

PROSTITUTION POLICY AND THE FUNCTION OF SILENCE:
THE COMMUNICATIVE CONSTITUTION OF A
CLANDESTINE (UN)ORGANIZATION

by

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STATEMENT OF DISSERTATION APPROVAL

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ABSTRACT

While often hailed as the world's oldest profession, prostitution is most commonly considered an illegal activity. As such, prostitution operates as a hidden organization relying on covert organizing processes in order to function. However, this reality begs the question of how hidden organizations operate and (re)produce. Through feminist poststructuralism and communication as constitutive to organizing, the research questions in this study ask how discourse(s) communicatively constitute prostitution and with what unintended consequences. Using local prostitution policies and in-depth interviews, data analysis revealed that policy-as-written and policy-as-practice are disparate in the communicative construction of organizing prostitution. Moreover, discourse is examined through both talk and silence. As a result systematic and pervasive silence(s) organized networks of prostitution in new ways. In the end, prostitution is highlighted as an organized network or rather an (un)organization.

In honor and respect for all of the sex workers in the world. Your strength and stories encourage me to raise awareness about the complex nuances of the world in which you live. A deep level of humbles and emphatic gratitude toward all who shared their narratives and perspectives with me.

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CHAPTER 1

INTRODUCTION

Prostitution yields about a billion dollars a year in revenue (Sanders, O’Neil, & Pitcher, 2009). Brents and Hausbeck (2007) acknowledged that “selling sex is [a global] business,” affecting millions of people. In the past few decades, feminist scholars have been increasingly vocal about sex for sale as a consequence of patriarchy and capitalism (e.g., Farley, Bindel, & Golding, 2009; Hughes, 2001). However, communication scholars have not been as prominent in these discussions. This is an interesting omission, considering that communication scholars, specifically those with an appreciation for the importance of discourse, are ideally situated to explore the organizing of prostitution, and more specifically prostitution policy. Consequently, communication scholars can begin to understand prostitution in a nuanced way by examining discursive strategies that produce and (re)produce organizing of prostitution.

As communication scholars we can move past questions of, “To what extent does prostitution exist?” and onto more productive questions asking, “How does the language that one chooses, in both discussion and governance, (re)produce the larger systems in action for people working within prostitution?” Specifically, the following communication scholars have examined the framing and discursive representation of women in the sex industry in ways that construct sexual agency in different ways. Dunn (2012) examined sex work through the HBO reality television series *Cathouse*. Her

rhetorical analysis revealed that women working in the legal brothel were both empowered and economically successful through their occupational choice. Murphy (2003) conducted an ethnographic study on the performances of women who strip. This author articulated the struggle that women who dance face in balancing both their personal and professional personae as they are asked to bear all in both intimate and larger organizational settings. Most influential to this study was Murphy's negotiation of researcher position both through discourse and embodiment in relation to the erotic dancer, which will be detailed in the Methods chapter. Last, McLaughlin (1991) examined mediated representations of prostitutes and explained that sex sellers are always positioned as subordinate to sex buyers. While studies about prostitution are limited they illuminate not only a justification for further research but also a need to pay careful attention to the discursive construction of sex workers.

Appropriately, because prostitution is a lucrative, pervasive, yet hidden organization, examining how the organization is talked about will help to better understand the nature of the clandestine organization (Scott, 2013). Using a feminist poststructuralist lens, this study examines how prostitution is communicatively constructed as organized by people who work with and are affected by prostitution policy. This theoretical lens brings to the forefront discursive practices and the material realities of the practiced discourse. Examining interview data and policy texts with a poststructuralist feminist lens highlights the constitutive power of discourse in creating, maintaining, and solidifying organizational phenomena. Even more, a feminist poststructural lens illuminates power struggles and organizational patterns. Discourses

within organizations, and about organizations, can highlight organizational micropractices, and these can be inherently gendered (Ashcraft, 1998).

Prostitution does not operate in what is traditionally conceptualized as a formal organization; however, it very much is an organized entity. Defining an organization as a verb and not a noun (Weick, 1979) parallels with the theoretical standpoint of communication as constitutive of organizing (CCO). CCO utilizes the organizing power of discourse as defined by poststructural thought and materializes the theoretical contributions for organizational communication. Putnam, Nicotera, and McPhee (2009) noted, “Communicative constitution presumably embodies the material (composition or elements), the formal (framing or forming), and the efficient causes (principles or rules for governing) that bring organizations into existence” (p. 4). In brief, communication is recognized as the constitutive component that both produces and (re)produces organizations and organizing. More importantly, material elements, such as policy texts, are discursively constructed as distancing mechanisms, spanning time and space while influencing organizational processes (Canary, 2010b; Cooren & Fairhurst, 2009). Therefore, communication scholars can utilize policy texts in order to help organize and make sense of organizing processes. Collectively, policy texts and human agents create the discursive structures around and within organizations. Thus, discourse is an analytical focus for understanding organizational processes, even those such as prostitution, which are considered hidden (Scott, 2013; Stohl & Stohl, 2011).

Prostitution is mostly a covert operation, functioning out of sight and with specific discursive structures, all in an attempt for the participants to stay lucrative but not criminalized. Important to note, is this study examines the organizing of prostitution

where it is considered an illegal activity. As such, I borrow from Stohl and Stohl (2011) who refer to this type of organization as a clandestine organization. They explained, “Clandestine organizations embody secret agency and intriguing possibilities for understanding the ways in which social actors communicatively constitute organizations” (p. 1197). Taking the role of secret agency one step further, what is the role of silence? That is, to what extent is silence working to organize the sex industry and perpetuate secret agency? To this end, local prostitution policy and discourse regarding the implementation of the current policy becomes the vehicle for illuminating the communicative constitution of prostitution as an organization.

Using a feminist poststructural lens also highlights ways in which this organizing is gendered and the role that silence plays in that gendered organizing. Through examining the social issue of prostitution policy, this study derives both theoretical and practical implications. In the following chapter, I illustrate the theoretical perspective of feminist poststructuralism. This theory provides explanatory power in examining the consequences of gender and discourse and more specifically the implications to gendering organizational practices. Next, I examine gendered organizational discourse as inherent in the communicative constitution of organizing. Then, I provide an example of the organizing properties of gendered discourse within prostitution, highlighting both the theoretical and applied contributions of silence. Finally, I introduce a policy framework insofar that the policy process can be examined as it both genders and constitutes an organization.

Chapter 3 presents the methods used to conduct this study. This study involved an in-depth investigation of organizational discourse in order to better understand the

implementation and procedures around the local prostitution policy. Data collection included interviews, examination of local media artifacts, policy texts, and field observations yielding approximately 675 pages of single-spaced text. Chapter 4 presents data analysis results concerning the first research question. The analysis for this chapter examines the discrepancies of the communicative constitution of prostitution between the policy-as-written and policy-as-practice (Kirby & Krone, 2002). Importantly, the organizing is more complex and nuanced in practice than in text. Chapter 5 answers the second research question that illustrates the connection between gendered organizational processes and silence. In this study, talk and silence are equally important to examining elements of discourse. Perhaps more descriptive is the element of silence that systematically patterns organizational processes and understandings. Finally, Chapter 6 provides the theoretical and practical contributions in accordance with data analysis from the former chapters. In addition, I provide practical applications for communication scholars, limitations of this study, and future research lines derived from the analysis.

CHAPTER 2

LITERATURE REVIEW

Feminist Poststructuralism

Foundational concerns for most feminist scholars include gender equality, gender performance, and the representation of gender (Weedon, 1997; Wood, 2013). Feminism is a politics “directed at changing existing power relations between women and men in society” (Weedon, 1997, p. 1). While there are many variations of feminist thought (e.g., liberal, cultural, radical, separatist, power) the core focus is on hierarchical organization of genders. Weedon (1997) noted, “In patriarchal discourse, the nature and social role of women are defined in relation to a norm which is male” (p. 2). Thus, the Women’s Liberation Movement asked how “woman” has been defined and in correlation to various performances of femininity (hooks, 2000; Weedon, 1997). In more recent articulations of feminist theory and scholarship, concerns have expanded to gender in general, both masculine and feminine (Weedon, 1997). This was because, “we need[ed] a theory which can explain how and why people oppress each other...which can account for the relationship between the individual and the social” (p. 3). In other words, gender, while an individual performance and concern, is made sense of in connection to the social world. Thus, gender support becomes a concern for humans, and the ways in which we begin to understand gender is through representative discourse(s) within organizational

processes. This approach to gender concerns power and ideology, which connects feminist scholarship to poststructural interests (Ashcraft & Mumby, 2004).

Poststructural thought is a line of thinking that (re)conceptualizes theoretical concerns that challenge the knower, the knowing, reality, and knowledge (Prasad, 2005). The belief is that individuals live fragmented lives, and thus there is no true author of narratives because lived understandings and worlds are always in flux, changing within each new perception. Appropriately, Lenzo (1995) addressed the position of the author and the “crisis of representation” that labels the feeling of how to talk about knowledge or ideas if everything is being drawn into question. Foucault (1994) contended that knowledge and power are linked. Other postmodern scholars confirm that there is no “true” representation because “discourse,” “representations,” and even “organizations” are constantly in motion (Broadfoot, Deetz, & Anderson, 2004). Therefore, knowing is within the confines of a current subjective status. That is, defined subjectivity from the researcher is imperative because the “truth” can only be discerned with regard to the perspective of the author in relation to their “snap shot” in time.

Similarly, Weedon (1997) explained the problematization of “reality” in a poststructural world, clarifying first that poststructural thought recognizes the plurality of language. Language is the way we express our experienced realities. Thus, interpretation of situations, contexts, and moments are at best temporary. Due to this realization, the author within the researching moment must be a reflexive subject in order to offer the most “true” documentation for analysis possible.

Poststructural theory utilizes language, and more broadly discourse, to make sense of the fragments of “truth,” whereas feminist scholarship uses gender as the core

organizing and explanatory social principle. Feminist poststructural scholars, while concerned with gender, engage the concept in nuanced ways, most commonly recognizing one of their larger contributions as being the ability to transform or rename subjectivity through discourse (Weedon, 1997). Thus, feminist poststructural theory does not equate gender with women, rather gender is a construct because of language. In short, the main focus for a feminist poststructural scholar is to examine the connections between language, subjectivity, social organizations, and power within the principle of gender (i.e., discourse to discourses). As Weedon (1997) said

If language is the site where meaningful experience is constructed, then language also determines how we perceive possibilities of change. Language, in this sense, consists of a range of discourses, which offer different versions of the meaning of social relations and their effects on the individual. The way in which we interpret these social relations has important political consequences. (pp. 82–83)

This statement further justifies the need to take care in language choices because language has inherent and direct consequences, especially with regard to organizing.

However, not all theoretical lines of poststructural thought are productive for feminist scholars. In fact, some feminist scholars contend that taking up Foucault's thoughts are both unproductive and detrimental because his research did not even mention the role of women as a part of society (e.g., Macdonnell, 1986). Recognizing this critique, other feminist scholars explain that while this concern is valid, the benefits gained from Foucault's work are more important to explore (e.g., Clair, 1997; Prasad, 2005; Weedon, 1997). For example, in her articulation of the challenges and benefits with feminist scholars using Foucault's theoretical contributions, Martin (1988) noted

The work of asserting and articulating the significance of poststructural thought for feminist inquiries, as well as the importance of feminism for

poststructuralism, must be done by those who are committed to demonstrating rather than assuming harmonies in the two projects. (p. 7)

To this extent, I acknowledge the disconnection between the two schools of thought, but also recognize a more productive relationship they have together.

Separately, both poststructuralism and feminism disregard grand narratives as an overarching standpoint because of the suppression of minority or disagreeing voices. Both theoretical frames make space for the “other” voice and encourage the analysis of all perspectives as they are fragments of the larger narrative that is always in the background. In addition, both poststructuralism and feminism are committed to the analysis and problematizing of language. Poststructuralists contend that language, or discourse, relates to institutionalized power and mirrors ideological preferences. In a similar vein, scholars such as Spender (1980) posit that language is “man-made” or from a patriarchal perspective, in such that using language reaffirms the current power structure. In all, the theoretical foundations upon which poststructuralism and feminism lie are more productive together. Bristor and Fischer (1993) noted, “Poststructural feminism draws on the notions of language, subjectivity and discourse to understand existing power relations that disadvantage women and to identify opportunities and strategies for change” (p. 522).

Specifically, Foucault’s poststructural conception of power is paired in this study with feminism as a productive approach to foregrounding discourse in the exploration of gender. For this reason, Diamond and Quinby (1988) suggested there are four important points of convergence of feminism and poststructuralism as represented in Foucault’s writings: (1) both identify the body as a site of power, (2) both point to the local and intimate operations of power rather than focusing exclusively on the supreme power of

the state, (3) both bring to fore the crucial role of discourse in its capacity to produce and sustain hegemonic power and emphasize the challenges contained within marginalized and/or unrecognized discourses, and (4) both criticize the ways in which Western humanism has privileged the experience of the Western masculine elite as it proclaims universals about truth, freedom, and human nature (p. x). To summarize, feminism and Foucault's poststructural conceptions appear most productive when merged in order to explore issues of gender in a fragmented world.

Defining Discourse

Poststructuralism, inspired by the postmodern move to challenge enlightenment and modernity, is credited with employing notions of language and discourse that challenge the current power structures and institutional pillars within contemporary society (Lemert, 1997; Prasad, 2005). For poststructuralists, discourse has a specific meaning. Poststructuralism does not utilize the common differentiation between "D"iscourse and "d"iscourse. "D"iscourse refers to social, cultural or ideological processes (Mills, 2004), in other words macrodiscourse. Typically, "d"iscourse refers to face-to-face interactions and language use (i.e., microdiscourse). Poststructuralists regard both considerations of "D"/"d"iscourses as important; however, they recognize that both processes inform one another. In other words, for poststructuralists discourses are languages, texts, and artifacts that help inform or explain cultural and institutional forces. Language patterns that reflect power structures and practices that are produced and (re)produced through discourse are referred to as discursive structures (Foucault, 1994). To this extent, discourses may be looked at separately as they are always becoming and

informing each other as analytical foci, but one can also separate the components of discourse in order to make sense of them within the larger discursive structure.

Discourses and discursive frameworks. Importantly, Foucault uses a specific set of labels, working at different discursive levels in order to explain the material production of language. Discourse, discourses (i.e., discursive frameworks), and discursive structures are used as a way of explaining organizational qualities and structuring of patterns and groupings of utterances. For poststructuralists, the microlevel discourse “is the set of rules and procedures for the production of particular discourses” (Mills, 2004, p. 55). Discourse then is understood as the individual utterances and material elements that subsequently inform the larger discourses, or discursive frameworks. For example, within prostitution labeling a sex seller as either a victim or a prostitute informs a discursive understanding about who the person is and how they got into that situation. For this reason, discourse is an explanatory focus of discursive frameworks (or discourses) because they can be used to more broadly explain the norms around why discourse is used in a certain way within institutions and then positively (re)produced.

Moreover, discourses (or discursive frameworks) are a “highly regulated groupings of utterances or statements with internal rules which are specific to discourse” (Mills, 2004, p. 43). This level of discursive understanding is informed by discourse; however, discourses at this level can be in conflict with one another. For instance, within prostitution, sex workers can discursively construct their experiences very differently (i.e., sex broker as a situation of relationship or source of abuse). But more prevalent is the distinction between in-group and out-group members. In other words, the discursive

construction of sex sellers themselves versus those on the outside is traditionally disparate (i.e., “this is my life” versus whoring or prostituting). The final level of interest to this study is that of discursive structures.

Discursive structures. Discourses are informed by larger more ideologically constrained and produced discursive structures. At the macrolevel, discursive structures are “what makes objects and events appear to us to be real, material or significant” and provide insight into the cultural and social assumptions created because of, and in consequence of, discourse (Mills, 2004, p. 46). For example, the discursive structures that are created in consequence of the discourse(s) from the perspectives of religious and sociolegal discourse differ in their material construction of sex sellers and buyers. A discursive level of understanding and jargon inform the larger discursive structure and subsequently organizational processes and treatment of prostitution.

Discourse. To this end, material and discursive realities are created through discursive rules, regulations, and internal mechanisms or micropractices (i.e., discourses). Similarly, people traditionally use discourse that is supported by the discursive structure in order to be productive or accepted within the ideological constraints of the organization. Thus, discourse is integral to poststructural thought and recognized as a structuring principle and social force for knowledge production (Mills, 2004). Foucault (1994) contended that it is through discourse that material power is exercised and in turn how one can come to understand, explain, and communicate power relations (Prasad, 2005). Foucault (1994) explained that discourses are examples of technologies of power. Technologies are tools used for power exchanges and relationships, and in this study, communication as understood via discourse is the representative technology of power.

Discourse embodies social structures and thus becomes a way of understanding the ideological power functions within such structures and institutions (Mills, 2004).

Discourse is a key to better understanding the ideology within an organization. Foucault (1994) explained that discourse (via communicative acts) is informed by rules, structures, and regulations of organizations. Discourse is thus a way to exercise power and solidify the materialization of subjective positions. For instance, in a situation of prostitution a sex broker regulates the production and amount of power afforded to a sex seller.

Likewise, discourse is a structuring principle (Weedon, 1997), and it is through “discourse that material power is exercised and that power relations are established and perpetuated” (Prasad, 2005, p.165). For example, discourses are responsible for prescribing roles and standards for individuals and groups specifically in regard to gendered roles. Particularly, discourses regarding organizational work and family roles all exist because of the larger discursive structures in practice. For instance, the label “housewife” reflects the larger discursive structure that genders such a domain. A major component of discourse in relation to subjectivity is the recognition by feminist poststructuralists that discourse can transform “subjectivity into a fluid phenomenon that can actually be changed” (Prasad, 2005, p. 166). Rather than a stagnant identity, subjectivity is a process that molds to form different identities within certain discursive contexts. In other words, different discourses require or enable different subjectivities in order to negotiate power relations. Within organizational processes, subject positions are highlighted through discursive practices, and power relations become apparent, especially in regard to gendered dynamics.

Therefore, feminist poststructuralist thought is a productive framework to employ for this study because it recognizes experience as important to not only individual worlds but to the overall understanding of how gender is organized within different organizational structures. Although in many ways contradictory with feminist thought, Foucault's principles of power and the subject are inherently useful to feminist scholars because they provide theoretical grounding otherwise lacking in feminist scholarship. Foucault gives status and meaning to discourse, but feminist thought realizes the potential through an exploration of gendered dimensions (Diamond & Quinby, 1998). Potentially most beneficial is the ability that this framework provides to begin to examine the organizing of gender.

Gendered Organizations

The perspective used in this project assumes that organizations are dynamic, gendered spaces (Ashcraft, 2005). This is evidenced though the discourse present both in and around organizational practices. Even more important is the power that discourse has on organizational practice and culture in that people use discourse to make sense of beliefs and systems of value within the organization. The consequence of gender within organized discursive spaces is something that has been taken up by many scholars concerned with the organizing principal of gender (e.g., Ashcraft, 1998; Buzzanell, 1994; Clair, 1993; Trethewey, 1999). Trethewey (1999) argued that gendered discourses are literally written upon "member's bodies in ways that often constrain and sometimes enable women's professional identities" (p. 423). In this sense, organizational discourses materialize and perpetuate gender discrimination and inequalities (Trethewey, 1999).

The gendered construction of organizations has material consequences through organizational practices. In other words, organizations have both formal and informal practices that influence organizational gendered dynamics. Formal practices are communicated in the form of policies about leaves of absence, work schedules, reviews, and organizational structure. Informal practices include mentoring, advising, and information exchange. Both types of organizational practices inform gendered material consequences insofar that gendered roles and expectations become an inherent part of the organizational structure. For example, Ashcraft (1998) commented on a time where her colleagues used her gender to make assumptions about her work practices and asked her to fill in for an absent secretary. Ashcraft highlighted the fact that her position within the company was the same level as male colleagues. However, her boss asserted that guests would rather see her face greet them than a man's. This situation demonstrates the gendered role expectations commonly within organizations, insofar that females traditionally serve support roles, and males serve the production roles. Ashcraft (1998) adamantly noted, "organizations are fundamentally gendered social formation[s], and gender is a constitutive principle of organizing" (p. 594). These discursive moments lend to an understanding of how gender is a factor within an organization.

Representing the level of discourse as previously discussed is the micropractice of discourse within organizational practices (Ashcraft, 1998). Organizational micropractices are "ground-level interaction[s], or the interplay of individual perceptions and choices in the concrete contexts of mundane communication" (Ashcraft, 1998, p. 587). More specifically, discourse (re)enforces the gendered structures in practice. For instance, if the generic "he" is always used for examples, masculine styles of

communication are privileged. The discursive framework assumes a level of knowledge and capability favoring the masculine over the feminine. Thus, feminine practices, or discourses, are silenced within this specific discursive structure in consequence of the present ideological belief in the maintaining of the masculine structure.

The task then is to understand how gendered discourses function in order to produce and (re)produce power. For example, ideological preferences are made apparent through discourse when examining formal organizational practices of policy texts or law implementation. Policies regarding prostitution have traditionally been written in such a way that criminalizes women for selling sex while leaving the role of the men who are buying sex silent and thus privileged through the discourse (Matthews, 2005). To this extent, implementing agencies enact the masculine discursive structure and whether implementers are cognizant of the gendered discourse or not, they are reinforcing a gendered bias. In a study about discourse surrounding airline pilots, Ashcraft (2007) narrated the history of airline terminology and its connection to respected genders. For example, the label “cockpit” created a discursive structure around the notion of who was able to fly an airplane. The discourse within this organization communicated a competence toward a singular gender and discounted the capability of others.

In addition, privileged behaviors within organizations communicate gendered advantage. In a study exploring the performance of masculinity in an intercultural business setting, Hamada (1996) found that American masculinity is upheld as a professional standard in organizational settings. When American men went to Tokyo, they attempted to affirm their masculinity via methods of nontouch, firm handshakes, no small talk, and looking each other in the eyes: all nonverbal behaviors suggesting

confidence and power. When the Japanese men attempted to be more effeminate (i.e., sit closer, have open door policies) the American men rejected these discursive attempts. In situations such as this, discourse then becomes a measure of analysis in order to understand the production and exercising of power with regard to gender.

From a feminist point of view, patriarchy is the overarching organizational structure among life experiences (hooks, 2000). For example, while not naming it as an organizational issue, Friedan (2001) highlighted the discursive trend of women in the 1960s, called, “the problem that has no name.” Friedan noted that women described feelings of depression when talking through their day-to-day routines. Women in these times realized that they had only one occupation, housewife, and only one purpose, PhT (push husband through). And thus, the discourse of the 1960s housewife suggested that the organizational structure and male privilege was failing them.

Thus, the gendered structure of the home became one of patriarchal control and power with direct consequences toward women’s bodies. The 1960s housewife was depressed and embraced an escape that made her feel alive. For instance, women began to seek sex from their husbands because for women living according “to the feminine mystique, there [was] no road to achievement, or status, or identity, except the sexual one...” (Friedan, 2001, p. 266). Her identity of housewife is split as she cannot be both seductress and housewife due to discourses that posit a respectable women is always a housewife and never seductive (Weitzer, 2009).

As a result, discourse reflects and produces the ideological structure of organizations. Additionally, discourse becomes an analytical focus in the examination of gender performances and consequences within organizational structures. Gender, then, is

an inherent component of organizing and worthy of exploration. Consequently, organizations are grounded in action insofar as communication is fundamental to organizing, and multiple processes (e.g., gender, relationships, policy texts) are constitutive of the organization (Fairhurst & Putnam, 2004).

CCO in the Sex Industry

The third theoretical concern is that communication constitutes organizing. Although this is clearly and logically tied to discourse, few scholars have connected gendered organizational discourse with the communicative constitution of organizing (CCO). One way to make this connection is to analyze the policy process as it genders and constructs an organization. People's discourse surrounding policy texts creates an organizing discourse that is gendered, constituting prostitution as an organization.

Organizational communication scholars are theoretically positioned to make contributions to the assertion that organizations are communicatively constituted. This framework relies on Weick's (1979) acknowledgement that an organization, or organizing, is a verb and not a noun, such that human actions maintain organizations through their communicative behaviors. The CCO perspective takes into account the macro- and micropractices of communicative behaviors, patterns, and rules that organize. Some scholars (Weick, 2001) contend that this theoretical perspective is problematic because it proposes "organizing starts from zero" (p. 1). However, as Fairhurst and Putnam (2004) commented, ontologically organizations are either: organization as object (entity), organization as a perpetual state of change or becoming (process), and organization grounded in action (entity from process). Imperative in this distinction that organization does not mean one thing, or have one way of being conceptualized, there are

different uses to the term organizing. For the purposes of CCO in this study, the focus will be on the conceptualization of an organization as always in process (Fairhurst & Putnam, 2004). Furthermore, from an organizational communication perspective the sex industry can no longer be marginalized as an “other” because discursive structures suggest that even though it is hidden, it is still being organized (Scott, 2013).

CCO assumes that communication is a force that can bind events into an organizational system (Putnam, Nicotera, & McPhee, 2009). However, not every act of communication is an attempt to organize. In order to explain this, Taylor and VanEvery (2000) examined the discursive processes of organizing from the bottom up. Using Boden’s (1994) conceptualization of everyday talk, Taylor and VanEvery (2000) recognized that everyday talk (i.e., discourse) creates and reproduces organizational structures. Additionally, McPhee and Zaig (2000) examined the flows of organizing and identified membership negotiation as a constitutive principle of organizing. Membership negotiation includes discussion of the relationship of members within the organizational forms of inclusion, commitment, identification, and leadership. This perspective of CCO highlights the role of human agency through actions of organizational agents and stakeholders.

To the extent that membership negotiation changes within organization, the purpose or functionality of the organization can also be altered. Membership negotiation is especially important in the reproduction of what Scott (2013) called hidden organizations. Scott defined hidden organizations as disparate from corporations through the members’ desires to stay hidden or to conceal their practices from the public at large. He said “not all organizational members want to have their membership or affiliation

known by at least certain others” (p. x). Scott made the case that often hidden organizations go unnoticed, and we do not think of them as organizations because they operate away from prying eyes and, most importantly, law enforcement. The hidden organizations that are important to this study are the following: (1) organized crime, which includes most criminal organizations that have to keep a relatively low profile; (2) backstreet businesses, which are big businesses even though they are not often identified as actual organizations because of an attached stigma; and (3) counterterrorism/intelligence organizations, which are usually considered organizations used to combat terrorism and include clandestine organizations (Scott, 2013, pp. 11–15). CCO can help to explain the material reality of these hidden organizations through human and other material elements.

CCO scholars differ in their conceptualization of human and material elements. For example, Cooren and Fairhurst (2009) suggested that all moments and texts within an organization have agency. On the other hand, scholars such as McPhee and Zaig (2000) claimed that only humans have agency within organizations. The latter position is where I situate myself. I take the position that agency assumes the ability to control one’s situation, and it is mostly the ability to say “no” within a context. To this end, human agents give purpose to material resources. For example, a policy is a discursive resource within an organization that has communicative power through human agents. People often claim, “you can’t do X because the policy says Y.” In this example, the policy would only have communicative power because of the person, and thus if the human agent decides to not use the policy, the policy cannot reject this move; the agency lies in the human who chooses otherwise.

Although policy texts do not have agency within organizational contexts, they do have communicative capabilities within organizing. In other words, policies help human agents to organize rules and regulations in regard to certain situations. More importantly to this study is the recognition that policy texts are organizing documents that help people make sense of potentially underground networks. Specifically, clandestine organizations are often covert and related to crime, and so understanding their organizational structures and processes requires a look into the policies that regulate actions (Stohl & Stohl, 2011). Stohl and Stohl (2011) wrote, “The metaconversations of clandestine organizing take place in a very different social context than other organizational conversations” (p. 1198).

For this reason, humans and material elements contribute to organizing discourse. Understanding the importance of discourse within organizations, this study focuses on those discursive moments. The power of discourse within organizations and understanding how they function is an essential connection to understanding organizational knowledge and in turn the institutionalization and power of discourses. According to Foucault (1994) a discursive formation is an institutional function of discourse. The power and function of discourses become the guiding, sustaining, and essentially the way of organizing. For the purposes of this study, the pertinence of discourse within organizations is being explored in regard to prostitution policy. More importantly, this is a study of competing discourses. Discourses are always present, and this study begins to understand, in regard to prostitution policy, what discourse is being privileged through ongoing negotiations of policy implementation and understanding.

Prostitution

The prostitution industry, a clandestine organization, is communicatively constituted through both policy texts and discourse(s) regarding organizational practices. It is through the present discourses and material elements that one can begin to understand the organizational processes of a clandestine organization. Currently, prostitution is legally defined as the exchange of sex for goods (e.g., money, shelter, food, goods). In addition, prostitution is often hailed as the “oldest profession,” specifically regarding men buying services from women (Sanders et al., 2009). Consequently, prostitution is constructed via common discourse as a situation of man as sex buyer and woman as sex seller (Weitzer, 2009). However, while this study recognizes that this is the dominant perspective, this gendered notion is also problematized to highlight consequences of gender in prostitution policy. This section discusses the most relevant aspects of prostitution for this study.

Broadly, scholars who study sections of the sex industry are often tasked with defining the situation they study in opposition to others. Important to note are the two situations that are contextually disparate but often described as discursively congruent. Situations of sex trafficking and prostitution are regularly conflated in every day discourse and formal policies. Specifically, prostitution is discursively constructed as sex in exchange for money or goods, and the assumption is that a person has a choice and is over the age of 18 (Matthews, 2005). On the other hand, sex trafficking is discursively constructed as forced and coerced moments of selling sex traditionally involving minors (Taylor, 2012). Consequently, common discourse often conflates situation of sex for sale, where conventionally a woman is being sexually promiscuous.

Due to the conflation of terms and difficulty in making the case for understanding force or choice, this study uses the term prostitution to describe sexually exploitative situations. Consequently, by using the term prostitution I am interested in understanding how situations of sex for sale that involves persons over the age of 18 are discursively constructed. Recognizably this is potentially problematic in terms of discerning force or choice for people in sex for sale; however, from a legal perspective making the distinction allows for a clearer exploration of a situation. Moreover, beginning with this perspective will open opportunities for future exploration in regard to other sectors of the sex industry (e.g., sex trafficking).

Sex Workers

In research and common discourse about prostitution, female sex workers are the most frequently named group of workers. The discursive structure around prostitution has created an organization, naming women as the problem. As Campbell (1998) explained, prostitution is regularly equated to female prostitutes. Thus the current discursive structure names and blames women who exchange sex for goods. Research focusing on female sex workers engages in a discussion of heterosexual relations, normally blaming power relations on gender dynamics (Farley et al., 2011; Jordan, 1997). Men as sex buyers are described as aggressive sexual creatures, and women are constructed as sexually deviant in the use for these men. The discursive framework here implies that prostitution is a typically an issue of women selling a sexual service.

Current Discursive Relationships

Throughout this study, I use the terms sex buyers or people who buy sex. This is the term I use because of both the gendered consideration of who buys sex and the consequential relationship with sex sellers. Additionally, both common discourse and a majority of the current literature construct men as sex buyers and women as sex sellers. As such, this gendered assumption will be used to explain situations of sex for sale in this section. Further, the label *sex buyers* implies that the person purchasing is only buying a service, and not a person. In relationship to sex sellers, this allows the often-described situation of “out of body experience” women describe in situations of sex trafficking (Plumridge, Chetwynd, & Reed, 1997) to materialize in discourse. Consequently, I use the terms prostitutes or sex workers because this is the perspective the sex buyers have chosen, and it affords a more accurate analysis of the consequences of language. Prior research has identified several labels to describe people involved in the organizing of sex for sale. Table 2.1 presents labels commonly used for sex buyers and sellers, associated gender for each label, the relationship between sex buyer and seller, and the corresponding position in the organization of sex for sale.

The label, “prostitute users” at first glance foregrounds prostitute, rather than sex buyer. O’Connell Davidson (1998) proposed that this label affords perception of power. Consequently, even though the label is intended for sex buyers, the focus discursively points to sex sellers. O’Connell Davidson wrote about men purchasing women specifically in a provocative analysis about power from a perspective of the prostitute. Interviewing women who sold sex, O’Connell Davidson complicated current assumptions of who sex sellers are. She claimed, “questions about power and prostitution cannot be

Table 2.1: Relationship between sex buyers, sex sellers, and the assumed context in the sex industry

Label	Associated Gender	Assumed Relationship	Assumption in Sex for Sale
Sex buyer	Male	Buying a service not a person	Gender neutral
Prostitute User	Male	Seller is used as a buyers fantasy	Gendered problem; exchange of power (buyer over seller)
Client	Male	Escort; selling sex by choice	Gender neutral; sex work as a job
John	Male	Person buying sex	Gendered; anonymous; not used by buyers because it is seen as “pathetic”
Online: Monger, Troller, Hobbyist	Male	Using women (i.e., victim or prostitute)	Proud
Trick	Male	Sex worker/working girl	Women hold the power in sex for sale
Prostitute/Working Girl	Female	Prostitute user, client, sex buyer	Perhaps a pimp is involved, but discursively constructed as choice
Sex Worker	Female	Client, trick, sex buyer	Sex work as an occupation
Victim	Female	“john” as defined by prostitution policy	Sex trafficked, forced to sell sex

reduced to simple arguments about male violence against women, but require us instead to think about prostitutes as active subjects who are under differing types and degrees of compulsion to prostitute” (p. 110). Staking this assertion as her foundational perspective, she continued by asking what are the meanings attached to prostitution that inform perspectives of prostitute users.

For the poststructural scholar prostitute user can be explained through discursive moments and constructions. For example, Foucault (1994) remarked about the focus on prostitutes in the late nineteenth—early twentieth century in regard to moral and social hygiene. Marked as deviant, prostitutes were assumed to be the impetus for the spread of HIV/AIDS. Thus, the label of prostitute user is historically significant to the deviant construction of the sex-selling woman. O’Connell Davidson (1998) observed that according to today’s discourse, prostitute user has taken a turn to mean a person who buys a body and uses the body as they please. Described by Desiree, a prostitute who remarked that her invisibility to clients is because, as she claimed, “I’m just a role, a fantasy...I don’t exist for them as a person” (O’Connell Davidson, 1998, p. 109). Thus, her flesh and arguably acting skills are used for the purchased momentary pleasure.

To further justify her language choice, O’Connell Davidson proposed that selling and purchasing sex can be theorized as an exchange of power. For example, people who sell sex, or people who sell others for money, are under the power or domination of a capitalist economy, needing money to survive. Under another guise, the woman is understood as giving in to the power of the capitalist economy and the man is giving in to the power of his sexual desires. O’Connell Davidson’s (1998) “prostitute user” has specific material consequences for people both purchasing and selling sex. Campbell

(1998) insinuated that our current discourse marks prostitution as prostitute and that the prostitute is most commonly identified as a woman, making prostitution a gendered problem. Thus, prostitute being at the forefront of this label assumes this is *her* situation or problem, and “user” indicates that this is a business exchange. Congruent with O’Connell Davidson’s explanation of a power exchange, the prostitute is used for pleasure. In relation to sex work, the term prostitute user would be most appropriate when referring to people in situations of definite sexual exploitation, but discursively the burden remains with the sex seller.

Another common term used to identify men who purchase sex is “client.” “Client” recognizes the sale of a service, affording agency to both the seller and the buyer. People in other service industries have clients as well, to whom they provide a specialized service (e.g., hair dresser, real estate agent, personal shopper), and then the client pays an appropriate fee. Because of this discursive structure around the term client, the identifier is most accurate when used with a sex seller who is choosing (by her standards) to sell sex. Moreover, this label does not identify a responsible gender. Discursively, keeping the identifier gender neutral allows for research to be done from more perspectives than just feminist concerns. For example, policy scholars can begin to look at the consequences of prostitution policy rather than a situation of him versus her, and organizational scholars can look at sex trafficking as a hidden organization with covert organizational processes. These new perspectives can allow for more fully developed understandings of sex trafficking.

The most common term used to identify people who purchase sex is “john.” The use of the term john is associated with a need for the sex buyer to remain anonymous

(Farley et al., 2009). The association then is removed from a specific person to a generic action. For example a similar discursive strategy is used in other unidentifiable moments with a generic label of Jane or John Doe. More often than not this is the term used by researchers for men who purchase sex. More visually, in a recent documentary titled “Sex Slaves,” producers at MSNBC (2011) chose to show the faces of “prostitutes” but blur out the faces of the “johns” in order to “keep their identification concealed.” Both discursively and visually, this choice demonstrates not only where we place blame in situations of sex for sale, but also a desire to keep johns anonymous, affording them agency and little to no repercussions for their actions.

The gendered implication for using the term john is that it directly identifies a gendered purchaser (same for women, jane is used). For researchers using this term, it is important they recognized that they are inherently gendering the situation of sex for sale in a certain way. Another concern for researchers is to recognize that the term “john” is not a label that most men would choose as a label for their purchasing of sex. In exploring the importance of language and labels, examining linguistic choices from the perspective of people who buy sex can prove productive for researchers who want to be linguistically accurate.

However, lack of ability to identify in an online setting seems to encourage different discursive behavior from men who purchase sex. In a study about online supports blogs for men who purchase sex, Blevins and Holt (2009) explored the terms the men used to describe themselves and the potential reasons why. Examining the language men used, these authors found that individuals who seek sex from women referred to themselves in one of three ways: mongers, trollers, or hobbyists. One sex buyer wrote, “I

cant [*sic*] wait to monger again like the sadistic one that I am” (p. 626). Whereas another blogger wrote, “Saturday morning, 10:30am, and it was time for this dedicated hobbyist to pursue another adventure” (p. 626). With these quotations it can be assumed that the men find nothing wrong in paying for sex and that the act is just a pastime or something that they enjoy as a hobby. Moreover, the interesting finding in this study was that the term “john” was never used by the bloggers. Blevins and Holt contended that this could be due to the implication that johns are considered “pathetic” in their *need* to pay for sex, whereas a hobbyist *chose* to partake in the activity.

Furthermore, there are criminal implications in being a sex buyer, and often law enforcement agencies monitor these web sites in order to catch or follow criminal activity. Sex buyers referred to as “newbies” or “noobs,” were conditioned by experienced sex buyers in what language is and is not appropriate. Also, Blevins and Holt (2009) attached a five page single-spaced appendix of acronyms that the johns used to describe women, contexts, and sexual preference. While most of the acronyms pointed to the experiences with women, few words were chosen for men, and usually highlighted the men in a more favorable light. For example, when a man purchased sex, he referred to his time as a “date,” and a “donation” was used to explain the payment. The language and descriptors used by men themselves help to illustrate how sex for sale is justified and thought about from a purchasing perspective.

Just as men have names for women who sell sex, I would be remiss to not mention labels women have for men in order to fully examine this discursively constructed relationship. The most common label that sex sellers have for sex buyers is “trick.” In consideration of a power play and negotiation of control, “trick” provides an

interesting discursive structure for men and women. Women, who use this term, claim they are tricking men into paying for something as simple as sex (Blevins & Holt, 2009). Here the identifier “trick” should not be confused with the term that sex sellers often use for explaining they just exchanged sex for money (e.g., turned a trick). Within this frame, sex sellers believe they are tricking men into spending more money for more time. Within this linguistic term, the assumption is that the power resides with the actor who performs the task. In relation to the person purchasing sex, the person able to call a man a trick is a woman who is in a situation of choice within sex for sale. Linguistic distinction suggesting choice complicates both the assumption of power dynamics and gender roles in the situation of sexual exploitation.

In sum, language helps to situate and create material realities and consequences for people involved in prostitution. More substantive, however, is the relationship of labeled situations and the effect they have on one another in the creation of an organized sex for sale. From this summary, we see that a john is no longer “just a john”; he is a sex buyer, a prostitute user, or a client. The next section will more closely explore the relationship of sex seller and buyer in the broader context of market discourse.

Market Discourse

Sex for sale is often presented as the relationship of violence happening toward women and children, and the situation is frequently described statistically (Raymond & Hughes, 2001; Weitzer, 2010). Other scholars, when talking about legality or issues surrounding sex trafficking, use the notion of market discourse, where there is a person who supplies a service (choice or force not attached) because of a direct demand for a product (Raymond, 2004). Imperative to demonstrating the consequences of language

and their relationship to one another is the role of market discourse, gender dynamics, power relations, and the direct implications for people in situations of sexual exploitation.

Market discourse is often referenced as the driving force or problem for situations of sexual exploitation (Raymond, 2004). However, other scholars (e.g., O'Connell Davidson, 1998) note that gender and power dynamics are the foundational relationships that inform the use of market discourse. Gender in this study is simplified to terms of traditional masculine and feminine performances and complicated by societal power relations. The social construction of masculinity, from a U.S. perspective, suggests that to be masculine means to *not* be feminine (i.e., laden with emotional concern) and to be sexual (Wood, 2013). In other words, emotions are not regarded as masculine, whereas the desire for sex is highly regarded as a more masculine need.

In contrast, femininity is considered inherently emotional, and in reference to sexuality is packaged in a dichotomous relationship of Madonna/whore (Ashcraft, 1998). Common discourse indicates that women should want to be sexual for male needs but only in discrete and nonpromiscuous ways (e.g., Bartky, 1988). In this basic conceptualization, an inherent tension is present in the performances of what it means to be masculine and feminine with direct connections to performances of sexuality. For example, popular culture references and common discourse implies that women are to be virgin-like, as exemplified by a white wedding gown, purity balls, and the notion of the “good girl.” On the other hand, as popular culture references and common discourse implies, men bear an insatiable desire for sex (Wood, 2013). In short, the current discursive construction of true masculinity encourages sexual promiscuity, but in the same vein punishes *her* for attending to *his* desires.

Likewise, gender role expectations lead to power dynamics in sexual relations between men and women, particularly in the buying and selling of sex (O'Connell Davidson, 1998). Consistent with most explanations of market values and exchanges, O'Connell Davidson (1998) contended that the entire exchange of sex for money is a negotiation of power between two parties. Lowman and Atchison (2005) argued that sex for sale "is like rape, it is more about power than it is about sex" (p. 288). In examining the situation of sex for sale as a power dynamic rather than a gendered tension, the issue is made to a societal concern, and not just "him" versus "her" tension. I argue that this is a productive move in that it allows for a more complete examination of sexual exploitation and an understanding of how social construction informs preferred gendered performances. However, in order to make this case, an understanding of the foundational tensions and gender play needs to be set.

Commercial sex from the perspective of the sex buyer is often justified as the purchase of a commodity, with no regard for emotional or societal implications. Prasad (1999) found that

Customers conduct the prostitution exchange in ways that are not very different from how most market exchanges are conducted today: information about prostitution is not restricted to an elite but is widely available; social settings frame the interpretation of this information; the criminalization of prostitution does not particularly hinder the exchange; and whether the exchange continues is often dictated by how well the business was conducted. In short, according to these respondents, in late-capitalist America sex is exchanged almost like any other commodity. (p. 188)

In other words, people buy a product or object, not a person, the "consumer buys the woman's body of her 'labor' of blowjobs, 'half-and-half,' 'full service,' or whatever else he wants her to 'work at'" (Raymond, 2004, p. 1159). In this sense, market discourse

operates in the realm of a client; he buys a service from her, suggesting that in moments of sex for sale, she has choice. More importantly, the discourse used by sex sellers, elaborated in the following section, confirms this type of negation.

The caution then is to examine market discourse in situations of sexual exploitation, but to be wary of commodification. Raymond (2004) acknowledged that critics of sex trafficking use supply and demand as a way of arguing that the communicated issue is unbalanced. However, “in much discussion of demand, men once more become invisible when demand is articulated in terms of the market and economic push/pull factors. Demand supposedly has no gender” (p. 1160). In sum, the consequences of gender and power dynamics are an inherent component of market discourse in sexual exploitation. What is apparent is that from a U.S. perspective, there is pressure for men to be sexual and women to be virgin-like; however, a more nuanced understanding of sex trafficking recognizes that the transaction goes deeper than buying sex (Jordan, 1997). In other words, a lay comprehension of market discourse reveals an unbalanced relationship between sex buyer and sex seller, but looking deeper into the consequences of discourse, it is apparent that once again through a lack of naming and identification men who purchase sex are afforded silence and thus power to be anonymous.

Gendered politics suggest that historically, men have controlled and had unprecedented access to women’s sexuality. MacKinnon (1988) argued that traditionally, “women’s sexuality is, socially a thing to be stolen, sold, bought, bartered, or exchanged by others...women never own or possess it” (p. 64). Recognizing the problem with this perspective, this section analyzed the current discourse about male buyers both as it

moves from the vernacular to the academic and described the impact that market discourse has on research and social and political problem solving. The next section will more closely explore the negotiation of intersections within situations of prostitution.

Intersections within Prostitution

Examining the intersections within prostitution help to make sense of the often-competing discourses that communicatively construct this hidden organization. While detailed exploration of the issues of intersections are beyond the scope of this project, a brief explanation of more pertinent intersections that the research participants in this study face will be explained here.

O'Connell Davidson (1998) defined prostitution within the confines of power insofar that sex for money is a negotiation of power between two parties. Lowman and Atchison (2005) argued that sex for sale "is like rape, it is more about power than it is about sex" (p. 288). In examining the situation of sex for sale as a power dynamic rather than a gendered tension, the issue is made to a societal concern, and not just "him" versus "her." Accordingly, sex for sale indicates an unbalanced relationship between sex buyer and sex seller. This communicative construction is important to understand in the organizing of sex for sale because the sex buyer typically has power over the sex seller because of the exchange of money.

Street level prostitution is often defined as survival sex (e.g., Lloyd, 2011; Taylor, 2012). In other words, people engage in the criminal act of prostitution because of a need to earn money to survive. Thus, the intersection of socioeconomic status is an important consideration for situations of prostitution because people need money to survive. Lloyd (2011) explained that people on the streets also form street families, and so women often

exchange sex for money as a way of contributing to their family. In sum, intersections of gender, power, and class are most important to the scope of this study.

Silence as an Organizing Concept

Silence is a concept commonly taken up within feminist scholarship. Obviously, silence exists; however, what is not as apparent is how it exists, why within certain situations, and with what consequences. Silence has been recognized as a linguistic move (Acheson, 2008) in the event of pauses or nonverbal communication behaviors. Silence, then, becomes more or less an absence or a visual signifier of “0” when transcribing interviews. Another definition of silence is silence as a religious move. Silence is paramount within many biblical stories in the sense that when characters are “silent” these are the moments in which they are with God or speaking to God (Acheson, 2007; Scott, 2000). This notion is important, especially within the connection to patriarchy and “owning” or “producing” moments of silence from a masculine perspective. The final definition is silence as a gesture, which is most productive within this examination of silence. Silence as a gesture recognizes that speech and silence are inseparable, not dichotomous as often theorized (Acheson, 2008). Speech as a gesture is made sense of as an ideological construct, and through this scholars are able to invoke questions about voice, agency, and power.

Within the postmodern theoretical frame, there are not as many studies of silence (e.g., Clair, 1997, 1998). However, the postmodern frame acknowledges all gestures of language as discourse. Consequently, silence and speech are dialectically related, and thus neither silence nor speech is privileged; they cannot be separated as they inform one another. Each gesture is equally important, and both are necessary in having any valid

explanatory power. Clair (1998) explained that silence is best understood through the opposite. For example, communication can be silencing and silence can be expressive. This shows how the two inherently work in tandem through both complementing and complicating one another.

In order to understand the theoretically complex relationship between silence and language, it is important to contextualize the uses of silence. In this section I will discuss three salient uses of silence to this study, which are power, organizing, and victimhood via gender.

Current research examining the relationship of silence to language has affirmed the notion that silence is power. While there are many perspectives, I will present the two that are most salient to my conceptualization of silence. Depending on the view or theoretical position of a scholar, silence can be interpreted in a multitude of ways (e.g., Houston & Kramrae, 1991; Spender, 1980). It is through these positions that we begin to theorize moments of silence and actions of silence as either oppressive or empowering. Acheson (2007) recognized that the importance of silence studies for the author is in careful reflexivity (congruent with my theoretical commitments). Scarpi (1987) contended that in the West, we value speech over silence, making silence studies a “newer” point of examination. He claimed that we value speech because silence suggests no place of having a voice (oppression). Silence is commonly connected in Western cultures to loneliness, despair, and isolation. Whereas Barbour (2004) claimed that silence is a choice, there are very few authors who take this stance, and really this argument has not gained much ground. While this is a seemingly positive move, it takes an “either-or” stance to silence, suggesting either voice or silence instead of recognizing

that the two work in tandem. Campbell (1989) highlighted Stanton's demonstration of silence as power. Campbell explained that in the *Solitude of Self*, Stanton's words commended the peace and power that she felt in her moments of silence and the fact that it was her choice to have these moments and this life.

Silence from a critical tradition (Acheson, 2007; Hedge, 1996) suggests that we privilege silence over speech as the object of study. Using moments of skepticism, questions of power and ideological forces inform this standpoint. According to Tannen and Saville-Troike (1985) silence is equated to rhetorical choices. In this regard, moments of silence are chosen *for* one, not *by* one. These scholars make this claim in order to argue that silence could be theorized as a tool of oppression, and this added to the depth of silence studies at the time. In more current studies in silence, we see that silence has potential to empower (Clair, 1998). Acheson (2008) claimed that silence is and can be more powerful or more telling than our words. Houston and Kramarae (1991) made the conclusion that silence not only has the potential to be powerful, but also positive. These assertions leave an additional justification for continued research of silence.

In regard to the organizing functions of silence, Saville-Troike (1985) developed taxonomies of silence. These basic categories of silences conceptualize silence as a carrier of signs. In other words, silence organizes in institutions, groups, and individual circumstances. For example, Nakayama and Krizek (1995) identified the institutional silence of Whiteness. Here silence is used to reify the hegemonic structure. Whiteness is marked as power or privileged, and it is silenced through the organizing ideology of patriarchy. Here, the authors make a very important move in regard to theorizing silence

in the sense that the structures at large organized a silence, which is not recognizable to those who obtain power through the silence. In other words, the argument is that people who are White do not see Whiteness as a privilege because race is marked as other than White. This same framework is foundational to my new conceptualization of silence through an identification of gender being women and not men.

There are multiple perceptions on the values of silence, but the one most salient to my articulation is that of silence = silencing. This is conceptualized as a very negative conception of silence (e.g., Hedge, 1996; Scarpi, 1987). However, this is the view that is most specifically prevalent within feminist research. For example, Blair, Brown, and Baxter (1994) wrote about the disciplining of the feminine within academe. Silence here is seen as a purposeful move from both the masculine organizational structure as well as the compliant employees, and here silence has no opportunity for voice within academe. Campbell (1973) criticized the silencing of women in the past and suggested an oppressive force (patriarchy) as a way of silencing women. Foss, Foss, and Griffin (2004) tried to combat the idea of the traditional silencing through a new way of conceptualizing rhetoric: invitational rhetoric. This was assumed to include more voices, but in order to make the case, silence was seen as silencing. This view of silence has also been used in studies to make sense of organizational processes toward men and women in situations of sexual harassment (Clair, 1993; Scarduzio & Geist-Martin, 2010).

One of the most common justifications for silence as silencing is the notion that the foundation of language is patriarchal (Houston & Kramrae, 1991; Spender, 1980). More specifically Houston and Kramrae (1991) made the case that silence becomes oppressive when it is the characteristic of the dominant group, and in this case, it is

patriarchy that is the dominant mindset. They make their case by discussing the silence of women with literature. They present the following themes as emergent of the present literature: women's discourse is trivialized, there are family hierarchies (e.g., emotional labor, double shift), male controlled language, male controlled media, antiwomen educational policies, women's bodies as political battlegrounds, and stories of terrorism involve narratives of harassment and rape. They claim that silence is not the power to prevent talk, rather the power to shape and control talk both in a positive and negative light. They see this happening (in a traditional view) that in breaking out of silence means the power to share one's unique voice. To this end, they offer communication scholars a potentially new way of viewing silence (the power to shape and control talk), needing to understand organizationally how to recognize silence and future possibilities.

The final two uses of silence are often connected and so will be discussed together. The first is the use of victim through an explanation of silence as the denial of voice (Picart, 2003; Roof & Weigman, 2005). What scholars in this camp recognize is that using the term *victim* is inherently stripping people of an opportunity of voice or a place to speak, which led Roof and Weigman (2005) to write an entire book asking, then, "who can speak?" These authors question the roles of agency and authority, in their attempt to narrate stories for the "other."

Closely connected then, especially in feminist scholarship, is the use of gender in studies of silence. Broadly, silence in connection to gender is noted as a form of enculturation (Alcoff, 2006; Clair, 1998; Hedge, 1996). Alcoff (2006) made sense of this by explaining that the position women find themselves in is a position that has been created or molded for them by society. Moreover, this is a place where meaning has been

constructed and produced rather than a place of discovery, questioning, and agency. Weedon (1997) built on this same notion but explained that women's identities and capacity for action are framed within patriarchal parameters. In this regard certain subject positions (e.g., subservient, silent) are normalized and thus (re)produced. MacKinnon (1988) addressed the negative effects of the institutionalization of silence through an explanation of sexual violence against women. She claimed that in the basic nature of sexual violence, it is silencing, and then the institution of law that women must report to is based on patriarchy, and then again silencing.

This positions the theoretical idea of organizing silence. Clair (1997) claimed organizing silence

Simultaneously refers to the ways in which interests, issues, and identities of marginalized people are silenced and to how those silenced voices can be organized in ways to be heard. Furthermore, organizing silence, as an expression, is intended to represent the complex, dialectical, and sometimes paradoxical aspects of silence and voice. (p. 324)

What this definition shows is the potential for silence to organize but also for organizing or organizations to silence. Clair confirmed that silencing is not a totalizing concept in that within each moment of silence there is the potential for voice, speak, and language.

In order to make this jump with Clair, I will parse out her conceptual foundations in how she has understood and made sense of silence. Clair (1998) specifically used a feminist lens to begin to conceptualize organizing silence. She did this because she claimed that it allows her to look at the individual accounts of people who have been and will be silenced. She marked three traditional approaches to silence: epistemological (tacit knowledge), ontological (silence as awe or inspiration), and literal (e.g., poetic moves). She then contended that up until this point there was a frame for studying

silence that was missing—ideological. She claimed that this is important within the feminist critique in order to illuminate the silencing of marginalized groups. She took the use of silence as power and claimed it can be an act of resistance (Clair, 1997, 1998). It is from this position that I build my conceptualization of the role of silence within organizing.

Using a postmodern theoretical perspective, she explained in depth her reasoning for conceptualizing silence and language existing as one in the same (silence[^]language). Silence[^]language represented in this model embraces the reality that one's experiences are bound in discourse and silence. In other words, language is an expression of silence and silence is heard through language. If this is true, then silence and language work together to create and (re)create our social realities. Using Foucault's (1994) understanding of discourse and the power of production and (re)production in discourses, observations of discourse become ways of locating moments of silence. Furthermore, this representation reifies the poststructural notion that language is representative of reality in that language both creates and reflects reality through the presence and production of language[^]silence.

Clair (1997) used this notion to explain language[^]voice; her use of voice here is in exchange for agency. While I briefly explained this article above, a limitation in this for me was that language is both verbal and nonverbal and speaks more to ideological concerns than the notion of voice. The problem then is that one must end up creating a metaphor for a metaphor in order to have any explanatory power. Two other communication scholars have taken up Clair's work in brief, but not in full explanatory power. Gunn (2011) looked at organizational discourse as a way of understanding how

organizations construct organizational identity with workers and in turn moments of silence (specifically with job loss and a hospital). Gunn used Clair (1998) to understand the connection of silence and words and the power of the two (intentional talk and intentional silence). The findings explained that people silence their own subject positions in concept of organizational social order; thus silence marks moments of invisibility. Also, dominant discourse is privileged over their own needs according to policy; the assumption is that people become the organization and then the organization governs silencing (but people give the organization this power, act of victim). Second, Brown and Coupland (2005) looked at organizational studies of silence and resistance in graduate trainees. They very briefly used Clair (1998) to talk about silence being a mirror of hegemonic ideals.

In regard to feminist poststructural theorizing of silence, I see two ways in which the studies of silence can fit in: silence as victim and silence as ideology. First, feminist scholars have theorized silence as an oppressive function. Silence and silencing are inextricably one-in-the-same, and thus to be silenced means that there is little to no access to voice or language. Acheson (2007) claimed that a person with power marks a person who is then silent. The subordinate victim is traditionally silenced within cases of power. Therefore, this understanding of silence is limiting in its ability to grant people a position of power or agency. However, silence is most prevalent through its rhetorically persuasive nature for explaining the negative effects of patriarchy. While this conceptualization of silence is needed as a starting point, theoretical richness is more prevalent in viewing silence as ideology.

Silence as ideology takes a more critical poststructural stance in regard to silence. For instance, examining moments of power and resistance allows for silence to be conceptually positive. While Clair (1997, 1998) claimed to use an ideological version of silence, I argue that she does this through a victim-centered approach. In other words, her theorizing about ideology comes purely from a patriarchal perspective in that silence is always attached to agency. For instance, either people choose to be oppressed by moments of silence or not. In this sense, all fall victim to silence through the organization at large. What one does not see is the potential for silence in the microthemes. Thus, I would like to propose a more complex attempt at silence as ideology; a more obviously understudied component of silence is the strength of silence. Silence understood in this capacity begins to suggest the power within, not only the moments of silence, but also the performance of silence from people. To this end, silence is not the power to protect talk, but the power to shape and control talk specifically in organizational settings (Houston & Kramrae, 1991).

I make this case with a pairing of silence with Foucault's (1994) explanation of power. Martin (1988) summarized Foucault's discussion of power and resistance and noted that power is not purposefully exercised in a negative fashion; rather, oppression or oppressive acts are by-products of one's use of power. Foucault (1994) argued that power is productive, and he posed the rhetorical question: "If power were never anything but repressive, if it never did anything but to say no, do you really think one would be brought to obey it?" (p. 120). In other words, because power is just a part of life and not an inherent negative force, then one can see power as more often than not, positive and productive.

More specifically, power is omnipresent, not as an intentional negative or positive force, just existing within and through negotiations (Foucault, 1994). Thus, it is theoretically productive to utilize the possibilities Foucault offers feminist scholars in the realm of power and (re)appropriate understandings. With this, a better conception of the possibility of power as a positive attribute in silence literature and viewing silence in this connection with power becomes a process rather than a product. In this sense, a more holistic use of power enhances the model, language[^]silence, and suggests that as discourse and organizations are in flux, so is silence (Broadfoot et al., 2004). While, this makes it potentially difficult to fully explain complexities of silence, the real contribution comes in the ability to (re)invite ways of understanding organizational silence.

In the end, I contend that silence and speech work together, such that silence is a part of speech, not the absence of speech. I conceptualize silence as a moment that is not inherently negative or positive; it just is, and thus theoretical assumptions ascribe value, and one draws conclusions. Silence as ideology allows the most explanatory power in the condition of organizing silence. Recognizing that silence is a form of communicating, the communicative construction of prostitution brings to the foreground the pervasiveness of silence. More specifically, the unmarked sex buyers are communicatively constructed as the other, and thus silence affords them autonomy through their invisibility and consequently little to no legal responsibilities. Accordingly, not being named affords the freedom to continue to participate in sex for sale, and to this extent legislative documents are resources for unpacking these silenced organizational processes.

Policy Theory

Policies, and specifically public policies, are an important consideration for organizational communication scholars because policies are a communicative document. As such, policies discursively function as a material element within organizing practices. A feminist poststructural lens illuminates these consequential material conditions of the policy processes. As Canary and McPhee (2009) noted, “public policies are collections of texts, practices, and decisions articulated by an institutional system to solve problems involving people in society” (p. 148). Furthermore, recognizing policies as a communicative mechanism for constructing the organization of prostitution is imperative. Because prostitution does not conform to traditional standards as to how one understands an organization, the regulating policy discursively constructs standards, rules, and norms within the operations both in and out of the clandestine organization.

Recently, policy and communication scholars have taken up the study of policy texts in order to comprehend how knowledge about policy is understood (Canary, 2010a; Canary & McPhee, 2009), how policy creates organizational identity (Canary & Jennings, 2008; Wallace & Gravells, 2010), and how policies illuminate either inter- or intra-organizational contradictions (Canary, 2010a; Foot, 2001; Kirby & Krone, 2002). Continuing to make the case, Canary (2010b) stated, “Policies affect organizational actions and interaction, and they concurrently provide lenses for interpreting organizational actions and interactions” (p. 21). Arguing that policies become shortcuts for understanding organizational actions and decision making, McPhee (1985) claimed that policies can be regarded as formal structural communication in organizations.

Consistent with a tenant of feminist poststructuralism, policies display how “power operates” and “how discourse orders the world (and manages people) in certain ways, and how organizational and institutional policies and structures are fundamentally gendered” (Buzzanell & Liu, 2005, p. 3). As material elements, policies have both gendering and organizing communicative capabilities. Canary, Riforgiate, and Montoya (2013) acknowledged, “Recent organizational communication studies have noted that policy implementation is influenced by ways organizational members communicate and understand policies” (p. 2). The way that organizational members either use, do not use, or (mis)use policy texts can explain a lot about organizational function and understanding. For example, Kirby and Krone (2002) found that interactions regarding understandings of policy were more commonly understood than the actual policy texts themselves. Scholarship up until this point has situated communication as central to enacting policies in everyday organizational practices and understanding organizational practices in a more nuanced way.

Unintended consequences (e.g., gender performances) are initially the unknown byproduct of a policy or the outcome that was not intended. Policy studies tend to examine the unintended consequences when implementation is troubled or goes awry (Giddens, 1984). Using a feminist poststructural lens examining discourse in a study about Australian training strategies in the workplace, Wallace (2003) identified the unintended consequences of a newly constructed training policy. The policy under study was implemented as a way of helping to make training practices more time and cost efficient. However, the material condition of the policy complicated the process for participating women, discouraging participation in home life. While not explicitly

written into the document, the unintended consequence of this policy was an inequality in practice for women. In the end, Wallace (2003) concluded that, “poststructuralist research can examine the links of power and knowledge through examining representation and subjectivity in texts” (p. 51). This example not only suggests the reality of unintended consequences of policy practice and production, but also the problematizing of gender.

As Ashcraft and Mumby (2004) recognized, gender is an inherent dynamic in our organizational lives. In connection, policies as an organizing element are intrinsically gendered through discourse. Buzzanell and Liu (2005) also acknowledged a gendered consequence of policy implementation. Using a feminist poststructural lens, these scholars examined maternity policy and found that through implementation and practice, the policy was problematic. Ultimately, gendered organizational practices in fact hindered identity and agency for women in the workplace. Their feminist poststructural analysis showed the constitutive power of discourse, evoking material and subjective realities. Insofar that “poststructural feminism enables researchers to destabilize and critique institutional texts and organization theory as well as the discourse and practices of individual women” (Buzzanell & Liu, 2005, p. 4). Their study demonstrated how discourse informs organizational processes.

Policies are socially constructed in that they reflect social norms and draw on public values and principles (Canary, 2010b). In this study, I draw on the social construction of policy design framework as outlined by Ingram, Schneider, and deLeon (2007). Foundationally, this policy theory concerns questions about the social construction of policy targets. Target populations are the groups affected by a policy.

Recognizing that policy texts have inherent political and social considerations and consequences, this approach to policy analysis encourages considerations of organizational structures and implementations with regard to the specific populations.

Social construction of policy design is an ideal pair for feminist poststructuralism because both bring into account subjective positions. Feminist poststructuralism recognizes the fluidity of subject positions through the ever present and changing discourses (Prasad, 2005). And this policy approach suggests that “social construction is a world-shaping exercise, or at least, encompasses varying ways in which the ‘realities’ of the world are defined” (Ingram, Schneider, & Deleon, 2007, p. 95). To this end, this approach can help “define the conditions that will lead to the reproduction of values or to change” (Ingram et al., 2007, p. 97). More specifically, paying attention to discourse as it organizes, genders, and materializes realities can also provide another way of communicatively constituting policies for target populations.

Ultimately, social construction of policy design provides a framework for analyzing the discursive structure surrounding the implementation and consequences of policy processes. Discourses of implementation and subsequently feedback inform new or resolved organizational concern in reference to targeted populations. Specifically focused on social issues and the positive or negative outcomes in regard to different social groups, this policy theory is ideal for examining the discourse in regard to current prostitution policy.

Prostitution Policy

Prostitution, often characterized as a deviant behavior, is criminalized as such within most municipalities, specifically in the United States. In other words, policy is

implemented in a way that condemns the selling of sex. However, prostitution is not a unanimous deviant act, prostitution is full of complications and complex definitional aspects. Likewise, prostitution policy is laden with legal and organizational implications (Kuo, 2002). The most common discussion surrounding policy and prostitution is the question of legalization. In her book, *Prostitution Policy*, Kuo (2002) invoked a discussion of gender while moving beyond a situated feminist analysis into what the author claims is a more practical approach to reasonable legal policy. She did this because she claims that a feminist lens is often constraining, only focusing on women as victims and not looking at the monetary opportunities or needs of the women. She also contended that by excluding traditional feminist theory per se, she opened up the minds and possibilities to readers and her conclusions. In the end, considering only the role of women involved, Kuo argued for governmental programs that would provide safer spaces for women to work, thus making legalization of prostitution the answer for this author.

In contradiction, in an international handbook on prostitution, Davis (2003) came to the conclusion that legalization of prostitution is not an appropriate answer for policy reform. In Davis' essay, legalization is assumed to both promote prostitution and expand the larger issue of sex trafficking on a global level. Instead, Davis' solution is to reform media and have these sources continue to raise awareness via showing news stories and movies that speak to both sex trafficking and prostitution. These two works represent the two dominant feelings toward prostitution policy and the legalization of sex work.

Introducing an organizing concept to sex work, Jeffrey (2002) concluded that there is not only a globalization of gender, but that when it comes to issues of sex for sale, gender globalizes. The feminine body for sale is an organizing factor across the

globe. Additionally, the author provided a suggestion that men should not give into the desire to purchase sex. While recognizing that men are an inherent component of the system, it does not engage the criminal aspect the position acts, just moral and ideological. However, these studies are not asking how lawmakers make sense of policy. Nor are they asking how language choices, situational understanding, and other external factors affect ways in which lawmakers go about decisions for arrests. These absences in the literature are addressed by the current study. My goal is to investigate the material realities of policy discourse and in turn the unintended consequences of gendered discourse and organizational strategies in the context of prostitution policy.

The guiding theoretical frameworks for this study are feminist poststructuralism and CCO. Within each of these frameworks are more specific theoretical constructs of gendered organizations, hidden organizations, silence as organizing, and policy theory. Imperative to each element of theory is the focus on the material reality of discourse(s) at both the micro- and macrolevels. These theoretical constructs guided the framing of my research questions in relation to prostitution policy.

Research Questions

The following research questions guide this study:

1. a. How does the language in the policy text and the language used in the interpretation of such text from people involved in sex for sale inform the organizing of prostitution?
b. How is the organization of prostitution communicatively constituted?
2. How do discourses of silence(s) enact the gendered implementation of policy?

CHAPTER 3

METHODS

In order to address the research questions, this project involved in-depth investigation of organizing discourse. Data were collected to better understand the implementation and procedures of prostitution policy within Salt Lake City, Utah. This chapter describes my position as researcher, discusses the methods chosen for data collection and analysis, describes the research sites and participants, and explains the data collection process.

Researcher Position

Recognizing the ways in which one's position is intertwined within the research design and processes is imperative to conducting quality qualitative research (Lindlof & Taylor, 2011; Tracy, 2013). In their article about practicing reflexivity in qualitative research, Medved and Turner (2011) wrote, "Rigorous and worthwhile qualitative research begs meaningful and, at times, uncomfortable self-analysis" (p. 109). In this sense, reflexivity is self-examination in relation to research interests and projects. Careful qualitative research requires reflexivity because "through reflexivity we come to moments of self-discovery, indispensable scholarly insights, as well as new hypothesis and research questions" (Medved & Turner, 2011, p. 109). In other words, this research project demanded attention toward the researcher as a component of data collection, and

not an independent, passive observer. Therefore, this section describes how my theoretical commitments and subjective position influenced the research process before the project, during, and after.

Preresearch Reflection

As a critical (feminist) poststructural scholar, there are certain methodological commitments to which I subscribe. First, as Taylor and Trujillo (2001) described, a critical scholar is concerned with “revealing, interrupting, and transforming the oppressive dimensions,” (p. 168) and in this case specifically through examining discourse. I employed a critical methodology in order to engage a feminist lens, examining the production and consequences of gender to organizing. In addition, Foucault’s contributions to poststructural theory informed my awareness of the potential contributions when examining discourse in search of the interplay between power and organizational processes (Deetz, 2001). Accordingly, the postmodern perspective embraces the messiness and material reality of discourse in organizations, and the feminist perspective applies a critical lens with regard to power (Broadfoot et al., 2004).

My first methodological job was to be reflexive in my work and purpose. Critical and poststructural theoretical foundations informed my research insofar that I am interested in ideological concerns, power structures, and seeing value in both the work I produced and the problem at large (within prostitution). Lenzo (1995) claimed that the poststructural researcher becomes part of the text, and thus careful ethical and methodological considerations about this positionality are important. I must honestly reflect on the subjective moments of my thinking and writing and understand that my work is not the “answer” but a way of thinking and knowing. In their explanation of

multilevel analyses, Broadfoot et al. (2004) talked about the postmodern perspective as the “messiness” of data collection and the ever-changing texts.

One of my initial goals for this project was to create a research endeavor that inspired not only me but also others to keep learning and thinking. Often driven by a “nagging” feeling or question that resounds within them, qualitative researchers come to research agendas through personal connections (Lindlof & Taylor, 2011). In one of the first pieces I read in my graduate career, Ashcraft (2004) explained how she came to explore masculinity with regard to airline pilots because of her dad and grandfather. Reading Ashcraft’s article demonstrated the need to make research personal. From here, I decided that my research needed to be personal and make me vulnerable both physically and emotionally in order to make the difference I envisioned. I wanted to experience new ways of thinking, doing, and being.

Consequently, my approach to this project was initiated with a dream to “save” women who were being sex trafficked. Initial research on this topic began at the start of my graduate career, and I realized the concept of saving was both not plausible and inherently problematic. However, what I could do was research facets of the sex industry as a way of raising awareness about the situations of women in the world. My academic interests in gendered organizational discourse influenced both my personal and professional positions. In addition, my positions informed my research strategy and data collection.

On a more personal level, I have always been fascinated with the material consequences of discourse with respect to female sexual violence. At the conclusion of my Master’s Thesis I wrote about how during a personal encounter with sexual assault I

was blamed for what happened. This was as important moment in my life that not only gave me a level of empathy for women in victim-blaming situations, but also a desire to unveil the material consequences of discourses. While, I have never been forced into situations of selling sex, I can understand to a small extent the emotional ramifications caused by sexual objectification. To me, prostitution is discussed as the ultimate sexual deviance and a choice made by “her”; I do not agree with this. When I was in elementary school I experienced assault that left me silent, and I was lucky enough to find my voice. As a result, I am passionate about this research topic as a way of highlighting the silent and providing a new perspective for those who have been marginalized.

Furthermore, my emotional reflections also need to be addressed as they were important in my negotiation and recognition of people involved in sex for sale. I acknowledge that my preference is to assume people who work within the sex industry at large do so because of survival, and not choice. This is contradictory to most European scholars who have recognized different interpretations of sexual activity (e.g., Sanders et al., 2009) and who have critiqued Americans for being close-minded in this regard. However potentially limiting, I managed my impressions through a learning perspective of curiosity. For instance, Sanders et al. (2009) wrote about imperative methodological considerations of researching people involved in prostitution. Their perspective, while based in the UK, added empirical richness for consideration. One of their main points was the consideration of researcher positionality insofar that as a feminist scholar I need to be forthcoming about my own position on oppression. Additionally, they encouraged researchers to think about the power they possess from the position of researcher.

The final element of reflection that is important is to discuss where I started with regard to feminine performance. Admittedly, I choose to represent myself as a feminine female. This is important to note because I will be conducting the interviews and thus become an important element in the interview data collection process. Ashcraft (1998) justified the importance of gendered performance in organizational settings as certain performances alter responses. As a result, while on an everyday basis my hair and make-up are central to how I perform feminine, I had to (re)consider during my interviews. Elements such as location of the organization (e.g., business building or on the street) informed various changes to my dress, which will be discussed in more detail to follow.

During Research

My role as a researcher was evidenced in two respective positions. The first role was as a field researcher. Relationships made and maintained during the data collection process were all approached at a professional level. For instance, handshakes and not hugs were exchanged in greeting, and conversational exchanges were always positioned around the research project. During interviews I was received as knowledgeable and friendly, and people were not only excited to correspond again but they passed my information onto others for interviews. Murphy (2003) detailed the interplay between researcher, data collection, and research participants, describing that taking head notes after leaving her research site was imperative to her data interpretation. Learning from those with whom I was interacting, I took head notes as soon as I left each research site describing important elements, feelings, and other communicative details from the interaction. Murphy's (2003) study is important to reference because of the context of her study, strip clubs. Recognizing that our contexts are similar, I paid particular

attention to her negotiation of the other. Particularly resonating was how Murphy discussed her awareness of verbal and nonverbal reactions in the research site that was unfamiliar to her and outside her comfort zone. During my field and interview experiences I attempted to pay particular attention to my communicative responses as to not contaminate data collection. For example, when I was meeting with female sex workers during outreach I talked with them as a confidante and not a mother figure or researcher explaining what their actions were really demonstrating. In summation, I was very cautious of not influencing interview responses with my biases.

Last, recognizing my position as a feminist, I used the “responsive interviewing” method (Tracy, 2013). Tracy (2013) commented that interviewers will encourage honest feedback through the building of a relationship with respectful communication behaviors. While this may sound contradictory to what was previously described, it is actually not. I make the distinction through the difference between encouraging honest feedback (via probing questions and honest curiosity) and not placing judgment on the interviewees. This is an important distinction because of the sensitive nature of the topic area. This type of interviewing encourages that both parties be honest in their biases and emotions and advocates, “that researcher and the respondents work together to create the narrative in a way that can benefit the group” (Tracy, 2013, p. 142). Before beginning my research, I had discussed moments where potential boundary violations could occur; however, this was not an issue in any of the interviews. Farley et al. (2011) described a boundary violation I was prepared for. They explained that their interviewees experienced boundary violations when asking questions about experiences with sexual exploitation. They explained that with men who both had and had not purchased sex,

there were violations. One interviewer wrote in her notes, “He compared me to what he would have wanted a prostitute to look like. He just said, ‘Like you, a stereotypical fantasy girl’” (p. 12). While moments like this did not occur during data collection, there were moments where I felt confused or annoyed by the conversational exchange (e.g., undercover police operation), in which my response was to journal at the conclusion. This allowed for moments of processing, venting, and reflecting.

My second role as a researcher is that of a teacher, or an information sharer. One of the goals in my project was to raise awareness about situations of sexual exploitation within the United States and gaining more knowledge has allowed me to do so. Often, I am asked to speak on campus about my research, and in these moments as researcher, I am able to represent a more informed contextualization of prostitution.

Postresearch Reflection

At the conclusion of this research project I learned a lot about what prostitution is, but also learned what prostitution is not. In this section I will elaborate on the things that I learned as a researcher that books and articles could not have taught me. First, I immersed myself in my data collection; I took every opportunity to meet with participants and to do field research. During my prospectus meeting I was questioned about my positionality and how I would negotiate “me” in various spaces. From that moment I thought constantly about how my performance was influencing the spaces I was in and possibly changing them.

My initial interviews were with law enforcement and legal workers, and admittedly I was comfortable in these spaces. I presented as professional in both makeup and dress choices. However, after one of my interviews with a law enforcement worker,

I had a last minute interview with an outreach worker. Something I learned was to never turn down an interview opportunity because people are extremely busy, and so without an opportunity to change I went to the homeless clinic. This particular day was cold and rainy, and I was torn by the options of wearing my jacket or using an umbrella. I opted to keep the jacket and ditch the umbrella as the only one I had that day predominantly displayed the Coach emblem. I walked into the clinic, checked into my interview, and waited for the participant. This space made me keenly aware of my status as *the other*. I observed people for about 20 minutes, taking in the sites, the smells, and the conversations. I saw a woman and her pimp, the smell hurt my lungs, and tears welled in my eyes. I fought crying because I knew that would be an obtrusive gesture, but the experience was overwhelming.

I took this experience with me each time I did outreach work. From thereon I wore jeans, tennis shoes, my hair in a ponytail, and mascara. I attempted to dress as a way of mirroring the participants to appear less as an outsider. There was one other moment that still reverberates in my mind. While doing outreach I met various women; they all spoke to me and were excited to share either funny experiences of their days or collect supplies. Each woman we met had to give their demographics in order to keep track of supplies being given away. The women we met ranged from 25–28, all of whom were about my age. One woman even had a birthday just days before mine. That night I cried. I cried tears of sadness, tears of uncertainty, and tears of frustration. However, it was through these tears that I realized while I cannot change life circumstances, what I can do is continue to do good work to attempt to make a systemic change. From there I experienced each moment of research differently and still continue to do outreach when I

am available. One of my participants said the most memorable moment of working with sex sellers was, “The strength of these women...For everything that was thrown at them, they’re indomitable...they would survive if anybody cared or paid attention.” In the following section, my commitments to the research processes are highlighted.

Methods Justification

Data were collected using qualitative methods. This study was an exploration of discourse around the implementation of a policy text with regard to a clandestine organization. Due to the illegality of prostitution, policies communicating the regulations of an act help to identify the organization itself. In other words, policy is a communicative mechanism that constructs an understanding of the organizing of prostitution. Thus, my research methods were chosen as a way of illuminating the discursive structures. As poststructural scholars have noted, discourse both creates and enables the material reality within and about organizations (Weedon, 1997).

The three data collection strategies used in this study highlighted what Broadfoot, Deetz, and Anderson (2004) acknowledged as multilevel analysis. In other words, recognizing that organizational discourse is not one-dimensional or all knowing, each perspective provides new insight and data. My data collection methods included examining the actual policy texts, conducting in-depth qualitative interviewing, and observing with field notes and head-notes.

The first method of data collection was analyzing the actual prostitution policy texts that are in use. I collected the policy texts in order to understand how the situation of prostitution is being discursively constructed in formal organizational standards. The policy texts were specifically noted under the “Prostitution” state statute as well as the

“Sexually Oriented Business License.” The latter was a policy text that emerged in consideration after interviews with both legal workers and law enforcement participants. Both texts will be discussed in further detail in the following pages.

Second, I conducted semistructured interviews (see Appendix A for interview schedule). Lindlof and Taylor (2011) described the benefit to conducting interviews as referential because through this process people have the ability to be the authors of their stories. This means that people give the data, and thus the data becomes real and not constructed by guided questions or the desire to get “specific answers.” Interviews in the end can be used to verify or validate other forms of information, in this case specifically the media artifacts that were gathered at the onset of data collection. Last, all but two interviews were recorded. During the recorded interviews, I was able to take different sketch notes and then pair those with transcripts for more informed pieces of data and analysis connections. I conducted each interview myself and in a location of the participants’ choice. At the beginning of the interviews each participant was informed that their name would be kept confidential. Thus, no names (of either participants or actual organizations) will be published with the information they shared, and results will be discussed in relation to the specific discursive position (e.g., Legal Workers or Outreach Workers) of each participant. Discursive position was selected as an appropriate descriptor because, through their interview data, organizational members represented discourse at the level of discursive framework in their ideological commitments (Foucault, 1994).

The third method was my role of researcher as an observer. For example, I was invited on outreach missions with various organizations, and during this time I was able

to get a specific view of not only sex workers but also organizational positions. At the end of each of these experiences I took head-notes describing different conversations and discourse that were used around prostitution policy and the people impacted. This data collection method was most important during my conversations with women who were working on the streets. Appropriately, I did not record these moments as it would have been perceived as obtrusive, which will be discussed in further detail in the following section. The following section describes the research sites and participants.

Research Sites and Participants

I reached out to various contacts in order to attempt to gain access to organizations. One was a professor in Social Work whom I met at a lecture on campus. She mentioned that the local police department had approached her about doing a research project on the current “John’s Offenders Program.” After contacting her, she arranged a meeting with three Social Work Professors. During this meeting, they explained to me the current organizations working with the prostitution population and connected me to a few outreach participants. The second way I gained access to organizational members was through a former undergraduate student. This student mentioned her dad worked in the police department, and he put me in touch with law enforcement representatives. The final way was through the police department’s outreach of “Coffee with a Cop” that occurs on the fourth Thursday of each month. Here I met a law enforcement worker, and he connected me to other participants.

Each of the research sites are organized by discursive positions. During data analysis, it was apparent that organizational members in similar discursive positions represented either parallel thinking or similar organizational concerns. Thus, in order to

organize and present data that also respects the confidentiality of the participants, I used discursive positions to describe participants. In total, there were five discursive positions represented in the data set: law enforcement, outreach, media, legal workers, and sex workers. Each discursive position will be described in more detail below.

The primary research site was a Police Department (PD), which was chosen for several reasons. First, the organization is the implementing agency that works most intimately with the local prostitution policy. Second, the organization was involved in a recent revision of the prostitution policy in that they helped amend a statute called the “Furtherance Of” (§ 76-10-1313-c). Additionally, sexual solicitation is a local offense, meaning that regulations, rules, and rehabilitation programs are set up as a local issue (when dealing with adults and not minors). Organizational members within the police department create and enforce procedures in response to legislation. In other words, the officers enforce the regulation of prostitution and thus, they are the people interpreting the policy text and implementing it through organizational practices. This discursive position of participants is represented as “law enforcement” throughout the data analysis.

Information from the PD website states that organizational practices are created in order to foster a stronger community. As a large precinct, the PD has the monetary ability to be able to establish Special Forces within their organization. For example, the Vice Squad is usually enabled to regulate and uphold policies regarding people’s vices (e.g., drugs and sex). This sector was once present within the PD. However, in early 2013, the Vice Squad was disbanded due to police officer misconduct. Research suggests that often police officers are complacent in not only encouraging sexual solicitation, but participating in it as well (O’Connell Davidson, 2003), and this PD is no different. The

Salt Lake Tribune reported arrests reduced from 393 arrests in 2011 to 31 arrests in 2012, but what was not reported was that the PD was in the process of (re)organizing (Stecklein, 2013). One organizational member confirmed later, “I think our numbers are reflexive of the fact that we were not doing vice enforcement [in 2012] ...the more you put officers out working it, the more arrests they’re going to make” (Stecklein, 2013).

In January 2013, organizationally the PD was changing the policing of people both selling and soliciting sex. The website claims that the focus is currently shifting to look at men who purchase sex, or as they call them “johns.” However, instead of the Vice squad, an Organized Crime Unit (OCU) was established to regulate and implement the new prostitution policy (called “The Furtherance Of...”). The current OCU includes six detectives, a sergeant, and a lieutenant. Moreover, the OCU is dedicated to information gathering, rather than just making arrests. Carlisle (2013) detailed

The new Organized Crime Unit will generate fewer arrests and citations...and instead of trying to determine why someone is involved in crimes like prostitution and gambling. If the person has an addiction or is being forced into crime through trafficking, detectives will then try to ‘divert’ the person into social services or another form of help. (p. 1)

In all, the new organizational strategy is to focus more on the cause and demand side of prostitution in order to reduce the supply of prostitution, which is consistent with most research presented in the literature review.

I started with the law enforcement discursive position because of the discussion and negotiation of policy already presented. My initial concern of starting with this perspective was gaining entry. Negotiating access can often be a very time consuming and frustrating process because of the gatekeeping of the organization (Lindlof & Taylor, 2011). However, access to organizational members was gained within a week of sending

IRB approved correspondence to various members of the OCU. I believe that the community engaged perspective of the police chief encouraged this immediate response. From the initial meeting, I then relied on snowball sampling to make further connections around prostitution. This type of sampling suggests that it is imperative to keep professional, working, and respectful relationships with the populations under study (Lindlof & Taylor, 2011). In all, I interviewed eight participants from this discursive position; interviews ranged from 48–160 minutes ($M = 87.83$ minutes) in length, and all but one interview was recorded. Additionally, I observed an undercover police operation called a “john’s sting” that was 4 hours in length. Interviews with participants in this discursive position included seven males and one female. This is not surprising as even the Organized Crime Unit is composed of mostly males, and they just hired on two females but said it is hard to keep women around who want to work undercover (Law Enforcement Worker 6).

The second discursive position data came from was the outreach perspective. Outreach organizations are organizations that are working with the populations affected by the policy. Outreach happened in a variety of ways from the organizational perspectives. For example, some organizational members provided medical attention, others focused on homeless populations at large, domestic violence, violence against women, people who work with sex buyers, and then others provided materials for harm reduction. More specifically, on a daily basis outreach organizational members usually spend time working on the streets to bring survival supplies (e.g., condoms, bleach kits for drug needles, hats, gloves, toothbrushes, and basic food supplies) to people who would otherwise not have immediate access to these items. In all, nine people were

interviewed from this discursive perspective, and each initial interview was recorded. Initial interviews ranged from 30–108 minutes ($M = 58.83$ minutes) long, and I conducted more interviews with two of the participants in an informal setting during outreach participation. Contrary to the gender makeup of the law enforcement discursive position, this discursive position included one male and six females. In addition, I went on three separate outreach missions with two of the organizations at about 6 hours each time (about 18 hours total).

The third discursive position was from a media perspective. Media participants were interviewed as a way of understanding how they frame stories and construct understanding about situations that are disseminated to the general public. I came to these participants in various ways. First, I was made aware of Media Representative 1 because seven other participants mentioned a recent publication about prostitution in the area. Second, I met the other Media Representatives while observing the undercover police operation. In total I interviewed three participants from the media perspective, with each interview recorded and transcribed ranging from 57–160 minutes ($M = 72.33$ minutes). Important to note is that the media representatives came from disparate news outlets in order to attempt a broader understanding of media framing. The gender makeup of this group was two males and one female. Moreover, I collected 22 media artifacts from local media outlets to supplement the interview data. These artifacts came from local newspapers and online news spots. The data from these artifacts helped supplement the information provided in each of the interviews and served as background information during the inception of the research project.

The fourth discursive position was legal workers. Legal workers included a defense lawyer, judge, and prosecutor. There were three participants total (two males and one female), and these interviews ranged from 80–89 minutes ($M = 84$ minutes) in length, and all but one was recorded. Legal workers, while similar to the law enforcement discursive position, engage with the nuances of prostitution policy more frequently.

The final discursive position in the data set was sex workers. In total, I had varying conversations with seven different sex workers who were all female. At the onset of data collection, I wanted to be able to interview and record conversations with people working in the sex industry; however, after meeting many of them, I concluded that it would not be responsible to formally interview them. For instance, I noticed during our conversations when I was doing outreach that most women who were selling sex did not discuss their daily activities of sex selling as prostitution, to them it was an element of survival (e.g., exchange sex for money for food). Thus, by sitting down and asking them to talk about their experiences in this criminal activity, I would be labeling their lives and in essence placing judgment upon them. In addition, nearly all of the women were using drugs and displayed erratic behavior or inconsistent thought patterns, so I decided it was best to engage with them in a less concentrated fashion. However, one of the women I spoke to used to be a sex worker and now does outreach. She offered interesting insight into the life of selling sex.

As a researcher going into an organization, I had to be cognizant of the different risks and rewards available to the participants. The largest risk that I identified was the potential discovery of uncomfortable information about how the organization either interprets policy, implements policy, or constructs people discursively. However, while

this is a potential risk, this can be considered a benefit to helping the OCU gain knowledge about this issue. Lindlof and Taylor (2011) described this relationship as one of mutual-benefit.

Policy Texts

The policy texts analyzed are within state legislation guidelines. Policies related to the selling of sexual services are under Utah Criminal Code 76, Chapter 10: Offenses Against Public Health, Safety, Welfare, and Morals. Section 1302 discusses the parameters that legislation has recognized as prostitution, and that first offense of either selling or buying prostitution is a class B misdemeanor, and the second offense is a class A misdemeanor. Sections 1303, 1304, 1305 deal with patronizing a prostitute, aiding prostitution, and exploiting prostitution respectively. In addition, under the section of being an HIV offender, Section 1313 describes the penalty of sexual solicitation and contains the amendment of the policy, subsection C. Moreover, this section is actually a more detailed account of selling sex and involves a discussion of human trafficking. In all, there are 10 policy statutes that outline the prostitution policy. The relevant policy texts can be referenced in Appendix B and will be further elaborated and detailed in Chapter 4. Other texts that were identified during interviews were the “Sexually Oriented Business Licenses” ($n = 2$) and the plea in abeyance opportunities (see Appendix C). The plea in abeyance and convictions are considered standard operating procedures (SOPs) within policy interpretation. The next section will describe the data collection procedures that I used.

Data Collection Procedures

Several methods of data collection were used to provide a rich data set for analysis. Approval from the Institutional Review Board (IRB) was obtained on October 11, 2013. On October 17, 2013, I made initial contact with faculty in the Department of Social Work and law enforcement participants. In addition, when I began contacting people for interviews I kept an access journal so I knew what date and methods of contact were used. The journal allowed me to document not only time between correspondence, but also who and what organizations did not follow up after initial contact. On the first day of connection, I sent out eight initial emails. The only discursive positions that did not yield a response were public defenders ($N = 4$). I found their contact information online through a Google search of “SLC public defenders + prostitution.” The organizations I contacted were the first in the search, and I sent each the IRB approved email using their online forms. Important to note was that none of these organizations or defense attorneys were mentioned in any interview, so I made contact with others who were more publically recognized and connected through snowball sampling.

By October 22, 2013, I began my first interview. Per IRB protocol, each participant was given a copy of the research consent form before the interview began. Participants had the option to decline recording of the interview; only 2 participants asked that their interviews not be recorded (one Legal Worker and one Law Enforcement Worker). Notably, protocol was the same and consistent for all participants. Interviews were conducted from October through the middle of February. In all there were 33 participants. A total of 12 of the interviews were recorded and transcribed by a local transcription service. The person who performed the transcriptions signed a

confidentiality agreement. Confidentiality was guaranteed by assigning each participant a study-specific identification number. Any names of people or specific places were removed from the data in the study. Six of the interviews from various discursive positions contained more than one participant. In all, I completed about 18 hours of outreach field observations. At the conclusion of each interview or outreach, I recorded my feelings and experiences in a research journal.

In order to schedule initial interviews, I sent an IRB approved email to various participants. From this point, I relied on snowball sampling, and participants conducted e-introductions in order to connect me to more people. With two interviewees, they contacted me and asked to be interviewed because they had heard about the research I was doing and wanted to share their experiences. Email data between the participants and myself were used as part of the interview data because they helped to inform how people were framing prostitution policies and practices.

Analysis Process

Interview data were the primary sources for data analysis. When the project began, I thought that my interview sessions would be exclusively from the discursive position of law enforcement with minimal additions. However, as the project got started various other discursive positions became apparent as containing important insights for the study. For the first few weeks of data collection I met solely with members from law enforcement and about week three of data collection I was meeting with legal workers and outreach participants. From the beginning I was conducting at least two interviews a week. People were not only willing to talk about prostitution in Salt Lake City, but they were excited to gain insight in ways they had not considered. Data collection became a

puzzle, and I was attempting to gather as many pieces in order to more adequately understand the organizing and perspectives involved.

Approximately 2 months into data collection, I met with a media representative who had been referenced in four interviews up until that point of research. Kind, yet skeptical, this participant was almost vetting me to see what perspective I had and where my heart was in regard to this population of people. In the end, he offered his connection to women in the sex industry and gave me directions for how to get connected with them. Directions led to a local motel with the caution of drug and sex deals that would more than likely occur during the interview. After consulting my advisor we decided to wait on acting on that lead and see what other opportunities would arise. In the interim, I was offered opportunities to do medical outreach, outreach of supplies for street workers, and undercover operations. As already stated, it was through these experiences I realized that to address sex sellers as victims of prostitution did not seem appropriate or productive for their lives. Thus, I chose to use the time in outreach to talk to them about their lives and not specifically their participation in prostitution as they are in seemingly disparate situations. Moreover, in order to balance my research samples I attempted to contact people who are considered escorts, or workers whom are not on the streets. Interestingly, the access to escorts was null, as if the availability to work off the streets affords more security and secrecy.

The focus of analysis was the interplay of both macro- and microdiscourses. While the interview recordings capture the words from each participant, the journal and head notes commented on macrodiscursive patterns or grand narratives. For example, while I had not considered the influence of the religious culture in Salt Lake City to be a

strong point of analysis, every single participant mentioned sexual standards in accordance with religious assumptions. Additionally, when elements of data were left silent, I utilized media artifacts in order to fill in the blanks. For instance, initial meetings with law enforcement participants revealed that the sole concern for disbanding the Vice squad was out of concern and safety for the detective's families. However, once I read about the misconduct of officers in one of the media artifacts I gathered (Carlisle, 2012), I knew how to better craft my questions and conversations during interviews.

Other sources of data were also fundamental to the analysis. First, the Utah State Prostitution Statutes were the primary documents under study. In fact, at first the discursive elements were limited to only prostitution statutes, but through interviews the data soon expanded to include the Sexually Oriented Business License (SOB) policy. Prostitution policy included 10 statutes for consideration and the SOB contained two documents: one was the ordinance explanation and the other was a pay schedule. For clarification, a statute is statewide and an ordinance is citywide.

NVivo, version 9.2, was used to manage the data texts and facilitate qualitative analysis. Data sources were organized according to their respective source. For instance, policy texts were filed in chronological order in the file "Policy Texts," and "Interview Transcriptions" contained the transcribed interview data. Other data files included media artifacts, field notes, and email data. Data were unitized based on identifiable units of meaning that were informed by the theory that framed each research question (Tracy, 2013). Accordingly, identifiable units were different according to each research question. Journal notes were an important part of the data collection process but were not coded in a systematic way; rather, they were foundational in the sense making process of nuanced

data interpretation. In total data included about 675 pages of single-spaced data and was calculated according to the following: (1) interview transcript data were 397 single-spaced pages, (2) policy text data were about 15 pages, (3) 70 pages of media artifacts, (4) 80 single-spaced pages of field/head notes, and (5) 113 email exchanges with various participants.

Data interpretation utilized iterative analysis, which is an extension of grounded theory practices into a more problems-based approach (Glaser, 1978; Strauss & Corbin, 1990, Tracy, 2013). Additionally, this approach alternates “between emic, or emergent, readings of the data and an etic use of existing models, explanations, and theories” (Tracy, 2013, p. 184). To this extent, iterative analysis is a reflexive process of analyzing data. This analysis process requires that the researcher examine, visit, and (re)visit trends in order to make sure that the data are genuinely represented, and the theory is informing the process. Using NVivo, I open coded the data set. Described by Glaser (1978), open coding is the goal of generating categories, which have properties that fit with the integrated theory. Insofar that there are no preconceived codes, I analyzed the data line-by-line, keeping my theoretical commitments in mind. At this stage, first-level codes were identified using *in vivo* labels, meaning that the labels came directly from the language used by the participants. The purpose here is that these codes have not only analytic ability but also vivid imagery in that the descriptions are better than what a synonym could do (Glaser, 1978; Tracy, 2013).

Throughout the first-level coding process, I was engaging in the constant comparative method (Tracy, 2013). In other words, during coding I would attempt to lump data into similar codes in order to keep the codes descriptive. This process is

described as “circular, iterative, and reflexive,” in that researchers are constantly modifying codes for the best descriptors (Tracy, 2013, p. 190). An example of this was when participants would identify street level prostitution they would talk about people not having a place to sleep or not having a home, and through the process this became an identifier of “homelessness” for this population. Examples of the coding structure for the first level coding are included in Appendix D. Imperative to keeping track of the constant comparative coding in data is utilizing the description function in NVivo. This function allows for nuanced descriptions of the code so that the codes are consistent throughout the data analysis process. At the conclusion of first-level coding the following were the number of codes for each research question: RQ1a had 12 categories with 47 constitutive codes and 15 subcodes; RQ1b had 3 categories, 8 constitutive codes, and 10 subcodes; RQ2 had 16 categories, 14 constitutive codes, and 3 subcodes.

The second step to coding was through critically examining the primary codes in relation to the theoretical constructs identified, also known as secondary-cycle coding. Each research question was second-level coded according to various theories. As a poststructural scholar, my interest lies mostly in the language use, meanings, and multiple positionalities derived from such. As a result, I paid attention to cultural codes used by members of the organization (Lindlof & Taylor, 2011). In other words, there are certain linguistic choices that were used within each discursive position and accounted for within the coding scheme. For example, when labeling the people who sell sex some discursive positions refer to her as a “girl” while others contended she was a “woman” (see Appendix E for an example of the coding structure). This is important to note because

from a researcher perspective, it is always important to honor and potentially mirror language choices as a way of appearing informed and attuned to “their” lives.

First, research question 1a asked about the language in policy design and implementation. Thus, I used the social construction of policy design framework by Ingram et al. (2007), resulting in 5 categories, 9 constitutive codes, and 16 subcodes. Second, research question 1b asked about the communicative constitution of the clandestine organization. As such, I drew from Stohl and Stohl’s (2011) frame and the result was 2 categories, 12 constitutive codes, and 7 subcodes. Finally, research question 3 asked about the silence(s) in the gendered construction of the policy. Here, drawing largely from Ashcraft and Mumby’s (2004) feminist communicology, I examined how discourse(s) either are gendered or (en)genders organization. Moreover, elements of silence were highlighted as a result of the current discursive structures. In all, there was 1 category, 2 constitutive codes, and 6 subcodes.

Annotations were made during the coding process in order to document relevant issues in the data set. Most commonly I utilized annotations in order to keep track of the nuances I saw within the data set. In some instances these annotations became coded categories. In other instances, annotations provided insights into important data conclusions.

Conducting an iterative analysis of discourse within my data set allowed me to integrate both conceptual theory and grounded theory as equally informative. Feminist poststructuralists engage with and appreciate the messiness of discourse (Broadfoot et al., 2004). Similarly, an iterative analysis requires using, listening to, playing with, and fully participating in “data immersion” in order to begin to see themes (Tracy, 2013, p. 188).

Furthermore, the focus on discourse, discourses, and discursive perspectives from a theoretical level informed various patterns that emerged from the data set. The policy texts, interview transcripts, media artifacts, and field notes provided data for better understanding the communicative constitution and gendering of the clandestine organization.

Integrity of Analysis

During the data collection phase I used interviews with participants from within the same discursive position to conduct preliminary member checks (Lindlof & Taylor, 2011; Tracy, 2013). I listened to the interview recordings postinterviews and made observations of tensions or moments that were not clear so that I could either follow up with that participant or with another participant from the same discursive position. This process was also informed by the semistructured interview schedule. I had a few stock questions, but as I gained more insight I was able to ask more detailed questions. Moreover, I was able to triangulate data from media artifacts and interview data in order to consult portions of the data that were either missing or incoherent (Tracy, 2013).

During the data analysis process I worked through each of my theoretical coding schemes with a third-party coder. Because she was familiar with the data set, this functioned as a type of intercoder reliability (Tracy, 2013). While the third-party coder did not code all of the data set, she was able to confirm the coding scheme and helped to adjust coding when data did not fit or make sense as coded.

The most formal member checking that occurred was during the final phase of analysis. I provided each of the participants with a preliminary analysis from their discursive positions. Because each member was promised anonymity and there was

consistency in perspectives within the various discursive positions, one summary per position was created. In moments where there was an outlier in perspective, this was noted as “one participant suggested...” in order to represent all voices. Participants were emailed the summary and given the option to either schedule a meeting or reply via email. As a caveat, the assumption was stated that if I did not receive a reply, all data were accurate. In total, 6 of the 8 law enforcement participants replied with amendments to the gendering of the policy, which will be discussed in further detail in Chapter 5. Two of the outreach participants replied, and only one had a question about the john’s offenders program as she did not know it was in existence. Last, one legal worker replied reminding me that the only outcome for women charged with prostitution was conviction, rather than a plea in abeyance that is offered to sex buyers.

Summary

Using multiple data sources and methods assisted in the analysis being a theoretically informed and detailed account of the policy-as-practice. The first interviews in data collection were distinct from each other in the sense that I was attempting to understand the context of prostitution at large. However, after about three interviews I began recording notes and annotations to not only guide the analysis but also make connections in subsequent interviews. This style of interaction with data collection and analysis is typical of qualitative inquiry and helps to decipher methodological rigor (Tracy, 2013). The following chapters discuss the results of the analysis as informed by my research questions and then the final discussion and conclusions.

CHAPTER 4

RESULTS, PART ONE

Based on my review of existing literature, I assumed that discourse surrounding prostitution policy discourse (RQ1a) and the communicative construction of prostitution (RQ1b) would be distinct from one another. However, my analysis revealed that the discursive constructions of the two are similar. As a reminder, the first research questions are

- a. How does the language in the policy text and the language used in the interpretation of such text from people involved in sex for sale inform the organizing of prostitution?
- b. How is the organization of prostitution communicatively constituted?

First, by examining the language that constituted the prostitution policy, I was able to understand how the situation was being defined within the text. Then I was able to identify what Kirby and Krone (2002) noted as a difference between policy-as-written and policy-as-practice. In essence, policies-as-written are the actual policy texts, and the ways in which organizational members implement the policy in ongoing organizational practice is considered the policy-in-practice (Kirby & Krone, 2002). Practiced policies often contain taken for granted information, or information that is shared intra-organizationally and may deviate from the text itself (Canary & McPhee, 2009).

Furthermore, analysis indicated that policy-as-practice varies depending on discursive

positions. For example, a person in the discursive position of law enforcement has a different understanding and interpretation of policy than a person in the discursive position of outreach worker. Accordingly, results presentation will juxtapose first policy-as-written and then policy-as-practice from relevant discursive positions.

I will first examine RQ1a through the larger theoretically informed themes of “Defining the Crime” and “Policy Targets.” Then, I will present results for RQ1b with the themes of “Defining Prostitution” and “the Clandestine Network of Prostitution.”

Policy-as-Written versus Policy-as-Practice

Policies, as a material element in organizing, inform the communicative constitution of organizations. As such, communication as constitutive to organizing is informed by the macro- and microdiscursive behaviors, patterns, and rules that organize. In a similar vein, clandestine organizations are constituted by discourse both in and outside of the organization. More specifically, policies from governing organizations (discourse outside of the clandestine organization) are communicative elements that help make sense of the organizing processes of clandestine organizations. Policies, as reactive documents, function as texts that communicatively constitute clandestine organizations (Sabatier, 2007). For example, in order for a policy to be written about prostitution, prostitution must first be an anticipated problem. Thus, how legal organizations understand the problem of prostitution informs the language used in the policy text used to address a perceived problem. The first theme will examine the language used to define action in prostitution policy texts.

Defining the Crime

I began the analysis process by coding the entire set of policy texts concerning prostitution in order to better understand how the crime was being defined. Analysis indicated that the language used in the policy text was written in a way that criminalizes an action, not a person. The following are representative: “A person is guilty of prostitution when...” and “a person is guilty of sexual solicitation when...” (§§ 76-10-1302 – 76-10-1313). Consequently, the policy-as-written defines prostitution as an action that people participate in, rather than a person who is the criminal. The latter is how most participants define prostitution, as a person and not an action.

Moreover, the policy-as-written suggests that there are three perpetrators of prostitution: buyers, sellers, and brokers. Sex buying is criminalized under patronizing a prostitute and soliciting a prostitute (§§76-10-1303; 76-10-1313). Sex selling is criminalized as prostitution (§76-10-1302). In addition, there is a similar statute to the criminalization of prostitution called “sex solicitation” that will be discussed later in this chapter as the “Furtherance of...” This statute was put in place to make arrests more efficient and safer for people who are both selling sex and the Law Enforcement Workers who are arresting sex sellers. However, the arrests for sex sellers under this statute (§76-10-1313) typically apply to sex sellers who hold a Sexually Oriented Business (SOB) license and are breaking the law. The SOB will be described in more detail later in the chapter; however, important to note here is that this is a license people can purchase annually in order to be considered a licensed, legal, non-sex-selling escort. Under the provisions of the license they are not allowed to participate in sex for sale, or prostitution, and thus if they are caught doing so they are charged with either sex solicitation (§76-10-

1313) or prostitution (§76-10-1302). The third perpetrators of prostitution are sex brokers. Sex brokers are people who either aid in prostitution (§76-10-1304), exploit prostitution (§76-10-1305), or engage in aggravated exploitation, which is commonly associated with sex trafficking (§76-10-1306).

Therefore, the policy-as-written suggests that three perpetrators are to blame for the action of prostitution. Policy-as-written also identifies prostitution as a problem of an action and not of people. Legal Worker 3 noted “There is no crime such as being a prostitute, uh you either committed a crime at a specific time and place or you didn’t.” This participant invalidates what is called a status crime, in other words within the legal system a person cannot be a prostitute but then can be guilty of committing an act of prostitution. Thus, reiterating that prostitution is in the *action* and not a *person*. However, policy-as-practice has materialized in the opposite way. Specifically, more often than not interview participants talked about the person *as a* prostitute and not *engaging in* prostitution. Because policy-as-practice identifies people as prostitutes, the consequence is highlighted in the subsequent target populations that are created and maintained through the practice.

Target Populations

Policy scholars study policy design in order to help explain generally what considerations go into the construction of a policy and what potential consequences come out of certain policy designs. For this specific study I was interested in the target groups, or groups of people affected by the policy. Ingram et al. (2007) identified four specific target groups that are essential to the analysis within this study: (1) advantaged, which includes people who are high in power status and considered deserving of protection in

policy construction; (2) contenders, who have political backing but are considered untrustworthy; (3) dependents, which include groups of people who are lower in power status and are socially constructed as deserving of support; and (4) deviants, who have little political power and are perceived as criminals by public standards. Figure 4.1 is adapted from Ingram et al. (2007) and shows each of the target groups in relation to their perceived political power and social construction by the community at large. The following first expands on the definitions of the target groups, then explains how the policy-as-written defines these groups, and finally illuminates how the analysis of data from different discursive positions revealed group descriptions in policy-as-practice.

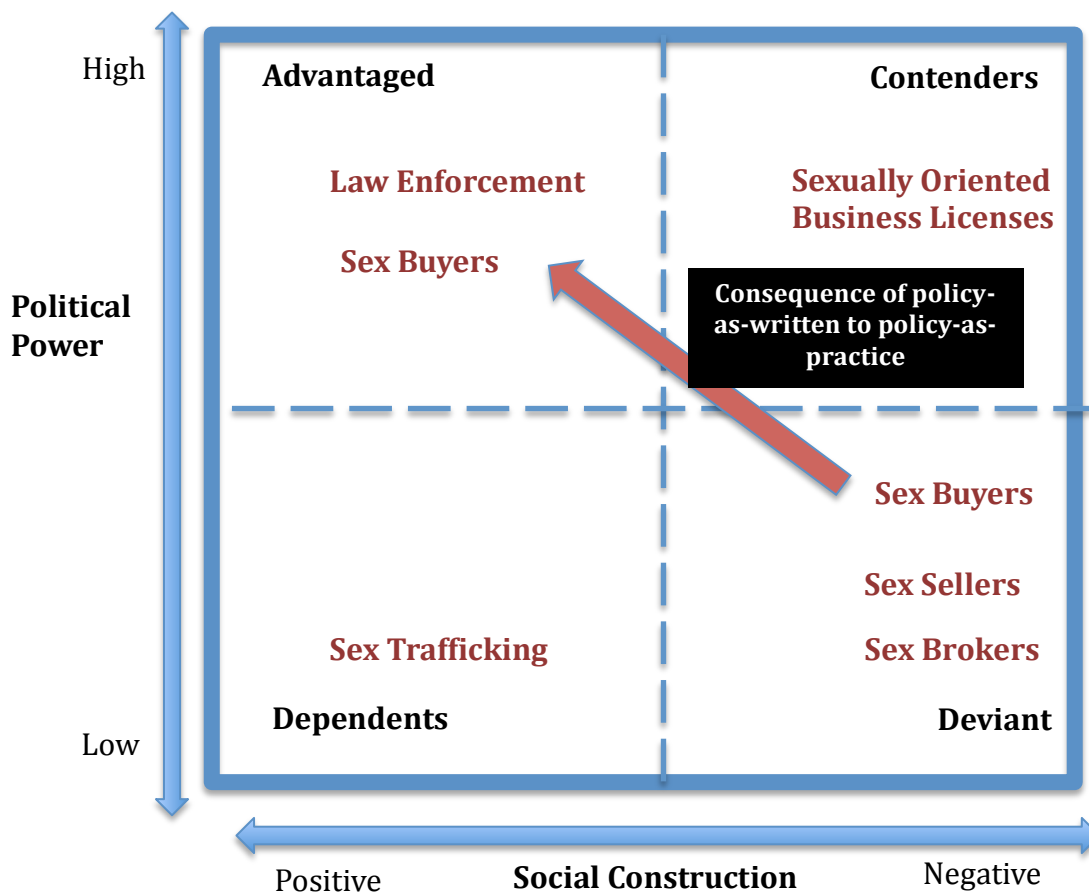


Figure 4.1: Target Populations (Adapted from Ingram et al., 2007)

Advantaged group. According to Ingram et al. (2007), in policy design the advantaged group includes people who are socially constructed as positive, deserving people who should be protected. Additionally, this is the group of people who have power through both the policies that are written and the potential ability to (re)mold policies to be in favor of these groups of people. With regard to the current prostitution policy within this city, there are two groups of people who are advantaged by the current policy design: members of the law enforcement organization that implements the policy and sex buyers. First, I will examine the role of the law enforcement discursive position, and then I will explain how sex buyers are advantaged through policy-as-practice.

The specific law enforcement organization that I examined “reimagined the way they did business” (Law Enforcement Worker 2). More specifically, according to local newspaper articles (e.g., Carlisle, 2013; Rendon, 2013) and interview data, the organization (re)structured their organization to reflect their interpretation of prostitution and consequently how they wanted to implement policy. Accordingly, they eliminated the vice unit and put policing of prostitution within the domain of the Organized Crime Unit (OCU). Law Enforcement Worker 2 explained the new organizational goal:

Not so much just make arrests with prostitution but to follow up and make the connection as to why they're in the business, who is profiting from this business. So we even changed. What used to be the Vice Unit is now the Organized Crime Unit because we want those people that are profiting.

The advantaged group not only is advantaged in the policy-as-written, but also has organizational power and the ability to (re)brand if need be.

In order to fully understand what happened organizationally, a historical account is needed to make sense of the “need” for an amendment to the prostitution policy that would “keep police officers safer” (Law Enforcement Worker 2). In 2011, 393 arrests

were made in relation to acts of prostitution (Stecklein, 2013) by the vice squad. What is important to understand about the Vice Squad and what is typical of many similar squads, is that these organizational members work undercover in order to catch and criminalize people participating in illegal “vices.” In 2012, there were lawsuits brought against the vice squad for malpractice or abuse of authority. For example, a reporter quoted the report of an undercover detective that said, “I kissed her breasts and nipples, as there was no place for my face to go” (Carlisle, 2012). It was from cases similar to this that created cause for the vice unit to be disbanded for (re)organization.

Interview data with law enforcement officials referenced court cases about the workings of the Vice Squad and consequently an amendment to the prostitution solicitation statute (§76-10-1313). As explained by Law Enforcement Worker 2,

In essence, saying “prove you're not a police officer by doing some sexual act or exposing yourself” is in fact a crime we can hold people accountable for, and so we no longer have to engage in that activity in order to make an arrest.

The amendment is referred to as the “Furtherance of [prostitution].” Another way that the policy was commonly explained was

The Furtherance of, and so what that means is, um, if somebody, if you can, uh, articulate in the act of a prostitution situation where they're trying to further that by, um, telling you to touch me or to remove clothes or whatever, that's still the same thing as sex solicitation. (Law Enforcement Worker 6).

In agreement and explaining how the new policy was a positive move for the organization, a Law Enforcement Worker 2 explained

The furthering ordinance has been very nice because guys can come to work, and they go work vice cases and street work and things like that without having the fear of exposing themselves, grope people, or things like that because of the ...proving law...if they say prove it to me, you can

then cite them the class B misdemeanor without putting the officers through all of the things that they used to have to do to get the class B.

As such, law enforcement workers are kept safe and can issue tickets more efficiently than before.

A participant in the legal work discursive position spoke about the potential consequences of this furthering law. Legal Worker 3 explained, “It is overbroad and impermissibly vague...because it makes escort services and strip joints, and any actions by escorts or strippers, open to charges of solicitation.” While the new statute allows for a safer workspace for the advantaged group, it creates a more ambiguous legal line for those working, or defined as the deviant target group. Thus, the advantaged group, through the power afforded to the organization, was able to represent themselves to the public. The restructuring of the organization was after the implementation of the new statute. Public outcry and pressure lead to the (re)organization of the law enforcement agency and the revision of policy.

According to each of the Law Enforcement Workers, along with a policy change came a (re)focus of who was being blamed for prostitution. In other words, these organizational members claim to have changed their focus from criminalizing people who sell sex to people to broker sex. Law Enforcement Worker 2 explained that their new focus is on the organized crime part of sex work, in other words the people who are selling and trafficking individuals in and out of the state. However, Law Enforcement Workers 3 and 4 admitted that this type of work is much more challenging and time consuming because there is not a booklet for how it works, and it is often conducted out of sight, unlike street level prostitution.

Consequently, participants commented that the lack of specific information impacts the training of new detectives. When I asked how policies are discussed or information is shared within the organization, Law Enforcement Worker 4 explained, “we have an undercover academy and we put people through and we run them through scenarios, but this type of work is not the type of work that I can script.” Similar examples were shared with me during interviews as to how I could better understand what sex work is and is not. For example, the movie “*Pretty Woman*” was used to visually represent what prostitution is not, and “hip hop music” was used as a reference for the glorification of pimps, or sex brokers. Pop culture references will be discussed in more detail later in the chapter.

Another component to the advantaged group that Ingram et al. (2007) discussed is the role of heterosexual marriage as an advantaged position in policy. Various law enforcement participants mentioned the roles of their wives as a reality in their jobs. One participant explained that his wife was not happy with his involvement as a former Vice detective. Another participant explained the reason for the reorganization in preference of family relations:

We stepped it up quite a bit. We had to talk to some wives and say, honestly, listen these are great guys, we picked stellar officers, and we had to let them know that they wouldn't disrobe, touch themselves, touch gals, we had to say, those days are over. We are not doing that.

Thus, the advantaged group was able to preference their family lives during the organizational restructuring.

Even though sex buyers are criminalized in the policy text, in practice, they are situated as an advantaged group through the way they are talked about, their marriage status, and opportunities that are available to them. First, sex buyers as understood

through the interview data are commonly referred to as “johns.” However, important to note, Legal Worker 3 made reference to the fact that calling a sex buyer a john is just as problematic as calling a sex worker a prostitute because it places them in a “status crime.” When I asked Legal Worker 3 to describe his experience with “johns” (as he had previously referred to sex buyers) he replied, “um, well that’s not a nice word.” Later he mentioned that a john is really a customer of “x.” In other words, he talks about the person rather than the criminal action as defining the person. But, this participant was the only participant in any discursive position who problematized the use of the label.

During one of the interview experiences, I went with the OCU on what they explained was a “johns’ sting.” During this time, two female detectives were placed on street corners as decoys to lure in men who were looking to purchase various sexual acts. In a discussion about the men who were purchasing, there is an element of sympathy that is afforded to this group, which allows them to stay in the advantaged category. For example, in an exchange between Media Representative 2 and a Law Enforcement Worker 7 during the johns sting:

Law Enforcement Worker 7: Here this guy is, he thinks he's gonna have sex or something like that, and next thing you know –

Media Representative 2: (Laughs) I know, that's really sad for him.

Law Enforcement Worker 7: And they look so disappointed.

Media Representative 2: Oh! Now his whole night's ruined.

Through other interviews, these men were often hailed as “good Mormon men” or “politicians” in the community. Perhaps more telling was when the Law Enforcement Worker 7 explained that often during “johns’ stings” full punishment is not carried out for the men arrested. “Johns” are supposed to have their cars impounded, go to jail, and incur a fine, but this was regarded as a “lot of work,” and so the sex buyers that evening

would receive only tickets. Importantly, the full arrest process and conviction is always carried out for sex sellers because it is said to be less work in the frame of time for arresting (Legal Worker 7). It is through these discursive constructions that men who buy sex are placed in the advantaged category through practice. Law enforcement participants alluded that their statuses as married makes these men more advantaged than not. However, men who were not married are socially constructed in the “deviant” target group through both practice and policy-as-written. This will be discussed in more detail in the next section.

The most obvious way in which sex buyers are constructed as advantaged is through the process of criminalization. The policy text states that sex solicitation is a Class B Misdemeanor (§76-10-1313). Thus, the “john” is cited for purchasing or attempting to purchase a sex act, and he is given a court date. Legal Worker 3 explained the situation in more detail:

I mean if you look at the statute it can be read for a man or a woman. Anybody who makes an agreement or makes an offer. So I say to you, “Uh, you know, will you do it with me for \$500?” Um, I've made the offer. So that's an act of prostitution too. So now a man is on the same basis that a woman is by making the offer, here's the money. Um, and, and, so he would be charged with a Class B misdemeanor, the same class B misdemeanor that she would be charged with.

Moreover, more often than not, the john would show up to court. Legal Worker 1 explained,

I'd come in for arraignments in the morning and we'd have, you know, uh, five johns and, and then five, uh, worker cases. The john's almost always showed up. And, how often would this happen? This would happen, uh, you know, once a month. Maybe, maybe a little more often than that. The john's would almost always show up because they're middle class and they don't want, uh, court information going to their house saying, uh, uh, “Dear Mr. Baxter, you missed your PROSTITUTION hearing.” You know, wives get upset by it, and our clerks have grand stories about wives

calling up and say, “This thing came from the court, what's this about?” “Oh, your husband was charged with, uh, soliciting a prostitution on X day.” They're like, “What! What! What! What!”

In other words, the picture of the middle-class, married, largely law-abiding male citizen is painted for the men who are being charged with this crime.

Once in court, the “john” may be issued what is called a “plea in abeyance.”

Legal Worker 1 explained this process:

So you hold it [the conviction] in abeyance. Conceptually it's like I take your plea, put it on the shelf of the court, wait for time to ask, see if you pay your fine, see if you do your program, take it off the shelf, and if I see everything's been done then your case gets dismissed, okay? That's what a plea in abeyance is.

Once getting an opportunity of the plea in abeyance, the johns have to attend what was referenced above, the Johns Offenders Program. The Johns Offenders Program is run through the district courts for men who have solicited or purchased sex. Outreach

Worker 4 explained in more detail:

So it's a 10-week class. We talk about female socialization, male socialization, we talk about sexual messages in information, we talk about communication skills for two classes, we talk about anger management, which has a component about, um, the, the, the similarities between anger arousal and sexual arousal and the, the, the science behind that. We talk about, um, uh... we have a—we used to have a panel of women who came who had worked, which was so powerful. And it's like if you really think you're helping to put somebody through college, you know, I said, “What denial do you have to be in?” Because maybe someone just starting out, you might believe that, but over time, you're not gonna believe that, because they're high. Or they're trying to get high or they're trying to—they're dope sick. They're trying to feed a habit. They're trying to live. Um, that was a powerful class. We had a, we had a class, um, on healthy relationships, on self-esteem which was a wild class for these guys, you know? It's like, babe, you need to love your—your job is to love yourself.

In sum, these men are treated as men who have made a mistake and are given the chance to amend their actions through the class. If these men complete the class, the

misdemeanor is deleted from their record. When I asked if this opportunity or something similar in regard to policy was offered to sex sellers, Legal Worker 3 claimed, “almost never.” As according to the quote above, they are already considered lost causes.

Essentially once sex sellers are identified as criminal in practice, the policy-as-written keeps them contained in the deviant target group.

Deviant group. According to Ingram et al. (2007) this group is characterized by having little political power and subsequently poor social perceptions. Furthermore, members of this unit tend to receive most of the burden of criminality. As already mentioned, and in contrast to sex buyers as defined as advantaged through policy-as-practice, sex buyers are defined as deviant through the policy text. As written in the policy, sex buying and soliciting are illegal activities. The other deviant groups, which are also understood both in practice and in text as deviant target populations, are sex sellers and sex brokers (i.e., pimps or traffickers).

The prostitution statutes explain two ways in which a john is criminalized under patronizing or soliciting prostitution (§§76-10-1303; 76-10-1313). Patronizing a prostitute is defined as completing the act of prostitution, and soliciting prostitution is when one offers money to a sex seller. While the policy-as-written does not identify a gender, or “john” as the sex buyer, participants exclusively referred to sex buyers as men. This gender discrepancy will be discussed in further detail in the next chapter.

Street level prostitution is not only criminalized and illegal through the policy-as-written, but it is also considered deviant through the policy-as-practice. The policy text states that the first offense for prostitution is a class B misdemeanor, but that after the offense becomes a class A. As a point of clarification, a class B misdemeanor is less

severe than a class A, which is one classification away from a first-degree felony.

Another component that marks this target group as deviant is the fact that there is not a program similar to the Johns program for sex sellers. The only outcome offered to the women is “conviction” (Legal Worker 1).

At one point, there was a grant-funded program called the Prostitution Outreach Program (POP). This program was funded for about a year and a half and had a law enforcement officer who would do street outreach and discuss harm reduction methods for women who were working in prostitution. Harm reduction is a method that is implemented in cases where people are participating in risky behavior that they may not cease, and harm reduction makes it safer (e.g., condoms for safe sex). However, once the grant money was gone, the police department did not continue to fund the program (Law Enforcement Worker 8). Currently, there are not any programs dedicated to helping sex sellers.

The final target group that is considered deviant are sex brokers. Sex brokers are defined by the policy as

(a) the person uses any force, threat, or fear against any person; (b) the person procured, transported, or persuaded or with whom the person shares the proceeds of prostitution is a child or is the spouse of the actor; or (c) in the course of committing exploitation of prostitution. (§76-10-1313)

Often sex brokers are called pimps or referred to as traffickers. In asking about the difference between the two, Outreach Worker 7 explained that there was not a difference.

She recalled,

So when I first started working at the police department, I was actually doing a prostitution outreach program. And the first young woman that I worked with was—I think she was actually 16 years old at the time I started working with her, 17 towards the end. But she was being

prostituted by a guy who, you know, was treating her as if he was her boyfriend, but she was being pimped out by him. But at that time there weren't trafficking laws. Under today's laws, she would be considered a victim of trafficking.

This participant recognized the various layers of complexity in defining who the pimps or traffickers are because they are often defined as “boyfriends” of the women. More importantly for the deviant category, as later will be explained, these people are largely considered “parasites” by various discursive positions in the lives of the sex sellers. Consequently, the policy deems sex brokering a felony. In addition, with the new construction of the OCU, sex brokers are now conceptually the focus of arrests and energy as described by the law enforcement discursive position. While deviants are considered suspect by law, the dependent target group is the opposite.

Dependents. Ingram et al. (2007) defined the dependent target group as people who are positively viewed as deserving in terms of both sympathy and pity. As explained though the policy-as-written and policy-as-practice, children or juveniles are considered dependents, thus powerless and in need of at least minimal protection. Within this frame, this is where concerns for victims of sex trafficking are discussed. Notably, sex trafficking as a consideration or observation was only mentioned by seven of the 32 participants, and all but two came from law enforcement discursive positions.

Law enforcement participants described sex trafficking as a large organization that is not easily identifiable. One participant said,

Or as sex trafficking. In some cases you have secretaries, you have a whole hierarchy of people who are making money off this, and they profit off of this, the difference is you have to go “look” where before it was real easy to hand you a citation and say you are going to jail tonight and not even ask a question. (Law Enforcement Worker 2)

Another concern highlighted within from the Law Enforcement discursive position was that sex trafficking is hard to identify due to the hidden organizational processes. The only identifier offered was that sex trafficking happens “here” (e.g., United States) or “like this.” The only other descriptor that seemed to be of note for understanding the organizational structure was that usually they are foreign women who are working under the force of pimps or traffickers.

An even greater challenge for law enforcement is convicting someone of sex trafficking or determining someone is being sex trafficked. For example, one law enforcement participant explained that boundaries are of concern. Law Enforcement Worker 2 explained,

If that is going on in New York City, we don't have any jurisdiction in New York City, so how do we now start to build a case in that location or outside the country. If it is an Internet kind of thing, then we can, I mean, it can bounce off of four different countries before it gets to this country, and it becomes very problematic and difficult to solve some of these things.

In addition, an outreach worker explained that when convicting people of sex trafficking, if the person is a minor, it is typically assumed that they are in a situation of trafficking because the person is not legally an adult. At the age of 18, usually the person would fall under criminal activity of prostitution, unless someone can prove that the situation the person is in is through force or coercion. Another law enforcement worker attempted to explain the perspective of sex trafficking from their organizational perspective to a media representative:

Media Representative 2: Anyway, that, his trial starts February 4th, I think. But was that the first—first and only case you guys have done on sex trafficking?
Law Enforcement Worker 6: Uh-hmm. That actually got charged human trafficking. We've had, uh, several exploitations of prostitution but they've had something missing in the elements to charge human trafficking.

Media Representative 2: So what was missing? What, what's usually a thing that's hard to get for sex trafficking?

Law Enforcement Worker 6: Sometimes the, the force or coercion aspect of it. Also sometimes, uh, the transportation part of it, getting, you know, um,

Media Representative 3: Oh, is transportation necessary for it to be sex trafficking?

Law Enforcement Worker 6: No. I wish I actually had the code to read to you, all the aspects of it. But, um, but that helps, I mean those are kind of the easy—

Media Representative 3: If you're traveling across state lines.

Law Enforcement Worker 6: Yeah, because you go across state lines. Like the feds can do human trafficking, they can also charge man act, and so there are lots of things if it's across state lines for, um, commercial sex.

Media Representative 2: Okay. What about the massage parlor thing?

Law Enforcement Worker 6: That was one we did with the AG's office.

Media Representative 2: But that wasn't charged as sex trafficking?

Law Enforcement Worker 6: Uh, they did charge human trafficking on that one, yeah, but we just assisted in that case.

From this exchange it is evident that not only is it difficult to describe how sex trafficking gets convicted, but that different elements of the sex industry (e.g., massage parlors) are often conflated with one another.

In a reflection on the difference between sex trafficking and prostitution, Legal Worker 1 explained his preference for the term prostitution in lieu of sex trafficking:

Maybe prostitution's the old-school label and maybe I'm old-school...sex trafficking has that notion of some degree of sophistication. The Craigslist girls. You know, that kind of stuff. Street prostitution doesn't have any of that. Street prostitution is just a nasty business, you know? Somebody's being coerced, somebody's being beaten, some, you know, their money's being taken...And, and, I don't—you know, I think, call that sex trafficking almost glorifies it. I think she—it's, it is just an awful, terrible business. And, and, uh, I don't—I don't disagree with the label, sex trafficking, you know, it's, that's not what it is.

Often, sex trafficking is used instead of prostitution especially in media presentations.

The degree of victimization and feeling of desperation evoked by this term seems to elicit a different feeling among viewers than trying to talk about “just” prostitution. In an attempt to explain what media are doing, Media Representative 1 explained, “Yeah, so

they've been using language to try to like blur the boundaries between sex trafficking and prostitution...I've seen what's going on and it's badly done.” This participant went on to explain that poorly representing the two different organizations causes problems and mostly for street level workers because their situation is characterized as helpless instead of what he believes they represent, strength. Interestingly, Media Representative 1, Outreach Workers, and Law Enforcement Worker 8 all remarked on the perseverance of street level sex workers. A perspective that contradicts others and the policy-as-written, each of these participants work on an individual level with the sex workers and characterize them as “human” rather than as a “status crime.”

On the other hand, a participant who represents the law enforcement perspective explained that the way prostitution and sex trafficking are separated in text and practice is wrong. Law Enforcement Worker 8 explained,

We definitely help sex trafficking victims whether they're juveniles, whether that is forced prostitution...But that's when someone's being forced into prostitution. So it's kind of weird. I would argue almost every single victim who is prostituting is a human trafficking victim, period. I'm not sure all law enforcement would entirely agree with that assessment and it's becoming—it's kind of a hard process because our human trafficking statutes haven't been on the books for very long. ... But it's fairly new to stop calling it even exploitation of a prostitute, which is our old law, which is when the pimp exploits the prostitute. So we're still gonna call her a prostitute, and we're gonna still call her a criminal, but we're also gonna say the pimp's a really bad person because he took half her money or he beat her up and made her work... Trying to move over to more of a human trafficking perspective, which pretty much says she's a victim of trafficking and the pimp is a human trafficker who is forcing her into prostitution.

This perspective, while admittedly not representative of the entire organization, shows a more intricate understanding of the nuanced connections within sex work networks.

This participant later cautioned that calling all prostitutes victims of sex trafficking

defines them as helpless, and noted that could be problematic because it removes potential agency. Moreover, this participant explained “the city” is not ready for a bunch of “victims of sex work” because there are not sufficient organizations ready to support them in terms of treatment or criminalization of their traffickers.

Contenders. Theoretically, these groups of people have political backing but are considered untrustworthy and morally suspect (Ingram et al., 2007). Both in policy-as-written and policy-as-practice, people who obtain the sexually oriented business license (SOB) belong in this category. For example, they can buy a license but in order to renew their license each year they must go through the process of taking health screenings for HIV and other sexually transmitted diseases. In other words, they are not fully trusted to obey the provisions of the policy.

The SOB as explained by the policy means “nude entertainment businesses, sexually oriented outcall services, adult businesses, seminude dancing bars and seminude dancing agencies” (§5-61-040-A-19). Legal Worker 3 explained how the SOB license works and puts practices in places that indicate ongoing negotiations between these businesses and law enforcement agencies:

Well, um, uh, an, an escort service, um, is, um, you know, it, it's required that they have a business office. And that someone is in that business office during the time that they're open. So let's say there's XYZ escort agency and, uh, uh, they've got girls out and about between 10 a.m. and 10 p.m. or later probably, later. Um, during that time when they're actively sending people out, they're required to have somebody in the office to answer phone calls and so on, and quite frankly, to deal with the police if the police need to, you know? Um, this girl that we just saw, um, claims that she works for you, uh, does she? Uh, they need to be able to call the escort agency and double check things like that right now.

Legal Worker 3 explained what someone who holds a SOB license can do, “you can call ... an escort, and under the proper circumstances... she can... perform nude

entertainment...and obviously of a sexual nature, but obviously...she cannot, uh, break the law and, um, and engage in prostitution.” In other words, a person who holds a SOB can do nearly everything but engage in exchanging sex for money or goods. However, while this is technically the law, the license renewal policy suggests that SOB license holders are in fact breaking the law, or untrustworthy. In order to renew the SOB license, the person must (re)pay the fee and go through a health screening. If the person has a sexually transmitted disease or infection of any kind, they will be denied the license. In a reflective moment about the policy, Law Enforcement Worker 6 said,

But, you tell me why do you have them health checked if you're not supposed to do any of this stuff? I mean you're not supposed to get naked and if you are, if you do sign a special agreement, which has to be signed 48 hours prior to your date, um, and you do get naked, you can't do it, you can't do it within 5 feet of that person. So then why do you need a health check?

Moments later, the same participant acknowledged, “but you have to understand if a girl's gonna be an escort, 99—almost 100%, she knows that she's gonna be a prostitute.”

An outreach worker reflected on a time working with escorts and their representative agencies. Outreach Worker 7 explained,

So we know who you are, so we're gonna watch you and if we catch you doing this. And that, that also, I believe sets women up for being exploited because what will often happen is that they'll go to work for an escort agency. And when I was doing outreach, there was one escort agency in all of Salt Lake that was owned by a woman—all the rest were owned by men—and that one woman, that's the woman I'm still in touch with, still communicate with—she actually had—she worked with us in the Health Department to do education for the women that were working for her agency. So she would—she actually had the Health Department and myself come in. She got a hotel suite, and we did kind of little like reception party thing. And then she stayed in one side and we went in the other room and shut the door because she technically, as the business owner, cannot know that the women are having sex, but she knows that the women are having sex.

From this interview, it is apparent that escort agency owners are well-aware that their employees are participating in the exchange of sex for money. Moreover, and important to note, in all of my interviews only 1 of the participants suggested that escorts may never engage in prostitution because it is an illegal activity. But in the end he claimed that in fact adult entertainers sometimes engage in prostitution, and that is illegal (Legal Worker 3). However, he was very clear to make the distinction between the act of prostitution and being a prostitute. Such that, an act can be separated from a person particularly in cases of contenders so that they do not become an embodiment of the status crime.

All in all, there is a disparity between the communicative construction of prostitution policy-as-written and policy-as-practice. The policy-as-written focuses sex for sale mostly on the actions in sex brokering and sex buying, whereas policy-as-practice frames sex for sale as the issue of the sex seller. Furthermore, the policy-as-practice informed the construction of the target groups: advantaged, deviant, contenders, and dependent. The following section will elaborate on the discursive positioning of prostitution.

The Communicative Constitution of Prostitution

The communicative constitution of prostitution is informed by the policies-as-written that were discussed in RQ1a. As such, participants defined prostitution loosely on the policy-as-written but relied mostly on their personal experiences. However, more explanatory were the descriptors utilized by participants to describe the (un)organization of prostitution. In other words, the communicative constitution of prostitution reflects the organizing of prostitution as a network rather than a singular organization. As Fairhurst and Putnam (2004) recognized, the conceptualization of organizations are always in

process as understood through discourse. Thus, organizing is secured in a continuous flow of communication as a result of language and action. I will first explain components used in order to define what prostitution is (and is not) and then explain how prostitution is an organized network.

Defining Prostitution

Near the beginning of each of my interviews I would ask participants to define prostitution. Typically, this question was met with a response similar to, “well, that’s hard, what do you mean?” or “well, you can think about it like this...” Due to responses like this I chose to reframe the questions as, “if you were to explain to a colleague or friend what you think prostitution is through your experience, what would you say?” It was through these narratives from personal experience that participants were able to navigate a semblance of a definition. Most notable was that what the policy-as-written presented as a seemingly simple definition was anything but that in application. Thus, the disparity in definitions further demonstrated the (un)organization of prostitution. Outreach Worker 5 provided the following definition, “I would define prostitution as an exchange of sex or sex acts for, um, some kind of gain, whether that be money or food or you know, housing or, um, some sort of, um, product, I guess...” Beyond this basic definition, participant responses reflected four themes related to defining prostitution: (1) prostitution as a limiting label, (2) heteronormative assumptions of sex, (3) boundaries or locations of sex work, and (4) movie or pop culture references.

Prostitution as a limiting label. The only thing that seems to be agreed upon in the definition of prostitution is that it is the act of sex in exchange for money or goods.

However, it is from this very basic understanding that opinions diverge. Legal Worker 3 attempted to define it as follows:

Prostitution per se, there's two separate statutes in Utah. Prostitution per se is committing a sex act for a fee. A sex act is... defined as, uh... oral-to-genital, hand-to-genital, or genital-to-genital contact for the purpose of sexual arousal and relief. So you know, a police officer will say... "I pretended I was a john." And I will say, "Now officer, you called a licensed escort agency, did you not?" "Yes." "And they have a license to do this, this, and this?" "Yes." "So you didn't really pretend you were a john, which is a customer of a, of, of a prostitute—you pretended you were a customer of a licensed legitimate business. That's what you actually did, isn't it officer?" "Well, uh, um, yeah, sort of. But I just know that they are." "Well how do you know that?" "Well, I just know." And, um, so, um, so, but, but an act of prostitution occurs at a specific time and place...

This response is similar to many of the responses I received in regard to how people attempted to define prostitution. They would start with the term, explain that there was a policy in place, and then the explanation would get more complicated from there, or just go in an unrelated direction. These responses helped make the connection to what I described as the organized network of prostitution and will be discussed in more detail in the following section.

Heteronormative assumptions of sex. One of the more common descriptors of prostitution was through an explanation or assumption of who was having sex with whom. In a community that is inundated by traditional standards of relationships and sexual expectations, male-to-female sexual partners are the preference. That is, sexual relationships are most often discussed in heteronormative standards and moreover, that men have to acquire sex from women and not vice versa.

Understanding the heteronormative assumptions of sex in the community helps to make sense of how prostitution policy is understood and implemented from the law

enforcement perspective. Law Enforcement Worker 6 explained why prostitution is usually a sexual exchange between men and women. He said, “then you do have, um, the men aspect that, um, generally you aren't going to have as many men because women don't do the same thing. Women aren't as bad as men if that makes sense.” In other words, men *need* sex in a different way than women and are assumed to be more eager in searching for it.

In a description of why there are more female prostitution arrests than other gender representations, Legal Worker 3 offered this explanation:

Men don't often pay for it for other men. Women very rarely pay for it with men. Um, and, um, so I, I'm sure it goes on occasion but there's not enough of it. And, and part of it may well be that police officers don't want to deal with it. You know, I know that so-and-so is having sex with other men for money, and I'll be damned if I'll go in and try and catch 'em.

From this account, it is apparent that the assumption is that men have to pay for sex if they want it from women, but not from men in a homosexual exchange. Furthermore, from a policing standpoint, officers do not necessarily want to “find” homosexual sex solicitation because they will be forced to engage in the activity to an extent. This understanding is poignant in the description of the both the gendering and assumptions of sexual orientation of prostitution and will be discussed in further detail in the next chapter.

Boundaries for sexual activity. Boundaries for sexual activity are discussed in terms of location. That is, a location within the city was given in order to define what prostitution is or is not. In an attempt to describe the location and boundaries of the street level prostitution, Law Enforcement Worker 7 clarified as follows:

Media Representative 2: So is all [Specific] Street known or is it like one section of [Specific] Street?

Law Enforcement Worker 7: So, yeah, we, we call this the South Track, and it's basically [this] Street, [this] Street and [this] Street. And we say from [street to street]. It's really more [street to street]. Yeah, once in a while you have a few girls now and then, uh, north of [street], but, uh, not, not terribly often. And then we have the North Track, which is the [street] area.

Media Representative 2: Okay... Which ones are a little more populated?

Law Enforcement Worker 7: Right now, um, the South Track is. This one. I think there, with the [public transportation] line and everything, that kind of changed the dynamics over there. It makes it harder for the Johns to circle and get around and stuff, and so, um, we have seen that there seems to be a little bit of a decrease, yeah, in the [other] side of things.

If not on a street section, the motel location and title was also a descriptor for the type of sex work the workers were engaging, “Most of the escort girls are a little more higher end than the [motel]. That's typically where the street girls stay. But I mean you'll get the lower end escort, at like the [lower end motels]” (Law Enforcement Worker 7).

Another consideration of boundaries is concern of how the structure of law enforcement informs how and where women are engaging in prostitution. For example,

Local, commercial, sex workers all know that Salt Lake City has a vice and so you don't ever go to a hotel in downtown Salt Lake City. So did we solve anything or did we just move it to [other locations]? Because I can tell you we could drive [interstate] and I can tell you which hotels have human trafficking going on every single day... So when they can still set up a date in downtown Salt Lake they're probably getting an out of town girl who's been pimped into the state of Utah—so trafficked across state lines. Because if they'd been here very long they'd know you don't go to a hotel in downtown Salt Lake. You set your date in [another city] and you set it in [another city] because then you'll know it's not a Salt Lake City vice undercover detective coming to set a date with you. And so even when we've got a very proactive entity trying to look into the issue, did all we do is change some dynamics? Does it solve anything?

This participant noted the complexities from both the perspectives of law enforcement and sex sellers. That is, sex sellers gain insight into the practices of the law enforcement and move outside of the city, and law enforcement considers the task handled. The situational disparity further demonstrates the clandestine nature of prostitution. As such,

in order to negotiate an understanding, often participants used popular culture references to illustrate their experiences.

Popular culture references. References to artifacts in popular culture were often given in order to explain either what street level prostitution is not or to explain what is to blame for the way sex brokers are perceived. While brief, the same two examples were given throughout my interviews. First, the movie *Pretty Woman* was referenced as what prostitution is not. For example, Media Representative 1 talked about “the urban legend that is *Pretty Woman*” in order to make the connection that street level sex work is neither glamorous nor sexy. Second, each of the participants from the law enforcement discursive position talked about rap music and how it glamorizes pimps and their treatment of women. Law Enforcement Worker 6 explained,

Ho's and pimps and, and, you know, and take the cash, the green, whatever it is. And it, that's, that's kind of right now, the whole, the young cru, uh, young crowd is definitely listening to rap and all that kind of stuff... it's got a far reaching effect and it's, it's almost become like oh, that's just now part of culture and that's what it is.

In this sense, sex for sale is engrained in popular culture texts and references. Due to the prevalence in popular culture, sex for sale becomes misrepresented and glorifies sex brokers and sex buyers and stigmatizes sex sellers. Sex sellers represent the face of prostitution, which is problematic because the other perpetrators help create the network of prostitution.

Clandestine Network of Prostitution

Clandestine organizations are underground or hidden organizations that operate outside traditional organizational strategies. Stohl and Stohl (2011) contended that “clandestine networks can range from being hierarchical and highly structured to

horizontal, flexible and fluidly structured” (p. 1199). As understood through the interview data, the clandestine network of prostitution is semistructured, fluid in interpretation, and hierarchical when considering judgments and policy interpretation. As described at the beginning of Chapter 4, Figure 4.2 shows the policy-as-written. The policy-as written allocated more space to criminalizing sex brokers and sex buyers than sex sellers, which is contrary to policy-as-practice (Figure 4.3). Furthermore, policy-as-written highlights that when sex buyers are arrested the policy of “plea in abeyance” is applied meaning that the conviction is often eliminated from their record. On the other hand, the criminalized outcome for sex sellers is always a misdemeanor conviction (Legal Worker 1).

Figures 4.2 and 4.3 illustrate outcomes according to policy-as-written and policy-as-practiced respectively for both prostitution and the SOB license. In Figure 4.2, the node “solicitation” is highlighted in orange in order to mark the component of the statute that was amended in 2012 (i.e., “Furtherance of...”). For both figures, the nodes encompassing “sex selling” are highlighted with green to draw the comparison for amount of time allocated to discussing sex selling verses the other components. Sex brokering and sex buying are represented in blue with respective outcomes for both the policy-as-written and the policy-as-practice. As Figure 4.2 was already elaborated at the beginning of this chapter, the remainder of this chapter will explain the communicative constitution of prostitution as an organized network that is presented in Figure 4.3.

Sexually oriented business. As already discussed, people who are in this portion of the prostitution network have obtained a business license from the city (SOB). Each member of the organization, from the person who answers the phones, the car

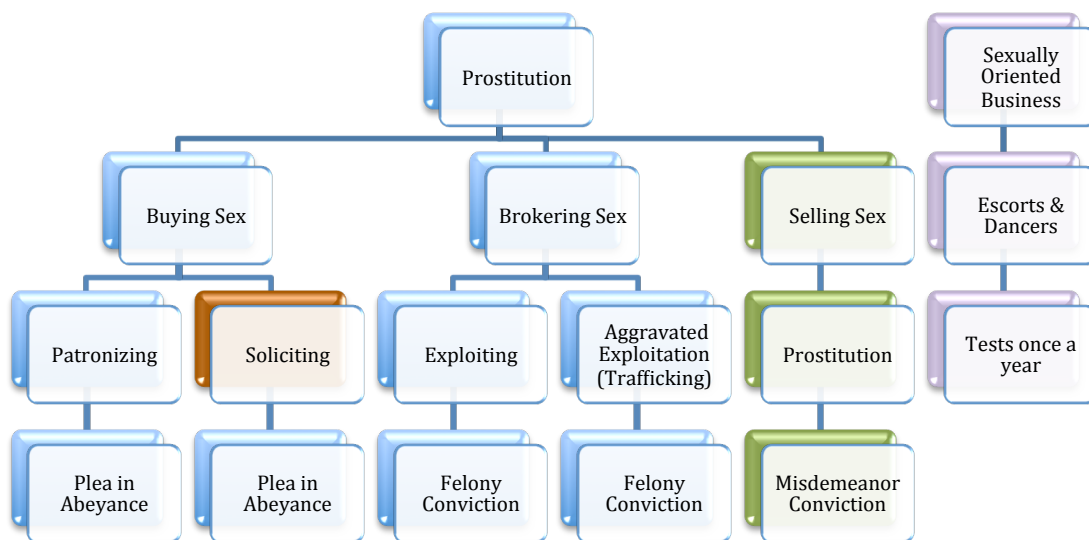


Figure 4.2: Communicative Constitution according to the Policy-as-Written

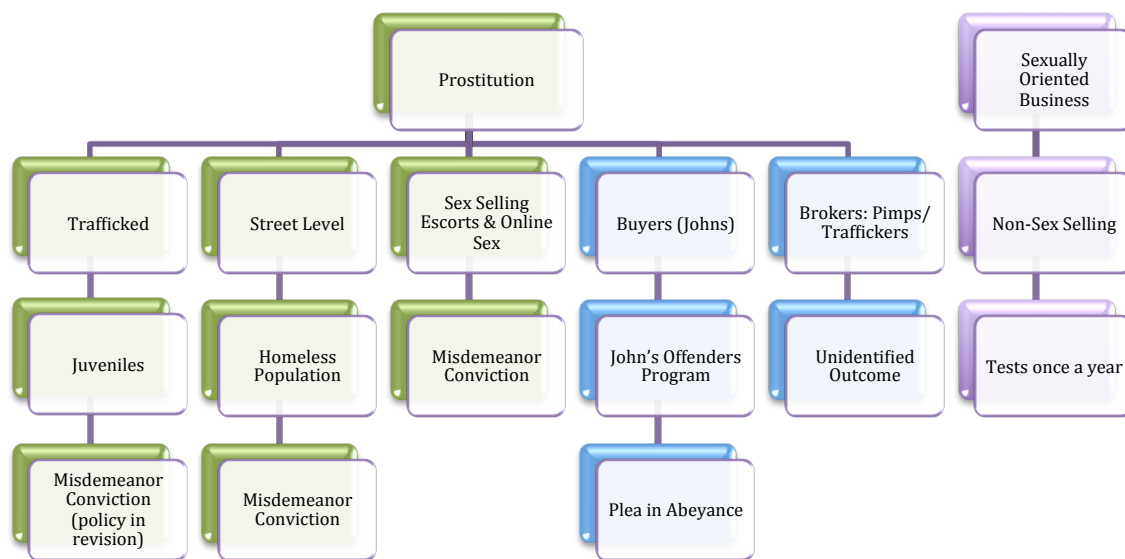


Figure 4.3: Communicative Constitution according to the Policy-as-Practice

drivers, outcall workers, and owners have to pay for and renew their business licenses each year. Outreach Worker 7 and Law Enforcement Worker 8 referred to workers who had an SOB license as commercial sex workers. Outreach Worker 7 said this type of work is “only happening in a very small segment of the cases.” In other words, this category is limited to a small number of people who choose to participate in the sex industry without engaging in prostitution.

Street level prostitution. Street level prostitution was the most commonly talked about part of the network of prostitution. Street level prostitution was communicatively constructed with various elements that may be present in other parts of the network, but not as definitely constituted. The components that make up street level prostitution are connection to drugs, homelessness, a certain physical representation, and the mention that it is not a victimless crime. Outreach Worker 7 defined the situation in more detail:

Yeah, it's... you know, most of the women that I know who have worked in prostitution, they—they will say I'm prostituting, that's what I'm doing. But that's the legal term. Again, like what they're—what they would really say is I'm in this circumstance, and this is the only way I know how to get out of this circumstance. So whether it's homelessness, whether it's drug addiction, or whether, you know, whatever it is, beating their kids, that is the only option that they perceive as being open to them. And so definitely they have different needs, but they're all meeting some basic needs, right?

This participant recognizes each of these components as elements of survival.

Drugs are typically the most common attribute of street level prostitution. Drugs not only become a need for why people need to exchange sex for money, but what often keeps them in the lifestyle. Law Enforcement Worker 4 highlighted the role of drugs in street level prostitution:

I think there is a phenomenon out there right now. This is just my personal opinion, but I think that prescription drugs are playing a part in starting a resurgence of this street level prostitution. Because people are getting

hooked on those, and they are violently expensive drugs, and then they switch to heroine or cocaine and by that time their life, well they no longer own their job, and we find them out there walking up and down [Specific] Street trying to make money to get a room for the night and trying to get their next fix.

People who frequently work with sex sellers explained the presence of drugs as an element of survival. This is an important component to understanding street level sex work and will be elaborated in the following section on survival sex.

Moreover, drugs are often what their boyfriends, husbands, or pimps want.

Outreach Worker 7 recalled,

I remember seeing domestic violence cases where a husband would beat his wife if she didn't go out and work the street to get money for his drug habit. So that is trafficking as well because he's using force to get her to engage in commercial sex acts for his benefit. And so he's benefiting from that.

The second factor in describing street level prostitution is the connection to homelessness. When explained from a perspective of policy and other legal contexts, prostitution becomes a way for people to earn money for basic needs. Participation in street level sex work is once again a survival mechanism, just a means to an end in the immediate situation. Outreach Worker 1 recounted,

It's just part of being homeless, living on the street...so I assume that all the women really, that are homeless are, are in sex work in some—I kind of base my assumption on, until proven otherwise that they're involuntarily coerced or, uh, made to do sex work.

Consideration of homelessness is often not a part of policy design, and in a problematic way. Simple examples include the notion that when a street level sex seller is arrested for prostitution they must get an HIV test within 30 of the arrest (§76-10-1308). In order for a street level worker to get this done they have to find transportation to a local clinic, then pay at least 100 dollars for the test, and from there get the results mailed to the courts.

Legal Worker 1 explained that all of these steps seem basic to someone who operates as a stereotypical functional societal member, but for people who sell sex in order to buy a hamburger these processes are oppressive and require that they engage in more sex work to pay for it.

The third element for communicatively constructing street level prostitution was physical appearance. The street level workers were often considered unattractive. Jokingly, Law Enforcement Worker 7 said that if johns were “savvy” they would perform the “smile test” in order to determine decoys from actual street workers. This is to infer that street level workers have lost their teeth in drug usage and just poor hygiene in general. This participant continued in his explanation:

Media Representative 3: Not *Pretty Woman*. Not, um, not the movie or sadly, often, not attractive—

Law Enforcement Worker 7: Yeah, the circuit girls. And so they're, they would just basically come date each town, work for a few days and then move on. And they were, they dressed fancier and everything and most of the girls, especially out here that work like the [Specific] Street and [other street] tracks are—I mean half of them are like in sweats or jeans –

Media Representative 2: Oh, really? They're not trying to do themselves up?

Law Enforcement Worker 7: No, yeah.

Media Representative 2: Are there any cute ones? (Laughs)

Law Enforcement Worker 7: Uh... not that I've seen. (Laughs) The, uh, yeah, I mean there's kind of several layers if you will, of prostitution.

In other words, sex sellers are not who people would most likely assume to be prostitutes from a media representation. Their addiction to drugs, connection to homelessness, and frequent exposure to violence lend to being physically unattractive. These elements illustrate the layers that the law enforcement worker has highlighted. Importantly, what this participant called layers corresponds to my position of organized network and will be elaborated in further detail in the next discussion chapter.

The final way that street level prostitution is communicatively constructed is through the recognition that it is not a victimless crime. Outside of the reasons already given to construct street level prostitution, members from the law enforcement discursive position reiterated each time they talked about prostitution was that it was not a victimless crime. For example, Law Enforcement Workers 6 said, “Um, and I think the perception is, and a lot of it is... and, and we do believe it's not a victimless crime.” In other words, through discussion the perspective is that these people are not choosing this profession.

Survival sex. I have purposely separated survival sex from street level prostitution because from my sample population the women’s perceptions even though prostitution literature often represents them as one in the same (e.g., Sanders et al., 2009). As explained from Outreach Worker 1, a lot of times women do not think or recognize that what they are doing is prostitution because they are just working on surviving day-to-day. Moreover, when I did field observations I had conversations with numerous women who, through the policy, I would define as prostitutes but who did not see themselves in this way. One woman said, “I hate doing this work, I really hate it but I am addicted [to heroin].” This participant speaks to the fact that for her it is not work as an occupation, but rather working for elements of survival. Other women when asked if they were “working” often said no, but took the condoms that we were giving out so that they could have sex with their “boyfriends.” Media Representative 1 explained survival sex:

Sex to pay for your addiction needs or sex to pay for feeding yourself and your children. I think the hierarchy of needs is what she needed every day, she needed \$50 and that would be what she needed ... She needed 10 for drugs, money for cigarettes. And then after that, if she had any money left, it would be great. You can't function without a roof, but you can't afford not to actually have a, to rent something.

More often than not, drugs are talked about as the first consideration of survival. One sex worker explained, “I am sick...if I just go out and work a hard hour, I can be well again.” The sick that she is explaining is pertaining to the feeling that she has coming off of heroin. Outreach Worker 1 explained the effects of heroin in more detail:

The particular substance that works exceptionally well for sex workers, it's like designed for that is heroin. And that's a whole different kind of addiction than, than any other kind. I, I think. And so it's not, it's not pretty...And so it's so severe, it's like having the worst flu, the worst panic attack, and the worst set of allergies you can imagine on an exponential realm, and you know—you have the knowledge that you can make it go away by just another—so very few heroin users are still getting high. That goes away pretty quickly. I don't know if you've heard people talk about getting well, that's what that means. They're just trying to not be sick from the withdrawal.

This explanation of the withdrawal from heroin helped to make sense of why the women could really only think minute-to-minute. For example, a woman who was being treated for a medical concern could only focus on when she was going to be able to go out and get her next fix (Sex Worker). Because prostitution is not the action of choice, survival sex becomes the perspective for this population of sex sellers.

Online sex work. This section of the prostitution network is communicatively constituted as the people who advertise their services online through popular webpages like backpage.com. Online sex work is really changing not only how people make sense of sex work but also how police have to enforce the criminalization of prostitution. Law Enforcement Worker 2 expounded, “But most of the business is not necessarily standing on the street corner anymore. Most of it has moved online, it has become very, I don't know...sophisticated.” Providing more context to what can be found in the online world of sex selling, Outreach Worker 7 stated

And the nature of that work in prostitution and sex work has changed with the Internet and with cell phones and that, I just finally saw the other day Backpage looks like in a cell phone app. And I was surprised at the language that the women are using to solicit. They're saying, you know, "Help a girl out," you know, "the holidays are over, I am dead broke, I could use a little help from a nice, you know, a kind, loving man," or whatever.

Online sex work is often considered a choice or an extension of high-end escorting services to the extent that sex work has changed organizational processes with the Internet. That is, online sex workers are often referred to as escorts, and escorts are often assumed to be advertising online with sex services.

Escorts. As defined in the policy-as-written, people who own a sexually oriented business license are escorts. However, Legal Worker 2 explained that the separation in everyday vernacular is that escort, "means that they don't have a sexual oriented business license and are engaging in sex solicitation." But more specifically, escorts are often considered high-end sex workers. As described by Law Enforcement Worker 7, escorts are "conducting business" in expensive hotels and making a lot of money. In fact, an element of separation between street level prostitution and escorts is the amount of money that can be made. Whereas street level workers make \$20 for mouth-to-genital sex and \$40 for genital-to-genital sex, escorts can make anywhere from \$500 and above for similar acts (Law Enforcement Workers and Legal Workers).

Sex trafficking. Within the network of prostitution, sex trafficking is most commonly defined in connection to situations of force or coercion. Because this is difficult to prove with adults, as previously explained by Outreach Worker 7, juveniles are the most common population that is mentioned as being trafficked. The following is representative:

The recommended model nationwide is to not criminalize juveniles for being involved in trafficking. But one of the points that often gets missed and it's a communications thing is people don't recognize right away how often that a child who's being prostituted is a victim of a sexual assault. So they already have in statute that minors up until a certain age cannot engage in certain sexual activity with someone who's a certain amount of years older than them. And yet somehow, when it involves commercial sex, and the transfer of money, we don't see it that way. We see them as maybe a rebellious teenager who is doing this to spite their family or because they want a new pair of jeans or whatever. (Outreach Worker 7)

This description illuminates the tension between recognition of sex trafficking versus prostitution.

The policy text utilizes “child” to describe “aggravated exploitation of prostitution” (§76-10-1306). Consequently, the connection of sex trafficking to minors carries over to the communicative constitution of policy-in-practice. In sum, data inform the conclusion that sex trafficking victims are children and people in prostitution are adults.

Male prostitution. Male prostitution is separated from street level prostitution because gender is highlighted. While this will be discussed in further detail in the next chapter, it is important to bring up as a component of the network of prostitution. Male prostitution is also only recognized within this context as male-to-male, or homosexual prostitution. When asked why it was considered homosexual sex and not heterosexual (women buying men) Legal Worker 2 clarified “women don’t have to procure sex in the same way as men.” This participant was alluding to the fact that women do not typically pay for sex because social standards usually do not call for this.

Personal perceptions within the discursive positions differed on the prevalence of male prostitution. For instance, law enforcement participants insisted that there was a charge for male prostitution. However, the charge these individuals typically receive is

male lewdness due to a mutual exchange of pleasure and the assumed absence of money.

Outreach Worker 1 contradicted this position:

We only work with one male. I know there's a lot more than that. I think they may overshadow the women actually. But not at a street level. Um, there's some people that I know that have worked with them quite intimately, the male sex work industry is huge. But, but again, not at a level that what I do would, would find them.

This suggests that in reality prostitution is in fact gender neutral. Despite this fact, the participants in this study mirrored a broader social bias that prostitution involves female seller and male buyers.

Sex traffickers. Sex traffickers are people who are described in the policy as engaging in “aggravated exploitation of prostitution.” Law Enforcement Worker 3 described these “men” as “parasites” within sex work, “forcing ladies to sell sex.” Using the same descriptor Media Representative 1 justified,

And then you have those pimps, for lack of a better word, who you can find on Craig's List who are advertising women to work for them and be protected by them. And if you listen to the women that I talk to they'll say the pimps are just redundant, irrelevant, provide no service, and they're just parasites and just feed off them and use violence to control them.

The most common characteristics that were used to describe these people were elements of power and force. Legal Worker 1 recalled, “So you know, a pimp flies in with, uh, with, you know, four escorts and they've, uh, set appointments up online and that kind of stuff and they, they work and, you know, charge lots of money...then fly out.” This narrative constructs the sex brokers as powerful due to their control over women and connection to money.

Sex buyers. Sex buyers through policy-as-practice are called “johns,” inferring that sex buyers are always men. The gendered element of this portion of the network will

be discussed in further detail in the next chapter, but the broader communicative constitution will be explained here. While the policy focuses a lot on the position of sex buying, the communicative constitution suggests that there is almost an acceptance of people who participate in this side of sex for sale. Legal Worker 3 noted the difference between the two parties:

The difference of course, in the mind of the, of the prosecutor is, she's doing it on a regular basis and she's getting paid for it. He's probably just lonely or whatever, whatever, or whatever. So the prosecutor came up with, um, what they call—oh, dear, a John's class.

Notably, the connection that this participant made between the connections that this is a job versus a recreational activity. When part of an extracurricular activity, the person is not criminalized as seriously in the effort that they can be saved through the “Johns Offenders Program.” On the other hand, this is “her” life, and thus she cannot be saved as easily.

Another element to communicatively constituting the sex buyers is that they are either seemingly functional people in society, or unintelligent others. For instance, johns are typically constructed as married men who have legitimate, socially accepted jobs. Because the men have someone that they need to keep this action secret from and because they have the money to pay their fines, johns are typically not negative members of the community. When they are constructed as negative members is when they are “others” or unintelligent. For example, during an undercover police operation, the johns were described as “ethnic,” “unsavvy” or as Media Representative 1 put it, “just needing to get their jollies off.”

Summary

In summation, policy-as-written and policy-as-practice are disparate in regard to the communicative construction of prostitution. While most people use the policy-as-written in order to make sense of what prostitution is, the policy-in-practice more adequately informs the commonly accepted communicative organizing of prostitution. In policy-as-written the focus lies mostly in criminalizing sex buyers and sex brokers; however, policy-as-practice constructs sex sellers as the perpetrators and sex buyers and brokers as bystanders. As a result, the organizing of prostitution is much more complex in practice than it is in text. Furthermore, because prostitution is a clandestine network, the organization presents rather an (un)organized network of sex for sale. These findings will be elaborated with regard to theoretical implication in the Discussion chapter. The next chapter presents data analysis as informed by elements of gender and silence(s).

CHAPTER 5

RESULTS, PART TWO

The second research question for this study asks how do discourses of silence(s) enact the gendered implementation of policy? I approach silence and language as occurring in tandem and as equally important in their communicative functions. I present findings concerning the gendered (un)organization of prostitution using Ashcraft and Mumby's (2004) feminist communicology. This perspective describes how "communication continuously creates, solidifies, disrupts, and alters gendered selves and organizational forms" in order to make a connection between gendered discourse and the organization (Ashcraft & Mumby, 2004, p. 2). During second-level coding of data analysis it was apparent that discursive structures were informing the discourse in use (Foucault, 1994). That is, participants used traditional conceptualizations of men and women in order to explain what is "good" and "bad" with regard to sexuality in situations of prostitution. Thus, the frame "discourse (en)genders organization" informs the results for this research question.

Discourse (En)Genders Organization

By using the frame "discourse (en)genders organization" I focus on how "gender, organization, and power are mutually constituted in discourse" (Ashcraft & Mumby, 2004, p. 18). More importantly, this frame highlights the interplay of macro-

and microdiscourses. Aligning with feminist poststructuralism, macrodiscourse takes precedent in organizational sense making, whereas the organizational function(s) are informed by microdiscourse(s). Discourse within this frame refers to a “broader societal narrative embedded in systems of representation, which offers predictable yet elastic, lucid yet contradictory images of possible subjectivities, relations among them, and attendant disciplinary practices” (Ashcraft & Mumby, 2004, p. 18). Last, this frame focuses on the organizing properties of public discourse and how it subsequently informs institutions and consequently how we participate within those structures. More specifically, it “answers the question: how is gender a difference that makes a difference” (Ashcraft & Mumby, 2004, p. 24).

As a reminder, this study examines the role of silence as a language gesture. As such, silence and speech are dialectally related in that each is equally powerful in communicative function. Moreover, Clair (1998) explained that silence is best understood through speech. Therefore, in this study, discourse includes both what is and is not said as elements of the communicative constitution of prostitution. This section looks at how discourse about prostitution (en)genders the organizational understanding. In addition, Table 5.1 summarizes the results of Chapter 5, which are the inequalities of gender and the consequences of talk and silence for each category. First, I will use the interview data to explain how women *are* prostitution and second reveal men’s roles in prostitution. In addition, throughout the data analysis I will refer to gender as male, female, men, or women in order to mirror the participants’ language choice.

Table 5.1: Consequences of Silence and Talk to the (En)Gendering of Prostitution

Gendered Layers of Inequality	Talk	Function of Silence
Religious undertone	Sexual promiscuity	Systematic silence(s) organize & buyer is not named
Exploitation is <i>her</i> problem	Sex seller always implicated in criminality of sex for sale	Sex seller is always mentioned
She is a sexual object	Everything she gets is because of sex	Silenced by sexuality
Victim of multiple issues	Complex issues	She requires too many resources but he doesn't
Stories of the Other	Stories told <i>for</i> her not <i>by</i> her	Elements of survival sex are silenced- options are then limited
Girls or daughters NOT boys or sons	Empathy of “could be your daughter or mother”	Never “could be your son or dad” buying
Effeminate representations of masculinity	Male lewdness or M to F trans* representation	Femininity is the named and blamed representation
Legitimized power for men	“Men are so predictable”	Plea in abeyance silences action of buying sex= power

Women are Prostitution

Consistent with the current research about prostitution, most of the interview data revolved around females being the face of sex for sale. In this sense, as Campbell (1998) cautioned about the prevalence of women in the literature on sex for sale, prostitution is equated to female prostitutes. Thus, the discursive construction in this data set is consistent with literature in the field, which justifies an examination of the unintended

consequences of gender in the policy-as-written. In order to explain, I will first describe the discursive structure in effect as the fundamental inequality of gender in society and the layered consequences, and then I will discuss the effeminate representations of masculinity in prostitution.

Fundamental Inequality of Gender in Society

This first theme sets the foundation for how gender is socially constructed from hereon. Social constructions of gendered roles inform “right” and “wrong” expectations. Data analysis revealed that participants viewed prostitution as a female performance that is considered “wrong.” While this will be explained in more detail throughout this section, it is important to recognize at the onset that patriarchy is the organizing macrodiscursive construction. Consequently, hegemonic masculinity is the normalizing preference for standards and procedures in regard to gendered expectations. In order to make this case, I will discuss the gendered standards first from a religious perspective and how that informs the overall societal interpretation of people in prostitution. That is, I will reference the gendered layers of inequality within prostitution such as (1) sexual exploitation, (2) women as sexual objects who purchase the sexually oriented business license, (3) the mark of being a victim with multiple issues (in comparison to sex buyers), (4) the consequence of stories being told *for* them (as cautionary tales) instead of *by* them, (5) the descriptions of girls or daughters over boys or sons, and (6) effeminate representations of masculinity in sex selling.

Discursive perspective informed by religion. Religion is a major element that informs the macrodiscourse of gendered expectations in the context of this study. Not only do religious texts govern most of the assumptions of what gender(s) should do via

law (e.g., marriage), but it also manifests itself in everyday discursive practices. Legal Worker 1 exclaimed, “We are here immersed in a, in a—a very religious culture. A monoreligious culture.” This participant acknowledged the often unspoken silence that religion has within Salt Lake City and presents the foundation for gendered expectations throughout the interviews. In fact, religion or the “religious culture” was mentioned in each interview as an explanatory element for why prostitution is considered a nuisance within the city. For instance, Legal Worker 2 explained the standards of premarital sex in that “men marry the virgin women...women are prized as virgins.” Consequently, women working in prostitution are the antithesis of the virgin prize. As such, the absence becomes a marker of identity as sex sellers represent sexual promiscuity and to be disregarded by religious standards.

Similarly, the prostitute is socially constructed as the temptress (i.e., embodied sin). This is evidenced in the explanation of why the Vice Unit was disbanded and replaced with the OCU. Law Enforcement Worker 2 said women would say to the officers, “prove you're not a police officer by doing some sexual act or exposing yourself” and thus, the new policy (“Furtherance of...”) ensures a safer environment for the officers away from these seductive activities. This perspective is important to understand as it informs the problematic nature of “victim-blaming” that occurs in policy and organizational discourse. That is, the actions of the officer are unquestioned (i.e., systematically silent), and the deviance from female sex sellers is foregrounded. She is discursively constructed as a threat to the officers to negotiate especially since the law enforcement officials are often married and law-abiding citizens. Even more telling is the exemplar presented earlier that recounted a detective who admitted to engaging in sexual

acts justifying that “there was no place for his face to go” (Carlisle, 2012). Following this account, the organization silenced his deviance by (re)structuring their operation (i.e., Vice to OCU) while maintaining their practices of arresting women.

Furthermore, victim blaming assumes deviance on the part of a sex seller. Akin to the Biblical tempting of Eve in Genesis, women on the streets seduce men who are seemingly helpless against their sexual needs. Outreach Worker 7 explained,

What’s happening is that we still have fundamental inequalities in our society, even though we've changed the laws and policies. There's still people with less access and less privilege that are more vulnerable to exploitation and those are some of the fundamental things we need to be attacking...we see that mindset in law enforcement in terms of approaching sex assaults committed against women while doing prostitution...we see that level of disdain or disbelief, or disrespect of women in general. Like that's a sexist attitude that's rooted in sexism.

The policy presents the sex seller as a by-product of prostitution but as demonstrated here, the assumptions from implementers are what inform the unintended consequences of gender of policy implementation. Outreach Worker 7 continued in the explanation of consequential nature of discourse: “I think what they don't understand about what that [sexist] language does is it's...Normalizes...violence against women.” Thus, the material consequence of discourse manifests in problematic ways through policy implementation especially when empathy is practiced for one criminalized party. In other words, systematic silence(s) help maintain and inform organizational practices.

Furthermore, the systematic silence(s) pervasively create spaces for the advantaged groups to negotiate actions without consequence. For instance, the religious culture informs a certain expectation of what is and is not acceptable in accordance with marriage. That is, marriage is sacred and people working as prostitutes jeopardize the sanctity of this union. However, while surface observations suggest a conservative

culture, it may be that conservatism fosters a desire for deviance. Law Enforcement Worker 5 provided an anecdote:

Especially here in Utah where you have such a strong religious, um, there's that strong, you know, moral pull to, to one side, you have a lot of deviant behavior that goes along with that... There's girls that come to Salt Lake because they know [the Latter-Day Saints general] conference is going on and they can post an ad on the Internet and have—you know, I'm at conference in the morning and then I'm gonna go get my girl in the evening. It's kind of like why vodka sales go up during conference too... Salt Lake—or Utah—has a very high community standard.

This participant perceived that the conservative culture in the community magnified secretive deviance of sex buyers through the systematic silence created by religious expectations. Consequently, women are named as the problem as they are walking the streets, and men are offered a program for rehabilitation that subsequently erases the criminal activity from their record. Law Enforcement Worker 5 explained the ramifications for sex buyers:

This is what johns look like, and it shows...pictures of guys that we've arrested from, from you know, your typical dad who takes somebody to school, the dentist, the, uh... the fireman or whoever we've arrested...could include a politician. Uh, it's a lot easier for that politician, when he gets arrested to go and have, you know, plead guilty or you know, a misdemeanor...but if...[someone] from the LDS Church got arrested and booked in jail for you know, third degree felony prostitution solicitation or something like that. That would be a whole different story...it would shatter his life.

In this example, not only is the sex buyer a victim of her seduction, but he is worthy of police protection (via silence through policy practice) because he is a functioning and contributing member to the community.

Exploitation of prostitution as her problem. The policy-as-written criminalizes the exploitation of prostitution as a potential felony (§76-10-1305). Outreach Worker 7

explained the problematic nature of the language choices within the policy text. She stated,

If you look at Utah's prostitution laws, they are a mess. Like they really are a mess...we still have like one crime that's exploitation of prostitution or exploitation of a prost—but it's not exploitation of a prostitute, it's exploitation of prostitution...So what kind of sense does that make? Like you're not identifying someone who's being exploited, you're charging two people in that situation. So those are some of the things that we need to tackle on a policy level over the long run.

This participant recognized unintended consequences of gender assumptions in the policy text. As law enforcement workers suggest, the current focus of the OCU is to criminalize people who are exploiting sex workers. However, in an attempt to criminalize the person who is exploiting people, the policy actually works in the opposite way and criminalizes both seller and buyer. As such, the sex seller is inherently implicated in all criminalization of sex for sale. Silence creeps into patterned sets of discourses and material elements as she is the discursive representative of “criminal” even in situations of force. In other words, if even in situations of force and coercion she is criminalized as deviant, she remains the perpetrator of prostitution.

Similarly, another participant problematized the language of the policy in a more tangible explanation. Legal Worker 3 stated,

And there is no crime such as being a prostitute. Uh, you either committed a crime at a specific time and place or you didn't...the police want the jury to assume that the girl sitting next to me at the counsel table is a prostitute. I want to explain to the jury that we're talking about Friday night at 10 o'clock on the corner of such and such a street, and such and such a street. And either it happened or it didn't. Not that she is or she isn't.

To this extent, for the lay observer a prostitute is prostitution and thus always acting as such. However, this participant helped to disconnect a status crime from a person, which is extremely important in criminalizing discourse. Although, common discourse suggests

that in situations of sex for sale sex buyers are left noticeably silent. This discursive silence leaves sex buyers in a position of power, as they are unnamed and often not criminalized. Hence, she *is* prostitution and the perpetrator of sexual deviance.

She is a sexual object who purchases the SOB. Perhaps an answer as to why the language is troubling and inconsistent is due to the microdiscourses in the organizing of sex for sale. If the assumption is that even women who are purchasing legitimate licenses are falling victim to criminal activity, then there is no hope for them. For example, women working as legitimate escorts are assumed to be sex workers (Law Enforcement Worker 6). To this end, women are once again treated as the problem of prostitution and always suspect to participating in criminal activity. In a more silenced recognition of who is purchasing the SOB licenses, a participant explained, “I appreciate the shift in recognizing that there are a lot of women out there that are being victimized and there are other people benefiting from victimizing them” (Outreach Worker 7). This perspective highlights the complex nature of the prostitution network, but the female sex seller is still at the center of the discourse about sex for sale.

Perhaps a reason that women are marked as the perpetrators is because they have “goods” to give away. Moreover, the gendered construction of women as portrayed in mediated examples and common discourse is that of sexual objects. Illustrating the notion of women as sex object, Legal Worker 3 commented,

Well, you know, I always chuckle and, and, you're gonna think I'm a little bit of a sexist and maybe I am. I'm old-fashioned... I see a beautiful young girl driving down the street in a Mercedes-Benz and I say, one way or another, her looks probably contributed to her being in a Mercedes-Benz. Maybe she just caught the eye of a rich husband. Maybe something, you know, all above board. But in fact, women do trade on their sex appeal and, uh, it's just a fact of life...

The connection is to women and their sexual objectification as a correlation to their worth or ability to obtain wealth and material possessions. That is, one way or another sex earns women money or items. For the consumer, exchanging sex for money is actually the cheaper option. Legal Worker 3 elaborated, “In actuality, it's cheaper. If I pay \$500 to meet a girl at a hotel room and I get what I came for, it's a hell of a lot cheaper than that Mercedes-Benz, right?” All in all, women are silenced by their sexuality.

Consistent with this line of thinking, if a woman concedes that she is a commodity her ability to capitalize could be fiscally beneficial. For instance, Outreach Worker 7 explained, “But again, there's always the issue of agency, and I still support a woman's right to do, you know, what she chooses to do.” This comment discursively positions a sex seller as an empowered woman; however, what this quote does not represent is the hesitation in tone that accompanied the comment. What is silenced is the reality that while this woman considers her actions are a right to sexual freedom and choice, patriarchal discourse and standards oppress full realization of this ideal.

She is a prostitute because she is a victim of multiple issues. Because sex sellers are silenced by their deviance, opportunities for assistance in various forms are often nonexistent. As such, recognition that women face “multiple issues” seems to work as a barrier rather than a moment of opportunity. Outreach Worker 1 laboriously explained the complexities of the woman in sex work:

Supposedly, at the state level, if you're in this line of work...this demographic of sex worker, and I think it's homeless and mentally ill or I'm not exactly sure the parameters, but they're supposed to be offered 10 services for free through kind of Mental Health thinks that's—I mean kind of the obvious ones, two of them are case management and mental health services...mental health would be a huge one obviously. Um, substance abuse. Um... all we have in terms of acute care for an unfunded, uh, chemically dependent person today, that I'm aware of, um, are [one local

organization]. There's adult detoxification center, and that's for 14 days and then they gotta go. And, and that's men and women. There are only a few, like four women's beds. Four, five, or six or something, it's really—single digit... So those are the two detox—like acute care kind of situations. And then of course there's the hospitals but you know, as soon as their— somebody's unfunded and honestly, even if they're funded it's kind of dismal. Insurances don't want to pay for mental health and substance abuse stuff. And then, um, rehab kind of stuff, so they can get assessed... they'd have to like connect quite a few of somewhat complicated dots to get from where they're standing to the day that they're in front of somebody, um, and get assessed for county funding to get into a rehab place. And then once they get assessed, that yes, you have this severe problem, you need in-patient care. And there's some other hoops they have to jump through in order to arrive on day one at that rehab center... if they are able to get into rehab and they're progressing along well enough, life can change. I mean it—good things can happen out of that for sure. So most of them have transitional housing, job placement kind of help things. But the wait time from that first assessment to day one of rehab can be months and months, with, with sort of weekly check-ins or something like that. So it's possible, plausible, but for all intents and purposes, kind of impossible.

While lengthy, this is only a partial consideration of what a majority of sex workers need in terms of medical assistance. What is being silenced through the data is the view that the prostitute is complex and in need of too many resources. On the contrary, and as noted in the data various times, sex buyers fund their own outreach program. Once again, the problem of sex for sale inherently falls to the populations that require the most energy and resources.

Stories of the other. Perhaps most important to silence as a communicative gesture is the recognition within legislation and defining of prostitution as a silenced voice—the sex sellers. While fairly standard in policy creation, it is interesting here in that the social construction of the situation is disparate. As discussed in the “survival sex” portion of the last chapter, women see their situation as a means to survival, whereas common discourse both in the policy-as-written and from people who define her

activity explain that she is participating in criminal activity. Therefore, narratives of her life and situational circumstances are told *for* her instead of *by* her.

Significantly, while doing field observations, I documented that most of the women we spoke to did not refer to their work as prostitution. In fact they were reluctant to acknowledge that they participated in sex for sale. For instance, one woman who was receiving medical attention whispered each time she spoke about her experiences selling sex. She explained that she had a place to sleep that night because she offered to have sex with the man who owned the house. Declaring that she hated this work, she said she knew that is the only way she would have a safe place to stay at night. As she left we were all struck by the complexity and desperation in her situation. In this moment she had the ability to tell her story, but in legislation the story is told for her (and ironically, here too).

When people attempt to justify the policy or reasons why women are in these situations, desperate situations are recapped. Outreach Worker 4 summarized,

Because people are like, "Well aren't these like a lot of sexy women who are sex addicts?" It's like, listen, buddy, you tell -- I says, I says I don't know a woman—I don't care how, where she's come from, that sitting on her knees in an alley with some guy's... sitting with, giving him a blowjob is satisfying to her. There is nothing about that that is dignifying for anyone. So in order for her to have to do that, there's a place you don't even know that you can get to 'cause—so that's why you can judge it, you know?

Outreach Worker 7 explained her perspective as “I do sometimes get frustrated...like you said, a lack of connection. So it almost becomes patronizing. Like you're not really understanding people's reality.” In other words, the reality of survival sex is silenced and criminalization of prostitution is foregrounded. From an organizational perspective, prostitution serves as a label that criminalizes and justifies current treatment of sex

sellers. If survival sex was introduced as a new label it requires organizational and policy (re)structuring in order to provide sex sellers with more options.

Girls or daughters not boys or sons. Theoretically, feminist poststructuralism recognizes discourse as having material consequences. Specifically, the prostitution policy-as-written is gender neutral and the policy-as-practice is gendered. During the interviews, the term prostitute was used most frequently to describe people in prostitution ($N = 696$). The second most common descriptor for people in situations of prostitution was “girls” ($N = 352$). Vernacular recognizes that “girls” refers to females under the age of 18. However, within the data set, “girl” was used when describing someone in a situation of being a victim or vulnerable. For example, Law Enforcement Worker 3 explained,

As long as a girl that is having maybe problems with addiction or whatever, as long as it's as easy as to walk out the front of the hotel room door and go make money without any, anybody questioning them, without enforcement taking place then it's—we'll never get rid of the problem.

In this sense, the girl is victim to her drug addiction. And more importantly, girls are utilized in descriptions where they are vulnerable and susceptible to dangers.

While far less than girls, two other identifying labels were used in lieu of prostitute: women or ladies. For example, the only time “ladies” ($n = 5$) was used was during an interview with various leaders in a law enforcement organization. Law Enforcement Worker 2 explained, “Actually even working to the extent of co-opting some of these primarily young ladies, but young men certainly, are in the same category, of who is it that is making the money...” The interview exchange went on to explain the relationship the law enforcement participants had made with sex workers in order to understand the nuanced structures of sex work. More importantly, the term lady was

used all but one time in connection to the term young men. This was in an attempt to explain the sex industry as gender neutral. The following is representative: “The young ladies and young men who are engaging in these activities are doing it because they don’t feel like they have an alternative.”

The final explanation given in this frame was from a familial connection. In other words, an empathetic connection was drawn to assume the person selling sex could be someone they knew rather than just an anonymous face. Outreach Work 7 explained that when people make the connection more personal it is “compelling and really like gets the emotions going of the people listening. You know, it could be their daughter.” The assumption here is that people would not want to see their daughter on the street corner or in the hotel room with a random man. However, the interesting connection here is that the assumption was not made that it could be someone’s son or a guy on the corner. Moreover, no one talks about the sex buyers as a son or guy they know. Contextually the men are silenced and displaced from perpetration of prostitution, whereas women are once again discursively identified as criminals. Thus, silence is a material representation of power in this discursive frame.

Effeminate representations of masculinity in sex selling. Explanations of male participation in prostitution varied from participant to participant. Some participants contended that they had never seen or experienced male prostitution, whereas others commented that male prostitution is an epidemic in the city. Legal Worker 3 explained, “Yeah, well, you know, if in fact we had, uh, more of a, of a, uh, of a male prostitute sort of problem here,” going on to explain that he was not sure what the legal procedure was for men who were arrested for selling sex. Legal Worker 2 was very specific about

referring to sex for sale from men as “male escorts” to assume a higher-end sexual service silencing the possibility of street level sex work. In contrast to the heteronormative assumptions of female sex sellers, male sex sellers were assumed to practice homosexual sex. A justification provided male-to-male sex was because women do not usually have to pay for sex where men do (Legal Worker 2). Interestingly, homosexuality assumes an effeminate connection in contrast to staunch masculinity (male-to-female sex buying). In other words, masculinity is silenced as a potential perpetrator and femininity is the focus for perpetration.

Furthermore, male-to-male sex for sale offers a curious illumination with the policing of male sex for sale. In other words, data indicated that male sex for sale is not prosecuted the same as female sex for sale. In fact, the term that is commonly associated with male sex for sale is male lewdness. The following is representative:

Law Enforcement Worker 2: we have a huge....um....well it doesn't fall into prostitution when you talk about gay men

Law Enforcement Worker 4: And there are a handful of male prostitutes out there, one of the worst fights I have been in as a cop was with a male prostitute. We don't see that as ...

Law Enforcement Worker 2: But what you see is ...ok so he has lots of money, and I am 20 years old, and you take care of me.... and

Law Enforcement Worker 4: very discreet

Law Enforcement Worker 2: And, yeah, and so it's an ongoing long-term kind of relationship. But I mean it's prostitution in every way, shape, and form. But it's not the same way, right? I'm taking advantage—he's looking for someone young, and yeah, he's willing to give me 20—\$30,000 a year.

Law Enforcement Worker 3: I mean, so you see a lot of that in the gay community.

Law Enforcement Worker 2: And even shorter than that is, we have several parks in the city where during lunch hours men will go and entice another male to get into the car, and they'll engage in sex and they're done.

Law Enforcement Worker 3: But not for money.

Law Enforcement Worker 2: We still deal with it, but it's not a prostitution case.

Policy-as-written would identify this situation as prostitution. However, due to the heteronormative assumptions of sexual conduct the practiced policy regards this as male lewdness. Law Enforcement Worker 5 attempted to make a similar connection:

And, uh, some of the guys I worked with were a little bit better at, uh, meeting, uh, meeting men than, than I was. I'm not, but I had plenty of experiences where you know, you'd walk into the, you know, the men's bathroom, and it was obvious that the men that were in the bathroom were there more so not to, you know, use the bathroom, but to, you know, meet another man. And a lot of these men are married, uh, and they range in age from you know, teenagers all the way up until—I think the oldest guy we arrested was like 87. Married. Yeah...that's just male lewdness...you go in the bathroom and, um, and there would be guys at the stand there and they'd, uh, expose themselves and start masturbating or a lot of the guys used to kind of make eye contact, and they'd wander off into a stall and engage in oral sex.

The assumption then is that male-to-male sex is gay sexual activity and not engagement in prostitution. After many attempts at clarification, data analysis concluded that the assumption is men have a mutual sexual exchange, and not an exchange of money.

However, this is often just an assumption and not clarified by the men. Similarly, sex for sale was never addressed as a situational possibility when female-to-female. However, Media Representative 1 noted that a few women who work the streets are lesbian couples and the sex they exchange for money is with men, which fulfills the heteronormative sexual assumptions. In consequence, homosexual sex is silenced as a possibility within the context of prostitution, and prostitution falls victim to the status quo of sexual assumptions.

Confirming the fact that charges of prostitution are not seen against men, Legal Worker 1 proclaimed, “I have never seen somebody who presented as a male with that charge [prostitution] in this court.” As another element of consideration, male sex for sale may not be criminalized as prostitution due to organizational processes. In other

words, officers have to catch people in the crime and participants alluded to an uncomfortable exchange. The following is representative:

Law Enforcement Worker 7: You see, I'm not good at that. I always used to joke with this guy we worked with. He was good. Like he would look at people and like raise his eyebrows and guys would totally... (makes sexual gesture)... I used to tease him, I said, because I had been sitting, I had a conversation with people and be in the car with him, and be like—"Let's go get some coffee." It's like, you kidding me? So I always used to tease him. I'm the kind of person that people want to date and take home to their mother. (Laughter) You're the kind of person that people want to masturbate in front of. (Laughter)

Media Representative 2: I'd rather be like you. (Laughs)

Law Enforcement Worker 7: That's the other hard part about that assignment, it's like really is my goal here that this guy is actually going to expose himself to me? (Laughs) I don't think that's what I want.

Media Representative 2: Oh, that's—(laughs) like let's see how good of a cop you are, come on.

Media Representative 3: See if you can get this guy to expose himself out here on the trail.

When law enforcement participants discussed male sex for sale, they offered a hesitation in the desire to encourage sexual activity with other men. Also, this could be in consequence to the fact that 7 out of 8 participants from this discursive position were male, and only two women work in the OCU.

Interestingly, member checks in the data analysis process provided contradictory feedback. That is, consistent with the previous data analysis, I framed male sex for sale as male lewdness and not prostitution. Six of the 8 law enforcement participants responded to reiterate that the policy defines prostitution as the exchange of sex for money regardless of gender. The following are representative responses: “If a male was apprehended for solicitation they also were charged with prostitution related crimes,” and “The easiest way to explain this is anything of value in exchange for a sex act is prostitution... Gender has very little to do with this. It is just more common for males to

hook up...which is lewdness.” As such, the follow-up responses are consistent with the policy-as-written. Homosexual exchanges of sex for sale and female-to-male sex exchanges are silenced as a possibility of “legitimate prostitution” due to heteronormative standards of males procuring sex from women.

Transgender prostitution. In an effort to discursively frame gender more inclusively, and not just the binary of male and female, my interview exchanges asked for representations of trans*¹ prostitution. Only 2 participants responded and their responses were very telling of the gendered assumptions of prostitution. Law Enforcement Worker 6 described,

So you're gonna have, um, it would be, uh, lot of, of—and that will come with, with transgender. You'll get a lot of, um, they call them "she-males" or they'll call 'em, um, transgender type prostitutes where it's actually men that have had sex-change operations. And surprisingly in Utah, they're huge here. They, the, the male, the clientele here love the transgender and I don't—I haven't figured that out, but they do.

While the biological make-up would classify this person as male, the preferred gender performance is feminine. Thus, in situations where gender is expanded, women are still prostitution. Similarly, Legal Worker 1 confirmed,

I've seen people who are... I don't know that they're transgendered, I'm not sure the exact term. They, they, they present as females but are, uh, uh, are males biologically...I've seen transgender people charged with it. But that, that is a circumstance where it's, it's still from, uh, outward appearances is, is, a, uh, it's a female.

In sum, female representations of sex for sale become the identity for prostitution.

Other gendered representations are silenced and either categorized with women as sex sellers or “just” engaging in homosexual sexual activities.

¹ Trans* is a relatively new umbrella term that refers to any gender expression within this gender identity community (e.g., transgender, transsexual, genderqueer, bigender, etc.) (Wood, 2013).

Men's (Legitimate) Roles in Prostitution

Because women have something that men want, sex selling from women-to-men is considered heteronormative and thus legitimate prostitution. This discursive frame confirms that legitimate roles for men in sex for sale is not sex selling, rather sex buying and brokering. Consequently both of these roles embody power over another human through either force or the physical act of sex. This section will clarify males' roles in prostitution.

First, men are the only gender connected to those who purchase sex. Legal Worker 2 explained that "men are so predictable" as a justification that men are always seeking to have some form of sex. Law Enforcement Worker 2 stated,

So, we also do a lot of focus on the people who are coming down, so the johns in that sense, and we spend a lot of time trying to focus on them as well. Because as long as there is a demand [smiled] somebody is going to fill that need.

This participant employs market discourse to confirm that if men need it then women will supply it. As a result, the role of men as sex buyers remains dominant. Law Enforcement Worker 4 reiterated, "I would say that the woman is more likely the seller and the john, the male is more likely the buyer."

Furthermore, the "John's Offenders Program," while being identified as an outreach program, plays an interesting role in the function of silence as power. It is through the completion of this program that a misdemeanor can be removed from a record thus silencing the criminal actions. In contrast, through the discursive frame presented, women are marked as criminal forever.

Second, while discussed sparingly, people who functioned as the pimps or rather traffickers are a part of the organized network of prostitution. Often, pimps are

discursively constructed as “boyfriends.” For example, “They pose as a boyfriend so they come out and then target them [female sex sellers] that way” (Outreach Worker 7). Also, as already stated in Chapter 4, pimps and traffickers are one-in-the-same, in that their goal is to get women to work *for* them. After an interview with a woman, Outreach Worker 7 said the interviewee, “didn't understand until she talked to one of the police officers later that that guy was actually a trafficker, and he was trying to get her to come, you know, stay with him and work for him.” This participant suggested that pimps used psychological tactics of love and compassion in order to get the women to work for them.

Law Enforcement Worker 6 described a similar process:

And they usually get on drugs because of some dirtbag guy put them there...I think a lot of these guys get these young girls from the mall that are runaways ...and maybe their self-esteem's not as high. They don't really have any course of anything, and they sweet talk them to being their boyfriend and then the next thing you know, they're right in what we call the game, which is the prostitution, and these guys are turning these girls out. And you know, you have four or five girls, and they're making all \$300 an hour, and these guys take it all away from 'em, that comes up to a pretty good chunk of money every day. And these guys don't do anything but smoke pot, play video games. To me, a pimp's the worst thing walking the face of this earth. They're just like a mosquito or a tick; I hate 'em.

The discursive construction suggests that the organized network of prostitution is being run by men who pose as caring beings making women work for them.

Moreover, when doing field participation I noted that a lot of the women talked about their boyfriends and how they were either mad at them for something or that they needed more condoms to use with him. As a result, the actions of sex for sale are seen as acts for him, or in control of him. Law Enforcement Worker 6 explains the cyclical nature of pimping. He said, “So as soon as we got her away then she just ran away again and got hooked right back up with a different, with a different pimp...And so, yeah, she's

running for like four or five pimps, and we've really been working hard on that to try to keep her out. Because especially being a minor..." This exemplar confirms that men hold a lot of power and they are able to not only keep their women in the game, but to also gain more women in the process. Moreover, as illustrated through policy-as-practice, sex brokers are often organizationally silent and consequently powerful in maintaining their status in sex for sale.

Summary

By using the frame of "discourse (en)genders organization," my analysis explained the interplay of talk and silence with regard to gender in prostitution policy implementation. First, the talk in the policy-as-practice defined that women are perpetrating prostitution. That is, women are the identified face of prostitution through the naming of women in prostitution. On the other hand, men are often silent in discussion of prostitution and thus, in practice men have a limited (and almost excusable) role in prostitution. In sum, because there is more talk dedicated to women as prostitutes, the gendered disparity presents prostitution as a woman's problem. The following chapter discusses these contradictions in more detail through theoretical and practical implications.

CHAPTER 6

DISCUSSION AND CONCLUSION

Each of the previous analysis chapters brought to light the disparity between policy-as-written and policy-as practice. Chapter 4 highlighted the communicative constitution of prostitution, and data analysis discovered that prostitution is not only a legal label but prostitution is also an organized network. Chapter 5 illuminated the discrepancy of gender assumptions in the policy-as-practice and found that through discourse women are prostitution and men are bystanders. This chapter elaborates on the consequences found in the discourse around, about, and in prostitution policy texts and practices. The following pages summarize findings reported in the previous two chapters and interpret them theoretically. The findings are tied to previous literature and explicate insights provided through the layered theoretical approach. Finally, I address the theoretical contributions, practical applications, limitations, and future lines of research.

Theoretical Layering

This section presents a layered theoretical interpretation of the findings. As a reminder, the two main theoretical perspectives guiding this project are the communicative constitution of organizations and feminist poststructuralism. Within those two frameworks, I utilized the concepts of hidden organizations, gendered organizations, and silence as an organizing concept.

Communicative Constitution of Organizations

The communicative constitution of organizations is a perspective adopted by scholars who turn research and theory attention to the communicative process of organizing. Scholars who employ the CCO perspective argue that without communication there is no organization. Specifically, Fairhurst and Putnam (2004) noted that organizational discourse is grounded in action insofar that organizing is anchored in a continuous flow of communication. As a result, organizations emerge as a result of language and action. Subsequently, discourse then is a material element that highlights the organizational processes of hidden organizations in more nuanced ways. Therefore, the communicative constitution of prostitution illustrates the interaction between discourse(s) (Foucault, 1994) in that the organizing around sex for sale is on going. The following paragraphs will expand theoretically significant contributions from CCO as a result of the data analysis.

First, there is a difference between the formal and informal constructions of what constitutes prostitution. In other words, policy-as-written and policy-as-practice communicatively constitute two different ways of organizing prostitution (Kirby & Krone, 2002). For instance, the policy-as-written assumes three perpetrators of prostitution, whereas the policy-as-practice relies heavily on naming the sex seller as often the sole perpetrator. Through participant's language choices and emphases of target groups, sex sellers are identified as deviant and sex buyers are marked as advantaged target populations. Thus, the contribution to CCO is the recognition that it is the everyday, ongoing discursive construction from various stakeholders that (re)produces the organizing perception of prostitution. Consequently, the everyday

construction is only somewhat tethered to the communicative constitution of policy-as-written. As such, the policy-as-written discursively codifies prostitution as an act, but policy-as-practice discursively blames the sex sellers for their deviant behavior.

Second, the policy-as-written does not account for any intersections that the deviant target groups must negotiate. Specifically, this finding was derived from recognition that the policy-as-written does not take into account issues of poverty, homelessness, race, or mental issues that people in prostitution face. An important recognition in policy is that people who write policy are typically educated and from a higher socioeconomic backgrounds; thus their standpoint is the perspective of the policy-as-written. Participants from the outreach discursive position spoke into the multiple complexities that sex sellers often have to accommodate. For instance, when issued a misdemeanor for prostitution, a sex seller must once again engage prostitution in order to pay the fine, whereas a sex buyer typically has the money to pay the fine. As a result, for the sex seller the policy-as-written almost requires that they (re)engage in prostitution in order to pay for the initial criminal charges. Thus, policy-as-written (re)produces prostitution in a nuanced way through the unintended consequence of intersections in policy-as-practice.

Third, the communicative relationship between organizational members and the organization helps to illuminate a process of organizing. McPhee and Zaig (2000) argued that, “organizations are constituted in four different communicative flows” (p. 32), and each make a unique yet specific contribution to organizing. The authors contended, “one vital process to an organization is the communication that establishes and maintains or transforms its relationship with each of its members” (p. 34). Because

of this, organizational members are categorized and incorporated into organizational structures and routines. Thus, in sex for sale, membership negotiation begins to identify what Law Enforcement Worker 7 defined as layers of prostitution, and what I deemed organizational networks. Membership negotiations for prostitution are explained both in and outside of the hidden organization in different ways. Without direct access to the networks of prostitution it is difficult, if not impossible, for nonmembers to ascertain the interworkings of membership negotiation. As a consequence, Law Enforcement officials and Legal Workers who write and amend policy understand the membership negotiation of sex work differently than those who are working in or with sex workers daily. As such, “layers of prostitution” compliments the currently limited definition of prostitution policy, whereas a prostitution network recognizes the nuanced perspectives between each sector.

Fourth, another flow of communication as articulated by McPhee and Zaug (2000) is institutional positioning in the social order of institutions (institutional positioning from hereon). Institutional positioning functions at the macrolevel of organizing (McPhee & Zaug, 2000). In other words, this flow of communication explains the disciplining and (re)production of legitimate organizational functions. Perhaps more importantly, institutional positioning must not only respond and be reliable to stakeholders but typically is a more powerful element to organizing or an organizational network. Data analysis revealed institutional positioning working in numerous ways. First, because of the power of the law enforcement agency, organizational members were able to (re)organize when Vice practices went awry. The organizational unit was (re)positioned as the Organized Crime Unit and Law

Enforcement Workers claimed it was to focus on a different way of criminalizing prostitution; however, criminal practices of arresting street level sex work remained the same.

In addition, organizational members spoke about the institutional positioning of sex work in layers. The layers are important in this flow of communication because of the way certain layers are codified as legitimate. For instance, the Sexually Oriented Business License is institutionally positioned as legitimate sex work but importantly within boundaries of what is and is not acceptable according to policy. In order to understand the “layers” of prostitution (or illegitimate sex work) members of law enforcement use their institutional power to gain insight into sex work from people who have been criminalized. As a result, there is a strategic diffusion of knowledge from one network to another network. While sex workers may refrain from divulging all information, the point still remains that organizations containing the most legitimate power control the institutional positioning of said and subsequent organizations. From a policy perspective, the advantaged groups maintain the advantaged status through the ability to (re)brand and (re)position within the community.

Consequently, identifying prostitution as layers of depth in sex for sale assumes that the situations are institutionally positioned as the same (i.e., exchanging sex for monetary gain). This description contributes to the limiting and currently problematic label of prostitution. On the other hand, recognizing the organizing of prostitution as networks, distinguishes each node of sex for sale as its own organizing process. In practice, the more organized the network of prostitution is the more it is considered clandestine, and the opposite is true that the easier it is to find, the more unorganized the

network. These understandings help to push Scott's (2013) conceptualization of hidden organizations in more critical ways.

Finally, through CCO, prostitution is recognized as an organized network rather than an organization. The policy-as-written suggests that prostitution is an organization. Law Enforcement Worker 7 explained that sex sellers operated within different layers of the industry. For example, there are street level workers, hotel escorts, online escorts, and women who sell sex out of strip clubs. From the law enforcement discursive position, the most pervasive of layers are the street level workers who are visible and considered a nuisance. Indoor workers, or what Scott (2013) referred to as backstreet businesses become more hidden and require more resources (i.e., undercover operations) to criminalize.

Scott (2013) contended that the sex industry is considered a backstreet business because it has a formal organizational structure but does not have to advertise the same way that corporations do because clients just know how and where to locate sex work. While these assumptions are accurate, what Scott does through this definition is legitimize all forms of the sex industry in a single-dimensional label. As with the label prostitution, this organizational conceptualization offers a very narrow understanding of the sex industry at large. However, both policy-as-written and policy-as-practice most adequately align with the SOB License. Data analysis endorses this connection through the fact that the SOB is codified as a business and in order to engage in "legitimate" sexual activity, a client needs to understand how to negotiate the backstreet business. Yet, important for this connection is the assumption that is it a legitimate (and

untrustworthy) organization. In fact, discourses from various discursive positions can define various networks of prostitution as a specific type of hidden organization.

Scott's (2013) second type of hidden organization relevant to these findings is organized crime. He explained that a defining element of this type of organization is that they have to keep a reasonably low profile from law enforcement due to criminal activities (e.g., mafia and other gang type activities). Data analysis reveals that the law enforcement discursive position perceives prostitution as an organized crime. Even through naming, the OCU is charged with stopping prostitution. Through this framing agency in criminal intentions is placed on people perpetrating the criminal activity. Additionally, this perspective constructs people within the organization as the sole criminals and outsiders as innocent bystanders, a perspective that also helps to explain the policing difference between the sex buyers and sellers.

The third type of hidden organization important to this study is a clandestine organization. According to Scott (2013), this type of organization is classified as a counterterrorism or intelligence organization. Providing a more limited definition of clandestine, Scott claimed that it "primarily refers to concealment of the operations themselves" (p.13). More specifically, Stohl and Stohl (2011) noted that communication about, around, and in the clandestine organization happens in more covert ways. The secretive element of the communicative construction of prostitution makes the networks of prostitution clandestine. Due to the variability of each network and the ways in which silence organizes the material elements, prostitution is best classified as a clandestine organization.

Feminist Poststructuralism

Feminist poststructuralism is the other guiding framework because of both its commitments to discourse and gender equality through representation. Feminist poststructuralism recognizes the multiplicity of language meanings and interpretations, thus to a poststructural scholar masculinity and femininity is a “battle of the signified” (Weedon, 1997, p. 94). As such, the dominant signifier becomes the organizing element in discourse, which is typically male or masculine centered. As a result, discourse (en)genders organizing (Ashcraft & Mumby, 2004). Moreover, the competing gender discourses also brings to light what is being privileged through and interplay of talk and silence. The following paragraphs will expand theoretically significant contributions from feminist poststructuralism as a result of the data analysis.

First, feminist poststructuralism appreciates the messiness of discourse and multiple positionalities in an important way for consideration of the material consequences for prostitution networks. For instance, policy-as-written defines prostitution as an action, but policy-as-practice defines prostitution as a (typically female) sex seller. In other words, the discursive materiality of prostitution is a female prototype of sexual deviance.

Furthermore, examining situations of prostitution through feminist poststructuralism allows for the discursive construction of prostitution networks in a nuanced way. For example, policy-as-written defines a sex seller as engaging in prostitution whereas policy-as-practice can explain a sex seller as participating in survival sex. Feminist poststructuralism recognizes the messiness of positionality as an important component to organizing. More importantly, it is through this framework that survival

sex is legitimized as a necessary practice for survival because that is “her” reality and truth in her current situation.

Second, discourse (en)genders organizing through the systematic interplay of macro- and microdiscourses. The material element of discourse is what Trethewey (1999) noted as important to understanding gendered organization. As a result, larger discursive structures are informed and (re)produced through everyday discourse. Gender preference is materialized through discourse in that prostitution is a woman’s issue. For example, girls and women are highlighted as the face of prostitution and men or boys are discussed as an afterthought or a side-note.

Perhaps more pervasive is the (en)gendering of prostitution in relation to a religious discursive structure. Through this explanation, sexual deviance remains with women who “give it away.” Market discourse highlights necessary elements of supply and demand, but common discourse focuses on the supply. Therefore, just as Eve tempted Adam with the forbidden fruit, the sex seller tempts the sex buyer with her promiscuity. Consequently, through a religious discursive structure, patriarchy is privileged and empathy for the sex seller is lost to the more functioning societal participant of sex buyer.

Third, discourse in this study specifically referred to the relationship(s) between macro- and microdiscourses. That is, poststructuralists contend that discourse(s) are in consequence to one another. However, less common is the recognition that discourse includes both talk and silence. Clair (1998) claimed that silence is best understood through speech. More specifically, for a feminist poststructuralist, silence and speech are dialectically related and thus, silence is a discursive gesture. Silence is identified as an

important communicative element in the discursive structure. In discourse there are patterns of silence and talk that create organizational understandings about what is and is not acceptable. As such, silence is not an all-encompassing discursive moment, rather a pattern in discourse that systematically and pervasively creates spaces of power and oppression. Described in this way, this concept relies on silence as an ideological construct as both informed and reproduced through discourse(s). As a result, silence becomes silence(s) as they emerge in and through discourse as pauses or intentional omissions of speech.

Theoretically significant is the finding that the material consequence of discourse is a product of both silence and talk. This is illustrated through the fact that there is the opportunity of a plea in abeyance offered to sex buyers and not sex sellers reinforces the deviance of sellers and advantaged paradigm with buyers. Through this example, silence has an interesting and importantly biased material consequence. Consequently, silence works as an element of power insofar that the buyer quietly goes to the John's Offenders Program for 10 weeks, and the misdemeanor is erased from the record. In fact, men are often allowed more than one attempt at the plea in abeyance (Outreach Worker 4).

Discourse does not name the sex buyer as the party to blame in prostitution, and thus policy mirrors this discursive choice and marks the buyer as an advantaged target group

More importantly, silence(s) interplay with talk and consequential organizing at each level of discourse as explained by Foucault (1994). For instance, discursive structures are considered the larger more macrodiscourses, and in this study the role of religion operates on this level. Patterned in the discursive structure at this level is patriarchy and women positioned as either the Madonna or whore (Ashcraft, 1998). At

the level of discursive framework, various discursive positions identified women rather than men as sex sellers, (re)producing the organizing of women as prostitution. Moreover, the (re)playing of heteronormative standards of sex is (re)constituted through these discursive moments, and all other types of sexuality are silenced. At the most basic level of discourse, prostitution networks are marked as either “dirty” or “sophisticated.” Either qualifier highlights the multiple intersections of complexity that must be engaged in order to manage prostitution. On the other hand, sex buyers “function in society” and “pay their fines,” so they are not mentioned as a nuisance in this situation. As a result, silence(s) emerge at opportune times in order to (re)produce ideology of the discursive structures. The following section presents a summary of theoretical contributions for communication scholars.

Theoretical Contributions

This section presents theoretical contributions for communication scholars. Each contribution utilizes various theoretical layers in order to progress communication studies. First, through data analysis I was able to highlight the importance of consideration of discourse both in organizing and material consequence of positionalities. Historically, feminist scholars have contended that language comes from a masculine perspective, and it is problematic in that it leaves women oppressed (Spender, 1980). The findings in this study extend Spender’s (1980) theoretical conclusion to organizational processes and subsequently silence(s). Broadly, not all discourses are created equal, and the dominant discourse speaks to the prevailing understanding of gender, class, race, etc. More importantly, data analysis revealed that there is not only a hierarchy in discourse according to masculine and feminine, but that it expands the

understanding to the materialization in organizational practice. For instance, legal discourse(s) carry a power that can be associated with the masculine. People who have a privileged perspective of education and other life opportunities write policy texts.

Ingram et al. (2007) recognized policies as socially constructed documents and reflecting social constructions of target groups that both produce and (re)produce their discursive positions. Prostitution policy serves as an element of discourse that can begin conversations about the communicative construction of prostitution. As such, the communicative construction of prostitution is both influenced by policy design and influences policy design. For instance, the current policy texts and practices reinforce the deviance of survival sex. First, the current prostitution policy does not even recognize survival sex as separate from prostitution because it is all criminalized under the selling of sex. A thorough understanding of survival sex recognizes that from the perspective of the women, this is in fact a way of surviving and not of devious intentions. Consequently, because survival sex is criminalized as prostitution the criminal processing suppresses any opportunity for care discourse. As such, sex sellers are emphasized as deviant through their current life situation. Thus, consideration of the policy perspective is important in connection with feminist poststructuralism and the recognition of the unintended consequences and multiple positionalities of discursive materiality.

In Chapter 2, I proposed what I deemed was a more nuanced definition of silence furthering Clair's (1998) proposition of silence as an ideology. In brief, silence as an ideology examines power and silence as conceptually negative for those who are being silenced (Clair, 1998). My addition was to attempt to remove the value of silence (e.g., silence=silencing) and give silence explanatory power, or strength in how it shapes the

communicative construction of prostitution specifically. To this extent, silence becomes the power to shape and control talk in organizational settings. However, more explanatory is the use of Broadfoot et al's. (2004) explanation that organizations and discourse are always in flux; thus if discourse includes silence and talk, silence becomes silence(s). As a result, silence(s) appear at strategic points and become an element of the patterned discursive structure. Silence is a pervasive material element of discourse that considered under an ideological view of discourse becomes potentially more explanatory.

Additionally, this study adds to communication through the connection of gendered organizational discourse and CCO. As a relatively new theory in organizational communication, most studies have either been foundational (McPhee & Zaug, 2001), or they have elaborated in ways other than in regard to gender (e.g., Stohl & Stohl, 2011). While not having been done before, I found a very logical connection between the two theoretical constructs. Furthermore, this study progresses the findings in Ashcraft and Mumby's (2004) explanation of discourse (en)gendering organization through the component of silence as gesture in discourse.

Finally, through CCO, prostitution is understood as an organized network, rather than an organization. As the data analysis revealed, this distinction is very important because different perspectives and situations produce various elements of the organization. When prostitution is recognized as a single-level organization, problems occur just like with prostitution and sex trafficking victims being criminalized under the same standards. Additionally, this study adds a very significant element to not only what CCO can do but also studies about the sex industry. Up until this point, scholars have mentioned survival sex only as an explanation for being a prostitute (e.g., Sanders et al.,

2009). This study contends that to the women who are engaging in survival sex, it is solely a way to survive and not an intentional criminal activity. Recognizing survival sex as a fundamental material reality of homelessness and not “choice in sex work” places more of a need on policy creation to expand the definition of prostitution. Prostitution through this lens is a limiting and problematic criminal definition in sex for sale.

Just as talk is organized, silence is organized through discursive practices. CCO recognizes that organizations are a product of discourse. That is, silence organizes discourse, and silence is organized in material ways. For example, in an organized network like prostitution where the named is blamed, the silent remains the protected party. Because of this, prostitution is the criminal activity to blame for sexual deviance in the city. On the other hand, while some participants suggested that prostitution is just another component of sex trafficking, sex trafficking remains largely silent in policy discourse. As a result, people who perpetrate sex trafficking are incredibly hard to locate and criminalize. In this sense, the organized silence keeps traffickers and pimps as powerful entities and keeps sex trafficking victims as people in prostitution. Also important to note is that media has begun making a shift from reporting on prostitution to reporting on sex trafficking. When I was interviewing 2 reporters we spoke about the fact that prostitution is more prevalent than sex trafficking in criminalization, and when the report was aired, they reported solely on child sex trafficking. This presentation attempted to capitalize on the silent and bring more attention to a situation that people believe is vastly different from its “deviant” counterpart.

Practical Applications

As a community based researcher, it is important that my research not only have theoretical contributions but also have contributions to the community I serve. For this study there are three major practical applications. The first is that this study brought to light that prostitution policy-as-written is not reflexive of the actual organized network of prostitution. As made apparent through the previous section, each network of prostitution offers a different perspective of both sex buyer and sex seller. Thus, prostitution is not an adequate label to criminalize sex buyers, sellers, or brokers. More importantly, the policy-as-written identifies three perpetrators, whereas current policy-as-practice highlights sellers as the deviant party more than the others. These findings can be transferred to future potential legislative changes.

Second, one of the goals that I set at the beginning of this project was to raise awareness about situations of sex for sale. I would like to offer a training that is a theoretically driven explanation of prostitution networks to law enforcement workers. Paired with an explanation of Table 2.1 about sex buyers, the current contextual understanding of sex for sale can be problematized. Furthermore, recognizing the discursive material consequences of gender provides more explanatory possibilities within the community. For example, focusing on how discourse (en)genders organizations through material elements such as policies allows the inequality of gender to become forefront of discussion. Gender issues such as rape, sexual assault, and victim blaming are all lost to the feminization of discourse standards, and there are dire consequences because of it. As a result, most of these situations frame women as deviant and men as advantaged in the criminal system. Thus, focusing on unintended

consequences of gender in discourse brings to light the once systematic silence(s) that crept into discursive patterns and operated as oppressive.

Finally, I would like to continue to work with the outreach organizations I built relationships with. For instance, one of the organizations has invited me to meetings about helping to (re)organize the prostitution outreach program. Through my data collection I have been able to explicate various organizational processes and perspectives relevant to assisting with the intersections sex sellers face. My data analysis allowed for insights into the nuanced complexities between policy-as-practice versus policy-as-written, which would be helpful for people in outreach organizations.

Limitations

Every study has limitations. For this study, I have identified five potential limitations. First, the culture of Salt Lake City is unique for a few reasons. As already identified, the dominant religious nature of Salt Lake City is organized under the Church of Jesus Christ of Latter-Day Saints. Church politics warn against major and minor vices in order to keep attention on God and families. Vices such as drugs, alcohol, and promiscuous sex contradict the mission set forth by the church. As a result, these are the elements that not only define sex for sale but what the church is absolutely against at its home base. Thus, the cultural politics in this city play a silent but important role in monitoring and criminalizing sex for sale. Even as Legal Worker 1 asserted, more liberal cities like San Francisco may yield a different gender population in who is selling sex.

The second limitation to this study is the amount of time I was able to spend in the field. I spent 5 months collecting data. While this is a good chunk of time, qualitative scholars often immerse themselves in their context for at least a year (Lindlof

& Taylor, 2011). Time restrictions on the graduate program required me to spend less time in the field. In addition, because I was juggling teaching and research I spent less time than I would have liked doing field observations. However, while time was a concern and I did not interview everyone in the city who was negotiating the current prostitution policy, I do believe I reached information saturation in regard to my research questions.

The third limitation is that due to nature of my research and gathering research from numerous perspectives I was perceived as an outsider. This moment was negotiated differently through the discursive positions. For example, participants from the law enforcement discursive position assumed the status of power and disseminated information. In other words, these interviews were less conversational and more about the role of knowledge from their organizational perspective. In contrast, outreach organizations were more interested in the conversational perspective of interviews. As a result, expert knowledge was assumed from both parties, and the conversation lead to more complex conclusions. This is evidenced in the fact that one outreach organization specifically has asked that I join their meetings about local prostitution problems for a more holistic and academic perspective. Since our first meeting they have begun to implement some of the suggestions (e.g., asking more questions about how and why the johns program is funded by the courts and no equal program is offered to sellers). In sum, my role of an outsider was negotiated differently within the organizations.

Fourth, as I mentioned in the methods chapter, I recognize my own perspective and partiality in the research content. In other words, I have a desire to create more productive conversational and living spaces for people in sex for sale. As such, there is a

level of compassion I feel when listening to other perspectives and writing about people in these situations. However, this is a human element of qualitative research. In order to circumvent too much bias, I was as true to my data as possible and made numerous efforts to have integrity in my analysis.

The final identified limitation for this study is the gender representation of participants. In all there were 12 males and 9 females interviewed for this project. While fairly even, the gender discrepancy lies in the discursive positions. The law enforcement discursive position was more heavily concentrated with males and vice versa for the outreach discursive position. The perspectives from the outreach discursive position was fairly consistent, but the 1 female I interviewed in law enforcement presented a vastly different perspective from the rest, one she even recognized throughout her interview. As such, interviewing more women specifically in this discursive position would have been interesting. Perhaps a study that is more equally weighted in gender representation is something for a future study.

Future Lines of Investigation

At the conclusion of this study, I was left with more questions and potential research questions for future research studies. I will identify the five major future lines of investigation that progress both the theoretical and conceptual work produced in this study. First, as identified through the data analysis there is a fundamental material reality to discourse. Expanding this understanding to link sex to elements of power would be interesting. For instance, studies about sex for sale from Europe celebrate the sexual preferences and empowerment of selling sex (e.g., Sanders et al., 2009). While I

recognize this can also be problematic, what it does that is important is present women as powerful through their bodies and not as oppressed.

The second and third research trajectories are more closely related to what this study offers in the form of policy concern. First, the conceptual differences between sex trafficking and prostitution could be examined. In order to fully understand, the distinction needs to be examined from various discursive positions. Then the second part is to examine the relationship and disconnect between prostitution and sex trafficking policy. For instance, as sex trafficking policy is currently written, force and coercion have to be proven, and the person has to have traveled across state lines (§76-10-1306; Law Enforcement Worker 7). However, as Legal Worker 7 and Law Enforcement Worker 8 acknowledged, sex trafficking could (and should more accurately) be the umbrella term for sex work instead of prostitution.

The fourth future research line is to utilize CCO and combine it with the theoretical framework put forth by Scott (2013). Scott identified a new framework for hidden organizations classified through eight regions and four categories. Using this theoretical framework will not only be on the cutting edge of organizational elements but can be enhanced through CCO and a more detailed understanding of the nuances of the sex industry.

The final line of research I suggest is an extension of Table 2.1 that I presented in Chapter 2. I created this visual representation as a way of providing a multidimensional understanding of sex buyers. Literature on sex buyers is limited and often one-dimensional. At the conclusion of this study, I realize that prostitution up until now has been presented as one-dimensional as well. As stated, prostitution is a limiting and often

inaccurate label, and thus this study adds to the complexity of sex sellers and the contextual situations they are in. More specifically, the hidden organizing elements of prostitution networks carry more explanatory power than prostitution writ large.

Summary

Prostitution, a situation that is often hailed as a woman's choice, a way for women to earn money, or a situation as seen on *Pretty Woman* is complicated in nuanced ways. Silence and talk expand the possibilities for exploring discourse, discursive practices, and discursive structures. Through a more elaborate understanding of discourse, the communicative constitution of organizations is not more complex, but organizing becomes an element of study. Hidden organizations operate in silence and rely on a more creative communicative element for understanding. This study explored all of these components, finding that what was first acknowledged as an organization is actually an (un)organization or more specifically an organized network.

APPENDIX A

INTERVIEW QUESTIONS

1. What is prostitution?
2. What, if any sections of sex for sale are present within Salt Lake City?
3. How would you explain the situation of sex for sale to a close friend? To a colleague?
4. How do you get to know policy procedures that you must implement?
5. What do you understand about policies regarding the sex industry?
6. When you think about people who pay for sex, whom do you think about?
7. If there were a situation of someone selling sex within your jurisdiction, what would you do?
8. If someone were looking to buy sex within your jurisdiction, what would you do?
9. I noticed that in April, there was a prostitution sting on [Specific] Street, can you talk more about what happened, or what the purpose/protocol was?
10. Regarding policy, what do you see as the most important task for you? For example, implementing procedures, regulation, knowing the policies?

APPENDIX B

PROSTITUTION POLICIES

76-10-1301. Definitions.

For the purposes of this part:

- (1) "Child" is a person younger than 18 years of age.
- (2) "House of prostitution" means a place where prostitution or promotion of prostitution is regularly carried on by one or more persons under the control, management, or supervision of another.
- (3) "Inmate" means a person who engages in prostitution in or through the agency of a house of prostitution.
- (4) "Public place" means any place to which the public or any substantial group of the public has access.
- (5) "Sexual activity" means acts of masturbation, sexual intercourse, or any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant.

Amended by Chapter 196, 2013 General Session

Figure B.1: Definitions of Prostitution (Utah Criminal Code, 2013)

76-10-1302. Prostitution.

- (1) An individual is guilty of prostitution when the individual:
- (a) engages in any sexual activity with another individual for a fee;
 - (b) is an inmate of a house of prostitution; or
 - (c) loiters in or within view of any public place for the purpose of being hired to engage in sexual activity.
- (2) (a) Except as provided in Subsection (2)(b) or Section 76-10-1309, prostitution is a class B misdemeanor.
- (b) Except as provided in Section 76-10-1309, an individual who is convicted a second time, and on all subsequent convictions, of a subsequent offense of prostitution under this section or under a local ordinance adopted in compliance with Section 76-10-1307, is guilty of a class A misdemeanor.
- (3) (a) As used in this Subsection (3):
- (i) "Child" is as defined in Section 76-10-1301.
 - (ii) "Child engaged in prostitution" means a child who engages in conduct described in Subsection (1).
 - (iii) "Child engaged in sexual solicitation" means a child who offers or agrees to commit or engage in any sexual activity with another person for a fee under Subsection 76-10-1313(1)(a) or (c).
 - (iv) "Division" means the Division of Child and Family Services created in Section 62A-4a-103.
 - (v) "Receiving center" is as defined in Section 62A-7-101.
- (b) Upon encountering a child engaged in prostitution or sexual solicitation, a law enforcement officer shall:
- (i) conduct an investigation;
 - (ii) refer the child to the division;
 - (iii) if an arrest is made, bring the child to a receiving center, if available; and
 - (iv) contact the child's parent or guardian, if practicable.
- (c) If a law enforcement officer refers a child to the division under Subsection (3)(b)(ii), the division shall:
- (i) check the division's records to verify whether law enforcement referred the child to the division under Subsection (3)(b)(ii) on a prior occasion; and
 - (ii) provide the information described in Subsection (3)(c)(i) to the law enforcement officer.
- (d) If law enforcement has not referred the child to the division under Subsection (3)(b)(ii) on at least one prior occasion, the division shall provide services to the child under Title 62A, Chapter 4a, Child and Family Services.
- (e) If law enforcement has referred the child to the division under Subsection (3)(b)(ii) on at least one prior occasion the child may be subject to delinquency proceedings under Title 62A, Chapter 7, Juvenile Justice Services, and Section 78A-6-601 through Section 78A-6-704.

Amended by Chapter 140, 2014 General Session

Figure B.2: Prostitution (Utah Criminal Code, 2013)

76-10-1303. Patronizing a prostitute.

(1) A person is guilty of patronizing a prostitute when the person:

- (a) pays or offers or agrees to pay another person a fee for the purpose of engaging in an act of sexual activity; or
- (b) enters or remains in a house of prostitution for the purpose of engaging in sexual activity.

(2) Patronizing a prostitute is a class B misdemeanor, except as provided in Subsection (3) or (4) and Section 76-10-1309.

(3) A violation of this section that is preceded by a conviction under this section or a conviction under local ordinance adopted under Section 76-10-1307 is a class A misdemeanor.

(4) If the patronizing of a prostitute under Subsection (1)(a) involves a child as the other person, a violation of Subsection (1)(a) is a third degree felony.

Amended by Chapter 30, 2013 General Session

Amended by Chapter 196, 2013 General Session

Figure B.3: Patronizing a Prostitute (Utah Criminal Code, 2013)

76-10-1304. Aiding prostitution.

(1) A person is guilty of aiding prostitution if the person:

- (a) (i) solicits a person to patronize a prostitute;
- (ii) procures or attempts to procure a prostitute for a patron; or
- (iii) leases or otherwise permits a place controlled by the actor, alone or in association with another, to be used for prostitution or the promotion of prostitution; or
- (iv) provides any service or commits any act that enables another person to commit a violation of this Subsection (1)(a) or facilitates another person's ability to commit any violation of this Subsection (1)(a); or
- (b) solicits, receives, or agrees to receive any benefit for committing any of the acts prohibited by Subsection (1)(a).

(2) Aiding prostitution is a class B misdemeanor. However, a person who is convicted a second time, and on all subsequent convictions, under this section or under a local ordinance adopted in compliance with Section 76-10-1307 is guilty of a class A misdemeanor.

Amended by Chapter 56, 2012 General Session

Figure B.4: Aiding Prostitution (Utah Criminal Code, 2013)

76-10-1305. Exploiting prostitution.

(1) A person is guilty of exploiting prostitution if he:

- (a) procures an inmate for a house of prostitution or place in a house of prostitution for one who would be an inmate;
 - (b) encourages, induces, or otherwise purposely causes another to become or remain a prostitute;
 - (c) transports a person into or within this state with a purpose to promote that person's engaging in prostitution or procuring or paying for transportation with that purpose;
 - (d) not being a child or legal dependent of a prostitute, shares the proceeds of prostitution with a prostitute pursuant to their understanding that he is to share therein; or
 - (e) owns, controls, manages, supervises, or otherwise keeps, alone or in association with another, a house of prostitution or a prostitution business.
- (2) Exploiting prostitution is a felony of the third degree.

Amended by Chapter 1, 2000 General Session

Figure B.5: Exploiting Prostitution (Utah Criminal Code, 2013)

76-10-1306. Aggravated exploitation of prostitution.

(1) A person is guilty of aggravated exploitation if:

- (a) in committing an act of exploiting prostitution, as defined in Section 76-10-1305, the person uses any force, threat, or fear against any person;
 - (b) the person procured, transported, or persuaded or with whom the person shares the proceeds of prostitution is a child or is the spouse of the actor; or
 - (c) in the course of committing exploitation of prostitution, a violation of Section 76-10-1305, the person commits human trafficking or human smuggling, a violation of Section 76-5-308.
- (2) Aggravated exploitation of prostitution is a second degree felony, except under Subsection (3).
- (3) Aggravated exploitation of prostitution involving a child is a first degree felony.

Amended by Chapter 196, 2013 General Session

Figure B.6: Aggravated Exploitation of Prostitution (Utah Criminal Code, 2013)

76-10-1307. Local ordinance consistent with code provisions.

An ordinance adopted by a local authority governing prostitution or aiding prostitution shall be consistent with the provisions of this part which govern those matters.

Enacted by Chapter 107, 1991 General Session

Figure B.7: Local Ordinance Consistent with Code Provisions (Utah Criminal Code, 2013)

76-10-1308. Prosecution.

The following class A misdemeanors may be prosecuted by attorneys of cities and towns, as well as by prosecutors authorized elsewhere in this code to prosecute these alleged violations:

- (1) class A misdemeanor violations of Section 76-10-1302; and
- (2) class A misdemeanor violations of Section 76-10-1304.

Enacted by Chapter 107, 1991 General Session

Figure B.8: Prosecution (Utah Criminal Code, 2013)

76-10-1309. Enhanced penalties -- HIV positive offender.

A person who is convicted of prostitution under Section 76-10-1302, patronizing a prostitute under Section 76-10-1303, or sexual solicitation under Section 76-10-1313 is guilty of a third degree felony if at the time of the offense the person is an HIV positive individual, and the person:

- (1) has actual knowledge of the fact; or
- (2) has previously been convicted under Section 76-10-1302, 76-10-1303, or 76-10-1313.

Amended by Chapter 70, 2011 General Session

Figure B.9: HIV Positive Offender (Utah Criminal Code, 2013)

- 76-10-1313. Sexual solicitation -- Penalty.**
- (1) A person is guilty of sexual solicitation when the person:
- (a) offers or agrees to commit any sexual activity with another person for a fee;
 - (b) pays or offers or agrees to pay a fee to another person to commit any sexual activity; or
 - (c) with intent to engage in sexual activity for a fee or to pay another person to commit any sexual activity for a fee engages in, offers or agrees to engage in, or requests or directs another to engage in any of the following acts:
 - (i) exposure of a person's genitals, the buttocks, the anus, the pubic area, or the female breast below the top of the areola;
 - (ii) masturbation;
 - (iii) touching of a person's genitals, the buttocks, the anus, the pubic area, or the female breast; or
 - (iv) any act of lewdness.
- (2) An intent to engage in sexual activity for a fee may be inferred from a person's engaging in, offering or agreeing to engage in, or requesting or directing another to engage in any of the acts described in Subsection (1)(c) under the totality of the existing circumstances.
- (3) (a) Sexual solicitation is a class B misdemeanor, except under Subsection (3)(b).
- (b) Any person who is convicted a second or subsequent time under this section or under a local ordinance adopted in compliance with Section 76-10-1307, is guilty of a class A misdemeanor, except as provided in Section 76-10-1309.
- (4) If a person commits an act of sexual solicitation and the person solicited is a child, the offense is a third degree felony if the solicitation does not amount to human trafficking or human smuggling, a violation of Section 76-5-308, or aggravated human trafficking or aggravated human smuggling, a violation of Section 76-5-310.

Amended by Chapter 196, 2013 General Session

Figure B.10: Sexual Solicitation (Utah Criminal Code, 2013)

APPENDIX C

SEXUALLY ORIENTED BUSINESS LICENSE

Rental Dwelling License with Good Landlord Certification - Effective 9/1/2011 (Per Ordinance)				
Dwelling units	\$20.00		Per rental unit	5,14.040
Fraternities, sororities, rooming and boarding house	\$20.00		Per room for lodging or sleeping purposes	5,14.040
Rental Dwelling License without Good Landlord Certification - Effective 9/1/2011 (Per Ordinance)				
Dwelling units	\$342.00		Per rental unit	5,14.040
Fraternities, sororities, rooming and boarding house	\$342.00		Per room for lodging or sleeping purposes	5,14.040
Restaurants/ Cafeterias	\$83.00	\$86.07	Annual	5,76.120
Retail/ Wholesale Sales	\$39.00	\$40.44	Annual	5,76.120
Retail Service Station	Refer to base license fee listed in this section			5,86.410
Revocable Land Use Fee	\$250.00	\$259.25		5,65.030
Room Rentals (rooming houses, boarding houses and for profit residential treatment facilities)				
Boarding/rooming house	\$5.00	\$5.19	Annual, per rental unit	5,56.040
Hotel	\$5.00	\$5.19	Annual, per rental unit	5,56.040
Motel	\$5.00	\$5.19	Annual, per rental unit	5,56.040
RV Parks and Campgrounds	\$22.00	\$22.81	Annual	5,76.120
Scrap Metal Processor	Refer to base license fee listed in this section		See Section 5.58.030	5,58.030
Sidewalk Entertainer and Artist Registration	\$0.00	\$30.00		14,38.100
Sidewalk Vending/ Snow Cart	No Charge		Fee could be assessed in future as per ordinance	5,90.010
Sexually Oriented Business				
Adult business	\$317.00	\$328.73	Annual, per business	5,61.120
Nude agency	\$825.00	\$855.53	Annual, per business	5,61.120
Nude entertainment business	\$317.00	\$328.73	Annual, per business	5,61.120
Semi-nude dance agency	\$319.00	\$330.80	Annual, per business	5,61.120
Semi nude dancing bar	\$245.00	\$254.07	Annual, per business	5,61.120
Outcall agency	\$1,100.00	\$1,140.70	Annual, per agency	5,61.120
Adult employee (non-escort)	\$193.00	\$200.14	Annual, per employee	5,61.120
Outcall non-performer (non-escort)	\$193.00	\$200.14	Annual, per employee	5,61.120
Nude performer employee*	\$220.00	\$228.14	Annual, per nude performer; for prorated formula see Section 5.90.010	5,61.120
Semi-nude dance performer*	\$220.00	\$228.14	Annual, per semi-nude performer; for prorated formula see Section 5.90.010	5,61.120
Semi-nude performer employee*	\$220.00	\$228.14	Annual, per semi-nude performer; for prorated formula see Section 5.90.010	5,61.120
Outcall performer (escort)*	\$825.00	\$855.53	Annual, per outcall performer; for prorated formula see section 5.90.010	5,61.120
Sexually oriented business transfer	\$77.00	\$79.85	Annual, per performer transfer	5,61.120
Photography (adult)	\$154.00	\$159.70	Annual, per photographer	5,61.120
*These fees shall be prorated as follows: If 180 days or fewer remain before the employer's license expires, the fee shall be 50% of the full fee. If 181 or more days remain before the employer's license expires, the full fee shall be charged				
Shipping Companies	\$39.00	\$40.44		5,76.120
Solicitor	\$110.00	\$114.07	Per Individual	5,64.280
Solicitor ID Card	\$25.00	\$25.93	For period of time stated on card	5,64.130
Solicitor Registration	\$15.00	\$15.56	For ID card	5,64.430
Sporting Goods Sales	\$39.00	\$40.44	Annual	5,76.120
Storage Services	\$50.00	\$51.85	Annual	5,76.120
Theater, Concert Hall, Motion Picture house or other Place of Amusement	\$50.00	\$51.85	Per day	5,74.080
Temporary Merchant License	Refer to base license fee listed in this section		See Section 5.64.310	5,64.310
Tobacco Products - Retail Sales	\$94.00	\$97.48	Annual, includes grocery and convenience stores, taverns, private clubs, hotels, motels and restaurants.	5,76.120
Tobacco Sales License	Refer to base license fee listed in this section		Annual	5,86.480
Towing Operations	Refer to base license fee listed in this section			5,84.140
Unmanned Kiosks	\$0.00	\$40.00	Redbox, Best Buy, Etc	

Amended 6/18/2013 by Ord. 2013-28
2% Increase to cover the costs to the City of accepting credit cards.

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Figure C.1: SOB Fee Schedule (Sexually Oriented Businesses, 2013)

Business Licensing - Sexually-Oriented Businesses (2013)

Sexually Oriented Businesses

For the latest information on Sexually Oriented Businesses (SOB) please refer to the ordinance by clicking [here](#). The information provided here is for quick reference only and may have changed since this page was last updated and does not cover all the requirements or restrictions.

What Is a Sexually Oriented Business?

Definition: "Sexually oriented business" means nude entertainment businesses, sexually oriented outcall services, adult businesses, seminude dancing bars and seminude dancing agencies. (5.61.040, A.19)

Can Alcohol Be Served in a Sexually Oriented Business?

Except for seminude dancing bars, it is unlawful to allow, offer or agree to allow any alcohol to be stored, used or consumed on or in the licensed premises. (5.61.210, C)

Where Can a Sexually Oriented Business Be Located?

They are allowed in the following Zoning Districts only: (21A.36.140, B)

- CG General Commercial District
- M-1 Manufacturing District; and
- M-2 Heavy Manufacturing District

Sexually Oriented Businesses Conditional Site Plan Review Required

The planning commission shall conduct a conditional site plan review for all sexually oriented businesses. (21A.36.140, D)

Required Distance From Other Uses

No sexually oriented business shall be located within a one thousand foot (1,000') radius of any place of worship, park, school, residential zoning district, residential use, or licensed child daycare center, as measured in a straight line, without regard to intervening structures, streets or other barriers from the nearest point of the property line of the school, park, place of worship, residential zoning district, residential use, or licensed child daycare center, to the nearest point of the property line of the sexually oriented business. (21A.36.140, F.1)

Concentration Prohibited

No sexually oriented business shall be allowed within a one thousand foot (1,000') radius of another sexually oriented business. (21A36.140, F.4)

Click on Applications or Fees to go directly to their respective page.

Click on [Applications](#) or [Fees](#) to go directly to their respective page.

(Sexually Oriented Businesses, 2013)

APPENDIX D

EXAMPLE OF FIRST-LEVEL CODE STRUCTURE

Table D.1: RQ1a: Sample Coding Structure

RQ1a: Themes and Constitutive Codes	Number of Instances
Discussion of Furtherance of	25
Consideration of Protection of Minors	1
Discussion of Changing the Laws	8
Johns as Sex Buyers	45
Fines for Men	4
Johns Advertising for Wanting Sex	1
John's Offenders Program	14
Legal Consequences for Men Purchasing Sex	9
Plea in Abeyance for Men	6
Sex Buying	4
Legal Processes	33
Gender Neutral Examples	5
HIV Status	3
Law Language Explained	6
Levels of Authority in Policy	3
Why Prostitution over Sex Trafficking	1
Misused Power or Disbandment explanation	8
No recordings he said she said	4
Negative Cases	15
Legalization of Sex Work	1
Male as Sex Seller	10
Police Officers Inviting Sex Solicitation in their area	1
Reluctance to give up Details about Women	3
Organized Crime Unit	36

Table D.1: Continued

RQ1a: Themes and Constitutive Codes	Number of Instances
Old Vice Unit	14
Safety for Parties	3
Sex Industry as Network Organization	128
Boundaries for Sexual Activity in Location	10
Commercial Sex	1
Escorts as Prostitution	13
Internal Networking of Sex Workers	1
Juveniles	8
Online Sex Work	21
Pimping or Organized Crime	13
Sex Trafficking Concerns	25
Future Implementation HB254	3
Resource Concerns	5
Sexually Oriented Business	27
Legal protection of access to Escorts	2
Licensed Businesses	12
No Organization to it	1
Perform sexual nature but not engage in prostitution	1
Testing required to get SOB license	3
Sex Work at Large Explained	21
Conflation of sex work organizations	19
Status Crimes	13
Creative Language for status crime flip	2
Criminalizing Labels	8
Street Level Prostitution	97
Harm Reduction Method	4
Homelessness	4
Not Victimless Crime	17
Many issues Sex Workers Face	12
Organized as a business prostitution	8
Resources for women in prostitution	33
Arrest as a point of help	3
Jail Concerns	1
No plea in abeyance for women	1
Not enough resources available	2
Prevention services for women	2

Table D.1: Continued

RQ1a: Themes and Constitutive Codes	Number of Instances
Prostitution outreach program	14
Rooms for women in domestic violence but not prostitutes	3
Survival Sex	9
Unpublished Handbook for Officers	48
Consideration of wives in new practice	5
Deviations from policy as written	7
Source of information about organizing	6
Undercover Academy	2
Undercover Operation Discussion	15
Unwritten Don'ts for Police Officers	4

Note: Themes are in bold font. Bolded numbers are aggregates of entire theme.

Table D.2: RQ1b: Sample Coding Structure

RQ1b: Themes and Constitutive Codes	Number of Instances
Different Levels of Sex Industry	32
Defining Prostitution	14
Connection to Drugs	1
Heteronormative Sexual Assumptions	2
Media Framing to tell the Best Story	2
Movie connection or Pop Culture	3
Physical attributes of Street Level Workers	1
Selling Sex as Forced Action	1
Street Level Prostitution is from here	1
Why be a John	2
Escorts Criminalized by prostitution	1
Escorts make money prostitutes don't	7
Examples of Sex Work	3
Hierarchy in sex selling	1
Male Prostitution	1
Issues with Policing Homosexual Prostitution	1
Power of Traffickers	2
Pimps as glorified part of culture	1
Sex trafficking from Over There	1
The Token Prostitute	1
Sex Clubs	2

Note: Themes are in bold font. Bolded numbers are aggregates of entire theme.

Table D.3: RQ2: Sample Coding Structure

RQ2: Themes and Constitutive Codes	Number of Instances
Fundamental Inequality of Gender In Society	13
Sex Workers as Societal Victims	11
Girls Vs Women	35
Lady	5
Women	6
Johns Program Works because Men with Money	1
Men as Johns	50
Johns Advertising for wanting Sex	1
Legal Consequences for Men Purchasing Sex	33
Johns Offenders Program	14
Plea in Abeyance for men	6
Men in Prostitution	11
Male to male sexual lewdness	7
Men Pimping or Trafficking	15
The boyfriend	2
Women as pimps	2
Police Officers as Johns or Pimps	8
Police Officers Concerns with Arresting Women	2
Sex workers as Women	34
Online or escort workers	11
Street Level	3
Women in Prostitution	9
Exploitation of women	3
Women as victims	1
Women with multiple issues	1
She Could be Someone's Daughter	2
She is Responsible for Johns Program	1

Table D.3: Continued

RQ2: Themes and Constitutive Codes	Number of Instances
Silencing through telling other Peoples Stories	1
Transgender Prostitutes	1
Women's Sexual Freedom	1
Women always exchange sex for goods	2
Women Purchasing SOB	6
SOB restricted to certain areas	2

Note: Themes are in bold font. Bolded numbers are aggregates of entire theme.

APPENDIX E

EXAMPLE OF SECOND-LEVEL CODE STRUCTURE

Table E.1: RQ1a: Sample Coding Structure

RQ1a: Themes and Constitutive Codes	Number of Instances
Advantaged	169
Johns as Sex Buyers	44
Legal Consequences for Men Purchasing Sex	37
John's Offenders Program	20
Plea in Abeyance for Men	6
Organized Crime Unit	125
Discussion of Furtherance Of	28
Consideration or protection of minors	1
Discussion of changing the laws	8
Safety of parties	3
Old Vice Unit	31
Misused power or disbandment explanation	8
No recordings he said she said	4
Police officers as johns or pimps	9
Unpublished Handbook for Officers	47
Consideration of wives in new practice	5
Deviations from policy as written	7
Source of information about organizing	6
Undercover Operation discussion	15
Unwritten Do's and Don'ts for Police Officers	4
Contenders	38
Sexually Oriented Business	38
Criminalizing Labels	11
Perform sexual nature but not engage in prostitution	1
Testing required to get SOB license	3
Definitions of Actions and Language in Policy	32

Table E.1: RQ1a: Continued

RQ1a: Themes and Constitutive Codes	Number of Instances
Legal Processes	32
Gender Neutral Examples	5
HIV Status	3
Law Language Explained	6
Levels of Authority in Policy	3
Dependents	25
Sex Trafficking Concerns	25
Future Implementations HB254	3
Resource Concerns	5
Deviants	75
Pimping or Organized Crime	18
Street Level Prostitution	57
Homelessness	4
Organized as a business prostitution	9
Redefine deviant as contender	1
Resources for women in Prostitution	11
Arrest as a point of help	4
Prostitution Outreach Program	18
No Plea in abeyance for women	1
Room for women in domestic violence but not prostitutes	3

Note: Themes are in bold font. Bolded numbers are aggregates of entire theme.

Table E.2: RQ1b: Sample Coding Structure

RQ1b: Themes and Constitutive Codes	Number of Instances
Clandestine Networks of Prostitution	325
Escorts criminalized by Prostitution	22
Escorts make money prostitutes don't	7
Male Prostitution	11
Male to Male Sexual Lewdness	7
Online Sex Work	23
Power of Traffickers	2
Pimps as glorified part of culture	1
Sex Buyers	9
Sex Trafficking	9
Juveniles	8
Sexually Oriented Business	26
Street Level Prostitution	208
Connection to Drugs	109
The Token	4
Harm Reduction Method	4
Homelessness	43
Not Victimless Crime	24
Physical Attributes of Street Level Workers	6
Potential Political or Religious Bias in Policy Interpretation	16
Survival Sex	9
Defining Prostitution	43
Boundaries for Sexual Activity in Location	10
Conflation of Sex Work Organizations	19
Examples of Sex Work	3
Heteronormative Sexual Assumptions	2
Media Framing to tell the Best Story	2
Movie connections or popular culture	3

Note: Themes are in bold font. Bolded numbers are aggregates of entire theme.

Table E.3: RQ2: Sample Coding Structure

RQ2: Themes and Constitutive Codes	Number of Instances
Discourse (en)genders Organization	130
Men as Johns	52
Johns Advertising for Wanting Sex	1
Legal Consequences for Men Purchasing Sex	35
John's Offenders Program	16
John's program works because Men with money	1
She is Responsible for John's Program	1
Men in Prostitution	21
Gay male sexual lewdness	8
Men Pimping or Trafficking	15
The boyfriend	2
Women as Pimps	2
Sex Workers as Women	40
Silencing through Telling her Story	1
Women in Prostitution	9
Exploitation of women	3
Women as Victims	1
Women Purchasing SOB	6
Women with Multiple Issues	1
Transgender Prostitutes	2
Gender Organizes Discourse	89
Fundamental inequality of gender in society	49
Potential political or religious bias in policy interpretation	16
Public Perception	8
Sex Workers as societal Victims	11
Girls Vs Women	5
Lady	5
She could be someone's Daughter	2
Women	6
Women's Sexual Freedom	1
Women always exchange sex for goods	2

Note: Themes are in bold font. Bolded numbers are aggregates of entire theme.

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