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Love What You Do (and it'll become increasingly difficult to agitate for workplace rights): Sex, Work, and Rejecting the Empowerment Discourse

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Taking as its point of inquiry movements in sex work activism which frame sex work as work, this chapter considers the implications of a resistance to discourses of 'empowerment' which intend to serve as justification for the decriminalization of sex work. As Mac and Smith point out, an 'empowerment' discourse gained prominence through the late 1990s and 2000s as a means to justify sex work as legitimate and deserving of respect, but an implication of this was the weaponisation of that discourse against sex workers who experienced exploitation, or other poor working conditions.[1] Resisting the insistence that sex work must be pleasurable in order to be real work is implicitly a resistance to neoliberal and particularly postfeminist pressures to display an appropriate affective engagement in one's work. Rather than a politics which aims for incremental acceptance for those already closest to inclusion, it demands that the work be taken seriously regardless of how, where, and by whom it is carried out. Speaking to the interplay of themes about the personal and political, this chapter argues that in this context a *refusal* to engage with discussions of pleasure may, counterintuitively, sometimes be subversive.

Sex work activism can be traced back decades, with Carol Leigh coining the phrase 'sex work' in 1979 or 1980 (by her recollection).[2] The term 'sex work' is usually preferred by activist groups as an alternative to 'prostitution' because of the stigma attached to that term: to prostitute oneself is often used to mean to offer services indiscriminately, or in a dishonourable manner.[3] Using the words 'sex work' or 'sex worker' emphasises the labour involved in the job, and allows demands for better conditions to be understood as disputes about workplace rights.

The legislative model which produces the best outcomes for sex workers' health and safety, which allows them the greatest degree of agency to make decisions about how to work and the most scope to negotiate with clients, is decriminalisation.[4] Unlike other models of sex work regulation which assume sex work should be partially or wholly criminalised, or heavily regulated in such a way that adherence to the law is impractical or inaccessible for many, decriminalisation assumes that sex work is a *job*, which should broadly be regulated under existing labour laws. As with any other job, the assault of a worker by a client or by

management is illegal. Partial decriminalisation is currently in place in two jurisdictions: in Aotearoa New Zealand, and in the state of New South Wales in Australia.

The criminalisation of sex work does not make it disappear, instead it makes it more dangerous for workers. When their clients are criminalised, as in what is often called the 'Nordic model',[5] it becomes more difficult to demand clients provide information about who they are before accepting a booking, making screening them for safety difficult or impossible.[6] When street sex work or soliciting are criminalised, workers are less able to negotiate with a client before getting in his car.[7] When the lives of sex workers are routinely undervalued, their murders dismissed as 'NHI' ('No Human Involved'),[8] they are especially vulnerable to violence.[9] Sex work activism and advocacy have therefore usually focused on twin aims: the destigmatisation and the decriminalisation of the work.

One of the modes of arguing for the destigmatisation of sex work, and the approach which I discuss in this chapter, is positioning sex work as 'empowering'. Rather than arguing that sex work should be decriminalised because it would provide greater safety to workers, and because sex work is a legitimate form of labour (encompassing administrative work, customer service, emotional, affective, and sexual labour, among other characteristics), this approach suggests that sex work should be respected and made legal because it provides self-actualisation or empowerment for the people who do it.

An early example of this can be found in American sexologist Carol Queen's essay 'Sex Radical Politics, Sex-Positive Feminist Thought, and Whore Stigma'.[10] Queen argues that clients' relationships with sex workers would be improved if the clients embodied a more sex-positive approach to pleasure. She links the stigmatisation of sex work to the stigmatisation of other non-normative sexual practices including queer sex, as well as S/M and bondage. Queen also attempts to draw a distinction between sex workers who, she argues, are well suited to the job, and who see themselves as 'sexual healers and sex educators', while arguing that workers who harbour 'sex negativity […] may lack the most important qualifications for the job'.[11] She writes that 'no one should ever […] have to do sex work who does not like sex, who is not cut out for a life of sexual generosity'.[12] Queen's demands here are not for sex work to be respected as a job; indeed, they place the blame for harm to workers' 'mental and spiritual health' partly at the feet of individual workers for being insufficiently enlightened and radical in their thinking.[13]

This tactic can be partially understood as an attempt to establish a counternarrative to anti-sex work discourses which sometimes frame the work as inherently violent; traumatising

or a reaction to trauma; or as deviance. This approach continued to pick up steam through the '90s and early 2000s, as it tapped into a wider cultural moment of sex positivity. Examples of these discourses are discussed in depth by Mac and Smith in *Revolting Prostitutes*. They note that the creation of an 'erotic professional' situates the category of sex workers who do not enjoy their work as the 'unacceptable "other"'.[14] The notion of 'empowerment' as a desirable and expected outcome of an acceptable engagement in sex work is also prominent in news and documentary media coverage of New Zealand's decriminalised sex industry, taken as a case study in this chapter.[15]

Although New Zealand's sex industry has operated under a model of decriminalisation since 2003, the similarity between the discourses in this context and those identified by Mac and Smith, largely originating in locations where sex work is still criminalised, is striking. This similarity suggests that the form and operation of empowerment discourses in the New Zealand context may offer information which can be at least partially extrapolated for use in other locations. New Zealand is therefore used here to demonstrate how the artificial stratification of sex workers into a hierarchy of 'acceptable' and 'unacceptable' occurs, and how it persists even once decriminalisation has been achieved.

In the New Zealand context, empowerment was often something only discussed when it pertained to sex workers who already held a relatively privileged position by being white, cisgendered, middle or upper class, tertiary educated, able bodied and/or neurotypical. The ability to be a properly empowered sex worker in this framing is dictated by economic position: it is much easier to be 'sex positive' and 'sexually genero[us]'[16] if you can easily decline work without risking your ability to pay rent or eat.

The growth of the empowerment discourse framed sex work as being more about sexual choice than work.[17] Even in the context of academic research, Vanwesenbeeck, a sexual and reproductive health researcher, summarising an analysis of a decade of social-scientific research into the sex industry, commented that 'the literature is still much more about sex than it is about work'.[18] Concomitantly a sensibility which Rosalind Gill, a British sociologist and cultural theorist, would later identify as 'postfeminism' was becoming more prominent throughout popular media.[19] Gill provided a definition of the then widely-contested term 'postfeminism', proposing it was best conceptualised as a 'sensibility' which had emerged within media cultures, that displayed an 'entanglement' of feminist and anti-feminist ideas.[20]

Among the hallmarks of postfeminism which Gill identified were an emphasis on choice and empowerment; a resurgence of the idea of femininity as a bodily property; and a

sexualisation of culture. She argued that postfeminism constituted 'gendered neoliberalism' which 'blames women for their disadvantaged positions'.[21] The postfeminist sensibility encouraged aggressive self-monitoring, and encouraged women specifically to constitute themselves as 'self-optimising subjects'.[22] This extended from the surveillance of physical appearance, into the 'affective life of postfeminism', dictating emotional states which are considered more permissible, typically those which are 'confident' or 'upbeat and positive'.[23] Further, central to postfeminist discourses was the idea that women's choices were wholly autonomous, 'no longer constrained by any inequalities or power imbalances whatsoever'.[24]

In one recently published text, taken as an example of how the empowerment discourse has persisted, a brothel owner says she only hires 'girls who genuinely enjoy sex and are doing this of their own free will, not because they are in any kind of desperate circumstance, or - because they are trying to work out some sort of abuse issue', adding that '[y]oung women of today own their own sexuality and if they choose to monetise it - that's their right'.[25] The demands of neoliberal postfeminism can clearly be seen here. The 'right' kind of worker genuinely enjoys her job and is not 'desperate', or motivated only by the money. Simultaneously, however, she is positioned as a canny, empowered entrepreneur if she monetises her authentic sexuality, charging for services from which she then derives erotic pleasure. It is not enough for the worker to perform a convincing display of enjoyment for her clients, employing what Hochschild terms 'emotional labour', but her affective engagement in the work must be genuine.[26] The 'right kind' of sex worker also offers her authentic desires and pleasure to her clients and, according to the brothel owner, is happy to disclose these implicitly to her boss. She is not granted the expectation of sexual privacy.

The argument here is that sex work is legitimate as a pleasurable form of empowerment, and exactly what sex workers are monetising is conveyed as being their sexuality – effortless and genuine - rather than their time, attention, and sexual *labour*. Producing the 'acceptable' sex worker in this way simultaneously constructs a sex worker in opposition to her: one who *does*, in Queen's words, suffer 'mental or spiritual' harm because of the work.[27] The entanglement of sensibilities described by Gill is evident in Queen's writing too: Queen argues for the respectability of sex work by appealing to feminist credentials, linking transactional sex with sex positivity, a term which would go on to gain prominence during the 2000s. Sex work is made legible as a permissible sexual practice through appeals which link it to normative heterosexual sexual desire and behaviour. Questions about exploitation or tedious aspects of the work are once again made a problem of individual choice, or making the wrong choice,

permitting wider structural issues which make it easier for one worker to decline clients than another, to go uninterrogated.

A demand that sex work be enjoyable to be legitimate undermines the claim that it is work. It is work and like all work it is sometimes boring, or exploitative. Understanding sex work as work demands workplace rights, not a misapplied set of feminist principles about enthusiastic consent. It is tempting to say that no other jobs are held to this standard – of enjoyment being the benchmark of legitimacy – but this is not entirely true either. An expectation that workers will enjoy their work, and that a seemingly genuine love of the job will encourage them to carry out uncompensated labour, is another feature of the neoliberal imperative to make oneself an enthusiastically economically productive subject.[28] Therefore, insisting on framing sex work as work which does not need to be pleasurable to be respected is also demanding a particular understanding of work: one which rejects the neoliberal imperative to anchor one's value and identity to self-commodification and optimisation.

I draw a distinction here between performances which are exclusively for the benefit of clients (in interactions with clients, or in explicitly client-facing social media accounts, for example), and performances which occur in other arenas: in news or documentary media coverage, in social settings, or in conversations with non-client third parties. Research indicates that many clients value a performance of seemingly authentic pleasure and connection from the workers they hire, and take it into account when choosing which sex workers to visit.[29] Additionally, carrying out the emotional and affective labour of making a client feel genuinely desired is typically expected of sex workers who market themselves as providing a 'girlfriend experience' (gfe), or who charge higher rates than the norm for their location.[30] Appearing to enjoy the sexual labour of the job is therefore clearly a skill which is both marketable and sought after: it is a particular way of performing the job. It is valued by clients because it is part of the labour value which they are purchasing in the exchange: in addition to receiving sexual labour, they also receive the personal attention which allows them to conceive of themselves as different and distinct from other men who buy sex, often stereotyped as exploitative or pathetic.[31] A performance of enjoyment is often a demand made explicitly or implicitly by the purchasers of sex.[32]

The demand for a performance of enjoyment is usually made in the first instance by a boss, and this demand for uncompensated labour is later amplified or mimicked by non-industry parties: journalists or the general public. In the exchange between a sex worker and client, he is taking the role of employer.[33] The exchange of money for labour is predicated on

the client receiving surplus value: sexual labour, personal attention, comfort, entertainment, and in the case of a performance of enjoyment, an assurance about his virility and attractiveness. Managers, too, expect a performance of enjoyment, often even before an offer of employment is extended. One brothel owner in New Zealand reported that she would only hire women who are 'genuinely keen to work' and who 'love sex'.[34] In both cases the control which the employer has over the income or potential income of the worker is exerted to extract additional labour: a *performance* of enjoyment, and an assurance that the exchange is empowering.

The earlier point about men who buy sex being thought of as predatory or exploitative is an important one here: a narrative of empowerment is placed against this stereotype, and the creation of the empowered sex worker implicitly creates a new formation of the client, one who is seen as generous, discerning and respectful.[35] Similarly, brothel owners will often emphasise the presumed empowerment which their workers experience, classifying themselves as 'ethical'.[36] Inherently, this begs the question of how to describe other kinds of brothel owners (they must necessarily be *unethical*, in this formulation), and locates debates about the work within a framework of ethics and morals, not one based in workplace rights.

This continues to create a binary division which insists that sex work is fundamentally different from other kinds of labour. If the correct way to do sex work is to be empowered by it, then a performance of enjoyment is implicitly the price of entry to any semblance of acceptability or respect. This arrangement frequently introduces or embeds structural oppressions into stratifications between more and less acceptable ways of doing sex work.[37]

Using New Zealand's model of partial decriminalisation as a case study allows for an examination of which ways of doing sex work are produced as more acceptable. Sex work which is produced as 'acceptable' often foregrounds the enjoyment of the workers, and the workers who are given space to speak for themselves are most often indoor, low-volume workers.[38] Their empowerment by sex work is often hedged with details about their engagement with modes of economic productivity: that they are using sex work to fund tertiary education, purchase property or to start a (non-sex industry) small business. Framing sex work as personally empowering calls upon a model of postfeminist subjectivity: sex workers are expected to constitute themselves as desiring heterosexual subjects, and to access respect for their work by presenting it as analogous to personal sexual contact. The growth of this neoliberal framing which makes the respectable sex worker one who successfully disguises the labour she carries out is '[u]nderpinned by largely unquestioned ideas about choice,

entrepreneurialism, competition and meritocracy'.[39] An insistence that the initial 'choice' being expressed by sex workers is one related to their sexuality and desires flattens the complexity of their agency, too: it establishes hetero-sex as the distinguishing and primary concern of their agentic self. The possibility that other choices might take on a greater importance and supersede sexual desire is made disreputable.

The improved ability to accept or decline clients is an important benefit of decriminalisation, but the material latitude to make that decision, and if it can be made on the basis of enjoyment rather than safety, is not distributed equally throughout all sex workers.[40] The sex workers who are most often presented as being empowered by their work in New Zealand, for example, are statistically far more likely to be white, slim, and cisgender. Additionally, racism from clients of sex workers can make it more difficult for sex workers who are not white to charge as much as their colleagues, or to access as wide a pool of potential customers.[41] Further, an assumption that a sex worker can decline a client and be certain she will be equally able to work the following week or month is unrealistic for workers with chronic health conditions which may not allow them to work consistently. The ability to decline a client without risking the ability to pay rent, buy food, or buy medicine is not a given for all (or perhaps even most) sex workers. The acceptability, or not, of an individual worker is reframed as a very neoliberal personal responsibility or personal choice, stripped of the wider impacts of *structural* oppressions and embedded disadvantages. Furthermore, an acceptability contingent on pleasure and empowerment places workers in a difficult double-bind: if they have been painted into a corner where the correct affective engagement in the work is a requirement of it being respected, then any experiences of exploitation or even boredom become unspeakable. The postfeminist vaunting of 'choice' only applies when the choice made is the 'correct' one.

Allowing empowerment to be the metric by which acceptability is judged has the potential to reduce stigma for some sex workers, but it does not reduce it for the job overall. A neoliberalisation of the rhetoric of sex worker rights weakens the demands for better work conditions: if the proposed solution is for workers to self-optimise, then demands which recognise the power dynamics between clients and bosses, and sex workers, are harder to express.

How, then, can this empowerment discourse be resisted? Resisting the empowerment discourse is not to announce that no sex worker finds their job enjoyable or empowering, but rather to reframe those experiences as part of a spectrum of feelings about the work, which differ between workers and which may also ebb and flow during the course of an individual

career. Pointing out that sex work can be exploitative or can expose workers to unfair labour practices is not arguing that the work should be tightly regulated or made illegal: instead it is arguably proof that it is indeed a job. Like all jobs it is in the financial interests of bosses to extract as much labour value from their employees as possible and, like all workers, sex workers need and should be able to demand reasonable working conditions. To express this in a formulation I kept pinned above my desk as I wrote my doctoral thesis: 'the sex industry doesn't deserve to exist because it is pleasant to work in, it needs to be pleasanter to work in because[…]it exists'.[42]

Perhaps the clearest way to talk about sex workers' rights without resorting to empowerment as a justification, is to understand that other kinds of oppressions find their way into the oppression of sex workers. Sex workers who are people of colour, who are Indigenous, who are disabled, who are queer or trans, or neurodivergent, or chronically ill, experience an intersection of those identities which amplifies the effects of sex work stigma. A rejection of the demand that individual sex workers will perform pleasure and gratitude for their job is a mechanism of expressing solidarity with other workers whose experience of the work is different, but no less important and in need of respect and protection. It is refusing to negotiate for our rights and respect in the register and on the terms of those who take our work to be lesser and inherently in need of justification, and a rejection of the notion that we should accept a piecemeal, grudging, tolerance.

The approach of arguing that empowerment is a useful metric for establishing the legitimacy of a job assumes that once attained for some, the acceptability of sex work can be distributed further – that it will trickle down, but the way these discourses play out under New Zealand's mode of partial decriminalisation suggest this is not the case. Pointing out that discussions about pleasure are irrelevant to questions of rights resists neoliberal postfeminist attempts to reproduce dynamics of racial and class oppression within sex worker movements. Doing so represents a refusal to cede to demands that work conditions and experiences most accessible to those who already hold the most privilege are a necessity for the work to be real.

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less able to enact screening protocols necessary for safety, as clients may refuse to provide information, fearful of being subject to police attention.

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[8] This was allegedly how the L.A.P.D. referred to the serial murders of sex workers and drug users during the 1980s, and *No Human Involved* (2016) is the title of a documentary about the death of Marcia Powell in an Arizona prison in 2009.

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[16] Queen, 2010 [1997], p. 134.

[17] Queen's comments in 1997 were in some respects a bellwether, with the kind of sex positivity she wrote of being broadly adopted in feminist blogging from the early 2000s onwards – Mac and Smith suggest this was in part in reaction to the Bush Administration's conservative position on sexual and reproductive health issues. See Mac and Smith, pp. 31-35.

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[27] Queen. 'Sex Radical Politics, Sex-Positive Feminist Thought, and Whore Stigma,' p. 128.

[28] The most immediate example which springs to mind is that of the early career academic, particularly those of us employed on sessional teaching-only contracts, for whom writing articles and chapters is unpaid work – carried out in 'spare time'.

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[30] Elizabeth Bernstein,.*Temporarily Yours: Intimacy, Authenticity, and the Commerce of Sex* (Chicago: University of Chicago Press, 2007), pp. 103-5.
[31] Sanders, pp. 50-55.
[32] Bernstein, *Temporarily Yours*, pp. 125-30; Huysamen and Boozanier.
[33] I am grateful to Dylan O'Harafor being the first to express this idea to me in these terms, and drawing my attention to 'A Tunnel, Not a Door' by an author who writes pseudonymously as Lime Jello on the sex worker-run website *Tits & Sass* (2015).
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[35] Easterbrook-SmithSex Work, Advertorial News Media and Conditional Acceptance'.
[36] Miller'Brothel Struggles to Find Staff'; Corazon Miller, 'Northland Brothel Bringing Sex out of the Shadows', *New Zealand Herald* (30 December, 2017b), <https://www.nzherald.co.nz/lifestyle/news/article.cfm?c_id=6&objectid=11797730>, [accessed 17 July 2019]; Brittany Keogh, 'Brothel's 'Kiwi Kissing' Course', *Herald on Sunday*, February 11, 2018, section A, p. 13.
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[39] Gill'The Affective, Cultural and Psychic Life of Postfeminism', p. 608.
[40] Gillian Abel, Lisa Fitzgerald, and Cheryl Brunton, *The Impact of the Prostitution Reform Act on the Health and Safety Practices of Sex Workers Report to the Prostitution Law Review Committee* (Christchurch: Department of Public Health and General Practice, University of Otago, 2007) p. 116, <http://www.justice.govt.nz/prostitution-law-review-committee/publications/impact-health-safety/report.pdf> [accessed 28 August 2017].
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