

Forsaking Vulnerable Sex Work

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Anna Carline, [*Of Frames, Cons and Affects: Constructing and Responding to Prostitution and Trafficking for Sexual Exploitation*](#), 20 *Feminist Legal Stud.* 183 (2012).

Most of us never have to be concerned about being forsaken. We have permanent homes, we have family doctors, we have jobs... But imagine you have none of these things. You don't know where you are going to sleep tonight. You do not have access to regular health care. You have no employer... You are consumed by fears about your physical safety. You are afraid to contact the police. In these circumstances, you are largely on your own, easily forsaken.¹

It is difficult to imagine a more intentional account of vulnerability than the above passage introducing British Columbia's recently released *Report of the Missing Women Commission of Inquiry* into the disappearance and murder of more than sixty Vancouver women – most of whom had been involved in the city's Downtown Eastside sex trade. It is also difficult to imagine an opening sentence that more explicitly constitutes a “vulnerable other” subject position.

What does it mean to be a vulnerable person and what are the political and legal implications of framing a particular subject position as vulnerable? These are the central questions posed by the contributors to a recent special volume of *Feminist Legal Studies* – *Sex Work and The Regulation of Vulnerability(ies)*. The aim of this collection is to examine how discourses of women's sexual vulnerability are invoked in order to advance specific political agendas. The volume as a whole engages thoughtfully with existing work attempting to theorize human vulnerability. One theme recurrent throughout a number of the pieces is the lack of critical examination in much of the previous vulnerability scholarship on the ways in which legal and political actors have deployed the concept in service of agendas that ultimately result in a differential distribution of life's precarity.

Anna Carline's piece, *Of Frames, Cons and Affects: Constructing and Responding to Prostitution and Trafficking for Sexual Exploitation*, was of particular interest to me. Carline's contribution interrogates the invocation of the vulnerable subject as a justification for state intervention with respect to sex work. She draws upon Judith Butler's recent work theorizing life's precarity in order to examine the race, class, and gender based differences in the distribution of vulnerability perpetuated by the Policing and Crime Act 2009 in England and Wales. Carline uses Butler's framework to highlight how official discourses surrounding the adoption of this legislation framed the State as concerned with recognizing and protecting the vulnerable sex worker. This is a strategy that, according to Carline, ultimately resulted in reforms reflective of a law-and-order/morality approach to the sale of sex rather than a victim-centered approach.

Borrowing from Butler's assertion that the framing of issues is itself an operation of power that guides the interpretation of facts in ways that produce particular affective responses and political outcomes, Carline argues that “the vulnerability of those engaged in prostitution ... was framed by official discourses in a manner that avoided the complexities of their ‘life-worlds.’” (P. 209.) She suggests this was done deliberately, in an effort to support increased criminalization and stricter immigration policies – an outcome that belies the official state discourse of care for the vulnerable other. Carline demonstrates how the New Labour Government relied on the notion of vulnerability to justify revisions to sex work laws in England and Wales that are conservative, class based, racist, and antithetical to policies aimed at resolving the increased precarity (due to factors such as unequal distribution of wealth) faced by those involved in prostitution.

Carline's piece is useful for its clear illustration of the discursive operation of power during the lawmaking process, and its call to develop an ethical responsibility to recognize and address the social, economic, and political factors that heighten the vulnerability of those constructed as "others." But her contribution offers more. It, along with other contributions to this collection, offers a cautionary tale about uncritical reliance on concepts of vulnerability. Carline accepts as a starting position that there is a relationship between the occurrence of prostitution and poverty and other untenable conditions of life. Her interrogation of state reliance on the concept of vulnerability is not a rejection of the reality of vulnerability for some sex workers. Indeed, she accepts and relies upon the broader proposition (endorsed also by Butler) that we are all fundamentally vulnerable but that certain lives have been constructed as grievable and in need of protection while others have been forsaken. Carline's piece is a call to approach the concept of vulnerability cautiously and critically, while remaining attuned to the ethical responsibility to improve the "social, political and economic networks of support which are essential to supporting and maintaining life." (P. 208) She raises issues that should be of great concern to academics, law reformers and sex worker advocates in jurisdictions, like Canada, where governments have responded to constitutional challenges to the laws criminalizing the exchange of sex for money with arguments about their interest in protecting vulnerable women.

1. "[Foresaken](#)": [Report of the Missing Women Commission of Inquiry](#), British Columbia Ministry of Justice, November 19, 2012. [2]

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