

LADIES OF LEISURE: PARKS, POLICY, AND THE PROBLEM OF PROSTITUTION

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Parks have long been sites for sexual activity, deviant behaviour, violence, and prostitution (Flowers, Hart, & Marriot, 1999; Humphreys, 1970; Mitchell, 1995). Yet leisure researchers have tended to leave these less socially acceptable activities unexamined, focusing their analyses instead on the "benefits" of leisure (Glover, 2003; Rojek, 1999, 2000). This research aims to deviate from the "benefits approach" to leisure studies by conceptualizing prostitution as leisure. The need for "safe parks" for sex workers in Canada is advocated using a feminist, leisure studies, harm reduction framework. Exploring prostitution through a leisure studies lens can transform not only our conceptualization of sex work, but our conceptualization of recreation, leisure, and parks as well.

It is difficult to ostensibly condone the sex work industry. An industry that is responsible for the trafficking of human beings, child abuse, and degradation of people, largely women, world-wide is not one that is innocent. However, the conceptualization of the sex work industry as inherently destructive can result in sex workers becoming the targets of stigma and victimization. To neglect to study this occupation as a profession deserving of protection from rape, assault, and stigma is to wilfully ignore the need for a reduction of harm for members of our community working in very unsafe conditions (Cusick, 2006; LeMoncheck, 1997; Pheterson, 1989). This neglect stems from political and social agendas and ideologies that serve to maintain the perception of female sex workers as immoral, "fallen" women who need to be saved (DuBois & Gordon, 1995; Kuo, 2002; Sanders, 2005; Sanders & Campbell, 2007). This paper is not an attempt to condone the sex work trade; rather I will assert the need for feminist-based, harm reduction strategies that can inform a protective policy for sex workers. At the same time, I will identify those ideologies in leisure studies and feminist literature that restrain us from recognizing sex work as a legitimate leisure profession deserving of protection from harm. Lastly, will be a discussion of the ways in which leisure studies and feminist

theory could come together to contribute to a reconstruction of what it means to be a sex worker. Namely, I will argue the need for "safe parks" for people working in this industry.

For the purposes of this paper, sex work will be defined as "the practice of selling, explicitly and contractually, the private performance of specified acts of a sexual nature" (Kuo, 2002, p. 42). This research will only deal with adult, female sex workers, as the majority of these workers are women and as the issue of sex work when dealing with minors becomes significantly more complex, especially in terms of consent (Kempadoo & Doezema, 1998). This is a limitation of this paper, as research is sorely needed in the area of child prostitution and protective policy. In addition to that definition, the sex worker will also be conceptualized as a leisure service provider, supplying their clients with "relaxation," "diversion," and "adventure" (Kuo, 2002, p. 70).

It is commonly described as the oldest profession in the world, and yet no professional protection is extended to most working in the sex industry (Pheterson, 1989). When policy is discussed surrounding sex work, the voices of sex workers are rarely – if ever – sought out (Kuo, 2002). Kuo described this silencing tactic as ingrained in the policy-making process: "It has

been deemed acceptable, indeed necessary, to exclude prostitutes' voices in the development of prostitution policy" (p. 20). Pheterson (1989) concurred, boldly stating: "Whore-identified women are not considered citizens" (as cited in Kuo, 2002, p. 26). Thus it is imperative to understand the ways in which sex work has been hidden in order to begin to discuss the ways in which the worker's voice can be heard.

SEX WORK IN CANADA

Sex work has never been illegal in Canada (Federal/Provincial/Territorial Working Group on Prostitution [WGP], 1998). However, this does not mean that sex workers have been free to practice their work with no interference from the law. For instance, until 1972 "Vag. C," or the vagrancy law (1867) served to control women's behaviour in public places. The vagrancy law allowed law enforcement officials to question any woman's presence on a public street; if she did not account for her presence she risked being prosecuted as a "common prostitute." However, this vagrancy law was more likely used by law enforcement to persecute homeless, poor, ethnic minorities in an attempt to control these women's mobility, autonomy, and sexuality (Demerson, 2004). At the urging of women's groups and civil rights groups, the Criminal Code was changed in 1972 to stipulate that sex work itself was not an offence, but that soliciting or publicly obtaining customers was a crime (WGP, 1998). In October 1995, The Working Group on Prostitution, comprised of officials from British Columbia, Alberta, Manitoba, Ontario, and Nova Scotia, recommended that early-intervention be the social service focused upon by the government in terms of sex work. Despite their findings that many groups in Canada supported decriminalization, the group felt that the issue was too contentious and that early-intervention was a good compromise.

However, many scholars and sex workers' rights organizations disagreed with the Working Group's solution (see Kuo, 2002; LeMoncheck, 1997; Pheterson, 1989). These scholars and organizations

suggested that decriminalizing sex work is the only way to deal with the so-called “prostitution problem.” As West (2000) described, “decriminalization aims to normalize prostitution, removing the social exclusion which makes prostitutes vulnerable to exploitation” (p. 106). Decriminalization is advocated by many Canadian researchers who have found that current strategies have tended towards faulting the sex worker while protecting the customer (see Benoit & Shaver, 2006; Larson, 1996; Van Brunshot, 2003). These scholars argue that current strategies are ineffective and fail to enhance the safety of sex workers. This failure is particularly tragic given the recent trials in Vancouver of Robert Pickton, a man charged with murdering twenty-six women over the past three decades, many of whom were sex workers (Benoit & Shaver, 2006). The Pickton trials made it painfully clear that Canadian sex workers’ safety is being neglected at horrifying costs. As Lowman and Atchison (2006) noted in their research on the sex industry in Canada, “sex workers experience high levels of violence, including, but not limited to, physical assaults, sexual assaults, verbal threats or abuse, psychological abuse, robbery, and kidnapping” (p. 289). In particular, many scholars pointed to the street sex worker as the most vulnerable (see Lewis & Maticka-Tyndale, 2000; Lowman, 2000; Lowman & Atchison, 2006). More than 60 murders of Canadian sex workers were perpetrated between 1982 and 1998, and the majority of the deaths were characterised as vicious. In seven of the 14 stabbing cases, police described the attack as “overkill” (Lowman, 2000). Hence, conceptualizing sex work, particularly street sex work, as high-risk is an understatement. Advocates of decriminalization argue that the problem is not the sex worker; rather the problem is society. And there is, quite obviously, a problem with Canadian society. However, many perspectives on sex work maintain the notion of the problem prostitute and thus mask the issue of the problem society.

PERSPECTIVES ON SEX WORK

LEISURE STUDIES

Shaw (1996) stated, “leisure more than other social practices is constructed as innocent” (p. 5). The construction of leisure as “innocent,” along with the tendency for

leisure studies to focus on the benefits of leisure (Driver & Bruns, 1999), creates an academic atmosphere unwelcoming to activities like having sex for money. With a focus on the benefits of leisure, many leisure researchers neglect to study leisure activities that might be seen as amoral or socially destructive (Glover, 2003). In doing so, leisure studies has defined what is “normal” leisure and what is decidedly “abnormal” leisure. The characterization of leisure as either moral or amoral, normal or abnormal, is thus in part constructed by the field of recreation and leisure studies (Glover).

Rojek (1999, 2000) suggested that leisure studies is in need of a “reality check.” Having long overlooked those leisure acts defined as deviant or abnormal, the field of leisure studies has overemphasized the positive aspects of leisure practice: “the culture of leisure is saturated with a heavily progressive ideology which identifies leisure with personal enrichment and social health” (1999, p. 83). Rojek (2000) argued that practitioners have left the responsibility of studying deviant acts of leisure to criminologists and medical practitioners, and have instead framed the field in terms of leisure benefits. Rather than studying the ways that people can be resistant or even revolutionary in their “deviant” leisure, Rojek (1999) contended that leisure scholars have typically been concerned with “reinforcing social order and/or improving social and cultural conditions” (p. 83). This trend in leisure studies has resulted in many leisure scholars and practitioners conceptualizing deviant acts of leisure as outside the scope of leisure studies.

This research will attempt to deviate from the “benefits approach” to leisure studies and use Rojek’s perspective: defining leisure in terms of time, space, and situated behaviour. As Rojek (2000) described, “leisure consists of time and space in which the compunctions inhibiting voluntary action are relaxed [...] All behaviour is *situated* [original emphasis] and personal choice is a matter of how individuals define and operate the situations in which they are situated” (p. 164-165). Thus leisure can be seen as a release of inhibitions with more relative freedom from ordinary roles and regulations than usual. When a client seeks out a sex worker he – and the client is usually a “he” (Jeffreys, 2003) – is using his time and

space to voluntarily pay for sex. Although he is still very much a social actor confined to some extent by social norms and roles, those roles have loosened slightly along with his inhibitions and he voluntarily seeks out adventure, diversion, and relaxation (Kuo, 2002). If we explore this behaviour as a personal choice that is a situated, social act, then we can reconceptualize the client as a leisure-seeker and the sex worker as the leisure provider.

It would be an oversimplification to state that this debate within leisure studies surrounding what is or is not leisure is simply about morality. It is also about the sheer sense of discomfort that most of us feel when deeming human degradation leisure. Aitchison (1996) expressed this uneasiness when she stated: “violence, abuse and violations of human rights may well play a part in exploitative leisure relations but these acts themselves are not acts of leisure – they are acts of violence and should be named and researched as such” (as cited in Rojek, 2000, p. 167). Though I sympathize with Aitchison’s sentiments, I ultimately find her argument restrictive on what is possible for leisure studies. If we continue to extract acts that we feel are immoral, abnormal, or destructive from leisure studies we risk losing an analysis of the motivations behind more socially deviant acts, and we risk maintaining the status quo. Reconceptualizing leisure as time and space that is freely chosen yet still socially constrained will allow for a break from the “innocence” of leisure. Everyday acts of leisure traditionally deemed outside of the realm of leisure studies due to their deviant nature could thus be explored (Rojek, 2000).

Leisure studies has shied away from leisure acts such as sex for money because these acts do not fit with the accepted definition of leisure as inherently positive and beneficial. However, with a reconceptualization of leisure using Rojek’s (1999, 2000) framework we might be better able to understand the role of transgression and social deviance in society. A large number of men world-wide are seeking out sex workers in their leisure time, and thus a large number of sex workers everyday are providing a leisure service. Studying sex work as a leisure service will help us to reconstruct the sex work trade and reconceptualize the scope of leisure studies. Pimps have long

been referred to as “gentlemen of leisure” (Hall, 1972); perhaps it is time for leisure studies to recognize the “ladies of leisure” in our community.

FEMINIST THEORY

The only aspect of the sex industry that feminists appear to agree upon is the fact that sex work in its worst forms is horrific, degrading, and dehumanizing (Kuo, 2002). This cannot be emphasized enough. Beyond that, feminists have had a difficult time coming to any sort of agreement on the best way to conceptualize sex work. DuBois and Gordon (1995) argued that feminists have long had difficulty straying from the concept of the fallen woman. They suggested that feminists have “consistently exaggerated the coerciveness of prostitution [...] They insisted that the women involved were sexual innocents, women who ‘fell’ into illicit sex. They assumed that prostitution was so degrading that no woman could freely choose it” (p. 54). Because many feminists understandably have difficulty accepting a profession that appears to systematically objectify, commoditize, and dehumanize women, sex workers often suffer from a feminist perspective that is arguably rather paternalistic and lacks a recognition of the individual woman’s agency (Friedberg, 2000; Swirsky & Jenkins, 2000).

Sex work is an emotional issue for feminists, and the verbal and written exchange between feminists on the subject has revealed this tension. In fact, the dialogue surrounding sex and sexuality in feminism is commonly referred to as “the feminist sex wars” (Jackson & Scott, 1996; LeMoncheck, 1997). These sex wars have revealed the divide between feminists; radical feminists generally maintain that any form of heterosexuality including prostitution is “a social and political system in which the fuck, regulated and restrained, kept women compliant” (Dworkin, 1987, p. 158). Another camp of feminists felt that radical feminists placed too much emphasis on sexual danger at the expense of sexual pleasure or women’s individual agency. Bell (1994) maintained that to Dworkin and many other radical feminists, “the prostitute is nothing but a hole, a passive object of the omnipotent phallus” (p. 86). These feminists worried that radical feminists were denying women’s agency (Kuo, 2002). Along with this tension in the feminist scholarly community surrounding

sex work came tension in the feminist activist community. For example, the feminism-based “Coalition Against Trafficking in Women” newsletter described members of the feminism-based Human Rights Coalition as pro-prostitution; this phrase echoes tactics used by pro-life advocates against pro-choice advocates deeming them pro-abortion (Ditmore, 2005). The resentment between the two feminist camps has been painful for all sides, and the issue has not been resolved by any means (LeMoncheck, 1997; Kuo, 2002). However, new ways of conceptualizing sex work are being explored that attempt to neither patronize sex workers nor deny the dangerous reality of their work.

Bell (1994) suggested that sex work be redefined to exclude the connotation of the sex worker “selling herself.” She argued that the idea of a woman selling herself is not only inaccurate, but that it also invoked a religious or moral connotation that has no place in the academic study of sex work. This perspective equates a woman’s moral character or soul to her sexual activity. Bell stated that we must recognize that “the flesh and blood female body engaged in some form of sexual interaction for some kind of payment has no inherent meaning and is signified differently in different discourses” (p. 1-2). With such a redefinition of sex work we might be able to conceptualize the sex worker as having personal agency rather than being merely the fallen woman who needs to be saved. When conceptualizing the sex worker within such a feminist framework we must ask ourselves a few questions. How is the sex work experience organized? Who holds the power? How can we ensure that the act is a safe experience for the sex worker? We also must recognize that despite the sex worker’s individual agency and choice, she still works within an occupation that is “shaped by a capitalist and patriarchal structure that generally places the greatest power in the hands of the purchaser of sexual services” (Kuo, 2002, p. 70). Thus the power of the feminist perspective advocated by Bell (1994) and Kuo (2002) among others (see Sanders, 2005; Sanders & Campbell, 2007), is the recognition of the sex worker as a woman with agency who sells sexual services. Yet these scholars also urge researchers to consider that though the sex worker might be choosing the profession, she is not necessarily

choosing the conditions under which she works. As mentioned, those conditions are often extremely dangerous. The conditions of sex work deserve assessment, rather than focusing solely on the occupation or the woman herself. The sex work experience is organized in a way that places far too much power in the hands of the client (Kuo, 2002). Current research suggests that Canadian policy and law enforcement tends to protect the client rather than the sex worker, which emphasizes the gendered power imbalance that characterizes sex work in this country (Benoit & Shaver, 2006; Larson, 1996; Van Brunschot, 2003). We need to discuss possible ways for the power to be shifted towards the leisure service provider, the sex worker.

HARM REDUCTION

Pembroke (1998), writing from personal experience with a mental illness that involved inflicting harm against himself, argued “Why does it have to stop?” and “for whose benefit?” (p. 22). These sorts of questions underlie a harm reduction framework. Advocates of harm reduction as a strategy accept that, for better or worse, the activity in question occurs and is part of our world (Denning, Little, & Glickman, 2004; Inciardi & Harrison, 2000; Marlatt, 1998). Harm reduction advocates choose to work to minimize the harmful effects of the activity on the individual rather than simply ignore or condemn them as immoral or socially destructive (Denning, 2000). This perspective is constructed around five main tenets: pragmatism, humanistic values, a focus on harms, balancing costs and effects, and a hierarchy of goals, where the most immediate need is met first, for instance, creating conditions for sex workers to work safely (Inciardi & Harrison, 2000). Thus to respond to Pembroke’s original questions, harm reductionists would suggest that an individual’s decision to use drugs or to earn a living as a sex worker is a choice that should be respected, and they would maintain that if we are to play any role in the circumstance it should be for their benefit, not our own. Most often this approach is associated with social work, advocated by those working with substance abusers for safe injection sites (see Harrison, 1998) as well as those working with sex workers for condom-negotiation (see Rekart, 2005). However, as Cusick (2006) noted,

harm reduction tends to be an overlooked perspective when it comes to sex work, a surprising observation given the level of risk and number of participants, as well as the dangerous, socially unacceptable nature of the trade. Cusick urged scholars and practitioners to consider a harm reduction perspective on sex work.

Applying a harm reduction strategy to a feminist, leisure studies perspective on sex work would mean recognizing sex work as an extremely dangerous profession that is characterized by an imbalance in power between the leisure service provider and the client. This strategy would entail outlining those aspects of sex work that are causing harm or potentially could cause harm to sex workers and intervening when and if we can reduce that harm. Rather than judge sex workers on their moral character, this strategy advocates recognizing sex workers as individuals with agency who often work under oppressive conditions. This strategy is consistent with the feminist perspective and leisure studies perspective previously presented. I will also employ a post-structuralist analysis to reconceptualize the sex worker as a leisure service provider deserving of protection rather than a social problem to fix or ignore. A post-structuralist perspective works to deconstruct language and discourse to expose inaccurate claims of universality and to analyze their contributions to systems of power (Scott, 2003). Many feminist leisure researchers have recently adopted this perspective in their work (see Fullagar, 2008; Theberge, 2000; Wearing, 1998; Willming & Gibson, 2000). Thus this research will work to deconstruct the conceptualization of the prostitution problem and to subsequently explore the possibility of reconstructing sex work within a leisure studies, feminist, harm reduction framework.

CONSTRUCTION AND RECONSTRUCTION OF SEX WORK

CONSTRUCTING THE PROBLEM OF PROSTITUTION

The sex worker has historically and to the present day been constructed as a social problem. From the vagrancy laws of the prohibition era in Canada (Demerson, 2004), to the fallen sister discourse of the second and third waves of feminism (Jackson & Scott, 1996), the sex worker has

been a problem to fix and a victim to save. This highly paternalistic perspective denies women personal agency and choice, and ultimately leaves the sex worker's voice out of any discussion surrounding policy. Because we have constructed the sex worker as an immoral degenerate to be rescued, we have robbed the discussion on sex work of context and perspective.

The sex worker has been constructed as a problem in several key ways. The first and perhaps foremost is that sex work has been constructed as a criminal act, despite the fact that not all national laws reflect this (LeMoncheck, 1997). Schur (1965) argued, "It is, after all, extremely difficult to separate (even for the purposes of analysis) the influence of the law itself from that of the social disapproval inevitably accompanying it" (p. 6). Thus it is difficult to determine which came first, the construction of sex worker as deviant, or the criminalization of the occupation itself. However, sex work is bound up in both social disapproval and the law, making it a moral and social problem (LeMoncheck, 1997; Kuo, 2002).

Another key method for constructing sex work as innately problematic is the creation of the sex worker as a victim. Kempadoo and Doezema (1998) argued that many liberal and radical feminists who deemed sex workers victims formed an unlikely alliance with neoconservative governments and Christian fundamentalists who were demanding an end to women's rights to sexual self-determination and autonomy (p. xxii). And yet there is also a history of critiquing these anti-prostitution feminists for their paternalistic views on the sex worker. Jean Young Norton (1913) wrote, "The big sisters of the world [want the] chance to protect the little and weaker sisters, by surrounding them with the right laws for them to obey for their own good" (as cited in DuBois & Gordon, 1995, p. 59). This notion of the sex worker as a victim became especially popular during the second wave of feminism. Barry (1984) suggested that the concept was borrowed from the civil rights movement, which stressed black victimization at the hands of their white oppressors. However, many feminists have since questioned the term victim, wondering if perhaps it constrained women within an objectifying framework. McNay (2000) pointed out that the definition leaves the woman in question without any will or agency. She suggested

that under systems of domination and oppression, women have consistently expressed forms of resistance, agency, and subjectivity, rather than victimhood. Ditmore (2005) agreed, arguing that viewing men as actors and women as victims acted upon creates a conceptualization of women as clean slates given character and content by and through the actions of men. With this conceptualization of sex workers, the only strategies for change involve paternalistic rescuing of the helpless victim by those who "know best" (Skrobanek, Boonpakdi, & Janthakeero, 1997). Thus the sex worker is constructed as a socially deviant problem in need of fixing, and a passive victim in need of saving.

RECONSTRUCTING SEX WORK

In order to begin to reconstruct what we know about sex work and in doing so consider a protective policy for sex workers, we must begin to incorporate perspective and context into our discussions. This means recognizing the sex worker not as a social problem, but as a social actor, and not as a fallen victim, but as a woman with will and agency. It means including an analysis of the subjectivity of sex work in our policy, and it means legitimizing sex workers as spokespersons in the debate surrounding their profession. It also means rethinking the frameworks within which we have been philosophizing about the sex work trade.

Leisure studies, in focusing solely on those acts of leisure deemed socially and personally beneficial, has left out an analysis of deviant acts such as sex work. By adopting Rojek's (1999, 2000) framework, which involves defining leisure as voluntary acts still constrained by their social context, we might better understand why men seek out this leisure behaviour and how that determines the shape and organization of sex work. Kuo (2002) maintained that men seek out sex workers for many different reasons. She cited motivations ranging from "the desire for a pleasant hour's relaxation" to "sexual variety," "comfort and contact" to "overwhelming sexual power," and "pure sex" to "friendship" (p. 10). If we ignore sex work and other acts of deviant leisure in leisure studies we miss out on an important piece of the analysis of the sex work experience. These men, whether we approve or not, are voluntarily seeking out sex for money as a leisure pursuit. In determining

their motivations for pursuing this behaviour we might gain a better understanding of the ways that sex work is socially constructed and organized. With this kind of analysis we might begin to reframe, reshape, or reconstruct the experience in ways that place more power in the hands of the leisure provider and thus minimize the risk to the sex worker. A leisure studies analysis lends a unique perspective and context to the reconstruction of sex work.

Having classified all sex workers as victims, the feminist framework that has dominated sex work policy has excluded sex worker's voices in the development of policy at the risk of ignoring perspective and context. In fact, many of these feminists have suggested that sex workers who defend their profession are suffering from false consciousness and, therefore, their opinions should be dismissed (Kuo, 2002). This view has led to many sex workers being denied participation in various forums directed at developing sex work policies (Kuo, 2002). However, many feminists have begun to reject this approach in favour of a feminist framework that incorporates sex workers' voices and discards the victim ideologies of the past. Bell (1994) concluded "ethically, there can no longer be a philosophy of prostitution in which there is an absence of prostitute perspectives and prostitute philosophers" (p. 185). A new philosophy of sex work would reject the notion of the fallen woman selling herself, and would instead work towards reconstructing the sex worker as a woman with agency working in conditions steeped in power inequalities.

The first step toward this reconceptualization is incorporating sex workers' perspectives into the debate. Having been rejected from conventions being held on sex work policy, many sex workers and advocates have begun to form collectives (West, 2000). West suggested that traditionally "moral majority opinion has had more direct influence than sex worker discourse where governments have their own moral or populist programme" (p. 108). In response to the moral majority, sex workers' groups have fought not only to be heard, but to have their recommendations for policies passed. Network of Sex Work Projects, a global sex-workers rights organization, maintains that the dominant ideology about sex work as morally reprehensible has been legitimized

through law and policy (Kuo, 2002). They argued that "more than being simply heard it is essential to form some resolutions which reflect our demands for human rights, and have those passed rather than the resolutions which lead to repressive measures to abolish prostitution" (Murray, 1998, p. 61-62). This sentiment is echoed by many sex workers' right collectives, including Coyote in the United States, De Rode Draad in the Netherlands, and the New Zealand Prostitutes' Collective (Kempadoo, 2005; Kuo, 2002; West, 2000). These collectives add perspective and context to the sex work debate, and work alongside a feminist framework that advocates the promotion of the sex worker as a woman with agency and subjectivity rather than an objectified victim.

These collectives argue that sex work is a profession that can be a way for women to improve their own and their families' situation. They also argue that there is nothing innately oppressive about selling sex; rather it is the conditions under which they work that can be (and often are) oppressive (Kempadoo, 2005). Many of these collectives suggest that sex work policy should be organized around the professionalization of sex work, meaning that sex workers would have access to the protection and benefits that many other workers share (Kempadoo, 2005). In this sense, sex work collectives can be seen as arguing for a harm reduction strategy. Sex workers wish to have access to protective resources that will allow them to continue working but under safer, more controlled conditions. This includes recognizing issues specific to sex work, such as the right to refuse a drunk or violent client, the right to demand condom use, and so forth (West, 2000).

By reconstructing sex work within a leisure studies, feminist, harm reduction framework, we can envision a policy that works to identify risk by working with sex workers to gain a sense of the sex work experience. With this perspective and sense of context, we can work to minimize those aspects of sex work that are causing harm or potentially could cause harm to sex workers and intervening when and if we can reduce that harm. This new framework would be focused on recognizing sex workers as individuals with agency providing a leisure service that is, at the moment, characterized by a power imbalance that is

placing these women at risk. At the same time, this framework would be a critique of the traditional approaches to sex work taken by leisure studies and feminists; the framework would seek to provide protective sex work policy while also remaining critical of the construction of sex work as a social problem to be fixed.

THE ROLE OF PARKS IN SEX WORK POLICY

A good sex work policy would involve neither abolishing sex work nor promoting it. A good sex work policy that works within a feminist, harm-reduction framework instead involves recommendations that reflect the experiences of sex workers. The risks and the needs of a diverse group of women would be addressed. This policy should critique the construction of the sex worker as an amoral, fallen woman, and should work to reconstruct the sex worker as a woman with agency, working in situations that are often oppressive, providing a service to clients (mainly men). An analysis of this policy would include the gendered nature of sex work but would also recognize and respect the choices of the women working in this profession. Many feminists argue that policies and laws concerning sex work often serve to protect the client rather than the sex worker (LeMoncheck, 1997; Sanders & Campbell, 2007). The practices suggested here would serve to protect the sex worker first.

First, we must acknowledge that even describing "the" sex worker as such is problematic. As Kuo (2002) argued, "it is impossible to present a clear, accurate, and unbiased overview of the practice of prostitution [...] even the number of women involved in prostitution is unclear" (p. 67). Essentializing the women who engage in this profession will only create an inaccurate assumption of sisterhood, a concept that presumes that women's experiences can be described in universal terms (hooks, 1993). What is needed instead is an exploration of the different experiences, contexts, and perspectives of sex workers. One way of beginning to explore this is to create a dialogue with sex worker collectives and organizations. These groups could play a major role in lending first-hand experience to sex work policy. Despite the fact that not every sex worker's voice might be heard,

these groups could still give us insight into the reality of the trade (Kuo, 2002). One such policy that has been embraced by sex workers' rights groups is the concept of the safe park. Kuo (2002) studied these parks and found them to be a pragmatic solution to the unsafe working conditions that "street-walkers" face. She also found them to be a success. What follows is an argument for the decriminalization of sex work including an exploration of Kuo's (2002) analysis of safe parks in the Netherlands. I will conclude by suggesting that we too consider adopting these parks as a harm reduction strategy for sex workers in Canada.

Criminalizing prostitution marks the sex worker as a stigmatized other; yet decriminalizing the profession likely will not do much to alter that stigma, at least initially. As previously indicated, sex work is bound up in both legal *and* social stigma, and it will be difficult to reconstruct the sex worker as normal or non-deviant simply by decriminalizing the profession (Kuo, 2002). However, Kempadoo (2005) suggested that decriminalization is the only approach that can provide an official stance on sex work that recognizes the moral and social rights of the sex worker while also reflecting the need to protect them from the often-oppressive conditions of their work. As West (2000) maintained, upon decriminalization sex workers will be recognized as legitimate workers and citizens in need of policy specific to their particular work environments, and this legitimacy might work to eventually de-stigmatize the profession.

First conceived of by the Dutch government while in the process of decriminalizing sex work, safe parks were established in response to the particularly dangerous and vulnerable profession of street-walking. At the time, there were 300 to 400 street-walkers in Amsterdam, and the Dutch were growing concerned with the violence against this sector of the sex work population (Kuo, 2002). The safe park is described in detail by Kuo, one of the few researchers to do ethnographic research on sex workers' workplaces. She found the safe park to be a particularly creative and successful plan. Before safe parks were established there were three known cases of streetwalkers being murdered that year, and every night a minimum of one rape was reported. Safe parks were established in six Dutch municipalities prior to 1998, and in the six months

following their official opening there were no known murders or assaults requiring hospitalization in the parks. Rapes were reported, but all ended in arrest (Kuo, 2002). The parks have proven to be an invaluable resource for streetwalkers in the Netherlands, and thus there is reason to believe we could see similar results in Canada.

A safe park in Canada would follow Kuo's (2002) description of safe parks in the Netherlands. These parks are areas where clients can drive in, approach the available sex workers, hire whomever they choose, and proceed to a car stall with the person they have hired. The stalls are specially constructed with the sex worker's safety in mind. For instance, the barriers provided are high enough for privacy but low enough to hear cries for help should the sex worker encounter danger. The stalls are also difficult to back out of, thus the client would have more difficulty making a quick escape if anything violent should occur. Stalls are also equipped with garbage bins for condoms. The park is open from 9am until 6am, all year round. Perhaps most importantly, police are stationed at the entrances and exits to the park to provide protection and assistance to the sex workers should they need it. However, the police are barred from collecting names, license plate numbers, or any other identifying information (Kuo).

Another interesting and invaluable aspect of safe parks are the "living rooms" or shelters associated with them. These are indoor spaces the sex workers can seek out where they can take a break, escape the weather, eat, chat, shower, and get condoms. Some provide on-site counselors, and all have referrals to counsellors or the police. Social workers and doctors are available approximately twice a week, and some living rooms provide safe injection sites. The living room is a source of information-sharing as well, and could provide sex workers an opportunity to form collectives of their own. One such resource is the inclusion of a bulletin board upon which the sex workers can post warnings about dangerous clients. The sex worker can post a description of the client and their vehicle, as well as any other information that might prove useful to other workers (Kuo, 2002). Thus the safe park can provide not only safer conditions for sex workers, it can also provide protection in numbers.

Parks have long been sites for sexual

activity, socially deviant behaviour, and violence. In the past, parks have been places of sexual expression for gay and lesbian communities, meeting grounds for oppositional political movements, and sites for molestation, rape, and assault (Flowers, Hart, & Marriott, 1999; Humphreys, 1970; Mitchell, 1995). Thus in the case of safe parks, sexual activity is occurring in a place where deviant sexuality is often expressed, which perhaps adds to the motivation of seeking out a sex worker's services. However, in this setting the sex might feel deviant but it is regulated so as to reassign some of the power to the service provider. Safe parks still meet the needs of the client, but do so in a way that minimizes risk to the sex worker. Such a policy recognizes and respects the choice of sex workers to earn their living, and at the same time attempts to control the conditions under which they work. This policy would be reflective of a framework that seeks to understand the sex work experience and give it context and perspective, without promoting or abolishing the trade. A policy supporting the decriminalization of sex work and the implementation of safe parks is a policy framed by harm reduction that attempts to deconstruct the notion of the problem prostitute and reconstruct a notion of the problem society.

CONCLUSION

With or without decriminalization, sex workers are still one of the most vulnerable populations in the world. Many sex workers have a higher risk of poverty, addiction, disease (particularly HIV/AIDS), and many kinds of abuse assault, and violence (Vanwesenbeeck, 1994). It is a harshly gendered profession, involving almost exclusively male clients and largely female providers (Jeffreys, 2003). It has a long history of violence, degradation, objectification, and dehumanization of women (Bell, 1994). However, many sex workers and feminists argue that it is not the profession itself that is oppressive but the conditions of that profession that are oppressive. This research seeks neither to abolish nor promote sex work, but instead deals with the reality of the profession and attempts to resist turning a blind-eye to the people currently working the streets. These people are members of our community deserving of protection from the often-horrific conditions under

which they work. Only by reconstructing the sex worker as an individual with agency who needs resources rather than rescuing can we begin to form policy that minimizes some of the sex worker's vulnerability.

Further research needs to be initiated in leisure studies in order to reconstruct the sex work experience. Leisure studies could provide a unique window into the motivations for seeking out this leisure experience, and how that might inform and shape the sex work experience. For instance, we need to understand better what drives these men to pay for sex. Is it about power, dominance, or anger? Is it about alienation, loneliness, or anonymity? These motivations are key to understanding the way that the sex work experience is shaped, and the dangers that the sex worker encounters. Leisure studies can also provide a unique framework for understanding the spaces that people seek out for leisure purposes. Thus an exploration of sex work through a leisure studies lens can transform not only our conceptualization of sex work, but our conceptualization of recreation, leisure, and parks as well.

If leisure studies continues to ignore acts of deviant leisure like sex work, we will miss out on a fascinating new analysis of these experiences, one that could provide invaluable insight into the world of prostitution. As Rojek (1999, 2000) suggested, leisure studies can allow us to better understand the voluntary nature of these acts, and the social norms and roles constraining and contextualizing them as well. With such an analysis we can gain a deeper sense of the perspectives and contexts involved in sex work that can then inform our policy surrounding the trade. With a feminist, harm-reduction strategy accompanied by a leisure studies analysis, sex work policy can be shaped by agency and safety rather than the moral agenda of the day.

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