



## **Whose Knowledges? Moving Beyond Damage-Centred Research in Studies of Women in Street-Based Sex Work**

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### **ABSTRACT**

Recent scholarship across disciplines reflects renewed interest in making social science relevant to social and policy change (Burawoy, 2005; Flyvbjerg, 2001). At the same time, professional organizations have struggled to articulate ethical obligations towards research participants. In this article we draw on our own research with street-based sex workers to explore the implications for scholarship and policy when researchers allow their studies to be guided by the voices of study participants rather than their own assumptions and hypotheses (Capous-Desyllas & Forro, 2014). We describe how our interpretation evolved upon adopting a feminist, qualitative stance that recognizes the agency and authority of respondents to guide the analysis. We join a growing group of scholars who draw attention to the multidimensionality of sex workers' identities, goals, and daily lives to provide a fuller picture of their lives and experiences (Cheng, 2013; Hail-Jares, Shdaimah, & Leon, 2017). Such a picture inevitably shifts from the options of repair, rescue, or repression as women talk back. Intentional engagement also works against the tendency to "other" the objects of our research and illuminates the systemic factors that shape women's choices and lives. Our insights apply to research with vulnerable or stigmatized populations across criminological and socio-legal contexts and to criminal justice policy.

### **KEYWORDS**

prostitution, sex work, research ethics, qualitative research, participant-informed policy

"If there is a dominant theme in feminist qualitative research, it is the issue of knowledges. Whose knowledges? Where and how obtained, by whom, from whom, and for what purposes?" (Olesen, 2011, p. 129)

### **1 Introduction**

Recent scholarship across disciplines reflects renewed interest in social science as a driver of change (Burawoy, 2005; Flyvbjerg, 2001). If social science can "matter", this means that social scientists should take seriously our potential for harm as well as for good. We have an obligation to pay attention to the consequences of our work, however well intended (Fine, Weis, Weseen, & Wong, 2000; O'Connor, 2002). This obligation is also a tenet of feminist inquiry and critical scholarship more generally, according to which no human activity or arena is devoid of politics and power (Hawkesworth, 2006). In recognition of these ideals, professional organizations have struggled with articulating these obligations as concrete guidelines for practice. Most recently, the

American Society of Criminology (ASC, 2016) adopted a code of ethics<sup>4</sup> that includes a section specifically focused on researcher/participant relationships entitled “ASC Members Should Respect the Rights of Research Populations” (Section 17). In this article we draw on our own research with US street-based sex workers<sup>5</sup> to illustrate the continuing importance of forefronting the voices of study participants who are directly impacted by policy (Capous-Desyllas & Forro, 2014). Our insights apply to research with vulnerable or stigmatized populations across criminological and socio-legal contexts.

We began our respective research trajectories in response to requests from court-affiliated work groups that were in the process of creating alternative criminal justice responses to prostitution. These work groups did not challenge the fundamental status of sex work, which remains illegal. Instead, they were drawn to problem-solving approaches, which seek to infuse criminal justice with therapeutic interventions (Leon & Shdaimah, 2012; Nolan, 2001; Wolf, 2007). Specifically, court-affiliated prostitution programmes existed in two of the jurisdictions in our sample while another was under consideration in the third. Such programmes divert defendants from the consequences of their criminal charge at different stages of the process (i.e. point-of-arrest; plea stage; sentencing). If defendants comply with programmes, which often include therapy, heightened monitoring, and other components, they receive benefits (such as removal of charges, waiver of sanction, or expungement). Those who fail face a variety of consequences (such as revival of plea, incarceration, or fines) (Shdaimah, in press; Wolf, 2007).

While neither author had a background in prostitution or sex work research, both had experience working with community stakeholders and government agencies on policy initiatives. This work led to (separate) invitations to bring our social science expertise to alternative responses to the sale of sex (see below for our methods). Being approached by agencies that were actively formulating policy and programming caused us to reflect more deeply on how our work can affect others. As we designed our respective data collection and engaged in analysis, we revisited the ethical foundations of our scholarship. Praxis-oriented scholarship within and outside of criminology problematized and enriched our own approaches to research. We believe that the reflections we bring to this inaugural issue of *Criminological Encounters* provide a timely extension of current scholarship.

In the next section, we discuss two harmful facets of the prevailing approaches to policymaking and the scholarship and literature on sex work: viewing people as a means to an end and, relatedly, an overemphasis on sex. We then contrast our findings, which highlight women in sex work as rational actors and sources of mutual support and mentoring. We draw on the voices of our study participants to examine the implications of policymaking and practice that neglect whole persons.

## 2 Predominant Approaches to Research on Sex Work

Research with women who engage in street-based sex work, criminalized in most of the United States and many other countries, is often guided by an ethos of harm and damage (Dworkin, 1997). With notable exceptions (Anderson, 2002), much of this literature looks to repair, rehabilitate, or regulate sex workers. Portrayals and interventions construct sex workers as targets of sympathy or intervention; rarely do they solicit their opinions for decision-making purposes. In the US and elsewhere, research and policy regarding sex work tend to consider sex workers and sex work primarily as a nuisance and a danger to public health and safety (Laing & Cook, 2014; Shdaimah, Kaufman, Bright, & Flower, 2014). In sum, initiatives that collect information about sex workers, or aim to change their conduct, seek to regulate or eliminate sex work to enhance public morality, neighbourhood conditions, and public health (Brewis & Linstead, 2000; Ross, 2010; Weitzer, 2009). Sex workers and sex workers’ rights groups have long challenged such perspectives as moralistic (D’Adamo, 2017; Jello, 2015) and unrelated to the concerns faced by sex workers such as conditions of work and safety (Willman & Levy, 2010).

The focus on harm and damage in sex work research has become particularly prominent through the heightened public discourse about trafficking in the US, UK and in the context of international diplomacy around human rights (Corado, 2017; Hill, 2014; Kinney, 2017). Although *some researchers and policymakers* recognize that sex work may not be related to trafficking, *regulations* to combat sex trafficking typically fail to consider (un)intended harm to sex workers (Kinney, 2014; Skilbrei & Holmström, 2013). The efforts regularly

<sup>4</sup> While many academic disciplines have had codes of ethics for some time, the ASC adopted its code in March of 2016. The ASC code is heavily influenced by the code of the American Sociological Association.

<sup>5</sup> In this article we use the broader term “sex work” while in previous work we have used “prostitute women”. We use prostitution when referencing the criminalized legal status in which our US study respondents work. We similarly use the terms the scholars we cite employ, rather than imposing our choices.

circumscribe the choices of sex workers, leading to ineffective policies and further endangering sex workers (Hill, 2014; Kinney, 2014). In contrast, a handful of studies have examined collaborative efforts that resulted in policies that benefit both sex workers and the communities in which they live and work (Gilbert & Settles, 2007; O'Neill, Campbell, Hubbard, Pitcher, & Scoular, 2008).

As Cheng (2013) points out, with rare exceptions studies of sex workers focus almost exclusively on sex. This has the effect of making sex workers appear one-dimensional. While sex workers occupy many roles (e.g. colleagues, mothers, daughters, friends, business owners), rarely are these roles considered except through the lens of sex and sex work. An exclusive focus that ignores relationships and contexts is bound to provide only a partial picture of sex workers' decision-making processes. But a growing number of researchers and activists who discuss sex workers use a more robust and complex framework (e.g.; Showden & Majic, 2014; Willman & Levy, 2010). This trend allows sex workers to be understood as relational, ethical, agentic, and rational people, rather than solely as targets for change, vectors of disease, or victims whose goals and desires should be shaped by others. Part of this agentic focus stems from ideological commitments to placing the people under study at the centre.

### 3 Qualitative and Feminist Research as Multidimensional, Humanizing, and Collaborative

Both authors identify with feminist scholarship that directs us to look at policies that disproportionately affect women and gender minorities (Hawkesworth, 2003). As feminist scholars, we are committed to standpoint theory, which prioritizes those who are primarily impacted by policies in order to critically analyse such policies from their perspective (Harding, 2004, p. 7). To this end, we also engage in a series of practices that promote reflexivity in order to monitor the impact of our subject positions as researchers on the data (Nilan, 2002, p. 363).

Our feminist stance informs our selection of primarily qualitative research methods, which invites participants to have a fuller role in directing the findings. As qualitative researchers we spend a great deal of time with the "subjects" of our studies during interviews, focus groups, and observations. These practices include engagement with our potential biases during the data collection process, for example in the form of memos and peer debriefing intended to avoid "cherry-picking" (e.g. using only confirmatory data) (Patton, 2002). Such rigorous critical approaches may be a corrective to reductionist and incomplete scholarship that contributes to what some criminal justice scholars and community groups view as ineffective policy (Leon, 2011; Shdaimah, 2010; Wolf, 2001).

Our research studies provided confidentiality and employed pseudonyms in an effort to encourage candour and enhance participant safety. The studies were approved by the authors' Institutional Review Boards. The studies took place at three sites (Baltimore Maryland, Philadelphia, PA, and Peterson County)<sup>6</sup> and included a total of 76 respondents (28, 18, and 30 from each site, respectively). Shdaimah studied court-affiliated intervention programmes for women charged with prostitution (Philadelphia's Project Dawn Court [PDC] and Baltimore's Specialized Prostitution Diversion Program [SPD]). She focused on programme participants' motivation for engaging in prostitution and their experience of the programme as they moved through it, and how the programme impacted on current and future involvement in prostitution. Leon investigated the open-ended research question: "Is prostitution a problem in our community, and if so, what kinds of services, interventions, or other solutions would help?" Her exploratory study was commissioned in advance of a statewide effort to assist people involved in prostitution in the urban jurisdiction of Peterson County. Across the studies, data collection included individual semi-structured interviews and focus groups with women in sex work, as well as observations in the courts, probation offices, and women's correctional facilities. Due to the nature of the data collection, including focus groups that did not always include sociodemographic questions, not all respondents provided demographic information. We include age and race/ethnicity whenever we have this information, we do not impute such information where we did not collect it explicitly.

As noted above, our respective research on court-affiliated prostitution diversion programmes was related to criminal justice diversion programmes, driven by penal and rehabilitative agendas with the goal of curtailing sex work. This meant that the criminal justice and therapeutic personnel who initiated our research were more likely to view prostitution as a nuisance and harmful (Capous-Desyllas & Forro, 2014; Leon & Shdaimah, 2012). As a result, the people with whom we conducted our research were frequently targets of criminal prosecution. They were therefore more likely to be engaged in the sale of sex for survival purposes and were

<sup>6</sup> Peterson County is a pseudonym since the Institutional Review Board (IRB) overseeing research at this site required that the site should not be identified. Baltimore SPD and Project Dawn are identified.

perhaps different from sex workers who are less likely to be arrested in terms of their ability to make choices about their work venues and clientele. Weitzer (2009), a scholar notable for his call for empirically rather than ideologically driven prostitution research, distinguishes among call girls, escorts, brother workers, massage parlour workers, bar or casino workers, and streetwalkers, along several dimensions including exploitation, risk of victimization, and visibility (p. 217). Our sample is biased towards the group Weitzer would classify as streetwalkers, though some women in our sample described variation in types and locations of sex work. The sample is also biased in that it includes only cisgender women due to the fact that the proposed programmes either exclusively (in the case of Philadelphia) or primarily (in Baltimore and Peterson County) addressed this population.

In order to ensure that our research would forefront the perspectives of our respondents,<sup>7</sup> whether or not these reinforced what agencies believed, we employed open-ended interview and focus group guides. These allowed our respondents to lead the conversation based on their concerns, goals, and priorities. We also used observational methods that enabled informal interactions between researchers and respondents. Observations allowed us to witness interactions among sex workers and between sex workers and criminal justice personnel in a variety of settings. In Peterson County, participants were intentionally solicited both within and outside of established programmes, to further enable views to be heard that might contrast with those of the programme personnel. In Philadelphia, interviews were also conducted with participants who had finished or been removed from the programme in order to broaden the perspective beyond programme participants.

#### 4 Telling a Different Story: The Meaning of Mismatch

Given our methodological commitments and our approach to research on “alternative” criminal justice responses to prostitution as quasi-outsiders to the field, it is not surprising that our findings are often at odds with dominant accounts of the sex workers who are the targets of such policies. Both authors are well-established socio-legal researchers who examine law in action using ethnographic methods and work in close collaboration with courts, criminal justice agencies, and community groups. It was in this capacity that we were each approached by stakeholders involved with the creation of court-affiliated prostitution diversion programmes. In the framework of these collaborations, we both recognized that the voices of sex workers, the proposed targets of these programmes, were largely absent from stakeholder groups and we each used our research skills to forefront such perspectives in the policymaking process (Leon & Shdaimah, 2012; Shdaimah & Leon, 2015).

In peer consultations with each other (a common qualitative technique [Padgett, 2008]), we discovered similar themes across our respective studies. After recognizing the significance of these themes, we engaged in secondary data analysis to systematically identify them in our data (Sands, 2003). Although initially we conceived of our findings as anomalous, we have come to question whether *these findings* are anomalous or whether the *prevailing wisdom and research* are skewed. In this section, we describe the ways in which our findings challenge prevailing research and corroborate recent research that takes an emic perspective on sex work (e.g. D’Adamo, 2017; Kinney, 2014; Oselin, 2014; Toquinto, 2017).

### 5 Findings

#### 5.1 Sex Workers as Rational and Moral Agents Acting Within Constrained Circumstances

Nearly all of our respondents discussed choices that they made, often referencing moral codes (Shdaimah & Leon, 2015). They draw on their knowledge, experiences, and ethical compasses to make decisions often within severely constrained circumstances and the limited options available through the criminal justice system (Monto, 2004, p. 162). Many of the women, even those who no longer sold sex in order to support a drug habit,

<sup>7</sup> We began our research independently at agency requests – we did not initiate research together. After we met and realized our shared interests, we found we had approached the work with similar methods. The data used in this article emerged from the evolution of our shared analysis and have not been previously published.

or who never traded sex for drugs,<sup>8</sup> saw prostitution as what CJ<sup>9</sup> described as “quick, fast money”: the most convenient and easy way to access much-needed income (Rosen & Vanketesh, 2008; Sanders & Hardy, 2014).

One Peterson County focus group participant viewed her sex work as a means of meeting her parental responsibilities and actively resisted the persistent stigma she felt. As Gabby explained:

Before like, I would feel like shit like when I would just be trickin’ for like crack, or something. But now that I don’t get high, I don’t feel bad because I’m doing it to put clothes on my kid and pay my bills. And I don’t feel bad for doing that now, like, you know what I mean? I feel bad when I did it for drugs, know what I mean? I don’t feel bad at all for doing it to feed my kids. I don’t. I don’t. I don’t feel like nothing wrong with it when I’m feeding my kids. I don’t. But getting high I do.

Gabby’s efforts to distinguish between unethical and morally defensible justifications of prostitution are evidence of moral reasoning and stigma management (Shdaimah & Leon, 2016).<sup>10</sup> She reframes her contaminated identity by linking with mainstream values: in this case, the need to feed our children.

Sharon, a triracial Project Dawn Court graduate in her 40s, managed stigma by completely rejecting external moral characterizations of sex work. Sharon’s motivation for participating in PDC was a strictly practical calculus to enable her to return to legal employment.

And I knew at that point, it was time for me to come out of that life. It was an experience for me, but I couldn’t stay like that forever. I had hit bottom and it wasn’t fun anymore. So I decided to go ahead and take [the diversion programme] offer, because...if I was making a conscious decision to come out of it, [I knew] that I would need my record expunged because of my work history and me having to return back to work and possibly college... because I have never had a record prior to this and as much as I loved to smoke crack, and I’m not gonna deny, I love it, you know what I mean, it was good. I liked the high, it was fun, and the life experience for the prostitution and the solicitation and all of that... So ultimately I decided just, “Okay, I’ll take the deal”.

Sharon displays her knowledge of the legal system, risks and benefits of participating in the programme, and her own feelings about sex work as juxtaposed with societal and programme norms.

Our findings demonstrate that women engaged in street-based sex in the US often experience the limited choices and stigmatization noted in the predominant literature (Koken, 2012; Sallmann, 2010). However, our findings also conflict by emphasizing women’s agency in navigating constraints and challenging stigma (but see Bowen & Bungay, 2016). We also contribute to the literature by noting the benefits that women identify from sex work through calculated decision-making processes that balance financial, moral, and logistical factors.

## 5.2 Mentoring and Support/Helping and Hope

In our research we also found that women help each other (Shdaimah & Leon, 2016). They established boundaries, offering what they were able while limiting risk to themselves. Women mentored each other and served as role models when they were entering, working in, and exiting prostitution. For example, Amy, a white PDC participant, explained how women routinely offered guidance on the finances, health, and safety of selling sex:

<sup>8</sup> In Peterson County, participants in the focus groups held at neighbourhood locations (3/6 focus groups) – who were NOT part of diversion programmes or substance abuse treatment – emphasized that their sex work was independent of drug use and, among these, several described total abstinence from controlled substances. This serves as a reminder that sampling frames influence findings and that assumptions (for example, about drug use) require empirical exploration.

<sup>9</sup> The names of study participants are pseudonyms to protect confidentiality. The respondents in Shdaimah’s study chose their pseudonyms and the pseudonyms in Leon’s study were assigned. Since we mined several sources of data, for some participants (often those who were interviewed), we have information about age and racial or ethnic identity. For others (often from focus groups or interview participants who declined to provide demographic data) we do not, and we believe it would be ethically and academically inappropriate to impute that information.

<sup>10</sup> Stigma is a pervasive and well-documented feature of street-based sex work. As Sallmann writes of her respondents: Several aspects of living with stigma are evident in the participants’ narratives, reflecting everyday experiences of living with labeling, violence, and discrimination. Noted perpetrators included family members, lovers, friends, male clients, and employees of the criminal justice system. The women did not tell stories of isolated incidents; rather, what these narratives reveal is the pervasiveness of such experiences. Labeling, violence, and discrimination were, to them, normal and expected conditions. Therefore, the women were living with stigma as part of their day-to-day lives. Many women also mentioned that their self-perceptions were permanently altered by their prostitution and substance use. Despite these experiences, the women also told stories of resisting the messages that were directed at them. (Sallmann, 2010, p. 150)

[S]ome girl in Camden told me what to do, how to do it. How much money to charge, and where to stand, and the kind of person to go with. I got \$100 for 10 minutes... Only a white guy. Only over 40. She told me what to do and what not to do. Always carry condoms. What corners to stand on that cops didn't pass by a lot. How to look like you weren't doing anything when you really were...she told me how to do it. Yeah. Sometimes I wish she wouldn't have. But...I probably would have ended up doing it anyway. So it is kind of a good thing that she told me because I saved myself a lot of trouble...I wouldn't want to see a little 17-year-old get raped and so I would tell them if you go with someone over 50 that's not going to happen.

This kind of advice and sharing was echoed by other respondents in all three locations, and can be commonly found on the websites of sex worker organizations (e.g. Sex Workers Outreach Project, n.d.; St. James Infirmary, n.d.; The English Collective of Prostitutes, n.d.). However, practical concerns such as health and finances are all but ignored in the academic literature or in terms of policy considerations (Willman & Levy, 2010).<sup>11</sup>

In addition to offering support to other women, during several focus groups in Peterson County, which asked about the kind of programming that would be helpful to women in prostitution, many participants offered to volunteer at a new kind of programme that placed sex workers at the centre. The desire to give (and get) peer mentoring was notable at all three research sites. Lauren was one of a chorus who was eager to help:

Me too, I will help volunteer too. That is so true, that young men and women don't even know what they are headed for. That is why ... I want to be helping young people get their self together because that is where I think it starts. You don't have to get in trouble to learn something, you know what I mean? Take it from me.

The women we spoke with echoed the growing recognition among scholars and service programmes that peer support is a crucial aspect of mental health and recovery (Repper & Carter, 2011).<sup>12</sup> Our respondents particularly noted that women with similar experiences share a mutual understanding. They valued their peers as uniquely qualified to provide encouragement and serve as role models. One Project Dawn Court focus group participant explained:

We've been out there; we know what goes on. It's that quiet understanding that you have with somebody that you can just see it in their face. ..we do have that understanding, we do love each other for that...Seeing their strength it bounces off of me. When they relapse it's like I relapse because we know we have that understanding. It's like [we are] going through this together, it's like our emotions are all attached. When one person goes back to jail, we feel that inside 'cause we know that. But we cheer for each other and we keep each other strong, and that's why it was really good that this programme brought us all together. Because a lot of us have seen each other either on the streets, if not in jail. [multiple yeps, yeah]. And maybe we've come across each other's paths... Maybe we talked sitting in a sheriff's van or something or shackled together somewhere. Maybe we seen each other... we've gotten to know each other intimately, you know what I mean? And just that thing in your eyes, that thing that says, "I know", and I understand that. And it hits you right here [gestures]. And I love you guys.

Many PDC participants viewed the monthly court meetings for providing an opportunity to regularly meet with peers as a crucial strength of the programme. While they did not necessarily support these required meetings wholesale, they lamented losing the built-in peer group upon completing the programme; many wished that they could continue a peer support group after graduation. In the absence of an organized group, some stayed in touch with a few participants and graduates, or found support from family members who had travelled a similar path. Ariella, a Latina PDC participant, relies on a family member who also struggled with addiction to help her when she is feeling alone and discouraged:

<sup>11</sup> It is important to note that Amy explicitly disclaimed: "It wasn't like I was pimping anybody but I would help out because on the streets that's what you do for the next person." There is some evidence that crackdowns on sex work in order to curb trafficking may have the unintended consequence of removing some of these basic precautionary measures that street-based sex workers can offer, if these precautions may be construed as facilitating sex work (Kinney, 2014).

<sup>12</sup> For the importance of peer support, see also the public statements of groups like Mental Health America: <http://www.mentalhealthamerica.net/peer-services>; the National Alliance on Mental Illness: <https://www.nami.org/Find-Support/NAMI-Programs/NAMI-Peer-to-Peer>; and the US Department of Health and Human Services, Substance Abuse and Mental Health Services Administration: <https://store.samhsa.gov/shin/content/SMA09-4454/SMA09-4454.pdf>.

When I'm alone with myself...I have racing thoughts and I get depressed or I get discouraged...I'll start doubting myself...When you got somebody there to help you talk it through, you kind of grasp that you don't have to give up.

These connections were sometimes severed when participants found them to be a liability, such as when a peer relapsed and they feared "going down" with them. Respondents remained non-judgemental, and indicated a willingness to reconnect and help when and if their friends were at "the same place". Gina had been in touch with three other PDC participants upon graduation, but recently cut her ties to one friend who "started drinking". Gina hoped that her disconnection would be a "wake-up call" to her friend: "Speaking to me on the phone should be enough to let you know, 'Hey, like, Gina's not a joke'. If I'm not letting you hang out with me, or if I'm not meeting you at a meeting, something's wrong with that picture."

### 5.3 Policy Governing Sex Workers

We have emphasized to this point the ways in which dominant approaches to prostitution often neglect the totality of human beings (i.e. as financial providers, caretakers, members of a support network) who make tough decisions each day. In this section we draw attention to the specific problems that arise from policies that rely on simplistic or damage-centred views about sex work and sex workers, as well as to policy recommendations made by the sex workers who spoke with us. Sex workers in our studies described current policies as ineffective in providing viable alternatives to sex work. They also condemned (un)intended consequences that limit their opportunities for legal employment and heighten public and personal health risks. Similar concerns have been reported in other studies (Rosen & Vanketesh, 2008; Sanders & Hardy, 2014).

Perhaps the most obvious barrier that current policies create is the effect of a criminal record, particularly one that includes the stigmatized charge of prostitution, on the ability to obtain legal employment or benefits. Even women who have relatively strong employment and educational records prior to their conviction for prostitution may face difficulties in this regard. As Sharon, quoted above, explained, one of her prime motivations for opting into PDC, despite its onerous requirements, was the chance of having prostitution charges expunged from her record. Unlike most of the women in our samples, Sharon had robust sources of social capital on which to fall back. In contrast, the majority of our respondents lacked the formal resources that accrue with class status or educational and professional experience. Most women faced much more dire consequences related to the crippling effects of their records. Jasmine, a Peterson County respondent, for example, had no vision of alternative legal employment by which she could support herself and her family.

But now that I got my mind a little clearer, I want to change. You know, but like it seems hopeless because I ruined my criminal background when I was out there trickin' and everything that came with prostitution. You know, and I think a lot of ladies want to change, but what do they got to look forward to? Because they done ruined their crap.

Despite her professed desire to exit prostitution, Jasmine felt trapped by her criminal background, which she saw as the prime obstacle to change.

Jasmine's situation illustrates the importance of attending to policy consequences as they are experienced by sex workers. In all three jurisdictions, there is some assistance toward the expungement of some charges for some defendants. In Peterson County, one non-profit organization serving all former offenders in the entire state (including but not focused on prostitution) can provide support for people to try to clear their records of all charges. In Philadelphia, the SPD will help participants who have remained drug- and prostitution-free for a year to expunge their current prostitution charges.<sup>13</sup> In the SPD, the court often provides technical and financial assistance for expungement of prostitution charges. However, in none of the locations is there assistance for all defendants or for expunging the general criminal record (not just prostitution), which many of our respondents described as disabling their exit efforts. This leaves even the select group of offenders whose programme cleared *some* of their charges with significant barriers to employment and government benefits. Policymakers who listen to sex workers would better understand the significant barrier that criminal records pose for them in engaging in legal employment, thereby leading to policies that better address this problem. For example, policymakers could broaden legal aid programming (and expand its funding) to facilitate increased access to expungement and pardons of general criminal records.

<sup>13</sup> In these cases it is not clear what constitutes evidence of compliance with these requirements and it may be onerous for participants to return to court to make a formal request a year after completion.

Our respondents noted the high familial and social costs of incarceration and the collateral consequences that characterize current prostitution policy. Ciera, in Peterson County, noted the failure to recognize the role that prostitution may play in economically sustaining families:

[Incarceration] affects women negatively because women usually are caretakers for the family, like the head of household... Being away for a violation of probation, which might take two weeks to go to court and then maybe another 120 days... it basically interferes with the upkeep and maintaining my family. And I just think the system doesn't look to females as the head of household and that they, you know, play a major part in their family and they need to be there. And if it's something minute like a misdemeanour or something of that nature that can be resolved in an hour or two or a day, then it would be more feasible than locking us up and taking forever to resolve.

While not all respondents sought legalization of prostitution, like Ciera many sought a more proportionate response. They also pointed to the illogic of responses that created what they saw as unnecessary social costs such as the break-up of families. Many of these costs do not flow from the legal sanctions for prostitution, but rather the attendant consequences of violation of probation, court costs, and an inability to post bail (Beckett & Harris, 2011). Renewed efforts to reform pre-trial detention, to continue educating judges and decision-makers about the impact of this constellation of costs, and the reduction or elimination of criminal fines and costs, particularly for low-income defendants, could lessen the impact (Harris, 2016).

Emphasis on what our participants viewed as an ineffective and unfair focus on women who sell sex as the sole target for intervention constituted another thematic strand common across our studies. Abby, a Peterson County focus group participant, shared her experience:

I was in court, and I was on the elevator with a [lawyer]... and I wind up in the parking garage giving him oral sex for \$30, leaving court. So I'm saying, it's like, a lot of people do it. The higher ups do it and everything else... people that's in the closet, doctors, lawyers, the public defenders, police officers, judges...

Abby was not the only one who described criminal justice professionals who paid for or extorted illegal sexual services. These underscored the perceived hypocrisy of the criminal justice system that has ramifications for the legitimacy of the system and the rule of law (Tyler, 1988). Our respondents complained about the unfairly one-sided nature of policy that focuses on the people who sell sex and not purchasers, which has also been highlighted by some scholars and advocates (Monto, 2004; Sanders, 2013). While we do not necessarily advocate demand-reduction policies, nor do our respondents, targeting only the women who sell sex perpetuates stigma and gender norms (Carpenter, 1998).

Many of our respondents who felt stigmatized by their engagement in sex work distinguished between what they saw as morally acceptable and unacceptable reasons for selling sex. Like Gabby, the Peterson County focus group participant quoted above, ("I don't feel like nothing wrong with it when I'm feeding my kids"), many insisted on their own morality.

Gabby's assertion of morality reveals her continued discomfort (e.g. repeated assertions of "I don't"), which itself may hamper her exit from prostitution as she might be less likely to seek assistance or to apply for legal employment. Reducing stigma, which can be accomplished by institutionalizing trauma-informed care, for example, can improve access to support services and can increase the success of those seeking assistance.

The women we spoke with clearly identified an unintended consequence of current practices that address street-based prostitution. They explain how criminalization and accompanying interventions based on a coercive approach ruin job prospects and ignore public health risks as well as the underlying problems that lead to prostitution. Women in our studies suggested more effective alternatives that would take into account the demand side of prostitution and the obstacles current policies create.

As part of Leon's research, participants were explicitly asked to reflect on what kinds of programmes, services, and policies would make a difference. Even when not asked directly, women across the studies made policy recommendations that grew from their experiences. Specifically, they asked for the removal of collateral consequences and for programmes and practices that meet needs that contribute to sex work and prevent exit: systemic reform such as living wage jobs and affordable housing, transportation and child care. As Grace explained, "the problems are deeper rooted than us just walking up the street to pull a date".

Respondents such as Kerry from Peterson County pointed to the danger of viewing sex workers merely as a source of disease to be surveilled and punished. Such approaches that stigmatize sex work and drive it further underground heighten public health risks.

I mean, how many men out there have I given HIV to? ...because of my risky behaviours. And when I was first diagnosed, the doctor said I was HIV positive... That makes me wonder how many families that I gave this disease to. You know, the men, they bring it back home to their wives. There's so many men out there that don't even know that they're positive... I'm not going to go out and tell them all.

Sex workers in our study, such as Christina from Peterson County, wanted to be partners in reducing harm: "If it was legalized, it wouldn't be a problem because at least you'd know that the person you're picking up is affected by HIV and you can make the choice whether to meet with them or not." In contrast to the literature and policy that essentializes sex workers as vectors of disease to be managed, Christina sought recognition as an active participant in improving public health.

## 6 Conclusion

This article articulates our concerns with the prevailing ethos in prostitution research. Using a feminist stance of open inquiry we revised our understanding of street-based prostitution. The initial frame, shaped by our collaboration with court personnel and government reformers, focused on saving women from harm. However, we came to view harm as a result of exclusion and marginalization, even if these are the result of good intent. Cynthia Tuck sees such problems as commonplace due to what she calls "damage-centered" research that is the primary way in which researchers and policymakers understand that marginalized populations,

[t]hough visible in the literature, [marginalized groups] are invariably portrayed as either victims or perpetrators. These characterizations frame our communities as sites of disinvestment and dispossession; our communities become spaces in which under-resourced health and economic infrastructures are endemic. They become spaces saturated in the fantasies of outsiders (Tuck, 2009, p. 412).

Although Tuck refers to research on urban youth engaged in street life, she uses the example to illustrate a broader trend encompassing research on racial and ethnic minorities, low-income communities, and other oppressed groups and individuals.

In a related way, moving from a specific empirical case to a larger area of scholarship, our own research findings add complexity to, and often counteract, prevailing characterizations of women engaged in street-based prostitution. We join a growing group of scholars who draw attention to the multidimensionality of sex workers' identities, goals, and daily lives to provide a fuller picture of their lives and experiences (Cheng, 2013). Such a picture inevitably shifts from the options of repair, rescue, or repression as women talk back. It shines a light on the systemic factors that shape women's choices and lives, and connects "those women" who are the objects of study to us as researchers and to all women. This point has broader application; policymaking should always include the voices of all those who are likely to be impacted (including, for example, clients of sex workers, and neighbourhood residents).

Since we began our research with women in sex work, we have contributed to the emerging knowledge base that places women at the centre (Leon & Shdaimah, 2012; Shdaimah & Leon, 2015; Shdaimah & Leon, 2016). We have reflected on the consequences of the mismatch between our data and dominant paradigms, as well as our role as researchers in perpetuating and challenging these current research trends. It is clear from our data that damage-centred research and policy lead to (un)intended ineffective and harmful policy. How do we acknowledge harm where it exists without allowing it to become a focus that obscures all else? We apply these lessons of critical analysis and responsibility not just to others' scholarship but to our own. How have we unwittingly contributed to damage-centred sex work research by focusing on what are often considered the most marginal of sex workers? We would like to continue to explore such questions together with our fellow scholars and activists to enable us to engage in research that is both ethical and comprehensive in its portrayal of sex workers.

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## References

- American Society of Criminology, Code of Ethics, Approved March 2016. Retrieved from [http://asc41.com/code\\_of\\_ethics\\_copies/ASC\\_Code\\_of\\_Ethics.pdf](http://asc41.com/code_of_ethics_copies/ASC_Code_of_Ethics.pdf)
- Anderson, S. A. (2002). Prostitution and sexual autonomy: Making sense of the prohibition of prostitution. *Ethics*, 112, 748–780.
- Beckett, K., & Harris A. (2011). On cash and conviction: Monetary sanctions as misguided policy. *Criminology & Public Policy*, 10(3), 505–37.
- Bowen, R., & Bungay, V. (2016). Taint: An examination of the lived experiences of stigma and its lingering effects for eight sex industry experts. *Culture, Health & Sexuality*, 18(2), 184–197.
- Brewis, J., & Linstead, S. (2000). The worst thing is the screwing: Consumption and the management of identity in sex work (1). *Gender, Work, and Organization*, 7, 84–91.
- Burawoy, M. (2005). 2004 presidential address: For public sociology. *American Sociological Review*, 70, 4–28.
- Capous-Desyllas, & M. Forro, V.A. (2014). Tensions, challenges, and lessons learned: Methodological reflections from two photovoice projects with sex workers. *Journal of Community Practice* 22, (1–2), 150–175.
- Carpenter, B. (1998). The prostitute and the client: Challenging the dualisms. Women's Studies. *International Forum*, 21, 387–399.
- Cheng, S. (2013). Private lives of public women: Photos of sex workers (minus the sex) in South Korea. *Sexualities*, 6, 30–42.
- Corado, R. (2017). Nothing about us without us: The trans response to survival sex work. In K. Hail-Jares, C. Shdaimah, & C.S. Leon (Eds.), *Challenging perspectives on street-based sex work*. Philadelphia: Temple University Press.
- D'Adamo, K. (2017). Sex (work) in the classroom: How academia can support the Sex Workers' Rights Movement. In K. Hail-Jares, C. Shdaimah, & C.S. Leon (Eds.), *Challenging perspectives on street-based sex work* (pp. 195-217). Philadelphia: Temple University Press.
- Dworkin, A. (1997). *Prostitution and male supremacy in life and death*. New York: Free Press
- Fine, M., Weis, L. Weseen, S., & Wong, L. (2000). For whom? Qualitative research, representations, and social responsibilities. In N. K. Denzin & Y. S. Lincoln (Eds.), *Handbook of qualitative research* (2<sup>nd</sup> ed.; pp. 107–32). Thousand Oaks, CA: Sage.
- Flyvbjerg, B. (2001). *Making social science matter: Why social inquiry fails and how it can succeed again*. Cambridge, U.K.: Cambridge University Press.
- Gilbert, M. J., & Settles, T. L. (2007). The next step: Indigenous development of neighborhood restorative community justice. *Criminal Justice Review*, 32(1), 5–25.
- Hail-Jares, K., Shdaimah, C., & Leon, C.S. (Eds.). (2017). *Challenging perspectives on street-based sex work*. Philadelphia: Temple University Press.
- Harding, S. (2004). Introduction: Standpoint theory as a site of political, philosophic, and scientific debate. In S. Harding (Ed.). *The feminist standpoint theory reader: Intellectual and political controversies*. New York and London: Psychology Press.
- Harris, A. (2016). *A pound of flesh*. New York: Russell Sage Foundation.
- Hawkesworth, M. (2003). Congressional enactments of race–gender: Toward a theory of raced–gendered institutions. *American Political Science Review*, 97(4), 529–550.
- Hawkesworth, M. (2006). *Feminist inquiry: From political conviction to methodological innovation*. New Brunswick: Rutgers University Press.
- Hill, A. (2014). Demanding victims: The sympathetic shift in British prostitution policy. In C. R. Showden, & S. Majic, (Eds.), *Negotiating sex work: Unintended consequences of policy and activism* (pp. 77–98). Minneapolis: University of Minnesota Press.
- Jello, L. (2015). “Why you shouldn’t study sex workers,” *Tits and Sass*, April 16. Retrieved from <http://titsandsass.com/why-you-shouldnt-study-sex-work>.
- Kinney, E. (2014). Raids, rescues, and resistance: Women’s rights and Thailand’s response to human trafficking. In C. R. Showden, & S. Majic, (Eds.), *Negotiating sex work: Unintended consequences of policy and activism* (pp. 171–194). Minneapolis: University of Minnesota Press.
- Kinney, E. (2017). Policing, protectionism, and prevention: Prostitution, sexual delinquency and the politics of victimhood in human trafficking campaigns. In K. Hail-Jares, C. Shdaimah, & C.S. Leon (Eds.), *Challenging perspectives on street-based sex work*. Philadelphia: Temple University Press.
- Koken, J. A. (2012). Independent female escort’s strategies for coping with sex work related stigma. *Sexuality & Culture*, 16(3), 209–229.
- Laing, M., & Cook, I. R. (2014). Governing sex work in the city. *Geography Compass*, 8 (8), 505–515.
- Leon, C., & Shdaimah, C. S. (2012). JUSTifying scrutiny: State power in prostitution diversion programs. *Journal of Poverty*, 16, 250–273.

- Leon, C. S. (2011). *Sex fiends, perverts, and pedophiles: Understanding sex crime policy in America*. New York: New York University Press.
- Monto, M. A. (2004). Female prostitution, customers, and violence. *Violence Against Women, 10*(2), 160–188.
- Nilan, P. (2002). ‘Dangerous fieldwork’ re-examined: The question of researcher subject position. *Qualitative Research, 2*(3), 363–386.
- Nolan, J. L. (2001). *Reinventing justice: The American drug court movement*. Princeton, NJ: Princeton University Press.
- O’Connor, A. (2002). *Poverty knowledge: Social science, social policy, and the poor in twentieth-century U.S. history*. Princeton, N.J.: Princeton University Press.
- Olesen, V. (2011). Feminist qualitative research in the millennium’s first decade. In N. K. Denzin, & Y. S. Lincoln (Eds.), *The Sage handbook of qualitative Research* (pp. 129–146). Thousand Oaks: Sage Publications.
- O’Neill, M., Campbell, R., Hubbard, P., Pitcher, J., & Scouler, J. (2008). Living with the other: Street sex work, contingent communities and degrees of tolerance. *Crime, Media, Culture, 4*, 73–93.
- Oselin, S. S. (2014). *Leaving prostitution: Getting out and staying out of sex work*. New York: New York University Press.
- Padgett, D. K. (2008). *Qualitative methods in social work research*. Thousand Oaks, CA: Sage Publications.
- Patton, M. Q. (2002). Two decades of developments in qualitative inquiry: A personal, experiential perspective. *Qualitative Social Work, 1*(3), 261–283.
- Repper, J., & Carter, T. (2011). A review of the literature on peer support in mental health services. *Journal of Mental Health, 20*(4), 392–411.
- Rosen, E., & Vanketesh, S. A. (2008). A ‘perversion’ of choice: Sex work offers just enough. *Journal of Contemporary Ethnography, 37*(4), 417–441.
- Ross, B. L. (2010). Sex and (evacuation from) the city: The moral and legal regulation of sex workers in Vancouver’s West End, 1975–1985. *Sexualities, 13*, 197–218.
- Sallmann, J. (2010). Living with stigma: Women’s experiences of prostitution and substance use. *Affilia, 25*(2), 146–159.
- Sands, R. G. (2004). Narrative analysis: A feminist approach. In D. K. Padgett (Ed.), *The qualitative research experience* (pp. 48–78). Belmont, CA: Wadsworth/Thomson Learning.
- Sanders, T. (2013). *Paying for pleasure: Men who buy sex*. New York and London: Routledge.
- Sanders, T., & Hardy, K. (2014). *Flexible workers: Labour, regulation and the political economy of the stripping industry*. New York and London: Routledge.
- Shdaimah, C. (in press). Prostitution diversion programs. In F. P. Bernat, & K. Frailing (Eds.), *Women and Crime Encyclopedia*, 3 volumes. Hoboken, NY: John Wiley & Sons Inc.
- Shdaimah, C. S. (2010). Taking a stand in a not-so-perfect world: What’s a critical supporter to do? *University of Maryland Journal of Gender, Race, Class and Religion, 10*(1), 89–111.
- Shdaimah, C. S., Kaufman, B. R., Bright, C. L., & Flower, S. M. (2014). Neighborhood assessment of prostitution as a pressing social problem and appropriate responses: Results from a community survey. *Criminal Justice Policy Review, 25*(3), 275–297.
- Shdaimah, C., & Leon, C. (2015). ‘First and foremost they’re survivors’: Selective manipulation, resilience and assertion among prostitute women. *Feminist Criminology, 10* (4), 326–347.
- Shdaimah, C., & Leon, C. (2016). Counter-narratives as stigma management: Relationships of care and caution among women engaged in street level prostitution. *Studies in Law, Politics, and Society, 71*, 43–62.
- Showden, C.R., & Majic, S. (2014). *Negotiating sex work: Unintended consequences of policy and activism*. Minneapolis: University of Minnesota Press.
- Skilbrei, M., & Holmström, C. (2013). *Prostitution policy in the Nordic region: Ambiguous sympathies*. Dorchester: Ashgate.
- Toquinto, S. (2017). Pregnancy obscured: Street-based sex work and the experience of pregnancy. In K. Hail-Jares, C. Shdaimah, & C.S. Leon, (Eds.), *Challenging perspectives on street-based sex work*. Philadelphia: Temple University Press.
- Tuck, E. (2009). Suspending damage: A letter to communities. *Harvard Educational Review, 79*(3), 409–428.
- Tyler, T. R. (1988). What is procedural justice? Criteria used by citizens to assess the fairness of legal procedures. *Law & Society Review, 22*, 103–135.
- Weitzer, R. (2009). Sociology of sex work. *Annual Review of Sociology, 35*, 213–234.
- Willman, A., & Levy, A. (2010). Beyond the sex in sex work. In M. Ditmore, A. Levy, & A. Willman (Eds.), *Sex work matters: Exploring money, power, and intimacy in the sex industry* (pp. 1–6). London and New York: Zed Books.
- Wolf, R. V. (2007). Principles of problem-solving justice. New York: Center for Court Innovation and Washington, DC: Bureau of Justice. Retrieved from <http://www.courtinnovation.org/sites/default/files/Principles.pdf>.
- Wolf, R. V. (2001). Management note: New strategies for an old profession – A court and a community combat the streetwalking epidemic. *Justice System Journal 22*(3), 348–359.

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