

Myth Busting and the Canadian Sex Industry

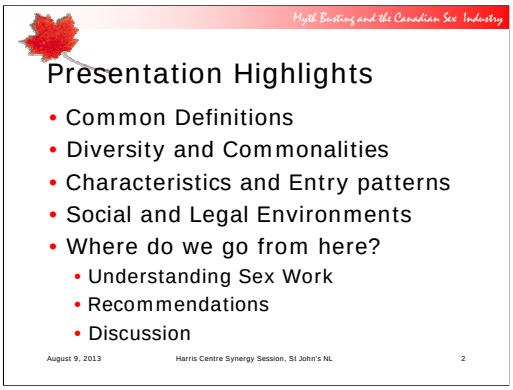
Synopsis: Like many other industries, the sex industry in Canada, is more complex and misunderstood than many people realize. Yet unlike many other industries, the sex industry is subject to social stigma, and a range of safety concerns and legal issues, which severely complicates the lives and livelihoods of sex workers, their families, managers, and clients.

There are a lot of myths surrounding the sex industry in Canada—who is involved, how they get there, and the conditions they work under. Dr. Frances M. Shaver (Sociology and Anthropology, Concordia), in St. John's doing field work as part of the major national research project *Understanding Sex Work*, will bust some of the myths about the sex industry.

Dr. Shaver will give an overview of the diversity and commonalities of the individuals involved in the industry (workers, clients, and managers), discuss how they tend to enter the industry, provide a brief analyses of the social and legal environments in which they operate, and conclude with some suggestions of where to go from here.

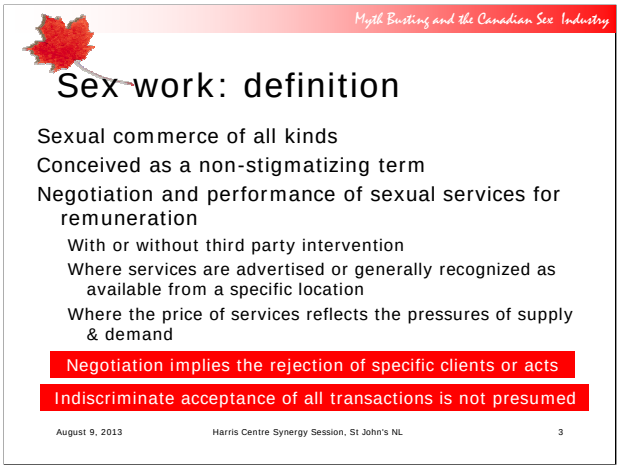
You are invited to learn from Dr. Shaver's rich expertise on the subject and to contribute your knowledge or questions about the state of the sex trade in Newfoundland and Labrador, and how it is being affected by increasing prosperity and a growing income disparity.

(Murray Morgan, Harris Centre)



Highlights:

- Common Definitions
- Diversity and Commonalities
- Characteristics and Entry patterns
- Social and Legal Environments
- Where do we go from here?
  - Understanding Sex Work
  - Recommendations/Guidelines
  - Discussion



Sex work: definition

It is relatively new term.

Sex work is a phrase created in the last 30 years to refer to sexual commerce of all kinds. Carol Leigh, aka the Scarlot Harlot, is recognized as one of the first, if not the first person, to introduce this term (Leigh 1997).

'Sex work' was conceived as a non-stigmatizing term, *without* the taint of the words 'whore' and 'prostitute.' The point of the term was to convey the professionalism of the sex worker rather than *her* lack of worth as seen by much of society" (The *Encyclopedia of Prostitution and Sex Work,* Ditmore 2006: p.xxv*).*

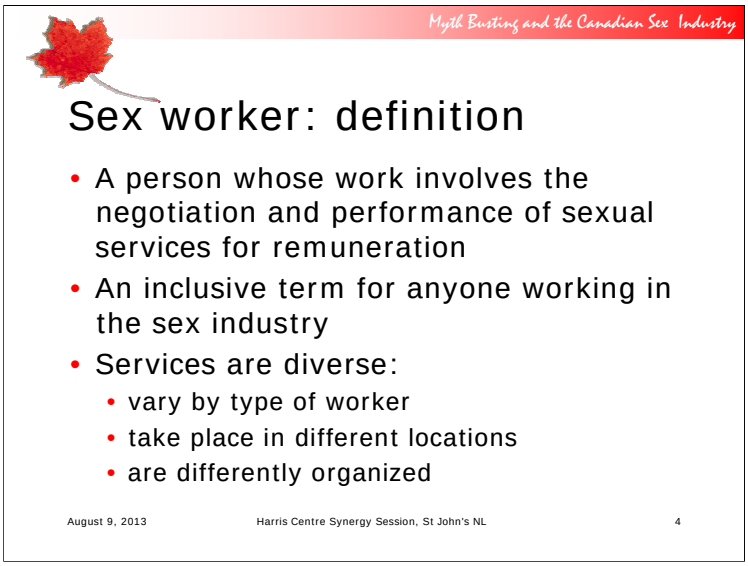
It certainly moves us away from the stigmatizing terminology often used to describe prostitution such as the selling of bodies (as opposed to services) and the allusions to promiscuous, non-discriminatory behaviour of women.

Some sex workers propose the following definition:

- Negotiation and performance of sexual services for remuneration
    - With or without intervention by a third party
    - Where services are advertised or generally recognized as available from a specific location
    - Where the price of services reflects the pressures of supply & demand
- [Zoom] In this definition, 'negotiation' implies the rejection of specific clients or acts on an individual basis.
- [Zoom] Indiscriminate acceptance by the worker of all proposed transactions is not presumed -- such acceptance would indicate the presence of coercion.

(From: *Redefining Prostitution as Sex Work on the International Agenda* 1997 (from Jo Bindman, Anti-Slavery International with the participation of Jo Doezema, Network of Sex Work Projects http://www.nswp.org/))

This terminology is clearly neutral and non-judgmental in its meaning and is much less likely to carry negative connotations (resulting in social stigma) or to bleed into a master status in the way that the term prostitution does.



Building on the definition of sex work:

The term **sex worker**:

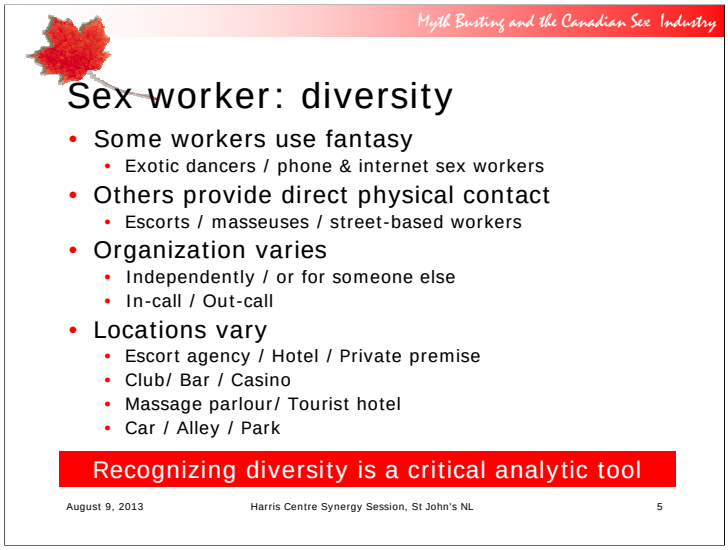
•Refers to a person whose work involves the negotiation and performance of sexual services for remuneration

•Is an inclusive term for anyone working in the sex industry ((women, men, transgender people) and regardless of the type of work they do / service they offer

•The services provided are diverse. They:

- •vary by type of worker
- •take place in different locations
- •are differently organized

•We have learned that recognizing & acknowledging this diversity is a key element in understanding the sex industry.



Sex worker: diversity :

Sexual services may include the provision of sexual gratification using fantasy as in exotic dancing, phone or internet sex, and/or direct physical contact as is most often the case with escorts, masseuses & street-based workers.

> Sex work includes Professional dominants (some who *may* engage in sexual contact with clients) .
>
> As well as Pornography models and actors (who engage in sexually explicit behaviour that is filmed).

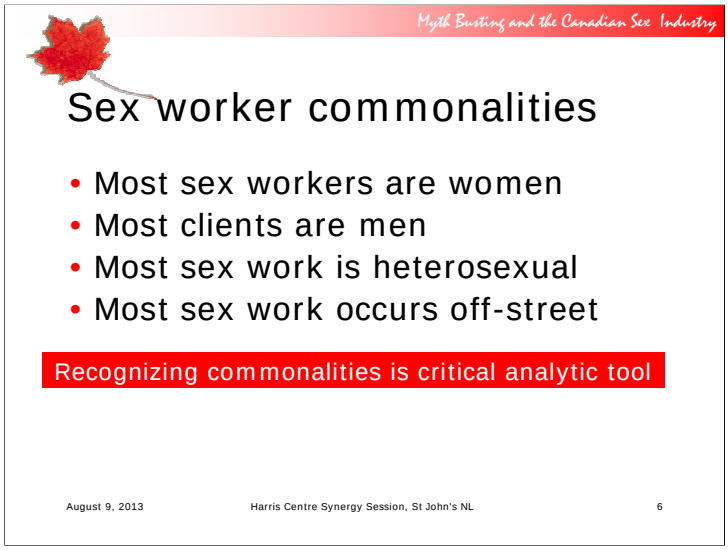
There are a variety of ways to **organize sex work**. For example, one can work independently, with colleagues, or for someone else.

In addition, work may be organized on an "in-call" basis: workers have a fixed location where they receive clients; or an "out-call" basis: the worker goes to the client's home, business, or hotel room.

Locations also include tourist hotels, cars, alleys & parks.

[Zoom] **Recognizing / Acknowledging the diversity** in the type, location & organization of work is also an essential analytic tool for conducting a critical analysis of the sex industry (Shaver 2005).

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Sex worker commonalities:

In addition to the diversity there are some commonalities across the sex industry

The majority of sex workers are women: Counts from street-based sex work studies suggest that only about 20% are men (Shaver, 1993) while a much smaller number identify as transsexual/transgender (TS/TG).[1]

Clients are overwhelmingly men in all sectors of the industry. Exceptions include a small number of women clients who seek out male or female sex workers (primarily escorts or erotic massage providers) and women who are often part of a heterosexual couple seeking sexual services.

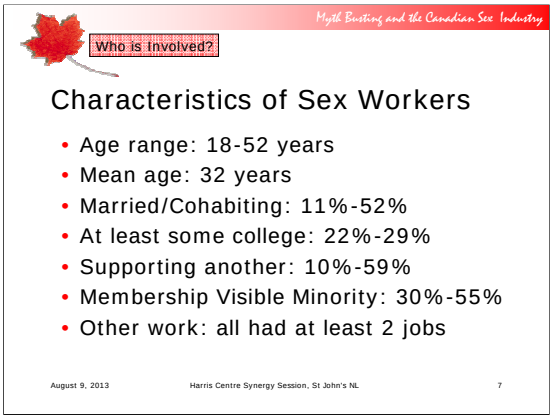
Most services are heterosexual (involving men as buyers and women as sellers). Homosexual activities between men exists on a smaller scale. Lesbian sex work activities may exist but there is little evidence of it in the research literature, or of heterosexual activities involving women as sex buyers,

Public assumptions about sex work and sex workers are most often grounded in impressions of street-based prostitution, the most visible but smallest sector of the industry. However, estimates indicate that only 5-20% of the sex industry is street-based; **the majority of sex work (80-90%) occurs off-street**.

[Zoom] **Recognizing the commonalities** is a also critical analytic tool in any study of the sex industry.

[1] To my knowledge, research with TS/TG sex workers has only been conducted with male to female (MTF) individuals.

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Who is involved? The social characteristics of sex workers

It is important to keep in mind that the demographic [background] information for both sex workers and clients reflects diversity. Information gleaned from academic research provides the following about sex workers:

- **Age range**: 18-52 years (Jeffrey & MacDonald 2006, 2007)

  Mean age:

  32 years (Jeffrey & MacDonald 2006, 2007)

  23.8 – 29.3 years depending on the gender of the worker (Weinberg et al 1999)

- **Relationship Status**:

  11% – 52% Married/Cohabiting (depending on gender) (Weinberg et al 1999)

  Education:

  22% – 29% have at least some college (depending on gender) (Weinberg et al 1999)

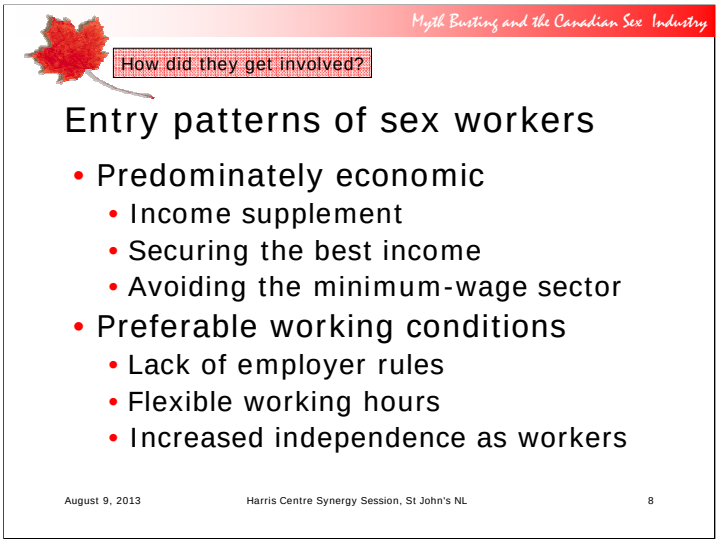
  Financial Stability:

  10% – 59% supporting at least one child or adult (depending on gender & city) (Shaver & Weinberg (2002)

- **Membership in a Visible Minority**: 30%-55%

  Other work experiences: All have had experience with at least two other jobs and the majority with at least three other jobs (Shaver & Weinberg 2002; Weinberg et al 1999).

Note: Most jobs were in the service industry (receptionist, hotel work, fast food industry, cooking, waitressing, hairdressing, bartending, personal home care etc.).



How did they get involved? The entry patterns of sex workers

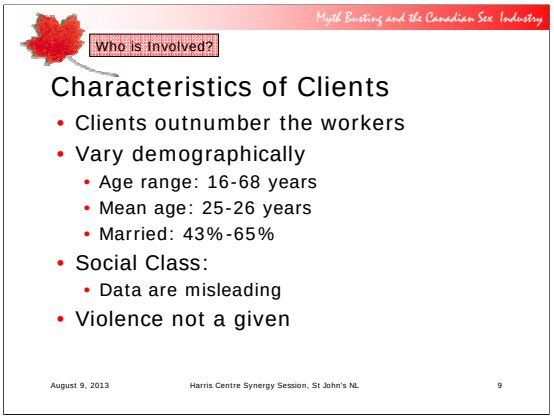
- **Motives:** There are multiple entry pathways for sex workers. Some drift into it gradually and with encouragement from friends, a small number are coerced. Economic motives predominate, and range from survival to a desire for financial independence or upward mobility (Weitzer 2009:218).
    - Economic motives may well predominate but the issues are complex and the underlying reasons diverse. They include: entering to supplement income from another job; securing the best income available at the time (i.e., sex work was the optimal choice among the options available); and as a way to earn an income without participating in the minimum-wage service sector (Walby 2012; Jeffrey & MacDonald 2006, 2007).
- Sex workers also made reference to the preferable working conditions sex work offered:
    - The lack of employer rules; the greater flexibility in work hours; the increased independence as workers, and the opportunity it provided to maximize their control over the pace and price of labour (Walby 2012; Jeffrey & MacDonald 2006, 2007).

Age of Entry: Contrary to some research—and most media information—age of entry is not between 13 & 14 as it commonly reported. In Victoria the median age was 18 for women and 19 for men (Benoit & Millar 2001). In the Maritimes it is described as being in the 'late teens' (Jeffrey & MacDonald 2006). In my own research with street-based workers it ranged between 16 and 18 (Shaver 2005).

Current research also makes references to interesting outliers:

Phyllis who began at 55 years of age (Delacoste & Alexander 1987)

Donald (an internet-escort from New York) at 46 years (Walby 2012)



Who is involved? The social characteristics of clients

Traditionally, clients have been ignored as an 'object' of study but in recent years this has begun to change. So, there are some things that we do know:

- **Clients outnumber workers**: As in any commercial relationship, the clients far outnumber the workers and a sizeable number of men have purchased sexual services:15-18% of American men say they have paid for sex at some time in their lives (US *General Social Survey* reports in 8 polls from 1991-2006). Similar figures are reported for Australia (15%) and Europe (15%) (Weitzer 2009:224).

The one Canadian study providing similar information reports that 4% of male respondents admitted to having paid for sex one or more times (Atchison et al. 1998:183).

Clients vary demographically & differences tend to parallel differences in the general male population. Information in your readings indicates the following:

Age range: 16-68 years (Lowman & Atchison 2006:Table 1)

Mean age: between 25-26 years depending upon the study (Lowman & Atchison 2006)

Relationship Status:

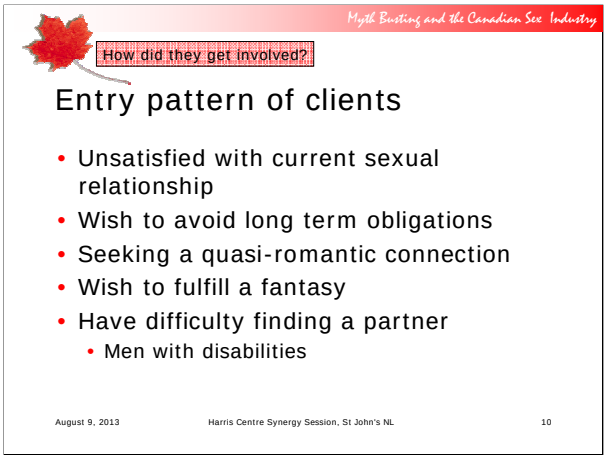
43% – 65% Married/Cohabiting (depending on the study) (Lowman & Atchison 2006)

- **Social Class**:

Mostly lower socio-economic status (Lowman & Atchison 2006)

Data are misleading: However, we need to be very cautious when interpreting the data regarding clients' social class. Lowman and Atchison—who have done most of the research on clients in Canada—argue that this perception is based on a sample of arrested clients. And—as he has shown—there is a bias in the arrest patterns of clients: 92% of the men charged with communicating came from the generally lower class east side of Vancouver and only 8% from the wealthier parts of the city, even though sex worker strolls are found in both areas (Lowman 1990:69-72).

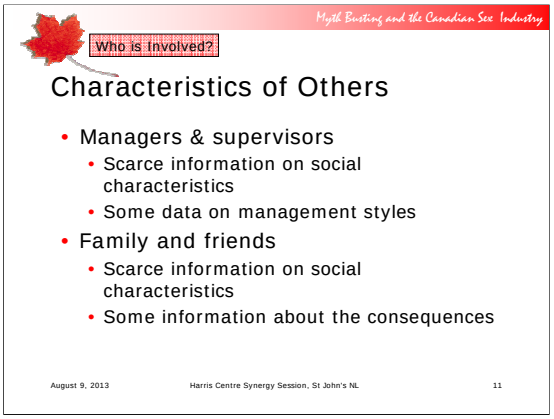
- **Violence? :** Clients violence is **not** a given: most clients do not fit the stereotype of the violent misogynist (Weitzer 2009: 224)



How did they get involved? Entry patterns / Motivations of clients

The motivations for buying sex are equally diverse:

- Some clients are unsatisfied with the sexual dimension in their current relationship; others wish to avoid the long term 'obligations' in conventional relationships; still others seek a limited, quasi-romantic connection—referred to these days as the girlfriend experience (GFE). Some are looking to fulfill a fantasy with a person of a certain image or physical appearance who will engage in desired activities (such as heterosexual men experimenting with gay or transgender individuals).
- A sub-group of clients have difficulty finding a partner for a conventional relationship (Weitzer 2009:224 and Milrod & Weitzer 2012:2). This is often the case for men with disabilities.



Who is involved? The social characteristics of others

- **Managers & supervisors (including 'pimps'):**

Information on the social characteristics of 3rd party stakeholders is scarce (Weitzer 2009). Some information is available about the different management styles based on the reports of sex workers. For, example, some provide training, some don't. Some maintain a lot of control over their workers, others very little control (Lewis et al. 2005). But, as yet, there is nothing much in the literature to help us determine whether or not these management patterns vary by the social characteristics of the managers/supervisors. However, I know of two studies that are in progress: the findings from one will soon be published; the other study is at the data collection stage.

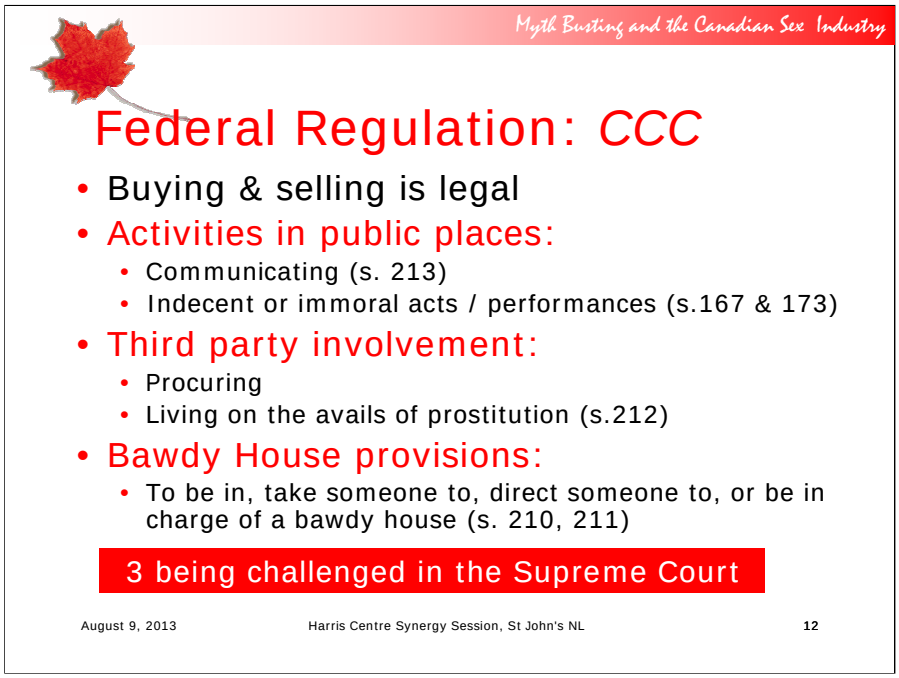
- **Family & friends:**

Although there are no studies of which I am aware, it is important to recognize that the colleagues, friends, and families of sex workers are indirectly involved in the industry. There is some information about the consequences for them. For example:

• The criminal courts frequently interfere with basic freedoms by imposing bail or sentencing conditions that prohibit sex workers from interacting with friends and colleagues in the business

• *Long-term* economic security is jeopardized through 'proceeds of crime' legislation. It hinders sex workers' capacity to save or invest for the future and the future of their families

• The designation of prostitution activities as criminal places sex workers at serious risk of losing custody of their children—a fear that many sex-working women struggle with daily (Kara Gilles 2005).



Canada is an example of criminal toleration.

It is **legal** to buy and sell sexual services in Canada. However, there are **three areas** related to sex work that do appear in the *Criminal Code.* These prohibit :

• Communication in a public place for the purpose of buying or selling sexual services (s.213). This includes *approaching or attempting to approach* someone for the purpose of prostitution & *Indecent or immoral acts/performances* (s.167 & 173)

• Third party involvement such as procuring and living on the avails of prostitution (s.212) and

• What Canadian law refers to as the bawdy houses provisions. These make in-call work and sexual contact in strip clubs or massage parlours illegal (s.210, 211).

[Zoom] Three of these laws are currently being challenged in the Supreme Court of Canada: communication, the bawdy house provisions,& living on the avails.

[*Note:* A Bawdy House means more than a brothel. It is any place that someone keeps or occupies for the purpose of prostitution or for the “practice of acts of indecency”.]

[*Note:* Third Party involvement includes: owners and managers of brothels and escort agencies as well as anyone referring a client to a sex worker or who encourages someone to engage in prostitution.]



Provincial & Municipal Laws

In addition to the federal legislation there are provincial and municipal statutes that can apply to adults selling sexual services including legislation dealing with vehicular traffic, jaywalking, zoning, and licensing of businesses and occupations.

•Traffic laws (one-way streets)

•Pedestrian traffic (interfering w/ cars)

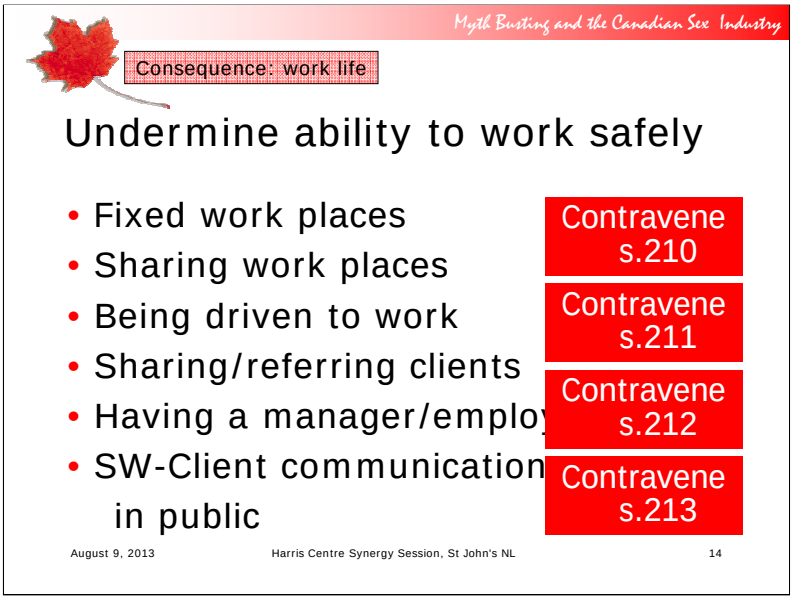
Traffic bylaws, for example, have a direct impact on street-based workers through laws that control vehicular traffic (by establishing one-way streets) and pedestrian traffic (by prohibiting pedestrians from interfering with vehicular traffic).

•Zoning bylaws (location of clubs) Zoning bylaws control the location of massage parlors, strip clubs, and escort agencies.

•Licensing bylaws (escort agencies) A growing number of Canadian cities are using licensing bylaws to regulate both the businesses and/or workers involved in escorting, exotic massage/body rub, and exotic dancing.

•Crime Victim's Compensation Provincial Crime Victim's Compensation legislation can also apply to PWSI if they are victims of a crime such as assault, sexual assault, robbery and violence.

[Zoom] In combination these Federal, Provincial, & Municipal laws have serious negative consequences on the work and personal lives of PWSI.



(A) Current Criminal Laws undermine the ability to work safely/securely :

• Actions taken to enhance security often contravene the law (4 examples):

• Fixed work locations / sharing work locations is a safer way to work

•but both contravene s.210 of the *Criminal Code* (bawdy house)

• Being driven to work contravenes s.211

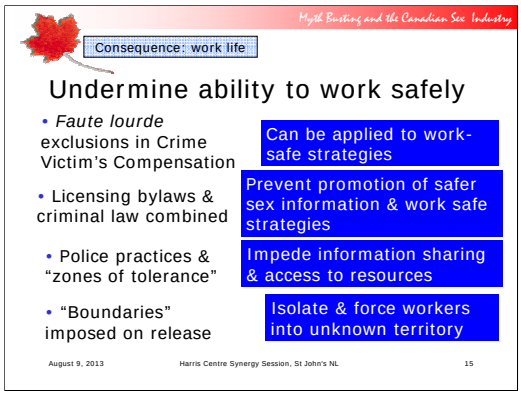
• Sharing/Referring clients enhances security as does having a manager or employer

•but both contravene s.212 (procuring)

• Sex worker-client communication enhances security but if conducted in public

•it contravenes s.213 (Communicating)

See Lewis et al. *Health, Security, & Sex Work Policy.* May 2, 2005 for detailed examples. See also STAR 2005 *Safety, Security and the Well-being of Sex Workers*. Full Policy report submitted to the House of Commons Subcommittee on Solicitation Laws (June). Both are available at www.uwindsor.ca/star



(B) Provincial & Municipal Legislation & Practices also undermine the ability to work safely/securely :

The measures that sex workers take to enhance their security also conflict with other policies.

(1) In Quebec and Ontario, and similarly in most other provinces, crime victim's legislation provides for state funded benefits to victims of certain crimes such as those involving assault or violence.

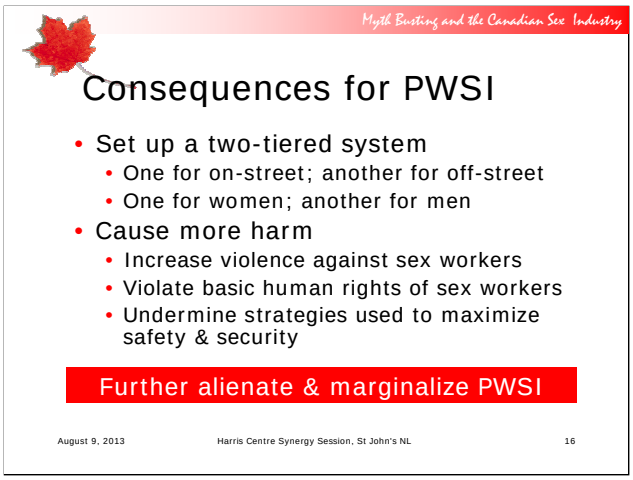
- The law, however, excludes from coverage those victims who have committed a *faute lourde* (i.e., an act that contributed to their injuries or an act that indicates they were aware of the danger and could have prevented it but did not).
- In some cases this exclusionary clause has been applied to sex workers because the actions they take to maximize security are taken to indicate awareness that their work is inherently dangerous, constituting a *faute lourde*. For example, checking for exits, calling a friend, checking the placement of car door locks, having a friend take down the licence number. We note that exceptions have been made depending on the circumstances of each case. However, these have most often been in the case of exotic dancers rather than other forms of sex work. (In Quebec, for example, appeal decisions acknowledge that dancing involves a risk of violence, but it is deemed to be unpredictable, unlike the violence involved in street prostitution (cf. Lippel et al. 2002)).

(2) Licensing bylaws in combination with criminal law regarding procuring (s.212) inhibit agency promotion of safer sex information & work safe strategies.

(3) Information sharing among sex workers is a form of solidarity that empowers sex workers, increases their access to resources, and helps them identify situations of enhanced security or insecurity. When police practices and zoning policies make it difficult for sex workers to communicate with each other, they undermine workers' abilities to exchange information. Several examples were evident in our research:

- When the local establishments where sex workers meet or take a break become the focus of police attention, sex worker communication is affected.
- When municipalities and local police locate zones of tolerance (areas where it is felt that commercial sex activity will not disturb residents or businesses) far from amenities such as transportation, restaurants, public telephones, and other facilities, opportunities for information sharing are jeopardized as well as the security and comfort of the working environment.

(4) When judges or police impose "boundaries" on workers' release—or as part of bail or sentencing conditions—that prohibit sex workers from working in the area in which they were charged or arrested, sex workers are forced into new neighbourhoods, isolating them from friends and colleagues, regular clients (who maximize both physical and economic security) and familiar services and facilities that provide opportunities for information sharing and enhance their security (SSLR 2005; STAR 2005)



Consequences of enforcement patterns.

•Set up a two-tiered system (Lowman 1998; FPT 1998)

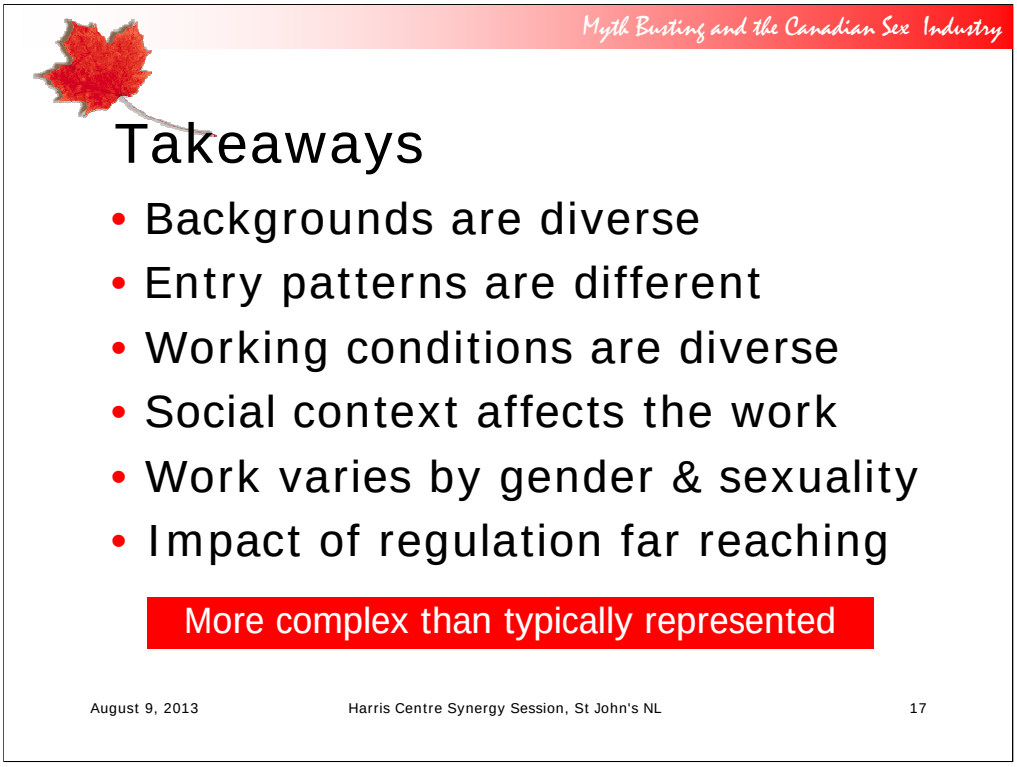
- •One for street-based prostitution and another for in-door prostitution
- •One for women and another for men

•Cause more harm

- •Increase violence against sex workers: studies report on the increase in violence against street-based workers following the implementation of the communicating section s.213 (Lowman & Fraser 1996).
- •Violate basic human rights of sex workers (Pivot 2004):
  - •Freedom of expression, right to life, liberty & security of the person; & right to equality not provided to SWs under the current laws
- •Undermine strategies sex workers use to maximize their safety & security (STAR 2006):
  - •Street-based: work in isolated areas to avoid police but more risk from aggressors; police attention often jeopardizes client screening; SWs use restaurants for shelter, rest and to share information &when these the focus of police attention, the working environment less secure.
  - •In-call: safest (the workers know their own space) but currently illegal; working with colleagues increases security but sharing premises opens individuals to procuring charges etc.
  - •Out-call: legal but difficult to assess safety; measures used (checking for exits) undermine rights to victim compensation if assaulted.

•[Zoom] These consequences further alienate & marginalize sex workers.

Note: These « cause more harm » examples are an essential part of the evidence presented by sex workers who are arguing that *Criminal Code* provisions prohibiting bawdy houses, communication in public places for the purposes of prostitution, and living on the avails violate the *Charter of Rights and Freedoms*.

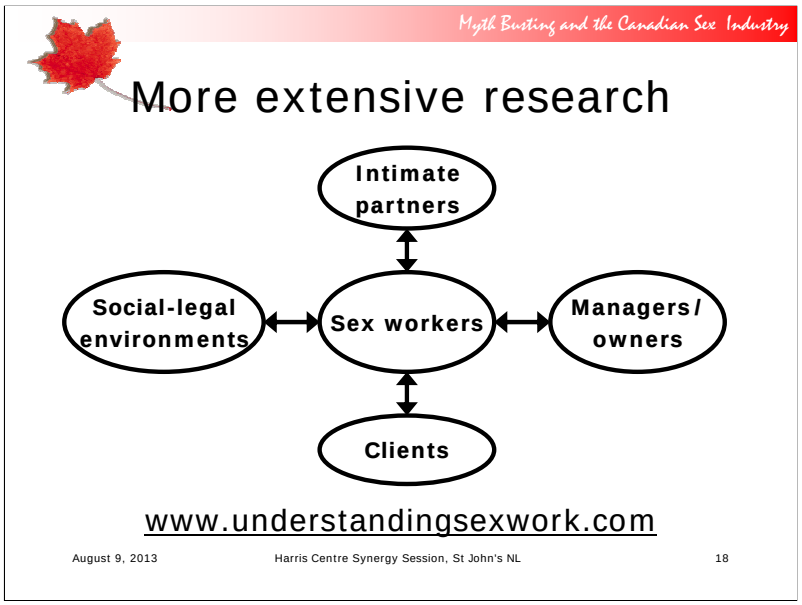


Takeaways:

Backgrounds are diverse
Entry patterns are different
Working conditions are diverse
Social context affects the work
Work varies by gender & sexuality
Impact of the regulation (criminalization) of the sex industry is far reaching

- [Zoom] Sex work is much more complex than typically represented

So, where do we go from here?



So where do we go from here?

More extensive research is needed

Our study (have flyers available) is taking a 360 degree examination of the sex industry in six cities across Canada: Victoria, Fort McMurray, Calgary, Kitchener-Waterloo, Montreal & St John's.

It involves a systematic investigation of the sex industry beginning with the sex workers but also examining the behaviours of intimate partners, managers & owners of sex businesses, clients, and the work of police, regulatory agencies and service providers as social as social determinants of sex workers' safety, health and well-being.

Our research program draws together a multi-sectoral team of knowledge users, collaborators, scholars and trainees, many who have worked for over two decades to raise public awareness about these issues.

The team will work collaboratively to:

- identify key factors linked to violence and vulnerabilities in the Canadian sex industry at systems, social, and individual levels;
- estimate the impact of gender on violence-related links between sex workers, clients, romantic partners, supervisors and regulators;
- ensure that useful knowledge generated by the research program informs policies and practices aimed at improving the safety and health of sex workers and those they relate to at work and in their personal lives.

You can learn more about our research at: www.understandingsexwork.com



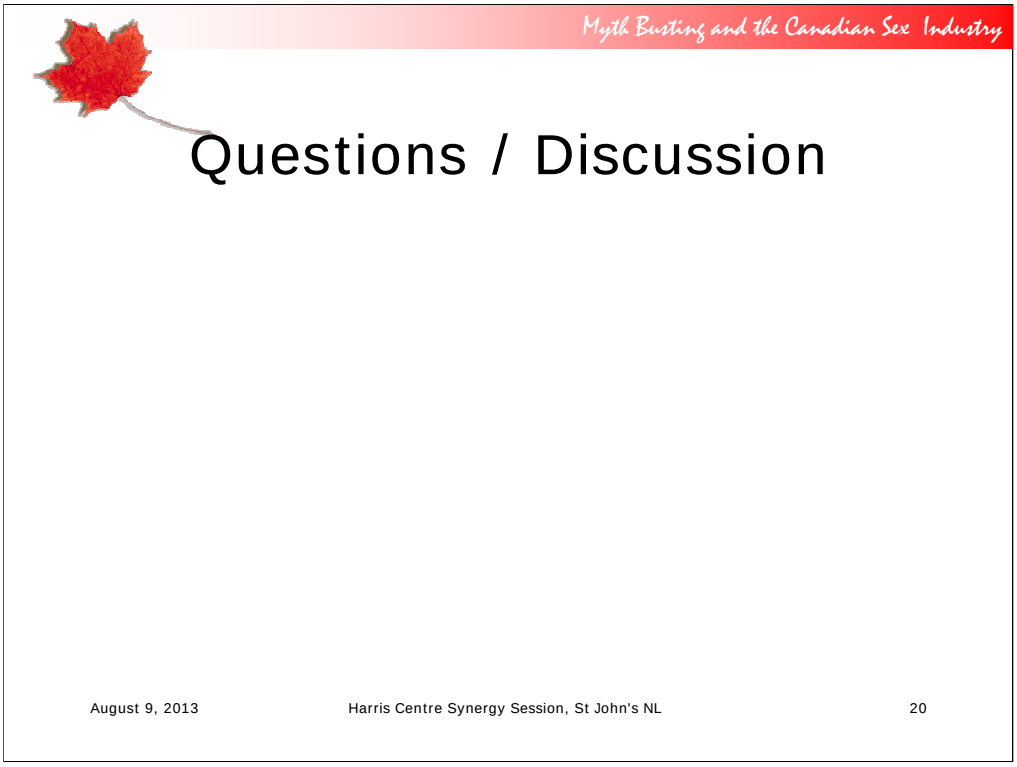
So where do we go from here? What else can we do?

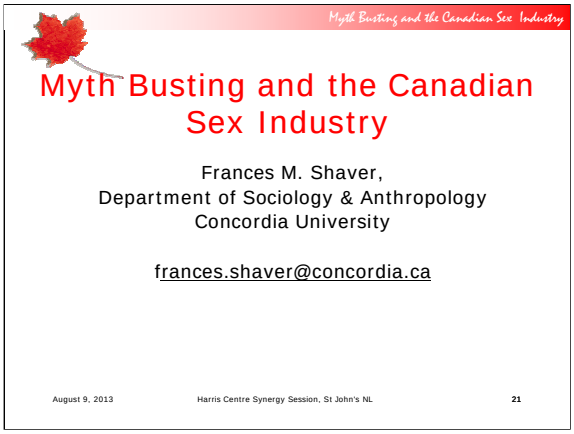
We must integrate both social and legal reform if we are to address the concerns of all stakeholders and ensure the viability of key social programs.

Guiding principles for doing this must ensure that:

- Sex workers receive the protection, respect, and opportunity to fully exercise their rights under the law afforded to all Canadians;
- All stakeholders in the community (sex workers, sex worker allies, community service organizations, residents) are consulted in formulating legal and policy changes that affect PWSI;
- All sectors of the sex industry (not just street-based work) are considered in formulating changes in law and policy;
- Legal, social, and economic reforms at all levels of government are gender-neutral and attentive to socio-economic differences;
- Systems are developed to facilitate the drafting of municipal, provincial, and federal legislation to ensure they operate in a complementary rather than contradictory manner.

[Zoom] In short, we need to genuinely engage with processes of local public consultation that involve *all* the stakeholders in the community.


Myth Busting and the Canadian Sex Industry
Questions / Discussion
August 9, 2013
Harris Centre Synergy Session, St John's NL
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References Cited

- Benoit, C. & Alison Millar (2001) Entry into the Sex Trade. Part IV (pp. 35-38) in *Working Conditions, Health Status, and Exiting Experiences of Sex Workers.* Prostitutes Empowerment, Education and Resource Society (PEERS).
- Bindman, Jo and Jo Doesema (1997) *Redefining Prostitution as Sex Work on the International Agenda* (online; retrieved September 25, 2012) Network of Sex Work Projects http://www.nswp.org/
- Ditmore, Melissa Hope (2006) *Encyclopedia of Prostitution and Sex Work* Volume 1. Greenwood Press. (retrieved September 25, 2012) http://books.google.ca/books?id=SKBvqXL0jTQC&q=sex+work+definition#v=snippet&q=sex%20work%20definition&f=false
- Gilles, Kara (2005) A section from STAR's presentation to the SSLR Subcommittee May 2, 2005 (the notes pages from slides 16-18).
- Jeffrey, L.A. & G. MacDonald (2006) *Sex Workers in the Maritimes Talk Back*. UBC Press.
- Jeffrey, L.A. & G. MacDonald (2007) "It's the Money, Honey:" The Economy of Sex Work in the Maritimes. *The Canadian Review of Sociology and Anthropology* 43(3):313-328.
- Leigh, Carol (1997) Inventing Sex Work. In Jill Nagle (ed) *Whores and Other Feminists*. New York: Routledge.
- Lewis et al. (2005a) Managing Risk and Safety on the Job: The Experiences of Canadian Sex Workers. *Journal of Psychology and Human Sexuality* 17(1/2): 147-167.
- Lewis et al. (2005b) *Health, Security, & Sex Work Policy.* Presentation to the SSLR Subcommittee (May 2, 2005). Available at www.uwindsor.ca/star
- Lippel, K. & Valois, G. with Shaver, F. M. (2002) *The sex trade environment part II: Access to compensation for workers in the sex industry who are victims of crime*. Final Report submitted to the National Network on Environments and Women's Health.
- Lowman, John (1990) Notions of Formal Equality. *The Journal of Human Justice* 1(2):55-76.
- Lowman, J. & L. Fraser (1996) *Violence against persons who prostitute: The experience in British Columbia. Technical Report No.TR1996-14E*. Ottawa, ON: Department of Justice Canada.
- Lowman, John & Chris Atchison (2006) Men who Buy Sex: A Survey in the Greater Vancouver Regional District. *The Canadian Review of Sociology and Anthropology* 43(3):281-296.
- Milrod, Christine & Ronald Weitzer (2012) The Intimacy Prism: Emotion Management among the Clients of Escorts. *Men and Masculinities* 00 (0).
- Shaver, F.M. (1993) Prostitution: A Critical Analysis of Three Policy Approaches. In R.P. Sanders and C.N. Mitchell (eds) *An Introduction to Criminal Law in Context.* Carswell. (Reprinted from *Canadian Public Policy* XI(3):493-503, 1985).
- Shaver, F.M. (2005) "Sex Work Policy: an integrated approach." Invited presentation to the House of Commons Subcommittee on Solicitation Laws (SSLR), Ottawa (Feb 7).
- Shaver, F.M. (2005) Sex Work Research: Methodological and Ethical Challenges. *The Journal of Interpersonal Violence*. Vol 20 (3): 296-319.
- Shaver, F.M. & M.S. Weinberg (2002) "Gendered Sex Work: a Comparison of High Track Strolls in Montreal, Toronto, and San Francisco." Presented at the Annual Meeting of The Society for the Scientific Study of Sexuality, Montreal (November).
- STAR (2005) *Safety, Security and the Well-being of Sex Workers*. Full Policy report submitted to the House of Commons Subcommittee on Solicitation Laws (June). Available at www.uwindsor.ca/star
- Walby, Kevin (2012) What Male-for-Male Internet Escorts Say about What They Do. Chapter 6 (pp.81-99) in *Touching Encounters: Sex, Work & Male-for-Male Internet Escorting*. The University of Chicago Press.
- Weinberg, M. S., Shaver, F. M., et. al. (1999) Gendered Sex Work in the San Francisco Tenderloin. *Archives of Sexual Behavior* 28(6): 503-521.
- Weitzer, Ronald (2009) Sociology of Sex Work. *American Review of Sociology* 35:213-234.