prostitute to fund her addiction. “This granddaughter was 14 years old” (Alberta Hansard, May 12, 2003, p. 1580). Each story portrayed prostitutes as young girls. Speakers also described prostitutes as “someone else’s daughter, sister, cousin, and in some cases mother” (Ady, Alberta Hansard, May 5, 2003, p. 1410) and in speaking about prostitute’s themselves, they are always described as girls or women.

In discussing prostitution, we can see that speakers were always gendering prostitutes and customers in highly specific ways. Speakers always described *men* purchasing sex from *women* (or girls, in the case of child prostitution), but never explicitly addressed this subject as a topic in its own right. No speaker stopped to ask why it is overwhelmingly men who buy sex from women or relate this fundamental concept to possible solutions. It is possible that this is so basic a concept, it is simply taken for granted. It is treated as a non-issue, even though it is one of the most important issues in prostitution. By glossing over this basic but important fact, speakers missed out on an opportunity to discuss issues that go to the heart of prostitution. Without addressing these issues, legislators and policy makers have little hope of building significant policy that creates positive changes in the lives of those involved in street prostitution.

A somewhat bizarre and out of place exception to this trend was a short passage in Cenaiko's concluding remarks to the second reading. He argued that

I'd just like to state that prostitution teaches several wrong messages, among them the legitimization of females as victims. These women are stigmatized and disdained while their customers seem to be forgiven of any involvement in the current climate of public opinion. Prostitution also seems to create an attitude among men that women are inherently inferior.

(Alberta Hansard, May 5, 2003, p. 1412)

This is the only time throughout the debates that anyone explicitly offered a social analysis of the gendered relationship between prostitutes and johns. In three remarkably salient sentences, Cenaiko effectively captured several key points: first, that prostitution as it stands now, teaches "the legitimization of females as victims;" second, that women tend to be blamed and shamed for their involvement in prostitution but men forgiven; and third, that prostitution creates "an attitude among men that women are inherently inferior." Ironically, Bill 206 participates in fueling several of these assertions through the perpetuation of the prostitute as victim caricature, by constructing first time offending johns as simply thoughtless or sex addicts, and by continuing to perpetuate the patronizing history of excluding prostitutes from discussions about policy on prostitution. Unfortunately, this momentary fragment of clarity has no impact on the direction or outcome of the legislative debates. Instead, it sticks out of Cenaiko's speech awkwardly and one cannot help but wonder if perhaps he read this information elsewhere and added it to the end of his speech as an afterthought. Regardless of

Cenaiko's motivations or intentions, the acuteness and clarity of the statement cannot be refuted and makes an interesting, if contradictory, moment in the Bill 206 debates.

Race and Prostitution

Despite the overwhelming overrepresentation of Aboriginal women in street prostitution, the topic of race was conspicuously absent from the debates on Bill 206. There was no mention of the fact that Aboriginal women make up anywhere from 50-70% of street prostitutes in the Prairies or any effort to interrogate why that may be the case. These statistics are widely available, both in government documents and even in one document referenced by several speakers (*Street Prostitution in Edmonton* by the Edmonton Social Planning Council). This phenomenon is also widely known by those who work directly with prostitutes. These factors lead one to conclude that most speakers either did little or no research on the subject prior to the debates, or they did and chose not to discuss this trend. The closest any speaker came to even alluding to the relationship between gender, race, class and prostitution was Karen Kryczka who claimed that "these females are economically and socially disadvantaged individuals in our communities" (Alberta Hansard, May 12, 2003, p. 1578). Unfortunately, Kryczka failed to specify what "socially disadvantaged individuals" means and thus failed to explicitly identify the important and complex relationship between race, class, gender and prostitution. This social science language is used to prop up her argument and legitimate this Bill, but there was no effort to actually interrogate or analyze the meaning of and relationship between "economic" and "social"

disadvantage as it relates to prostitution. The inevitable outcome of avoiding this discussion is a policy that fails to address the root causes of women's involvement in street prostitution and one that has little or no regard for the needs or wants of street prostitutes.

Conclusion

This chapter examined the claims-making that took place around prostitutes during the legislative debates on Bill 206. I argued that the speeches presented were strongly influenced by the "crisis" of child prostitution constructed during the government's passing of the Protection of Children in Prostitution Act (PChIP). The safety of children is a powerful theme that serves multiple functions in the Bill 206 debates and is the foundation for the construction of prostitutes as vulnerable and exploited children and youth. It justifies the exclusion of prostitutes in the debates, enables speakers to construct johns as pedophiles, and underscores readily available stereotypes about women and Aboriginal people as immature, naïve and irrational. I also explored several claims around prostitution victims and empowerment and highlighted the different ways that community victims and prostitute victims were portrayed, arguing that while prostitutes were constructed as silent, passive victims, communities were "empowered" to take action against crime and become involved in criminal justice strategies. I explored the discussions of prostitutes' identities which took place during the debates, and argued that they are limited to a few socially acceptable caricatures which ultimately limit discussions on prostitution. I suggested that these representations serve a valuable purpose in

reinforcing racial and gendered stereotypes about women involved in street prostitution. Lastly, I highlighted the lack of attention throughout the debates to the racial and gendered nature of prostitution, which leaves a Bill that falls short of drawing attention to or addressing the root causes of prostitution. These knowledge-claims continue to reinforce the general disregard for the agency of street prostitutes and a complex and contextualized understanding of street prostitution in Alberta.

Chapter Four: Bill 206, Claims-Making and Johns

Introduction

This chapter examines the claims-making processes around johns. In it I argue that the use of claims-making strategies of responsabilization and individualization, in tandem with Edmonton's john school program, cast a veil over the social and structural influences on prostitution. The market logic of supply-demand economic theory is also used in the debates to disregard the cultural and structural influences on men's prostitution seeking behaviours, and women's involvement in prostitution. I explore the few representations offered of johns and their motivations, and discuss these representations in relation to themes discussed in previous chapters about the "crisis" of child prostitution in Alberta, prostitutes' identities and john school. I specifically address the relationship between one common representation of the john as sexual predator and pedophile, and the use of violence as rhetoric during the debates. These issues are then connected back to the two themes in the debates: the disregard for the needs and wants of street prostitutes and the lack of social and historical contextualization of street prostitution in Canada.

Individualization, Responsibilization and John School

Individualization and responsabilization claims-making strategies are widespread in the debates on Bill 206. The most obvious individualization and responsabilization claims-making strategies are where personal choice and responsibility for one's actions are explicitly evoked. These strategies are

effective in redirecting focus onto individual action and shrouding social and structural influences on people's circumstances and behaviours. Heavy focus on individual behaviour, combined with increasing an individual's responsibility for their own circumstances, decreases the degree to which governments are required to offer economic and social support; increased accountability means less support is necessary. As Bob Maskell argued:

Alberta is a province that prides itself on individual responsibility. Individual responsibility is at the core of Bill 206. Johns will be well aware of the new legislation before they make the conscious decision of obtaining the services of a street prostitute. Mr. Chairman, it is time that johns take responsibility for their actions. This is the Alberta way. We do not expect people to put blame on others or claim ignorance when they are guilty of a crime (Alberta Hansard, May 12, 2003, p. 1583-1584).

This quotation reflects the concepts of choice ("they make the conscious decision"), personal responsibility ("Individual responsibility is at the core of Bill 206"), control over one's own fate ("we do not expect people to put blame on others") and self-government ("Johns will be well aware of the new legislation before they make the conscious decision of obtaining the services of a street prostitute"). This legislation is about holding johns accountable for their prostitution-seeking behaviours, and these behaviours were framed in a very specific way. While there are numerous individual, social and cultural factors that may influence a man's decision to solicit a street prostitute, those influences are absent in this quotation and instead, the "conscious decision" of the john is the

only factor discussed. Indeed, johns are not expected “to put blame on others” and should take sole responsibility for their actions. The “conscious decision” of the john is referenced twice to emphasize that it is the johns themselves who knowingly and intentionally solicit prostitutes.

The concept of individual choice is at the heart of any policy relying on deterrence and Bill 206 is no different. At its core, deterrence is premised on the idea that individuals are free, logical agents who, prior to committing a deviant act, will weigh the pros and cons of the situation and then act accordingly with knowledge of the consequences of that action. This argument, in tandem with the logic of supply-demand theory of economics, is continually offered as justification for the legitimacy of Bill 206 to reduce street prostitution in Alberta. Harvey Cenaiko repeatedly discussed deterrence in his introductory and concluding remarks at each reading. For example, he stated that Bill 206 will “provide a deterrent that is strong enough to make the offender think of his actions and the criminal offence he’s about to commit” (Alberta Hansard, May 5, 2003, p. 1411) and it “provides a strong and harsh deterrent in the seizure of one’s motor vehicle on second or subsequent offences” (Alberta Hansard, May 12, 2003, p. 1586). In the first quotation, Cenaiko highlighted the premise of deterrence, that an offender will “think of his actions and the criminal offence he’s about to commit.” According to Cenaiko, these offenders are individual actors who weigh the outcome of their actions and then choose to act freely, based on that deliberation. Cindy Ady discussed the deterrent aspect of Bill 206 in a similar way: “I believe this piece of legislation

will provide the necessary deterrent, which will make johns think twice about their dangerous activities” (Alberta Hansard, May 5, 2003, 1411). Mary-Anne Jablonski also discussed the individual choice of deterrence when she says that johns “could take their chances, but we know that many will decide to just stay away, perhaps even to stay home with their families” (Alberta Hansard, May 5, 2003, p. 1406). According to these individuals, with this legislation in place johns will weigh the pros and cons of visiting a street prostitute and make the choice to “just stay away.” By framing prostitution as a set of choices johns make, this focus on deterrence justifies the seizure of vehicles for those who make the “wrong” choice and solicit prostitutes. Johns that are caught soliciting prostitutes for the first time are given the benefit of the doubt and provided the opportunity to attend john school. This participation in john school was also framed around the concept of the johns’ responsibility and personal choice:

In a way it can be said that Bill 206 gives first-time offenders the benefit of the doubt and gives them a second chance. Therefore, Mr. Chairman, Bill 206 puts the onus of responsibility on the johns, and it gives them the opportunity to reform their ways, keep their vehicles, help us curb the threat of prostitution, and keep our streets safe for our families and children. (Jablonski, Alberta Hansard, May 12, 2003, p. 1581)

First time offenders receive an extremely light punishment and can “reform their ways” through participation in john school. They have a second chance to make the “right” decision and stop soliciting prostitutes. Johns who make the “wrong” decision again, receive the harsh punishment of having their vehicle seized and

auctioned off. At each stage, johns are represented as being at the crossroads between the right and wrong decision. They make the choice, either to solicit prostitutes or not, and then must accept the consequences of their choice.

Stemming from the strict focus on legal responses to the problems of prostitution, speakers made an explicit effort to individualize and compartmentalize problems associated with prostitution by constructing johns as the primary cause. There are multiple social and structural forces that help sustain prostitution in its current form, including government action/inaction, structural inequalities and the operations of patriarchy, capitalism and colonialism. Residential neighbourhoods that become high-traffic areas for prostitution are often a result of policing initiatives and policy that move prostitution from one area of a city to another or from indoor venues out to the street. While all of these reasons could be perceived as directly contributing to prostitution and prostitution related problems, most speakers during the debates on Bill 206 took a different route. They claimed that johns themselves are not only the cause of prostitution, but also the cause of the destruction of communities and the reason why women become involved in prostitution in the first place. For example, Cindy Ady argued that “we have to focus our attention on the root of the problem: the johns” (Alberta Hansard, April 28, 2003, p. 1252) and Harvey Cenaiko argued that “police services need the tools to effectively deter johns from destroying inner-city communities” (Alberta Hansard, November 24, 2003, p. 1805). By framing johns as the root of prostitution, speakers not only justified this legislation as an effective tool for eliminating street prostitution – if the Bill targets johns, and

johns cause prostitution, then this Bill deals with prostitution – they also obscured the social and structural causes of prostitution.

Before discussing this trend in more detail, a few notable exceptions should be highlighted. In particular, Brian Mason specifically identified government cuts to welfare and social supports, and shortages of affordable housing as contributors to an increase of vulnerable women on the streets. He further discussed the need for adequate incomes for single-parent female households and speaks directly to the relationship between poverty and prostitution. Laurie Blakeman was another notable deviation from this tendency to frame prostitution and prostitution related-problems as caused solely by johns. She argued that she felt “obliged to point out that we’re not dealing with one of the most obvious problems, and that’s the issue of poverty and particularly poverty of women” and that prostitution is “about an economic incentive, and this Bill does nothing to deal with that” (Alberta Hansard, May 12, 2003, p. 1577). These arguments contextualized prostitution and addressed the fact that prostitution and prostitution-related problems are not solely the result of individual men’s behaviours, but instead a function of multiple micro, meso and macro social factors that intersect in men and women’s lives.

From this framing of johns as the root cause of prostitution, an oversimplified equation is created where a reduction of johns should be associated with a reduction in street prostitutes. Indeed, numerous speakers stressed the parallels between this Bill and the logic of the “Supply-Demand” theory of economics: “if there are no customers, there will be no incentive to try to sell a

product. This Bill takes away the customer, so it should be met with a corresponding drop in street prostitutes” (Jablonski, Alberta Hansard, November 24, 2003, p. 1807). This equation enabled legislators to overlook the social causes of women’s involvement in prostitution and obscures the complex inter-connection of social pulls and pushes that make prostitution a viable option for some women. If women are prostituting themselves for no other reason than that there is a demand for it, and all you need to reduce the demand is legislate harsh punishment against it, then there is no reason to address root causes of women’s involvement in prostitution such as poverty, drug addiction, abuse or mental health problems. Further, legislators made no effort to untangle the social and cultural influences on men’s behaviour or to understand why men solicit prostitutes in the first place. Indeed, by individualizing and compartmentalizing johns’ prostitution seeking behaviours, legislators avoided any substantive discussion of the relations of power that push and pull women into prostitution and enable certain men to visit prostitutes.

The idea that this economic metaphor would apply to the interaction between prostitute and client allows legislators to skirt the issue of why men or women enter into the transaction in the first place. This metaphor is not concerned with *why* certain goods or services are deemed valuable or are utilized by certain segments of the population. Implicit in this contractual metaphor of prostitution is the understanding of consent and equality. Both supplier and consumer enter the market on equal ground, at which point the “market forces” of supply and demand take over and create a fair and equitable outcome based on what the market will

bear. This logic is underpinned by the idea that prostitutes and johns are autonomous individuals who enter contracts freely and without coercion. This negates the history of domination and oppression of certain groups and is used to annul the historical, cultural and social relations of power that influence men and women's involvement in prostitution.

Using the logic of supply-demand theory, one could actually argue that the seller may simply become more desperate because of a reduced demand for their product, subsequently forcing them to make even greater concessions in their work. This increased desperation may make prostitution more dangerous for women who, with fewer options are more inclined to accept offers they would have previously refused. Unfortunately, these issues are not addressed during the debates on Bill 206 and the legislation was passed unchallenged.

By responsabilizing the john and constructing him as the cause of prostitution, the social or root causes of prostitution are obscured and the speakers successfully re-packaged a social problem into an individual problem with an individual solution. If we follow this line of thought then government spending on social programs is not the solution, but harsher laws, stricter punishment and john schools are. Bill 206's relationship with john school is self-reinforcing in this regard because the premise of john school, that we can "re-educate" those few men who have deviant behaviours, casts a veil over the social influences on prostitution. John school conceals the social structures which create the demand for prostitution in the first place by individualizing and pathologizing men caught soliciting street prostitutes. These men are portrayed as either sick perverts with

addictions or callous men who do not think about the consequences of their actions. These individualizing representations neglect to situate the decision to visit a street prostitute within a larger social or cultural context. John school's individualizing and pathologizing representations in turn reinforce a law whose premise is that getting rid of johns will get rid of prostitution.

Interestingly, while there are several instances where speakers engaged in a discussion of events or experiences that could be rooted in social and structural causes, these speakers were either unable or unwilling to take the extra step to make the social connection. For example, speakers discussed child abuse, drug addiction, "broken homes," poverty and gang involvement as antecedents to prostitution. Instead of connecting these problems to root causes such as the feminization of poverty, Canada's colonial legacy and racism, or government cuts to social spending, they are either discussed as if occurring in a vacuum or framed as somehow caused by johns. Cindy Ady's speech during the second reading provides an excellent example of this disparity. Ady's nearly 10 minute speech outlined in great detail the multiple factors that lead a young woman to enter street prostitution. She pointed out that "the vast majority of them enter the prostitution trade not by choice but, rather, because they see it as a means which enables them to make ends meet" (Alberta Hansard, May 5, 2003, p. 1410) and that the "vast majority of these girls suffer from social and family-related problems including childhood sexual abuse, leaving home early, poor financial situations, and substance abuse" (p. 1410). She described how young girls ages 14-18 are entering an important time in their life where their future will be

determined and there is a strong need for support, commitment and care to ensure “bright and successful futures” (p. 1410). She detailed the horror of young prostitute coming from “dysfunctional family environments in which they are physically or sexually molested” (p. 1410) and as a result “run away from their homes in order to escape their abusers and in search of a better living environment” (p. 1410). Unfortunately, “once on the street these young girls usually find that their employment opportunities are extremely limited due to the fact that many of them lack even the basic high school education” and “without having any hope of attaining a proper job...these already vulnerable young girls turn to prostitution” (p. 1410). She went on to describe the violence and abuse that these young girls often experience at the hands of johns and pimps, and the cycle of drug abuse and addiction that they may find themselves in, in order to “deal with the mental and physical degradation associated with prostitution” (p. 1410). After this detailed description of the multiple factors that work together to make prostitution a viable choice for some young women, Ady concluded her speech with the following:

I’m certain that we have to do everything in our power to curb the problem before it gets out of hand. In order to accomplish this goal, Mr. Speaker, we have to focus our attention on the root of the problem: the johns. Just as any other business, prostitution itself is based on the basic principle of supply and demand. In this case, I believe that if we’re going to try and minimize prostitution-related crimes in Alberta, we need to focus on

discouraging the demand, which is again represented by the johns.

(Alberta Hansard, May 5, 2003, p. 1410-1411)

The inconsistency between Ady's descriptions of the social factors that influence a young woman's involvement in prostitution and the solution she deemed appropriate to address that problem is striking. Reading over her thorough description of the pushes and pulls that shape a woman's involvement in prostitution would lead one to conclude that the necessary solutions to street prostitution would at the very least include social welfare measures such as affordable housing, counseling services, education opportunities, workforce placement, addiction recovery and income support. Further, based on her discussion of the connection between childhood abuse and prostitution, it would be logical for any comprehensive prostitution policy to include measures that work to remove children from abusive homes and into a positive environment before prostitution becomes a viable option for them. Instead, she chose to frame prostitution as caused by johns, and the most feasible solution as one that discourages johns from visiting prostitutes through deterrence. Even though she dedicated her speech to the complexity of the factors that drive some women to prostitution, she ended her speech nullifying those factors by claiming that prostitution is "based on the basic principle of supply and demand." In this scenario, all you need to do to reduce the number of prostitutes on the street is take away the demand for their services through harsh punishments like vehicle seizure, instead of implementing social programs or addressing structural inequalities.

Prostitution and the Family

Several discussions take place during the debates on Bill 206 which centre around the johns' family and community families. While the discussions of the johns' family represent a conceptualization of family wherein the government is concerned about vehicle seizure affecting the johns' family's ability to be independent and productive members of society, the discussion of community families is very much rooted in a social conservative vision of the government stepping in and ensuring traditional nuclear families space to raise their children in a morally suitable environment. There are only infrequent references to prostitutes' families, most of which discuss the poor or insufficient home life young prostitutes likely had which led her to prostitution and life on the street, or discussed the poor, single mother who turned to prostitution to provide for her dependents. Both of these discussions of prostitutes' families are consistent with the knowledge claims about stereotypical prostitute identities discussed in chapter three.

At the root of both the Financial Hardship Clause and the Other Owner Clause (in which a vehicle registered in another owner's name, such as a wife or child, is returned to the original owner if seized), is the idea that the government wants to ensure johns' families are not financially penalized for the actions of the john himself. Indeed, the intent of the financial hardship clause is to release the vehicle "if the seizure created a financial hardship to a family, including a mom or a child" (Cenaiko, Alberta Hansard, May 5, 2003, p. 1411). Financial hardship was not intended to be a hardship on the john himself, only a hardship relating to

the john's family and their ability to earn money and support themselves. Financial hardship on families is discussed by both proponents and opponents to the Bill. For example, Carol Haley, one MLA who voted against the Bill in the second reading, argued the following:

imagine that two vehicles are seized from individuals that are found guilty of the exact same offence. Each vehicle is valued at \$15,000. For the first individual the vehicle is the only means of transportation for an entire family and cannot easily be replaced due to financial constraints. In the case of the second individual the second car is used sparingly. The impact on the two families involved is extremely different. (Haley, Alberta Hansard, April 28, 2003, p. 1256)

While her concern is unequal punishment, she framed the problem in terms of differential financial impact on the johns' families. The worry here is that working class families will experience a harsh financial penalty resulting from Bill 206 seizures. Presumably, the government does not want the social and economic impact of penalizing already at-risk families. This concern over financially penalizing a john's family is brought up multiple times during the debate and is at the core of the financial hardship clause.

The Other Owner Clause was included because there were concerns about vehicles registered in a wife's name being seized and thus unfairly punishing her and her family. As Bill Bonner, Liberal MLA for Edmonton-Glengarry pointed out:

I think that if we are truly looking at a law that is going to cut down on the impact of prostitution on our communities and on families, we also have to look at the huge impact that this will have on families whose car was used, particularly if the car was registered to the mother. (Bonner, Alberta Hansard, April 28, 2003, p. 1255)

The concern was that johns' families would be financially penalized by this legislation by having their vehicle unfairly seized. To address this concern, the Other Owner Clause was included to ensure that vehicles registered to a wife or child of a john, and who unknowingly had their vehicle used in solicitation, would have their vehicle returned. Regardless of the speaker's stance on the Bill, discussions were always framed around the financial impact on the johns' family, as opposed to the inconvenience or unfairness of having a family vehicle seized. These two caveats to Bill 206 ensured that johns' families could continue being financially productive members of society. By including these two clauses, the government insured that households who either relied on johns as their main source of income, or whose vehicle was an integral component to the household's income, would be able to continue supporting themselves.

Community families were discussed in a much different light. Discussions around community families focused on the importance of a parent's ability to raise their children in a safe and healthy environment, free from the dangers, hazards and annoyances of prostitution. Cenaiko's opening remarks during each reading included comments about the ability of Bill 206 to create safe and healthy spaces for families to raise their children. For example, he stated during the

introduction to the second reading that “Bill 206 could make living and raising families easier for these people living in Alberta’s major urban centres” (Alberta Hansard, April 28, 2003, p. 1250) and in his concluding remarks to the second reading pointed out that “one of the main goals of this government is to provide safe communities to live and raise families in” and that he “strongly believe[s] that Bill 206 will contribute to this goal” (p. 1412). Other speakers also identified this major goal of the legislation as “one of strengthening and securing the family unit” (Amery, Alberta Hansard, November 24, 2003, p. 1810). Indeed, Bill 206 ensured that

Families and community organizations will have at least a fighting chance to clean up neighbourhoods and make them the places they can be, places they are proud to raise their children in... Kids will be able to play in the front yard or in the park across the street without parents’ fears about their safety being compromised by criminal or perverted elements. (Jablonski, Alberta Hansard, November 24, 2003, p. 1807)

Bill 206 allows parents to raise their children proudly and allows kids to play outside without parental fears about their safety from debris or “perverted elements” like johns. This Bill is a government initiative that actively tries to create spaces for parents to raise their children without the hindrance of prostitution-related activities.

One interesting quotation on community families was made by Ray Danyluk, a Progressive Conservative MLA from Lac La Biche-St. Paul, who pointed out that

One of the roles of the government is to ensure that we provide a safe and healthy atmosphere in which parents can raise their children. Our job is not to make choices for those parents but to ensure that we take steps which (a) do not interfere with the parents' ability to make good choices and (b) set the legal ground rules for action within our communities. These laws must be laws which in the end allow our communities to flourish. Getting tougher on street prostitution is one way to do this. (Alberta Hansard, May 12, 2003, p. 1579)

Here the government plays an integral role in promoting the family, not by making choices for parents, but by "getting tougher" on crimes like street prostitution which hinder communities' ability to "flourish." Parents in this quotation are not free to make any choice, but to make "good choices" for their children.

While Danyluk does not detail what these "good choices" are, one can assume they are consistent with the moral and social vision of the Tory's stance on families as outlined by Cindy Ady in the Second Reading. She argued that "not all families provide [the] necessary support for their children" (Alberta Hansard, May 5, 2003, p. 1410) and that

there are parents within our communities who either don't know how to or in other instances simply don't provide the care their children need in order to become healthy and happy. As a result, many young girls who turn to prostitution come from broken homes or dysfunctional family

environments in which they are physically or sexually molested by their parents or other relatives. (Alberta Hansard, May 5, 2003, p. 1410)

In this short quotation, she constructed bad or “broken” families as the starting point for child prostitution. She also somewhat patronizingly pointed out that these families “either don’t know how to or in other instances simply don’t provide the care their children need.” While no explicit connection is made, one cannot help but think about these comments in reference to working class and minority families, who are disproportionately represented among the street prostitution population. Her comment takes on significant meaning in the context of Canada’s history of colonial imperialism of Aboriginal families and the racist and patronizing history of the residential school system. Canada has a long and turbulent history of casting judgment upon Aboriginal families, and Aboriginal parents in particular, as being unable or unwilling to “provide the care their children need” (Barman, Hébert & McCaskill, 1986; Miller, 1996; Milloy, 1999). As a result numerous Aboriginal children were removed from their families because they were considered “broken,” “dysfunctional” or inadequate. The disproportionate representation of Aboriginal people among those who experience physical and sexual violence as children is another outcome of this “Stolen Generation” and Canada’s history of colonialism (Brownridge, 2008). Unfortunately, Ady does not make this connection; instead the “broken” home and “dysfunctional family” is blamed for a child’s participation in prostitution. In this way, a social conservative vision of the traditional (white) nuclear family is constructed as community families who need government assistance to become

strong and make “good choices” for their children, while working class and minority families are unable or unwilling to care for their children and thus cause them to become street prostitutes. The solution required to create safe and healthy environments for community families to raise their children, and to get young street prostitutes off the street, is to “get tough” on street prostitution with laws like Bill 206.

Representations of Johns

Two dominant themes characterized representations of johns during the legislative debates on Bill 206: johns as callous, greedy men looking to satisfy their own sexual urges, and johns as vicious sexual predators or pedophiles looking to satisfy their blood lust and perverted needs. Mary-Anne Jablonski represented the perspective of johns as callous men who are simply greedy and thoughtless in their actions. She argued: “I would imagine that johns would pick up prostitutes because of a need to satisfy sexual addiction and not consciously for vicious purposes and haven’t done much thinking about the hidden side of prostitution. They’re there for sex and for their own gratification” (Alberta Hansard, May 5, 2003, p. 1406). Jablonski claimed that johns’ actions are “not consciously for vicious purposes” and that they simply “haven’t done much thinking” about the consequences of prostitution. Simply put, they are there “for their own gratification.” Jablonski also referenced sexual addiction, which ties into the john school program’s focus on johns’ “disease.” Both Gary Masyk and Ray Danyluk made similar claims when they argued that “up until the day of the john school most johns think prostitution is a victimless crime” (Masyk, Alberta

Hansard, May 5, 2003, p. 1407) and this “Bill will encourage these johns to agree to take part in an alternative measure program like john school, where they will realize the full social cost of prostitution, especially as it relates to the exploitation of women and young girls” (Danyluk, Alberta Hansard, May 5, 2003, p. 1411). This implies that johns simply don’t think about the consequences of their actions when they visit prostitutes and need to be schooled on its true effects.

Bob Maskell made a similar, yet perplexing argument during the third reading when he stated that “If johns truly understood the consequences of their so-called harmless actions, then young women wouldn’t be found frozen and strangled in farmers’ fields” (Alberta Hansard, November 24, 2003, p. 1810). He claimed that johns do not understand the consequences of their actions, which is consistent with the assumption of other speakers, but made the argument that if they did understand the consequences of their actions, “young women wouldn’t be found frozen and strangled in farmers’ fields.” It is safe to say that most men who are driving women out to isolated locations and strangling them have at least some level of understanding of the consequences of their actions. Whether or not Maskell is aware of it, he’s making the argument here that men who murder prostitutes simply don’t understand the consequences of their “so-called harmless actions.”

This representation of johns as thoughtless and careless but mostly harmless men is frequently used in tandem with discussions about john school. These men are represented as individuals who will be caught as first time offenders, given the benefit of the doubt and provided an opportunity to go

through john school and rehabilitate. At the end of john school, once they have been schooled on the negative impact of prostitution and the consequences of their actions, it is assumed that they can and will make the decision to stop visiting street prostitutes. This structure of the legislation was used to assuage the concerns of numerous MLAs and citizens that vehicle seizure is too harsh a penalty for first time offenders. By constructing first time offender as simply thoughtless and greedy, and in need of instruction, the legislators justify the use of the john school as an alternative measures program for first time offenders and mitigate criticism about the harshness of the penalty.

By far the most common representation of johns was as vicious sexual predators or pedophiles looking to satisfy their blood lust and perverted needs. This is most likely due to the heavy focus on child prostitution and the construction of child prostitution as child abuse. Speakers variously described johns as “sexual offenders,” “sexual predators,” “perverts” and “monsters” throughout the debates and the implication that johns are pedophiles was frequently present. Harvey Cenaiko was the first to portray johns in this light during his first opening speech when he stated that community children are vulnerable to “sexual predators lurking in the playgrounds and streets” (Alberta Hansard, April 28, 2003, p. 1251), implying that johns are pedophiles and predators who prey on innocent community children in playgrounds. Yvonne Fritz similarly argued:

for as long as there have been people in this world of ours, there have always been those who prey on others. There are those who make others in

our society weak and vulnerable targets for their own pleasure, and in many circumstances they are willing to put others in very dangerous, life-threatening situations. (Alberta Hansard, May 5, 2003, p. 1408)

Here johns are represented as predators that cause others to become “weak and vulnerable targets for their own pleasure” and put other lives in “dangerous, life-threatening situations” for those pleasures. This combines the earlier sentiment about johns as greedy and needing to satisfy their own pleasures with a more menacing and violent representation of johns as predators who prey on “weak and vulnerable targets” like women and children. Cindy Ady used similar imagery when discussing child prostitution. She claimed:

Just as any other sexual predators, Mr. Speaker, johns not only take advantage of young and vulnerable girls who suffer from previous physical and sexual abuse, but they also have a very destructive effect upon our communities. They prey upon other people’s weaknesses and misfortunes. (Alberta Hansard, May 5, 2003, p. 1411)

Johns are described as predators who are taking “advantage of young and vulnerable girls” and who are preying “upon other people’s weaknesses.” The use of the words “predator” and “prey” conjure up imagery of vicious, blood-thirsty animals that choose weak targets to stalk and eventually attack. This choice of words by many speakers elicits a very specific response which would not be the case had they chosen to use a less volatile word like “john” or even positive and legitimating phrases such as “client” or “customer.” The repeated use of the phrase “sexual predator” and verbs such as “prey” and “lurking” are very

effective mechanisms in constructing a “crisis” of child prostitution and heightening the sense of urgency and fear around child prostitution. Children easily fall into the category of innocent victims and vulnerable targets, and the language of predators and prey exploits that easy characterization to create a simple and straightforward dichotomy of good vs. evil (children vs. johns). This use of violence as rhetoric is a common tactic employed during discussions on prostitution and prostitution-related issues and one that I explore in more detail in the next section.

Johns as pedophiles was an implied representation employed by numerous speakers when discussing child prostitution. While no speakers explicitly called johns pedophiles, numerous speakers made indirect allusions to pedophilia when making statements such as “[Bill 206] is a good way of going after the men who pursue children for sex. I have heard disturbing reports of men prowling the streets for young girls for sex” (Vandermeer, Alberta Hansard, April 28, 2003, p. 1252) and “having a child of no more than 14 sell herself on the streets to men who are two, three, or four times her age has to be among the most heinous and vile offences that can be committed against a child in our society today” (Hutton, Alberta Hansard, May 12, 2003, p. 1582). While neither speaker explicitly labeled johns as pedophiles, phrases such as “men who pursue children for sex” are very unambiguous allusions to pedophilia. This language continues to intensify the fear and urgency around child prostitution in Alberta and creates a compelling argument for Bill 206.

While speakers typically described first time offenders as thoughtless, careless but also harmless johns who should be given the benefit of the doubt and the opportunity to go to john school, sexual predators and johns as pedophiles were never described in the context of john school or rehabilitation. When framing johns in this way, discussions were typically geared towards deterrence and punishment. Speakers conceptualized these johns as second and subsequent offenders who, after having been caught and educated once through john school, continue to solicit street prostitutes. Laurie Blakeman highlighted this difference when she pointed out that “It’s not about the first time. We are dealing with people who are quite committed to coming into communities and procuring sexual services” (Alberta Hansard, May 12, 2003, p. 1576). Harvey Cenaiko also described this distinction when he argued that Bill 206 “provides an alternative measures program to educate sex-trade offenders on the realities of the sex-trade industry” but also “provides a strong and harsh deterrent in the seizure of one’s motor vehicle on second or subsequent offences” (Alberta Hansard, May 5, 2003, p. 1411). Constructing this layered response to prostitution allows a number of things to take place. First, it enables two separate representations of johns to be constructed: the harmless john who has not thought through his actions; and the “committed” john who is intent on procuring sexual services from women and children. Second, it allows a combination of criminal justice tactics to appease a wide audience. First time offenders get an alternative measures program whose focus is reeducation and rehabilitation. Second and subsequent offenders receive the “tough on crime” approach of harsh punishment in which their vehicle,

regardless of value, is seized and auctioned off. The Bill offers something for everyone, liberals and conservatives alike.

What is particularly striking about these characterizations of johns is that they construct the johns' behaviour as deviant, unusual or out of the ordinary and thus work against a social analysis of prostitution. To perceive the john as an anomaly, be it for selfish reasons or because he is a pervert/predator/addict, effectively hides the cultural influences on men's behaviour. It constructs johns as deviant and presumes that the johns themselves are either diseased or inconsiderate men who somehow got led astray from the normal path that men in society should be on. This is the path where men do not engage in prostitution-related activities. The solution from this perspective is that we need to redirect those deviant men back to that "normal" path. For first time offenders the solution is john school, whose central assertion is that johns can be reeducated and rehabilitated. This is itself problematic because it individualizes prostitution seeking behaviours and serves to obscure the fact that the demand for prostitution is situated within larger social structures and historical processes. For sexual predators the solution is deterrence and harsh punishment, neither of which addresses the social and structural causes of johns' or prostitutes' participation in prostitution activities.

At its most basic level, several speakers attempted to explain johns' engagement in prostitution seeking behaviours by claiming johns are thoughtless or perverts, but the causes behind johns' motivations are never addressed. No speaker went beyond a superficial description of johns as sexual deviants or

addicts to question why some men visit prostitutes in the first place. Because of this flat description, no one questioned the “supply-demand” logic behind Bill 206, that if you simply remove the buyer, the seller will go away. Even if we accept this logic, how does one go about removing the buyer if they don’t understand why the buyer is purchasing those services in the first place, or if their description of why the buyer is purchasing those services is limited to pedophilia, sexual addiction and thoughtlessness? Unfortunately, practical attempts to solve problems associated with prostitution must begin with a complex and detailed understanding of why prostitution exists in the first place.

Significantly, there was no attempt made to address the demographic characteristics of this offending population, specifically as they related to socio-economic status. The underlying assumption of each speech addressing johns was that “john” is a monolithic, all-encompassing category. There is no variation in experience, narrative, motivation or background beyond the two distinctions described above. This flat characterization thus neglects to account for the fact that, as several studies suggested, men who solicit street prostitutes are demographically dissimilar to the general population, and even to the broader spectrum of men who purchase sex. The men caught soliciting street prostitutes and diverted to the john school program are more likely to be recent immigrants, visible minorities, and working class. This adds a new level of concern to the criticism over infringement on due process rights and coercion to complete the john school program. The likelihood that already marginalized groups in Canada, recent immigrants, visible minorities and the working class, will legally or

politically challenge a Bill that infringes on their right to due process and coerces them to accept guilt in return for a speedy process is very low. Cenaiko himself admits this in an alarming passage in response to criticism about due process:

Based on what I've heard from other jurisdictions, it is highly unlikely that a sex offender would take this to court. Doing so would reveal to the world that he has taken part in an illegal activity and actively seeks the services of young girls for his own pleasures...It would be far easier, cheaper, and faster to take part in an alternative measures program as described in section 3(c) rather than subject their loved ones to embarrassment. (Alberta Hansard, May 12, 2003, p. 1575)

Cenaiko evokes highly coercive tactics to prove that this Bill will not be legally challenged. He essentially argues that critics of the Bill don't need to worry about legal challengability of the law because offenders will likely be too embarrassed or ashamed to come forward and challenge it. Offenders will take the "easier, cheaper and faster" route by admitting guilt and participating in john school. What Cenaiko doesn't mention is the fact that these men will also likely be immigrants and visible minorities who are even less likely to challenge the law. Unfortunately, no speaker addressed the issue of what category of men were likely to be caught and punished under this legislation, and that contextualization of street prostitution was left unexamined.

Violence as Rhetoric

One cannot discuss prostitution without addressing the extreme physical and sexual violence experienced by prostitutes. Regardless of one's opinion on

prostitution itself, it would be both irresponsible and difficult to discuss any topic relating to prostitution without engaging in some discussion of prostitutes' physical safety. While it is irresponsible to avoid discussions of violence against prostitutes all together, the topic is often used in reckless ways to justify arguments otherwise unjustifiable. Unfortunately, the discussion of violence against prostitutes can often overwhelm and shut-down dialogue about prostitution, and is frequently used as rhetoric to justify and legitimate a certain perspective or opinion on prostitution.

The categorization of child prostitution as child abuse, molestation and sexual assault which took place during the passing of the PChIP legislation and continued into the debates on Bill 206 is a prime example of the use of violence as rhetoric during these debates. As we have seen, there was a very explicit effort made to construct johns as vicious, violent sexual predators and street prostitutes as vulnerable youth. By framing child prostitution as child abuse and exaggerating the actual numbers of child prostitutes in Alberta, speakers were able to create an indisputable argument to justify Bill 206. Members who supported the Bill stood against pedophiles and child abuse; members who opposed the Bill were allowing child abuse to continue unabated. Interestingly, one speaker who voted against the Bill in the second reading, Carol Haley, actually mentioned this rhetoric in the concluding remarks of her speech. She hoped "everyone will carefully consider not just hyperbole, not just emotional gut reaction to a child being abused – nobody appreciates that; nobody in here condones that – but don't pass laws that aren't going to hold up or achieve what it was that you were trying to accomplish"

(Alberta Hansard, April 28, 2003, p. 1256). She very succinctly pinned down exactly what was happening during the second reading. Numerous stories about children involved in prostitution, some of whom died on the street, were told as warnings about what could happen if the government didn't pass Bill 206. Tony Vandermeer dedicated his entire speech to the negative effects of child prostitution and the positive outcomes of the PChIP legislation. An explicit effort was made to construct Bill 206 as a solution to child prostitution (and thus child abuse) in Alberta and, seeing that production take place, Haley warned MLAs to try and move past the hyperbole and the "emotional gut reaction to a child being abused" and actually consider the merits of the legislation itself. Obviously "emotional gut reaction" won out, because the Bill passed the second reading with only 4 votes against, and the third reading unanimously.

One result of the intense focus on child prostitutes was a neglect of issues facing adult prostitutes, or issues that cut across all age groups. Violence against prostitutes, particularly adult prostitutes, was not an issue addressed to the same degree as violence and abuse against child prostitutes. This is partially a function of the framing of child prostitution, and the violence and abuse incurred by that group, as a separate issue. Unfortunately, violence against women occurs to both those under and over eighteen, and by treating this violence as separate and unrelated, it can blur the social and structural influences that result in violence against women of all ages. There is a distinct and important connection between violence that occurs to young women and violence that occurs to adult women,

and by severing that connection and constructing these two issues as discrete, the possibility for a contextualized social analysis is limited.

Although violence against child prostitutes was brought up numerous times, it was not until nearly one-third of the way through the debates that violence experienced by adult prostitutes was discussed. When it was brought up it was employed in a very specific way to provoke an explicit emotional reaction. Mary-Anne Jablonski is the first speaker to address violence against prostitutes when she argued:

A john likely does not think about...the prostitutes that get driven out to secluded lands near Ardrossan or the outskirts of Sherwood Park or Gibbons and are sexually abused, beaten, and left for dead in the middle of winter at the mercy of the weather, wild animals, and whomever finds them. (Alberta Hansard, May 5, 2003, p. 1406).

We can see that the first instance of violence against prostitutes (as oppose to child abuse) immediately jumps to the worst case scenario of violence experienced by a street prostitute. While the reality of violence is better reflected as a spectrum of experiences all intimately connected to broader social and cultural productions of certain racialized and gendered bodies, Jablonski represented violence against prostitutes as a situation in which prostitutes are “sexually abused, beaten, and left for dead in the middle of winter.” Jablonski claimed that these are “johns who not only have a penchant for sex but for abuse” (Alberta Hansard, May 5, 2003, p. 1406) but did not question what factors lead these men to have a “penchant for abuse” or, importantly, why they would choose

prostitutes as their victims. While there is no doubt that this is one of the experiences of street prostitutes, Jablonski's use of this specific example as the first and only discussion of violence creates a narrow and exaggerated sense of the violence experienced by street prostitutes. This exaggerated example is then used as justification for this legislation. The logic here is the same as the rhetoric around child abuse: women are being beaten, molested and left for dead; Bill 206 addressed that problem by "going after the johns." If you did not agree with the Bill, then you sided with deviant sexual predators and allowed violence and abuse against prostitutes.

While speakers discussed violence against street prostitutes less frequently than child prostitution and child abuse throughout the debates, it was a theme used during the third reading more than others. This is likely partially a result of Harvey Cenaiko's introductory speech to the third reading. Cenaiko concluded his opening remarks with a discussion of serial killers whose primary targets are women involved in street prostitution. He specifically identified Robert Pickton and Gary Ridgway, two serial killers who, combined, murdered over 100 prostitutes. As Cenaiko pointed out, "Ridgeway [sic] chose prostitutes because he thought he could kill as many as he wanted to without being caught. He also knew that they would not be reported missing right away and might never be reported missing at all" (Alberta Hansard, November 24, 2003, p. 1805). He linked these stories to the missing and murdered prostitutes in Alberta and made an important inference: that prostitutes are murdered because they often live transiently and because they are a vulnerable sub-section of our population whose well-being is

often disregarded. He went on to make a conflicting statement in the context of the Bill and his position in previous speeches. Cenaiko stated:

Yes, serial killers are often involved [in the violence against prostitutes] but not always, and if we were to add the horrific number of assaults, robberies, rapes suffered by women on the street, then the blank eyed monsters are reduced to bit players. The real story here is not about serial killers; it's one of street prostitutes being attacked by men ranging from psychopaths to mechanics to accountants to any walk of life. (Alberta Hansard, November 24, 2003, p. 1805)

Cenaiko provided an incredibly nuanced argument which suggests that all men are capable of violence and that there is no stereotyped or typecast individual who abuses or mistreats women involved in street prostitution. Serial killers, "the blank eyed monsters," are "reduced to bit players" when one takes into account the spectrum of violence that street prostitutes experience at the hands of johns everyday. These johns are not sexual perverts or deviants who are identifiable by a specific characteristic or trait, but instead they are "men ranging from psychopaths to mechanics to accountants to any walk of life." In this short section of Cenaiko's speech, he pointed out that street prostitutes are clearly targeted as victims of violence because they are easy to abuse and mistreat, and further that men from "all walks of life" can and do cause violence against street prostitutes. Stemming from these ideas, the logical conclusion would be either there is something inherent in men that makes them violent, or, conversely, that there's something about our culture that makes men violent. Both of these conclusions

would have significant policy consequences, neither of which would be consistent with the philosophy behind john school and Bill 206. The core belief of Bill 206 and john school is that men who solicit and are violent towards street prostitutes are a deviant minority, an aberration which has strayed from the norms of society. In fact, men who engage in prostitution-related activities are themselves the logical outcome of a society which teaches men they have a “sex right” and which views women as property which can be accessed as a commodity by men. Further, the widespread violence experienced by women and particularly Aboriginal women in Canada outside the context of prostitution highlights the fact that violence against prostitutes is not an aberration but a magnified reflection of systemic violence occurring in our culture more generally. In this context we can see that initiatives such as john schools and Bill 206 simply conceal the social structures which create the demand for certain racialized and gendered bodies and sexualized violence by individualizing and pathologizing men caught soliciting street prostitutes. Lastly, if prostitutes are clearly targeted as victims because they are disregarded in our society, at least one appropriate response to this problem would be to challenge those perceptions of prostitutes as citizens of little or no consequence. Unfortunately, this is simply not the case with Bill 206.

While Cenaiko was not naïve enough to believe that Bill 206 was going to prevent serial killers from murdering prostitutes, he did believe that it “will move many johns out of the inner-city areas where they shop for sex. By doing this, more time and resources can be concentrated on the serious offenders. I believe that the end result will save lives” (Alberta Hansard, November 24, 2003, p.

1805). Johns will be moved “out of the inner-city,” but where will they go instead? Indoors? Other neighbourhoods? Online? These solutions only move the problem around and do nothing for the safety of women or reduction of prostitution overall. He claimed that Bill 206 enables “more time and resources” to concentrate on “the serious offenders,” but the Bill never addressed why these specific women are vulnerable to violence and abuse in the first place, or the link between criminalization of prostitution and the safety and security of prostitutes. Prostitutes can and will still be victimized while working in indoor venues, this solution will simply make victimization more discrete and less public. Unfortunately, while Cenaiko made several excellent points about prostitution during his opening remarks of the third reading of Bill 206, these ideas did not find their way into legislation that works towards more effective responses to the problems associated with prostitution.

A number of other speakers also discussed violence against prostitutes during the third reading. Significantly, each time a speaker evoked violence in prostitution, it was brought up in reference to murdered prostitutes which, while an important topic to tackle, shadows other less notable or sensationalize violence that occurs frequently to prostitutes, such as physical and sexual assault, verbal threats or robbery. For example, Brian Mason pointed out during his speech in the third reading that the “greatest danger of prostitution-related activity is to the women themselves. In the last year alone five women have disappeared off city streets only to be found dead sometime later, usually in a remote location outside the city” (Alberta Hansard, November 24, 2003, p. 1807). Hugh MacDonald,

Liberal MLA from Edmonton-Goldbar, made a similar comment during the third reading while discussing the Vancouver murders. He argued that “unfortunately, an eerily similar crime spree has affected this city and this region. Certainly, whenever one talks to or knows a parent of one of those prostitutes who has disappeared and disappeared for some time, is later found in a farmer’s field or on an acreage, it is sad indeed” (Alberta Hansard, November 24, 2003, p. 1806). Bob Maskell similarly commented on the murdered prostitutes in Edmonton when he argued that “if johns truly understood the consequences of their so-called harmless actions, then young women wouldn’t be found frozen and strangled in farmers’ fields. As other members have stated, women are being killed, yet little seems to be done because they’re sex-trade workers” (Alberta Hansard, November 23, 2003, p. 1810). The sensationalized murders of prostitutes were the most prominent and oftentimes only item discussed when talking about the safety of prostitutes.

While most prostitutes probably will not be murdered, many of them do experience a wide spectrum of violence at the hands of a variety of men, most of whom are not serial killers or sociopaths. Unfortunately, sensationalized murders and a possible serial killer in Alberta overshadowed those experiences. By focusing on those murders which many either believe to be committed by or at the very least associate with a serial killer, a veil is cast over the everyday, systemic violence which can occur at the hands of, as Cenaiko described, men from “any walk of life.” Instead of addressing social or cultural issues that make certain groups of women more vulnerable to violence, this focus on a potential serial

killer murdering prostitutes constructs the violence as committed by a deviant minority with psychological problems. Unfortunately, speakers limited discussions of violence against both youth and adult prostitutes during the debates on Bill 206 to sensationalized stories of children abused by pedophiles and adults murdered by serial killers. While Harvey Cenaiko had a singular moment of nuanced social analysis in his final introduction of the debates, this discussion was not carried further by other speakers and ultimately had no impact on the legislation itself. The end result was an extremely limited discussion of violence against prostitutes with little attention paid to the actual safety concerns of prostitutes or the influence of social, cultural and historical factors that affect the likelihood of certain groups to be victims of violence and abuse.

Conclusion

This chapter examined the claims-making processes around johns. In it I argue that the use of claims-making strategies of responsabilization and individualization, in tandem with Edmonton's john school program, cast a veil over the social and structural influences on prostitution. The market logic of supply-demand economic theory was also used by legislators to disregard the cultural and structural influences on men's prostitution seeking behaviours, and women's involvement in prostitution. I explored the two representations offered of johns and their motivations: greedy, callous men; and vicious sexual predators and pedophiles. I then discussed these representations in relation to the "crisis" of child prostitution in Alberta, prostitutes' identities and john school. I specifically addressed the relationship between the john as sexual predator and pedophile,

with the use of violence as rhetoric during the debates. These issues were connected back to the two themes in the debates: the disregard for the needs and wants of street prostitutes and the lack of social and historical contextualization of street prostitution in Canada.

Conclusion

Introduction: Summary of Critique

This thesis provided an examination of the claims-making strategies employed by Members of the 25th Alberta Legislative Assembly during the debates on Bill 206. Recent efforts by governments, communities and policing agencies to highlight the activities of johns, as well as the long and tumultuous history of discriminatory prostitution policy, racism, colonialism, and sexism in Canada provides a backdrop for examining this legislative effort. Bill 206 is one result of this recent focus on johns' activities and the acknowledgement of unequal and discriminatory legislative policy towards street prostitution. As such, it provided a rich and unique case study that explained how legislators talk about and regulate street prostitution and the actors therein.

Taken together, the chapters of this thesis demonstrate the various claims-making strategies undertaken to justify and legitimate this legislation as an appropriate response to street prostitution in Alberta. Speakers employed a variety of representations of johns, prostitutes and prostitution to propel these claims, many of which relied on patriarchal or colonial assumptions and stereotypes about certain racial, gender and class groups. In examining these debates, several things are apparent. First, the heavy focus on the "crisis" of child prostitution served a number of valuable functions: it continued to justify the PChIP legislation and its harsh responses to children involved in street prostitution; it provided a fool-proof argument to justify and legitimate Bill 206 (that the bill targets pedophiles and

protects children); and it justified the continued exclusion of prostitutes from political and social debates on issues around prostitution. Second, the use of responsabilization and individualization techniques during the debates constructed johns as the “root cause” of prostitution. While the focus on johns is a newer phenomenon, representing prostitution as an individual problem is not. By utilizing these strategies, the discussion on Bill 206 avoids any substantial dialogue on the social and historical processes that influence a woman’s involvement in prostitution or a man’s decision to solicit. Third, the representations of prostitutes and johns relied on tired stereotypes such as men with insatiable sexual appetites or as callous and indifferent to the needs of women, and prostitutes as weak willed addicts, foolish, naïve youth or self-sacrificing mothers. No space was provided for in-depth depictions of the range of experiences of both prostitutes and johns. Finally, the lack of any detailed discussion of the gendered or racialized nature of prostitution is likely the most striking trend in the debates, and is also probably one of the most consistent elements of prostitution policy in Canada.

This thesis is itself an act of knowledge production and as such engages in several claims-making strategies of its own. It is these claims I address in the remainder of this conclusion. My approach to prostitution is neither Abolitionist nor pro-sex work. Instead, I believe we must be critical of the social, structural and historical context within which prostitution is situated, while recognizing the importance of the voices, experiences and agency of individuals involved in prostitution. It is at these two key points that this legislation falls short. Time and

time again speakers during these debates fail to connect the causes of prostitution, and the experiences of street prostitutes, to the social and historical context within which they are situated. The operations of patriarchy, capitalism and colonialism are left uninterrogated as speakers employ reductive supply-demand arguments and stereotypical representations to justify Bill 206 as an appropriate response to prostitution. Further, there is a complete lack of effort or interest to include the voices of prostitutes in the debates. While the voices and experiences of prostitutes should be central to all policy initiatives aimed at prostitution, they are completely shut out of discussions on Bill 206.

Looking over the history of prostitution legislation, one can see that little has changed in how we talk about or address the problems of prostitution. Women's voices continue to be ignored in policy debates, substantive issues such as social, economic, gender and racial equality fail to be discussed in significant ways, and stereotypes continue to be trotted out to justify increased criminalization and surveillance on an already heavily criminalized population. Despite heavy rhetoric around prostitutes as victims, prostitutes are still more likely to be charged under Section 212 of the Criminal Code than johns (Duchesne, 1997; Fiorelli, 2009). It is telling that, despite rhetoric about johns as the cause of prostitution and prostitutes as victims in need of help, female prostitutes are still heavily penalized by the criminal justice system, more so than johns. This suggests that legislators are simply using new language and techniques to reproduce the same end result.

Perhaps unsurprisingly, it is the belief of this author that criminalization is an inappropriate and ineffective response to the problems of street prostitution. If the decision to prostitute is rooted in social and structural inequalities, and the decision to solicit is rooted in patriarchal and colonial assumptions and stereotypes, then it stands to reason that solutions should have as their starting point these considerations. Criminalization takes none of these considerations as its starting point, and instead centres around the idea that punishment and retribution will solve the problems of prostitution. In reality, criminalization does little more than punish an already marginalized and vulnerable population, and push the trade further underground. Indeed, authors such as Prenger (2003) argue that criminalization actually makes it harder for prostitutes to exit prostitution because many end up with criminal records that make mainstream employment a difficult goal to achieve. Effective solutions involve proactive, socially situated responses to the antecedents of prostitution, not punishment and criminalization after the fact.

Significance and Contribution

Politics and law are powerful sites of social and cultural (re)production, and claims made within these institutions have long lasting and far reaching consequences. Criminal policy also represents the intersection of a number of competing interests, including special interest groups, legislators, the state, the community, and those affected by the policy. As such, it is important to critically analyze criminal policy to gain an understanding of which forms of knowledge are being privileged and which are being dismissed or ignored. This, in turn, can

allow us to untangle the relations of power which disadvantage or silence certain groups. This project analyzed the claims-making process that informed Bill 206, with a specific objective of understanding the ways in which various claims served to reinforce or undermine patriarchal, capitalist or colonial relations of gender, race and class. Because few feminist scholars have studied initiatives aimed at johns, I believe analyzing this legislation with a feminist lens contributes important insights into the gendered and racialized impact of this legislation and the ways in which it reinforces and reproduces stereotypes about women who prostitute and men who solicit. In this way, this project makes a valuable contribution to the feminist prostitution literature, as well as the burgeoning literature on johns.

Conclusion

My primary criticisms of the debates on Bill 206 were twofold: first, that prostitutes were excluded from the debates as authorized knowers and their perspective was entirely absent from the debates; and second, that there was a broad neglect of a socially and historically contextualized analysis of prostitution as a social problem. By failing to address these two issues, efforts to solve problems associated with street prostitution inevitably fall short. Open, frank discussions held with all stakeholders, including prostitutes, would likely yield a number of well thought out, realistic solutions and compromises. It is not until everyone involved has a voice and is part of the discussion that actual solutions can be found. Further, policies which fail to proactively address antecedents to prostitution, antecedents which are intimately linked to issues of gender, race and

class, will not succeed in creating positive changes in the lives of women involved in prostitution. Only when all stakeholders engage in open dialogue, and discussions address socially and historically rooted causes, can we create concrete solutions to the problems associated with street prostitution.

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Appendix

**COMMUNITY ACTION PROJECT**

9516-114 AVENUE
 EDMONTON, AB T5G 0K7
 PH: (780) 474-8318
 FAX: (780) 477-5601

Mr. Harvey Cenaiko
 MLA Calgary- Buffalo
 #637 Legislature Annex, 9718 - 107 Street
 Edmonton, AB
 T5K-1E4
 Phone: (780) 415-9573
 Fax: (780) 415-0951

Dear Mr. Cenaiko;

I was pleased to learn of your private members bill, which amends the Alberta Traffic Safety Act to allow police officers the authority to seize the vehicles of men who buy sex in our neighbourhoods.

I live in a neighbourhood impacted by prostitution and am writing to support your bill because I believe it will deter johns from entering my community.

Our neighbourhoods are wonderfully historic parts of Edmonton and home to many families, young and old. We do not accept being victimized by prostitution.

We look forward to this new legislation acting as another tool in our community's fight against prostitution.

Sincerely,

Mary Jean Peddle Nelson

North Central Edmonton Resident.

Full name:

Mary Jean Peddle Nelson

Address:

11420-122 St, Edmonton, T5M 0B9

Phone Number:

454-3359