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## The Judgement Machine: Markets, Internet technologies and policies in commercial sex

### **Abstract**

The judgements and valuations made on Internet review sites are part of contemporary consumer culture. This article considers what such sites do in the market for commercial sex. It contributes to policy discussions in two ways. Firstly, it considers how the infrastructure and mechanisms of the web enables organising, searching and reporting of consumer experience and hence how web reviews mediate commercial markets. It thereby draws links between social policies that concern the Internet and those that relate to sex work. Secondly, it explores how sex review sites mediate the field of commercial sex and discusses some of the potential insights for policy audiences. Policies directed at the regulation of this market will benefit from clear recognition of what customers understand their actions to be and how they participate in the construction of norms about commercial sex.

### **Introduction**

This article argues that social policy discussions about sex work benefit from the re-framing of sex work in relation to its cultural location, offering insights into the operations of markets and technologies. It argues that 'culture' can usefully be understood as connected to three significant dimensions of everyday experience: infrastructure, technological mediation and economy. That is, the contribution of a 'cultural' approach to policies around sex work involves recognition that sex work encounters are not reducible to meetings between strangers in dark places, but are complex economic transactions mediated by a wider range of cultural practices, including new media (web 2.0) technologies.

Social policies that address sex work have not yet thought through in detail the implications of web technologies for this field. I argue that recognising the significance of web technologies provides important new insights into both the longstanding social policy focus of managing urban spaces and regulating sex workers (e.g. Hubbard, 2004) and an emergent policy interest in penalising men (O'Connell Davison, 2003). Social policy can benefit from this analysis of how web technologies are used in commercial sex through an understanding of the overlaps and contradictions between internet policy and social policy, through an understanding of the complexity of the market for commercial sex and how it is mediated in different ways, and through an understanding of the normalisation of commercial sex in some contexts and its differentiation in terms of local practices and kinds of markets. This knowledge can benefit policy makers considering tighter regulation on some parts of the market for commercial sex, and those considering current and potential resources for educating people about gender, sex and sexuality (O'Connell Davidson, 2003).

I consider these possible benefits in the subsequent discussion. The first section looks at internet policy and practice and considers the significance of 'grey media' and infrastructures of the internet in shaping ordinary users adoption of the internet. [Grey media are the marginal, secluded technical infrastructures that make everyday life possible but that tend to be taken for granted.](#) Here, existing policy debates about content regulation and privacy are framed in relation to commercial sex. The second section introduces a specific case study, the sex review website Punternet, and considers how this site mediates one kind of commercial sex market. This section discusses social policy themes of risk and community in the context of paying for sex. The third section analyses some Punternet data to indicate some possible ways that sex work customers make sense of this practice and shows some of the discourses and techniques used by punters to judge sex workers shape and normalise commercial sex. Judgements of women's bodies, societal discourses around good work, and the ordinary infrastructures that make sex consumption possible are shown to be part of the socio-technological mediation of the field of commercial sex. These kinds of insights are productive for policy makers interested in a complex understanding of the market for commercial sex.

### **The Infrastructure of the Internet**

Social policy as regards internet use must take into account the complex social, cultural, technological and economic issues surrounding access to hardware and software, web infrastructure

and so on. Where the internet has become a target for social policy, it has usually been to address the social exclusion that arises from the digital divide (Sinclair and Bramley, 2011), or to address problematic behaviours such as cyber stalking, bullying and child pornography (Oswell, 1998; Adam, 2005). Often, such policies take a narrow understanding of technology as abstracted from social relations and this tends to mean that the technology itself is missing from social policy conversations.

Lessig (2000) suggests that the architecture of the internet cannot be taken for granted. Using the internet relies on access to hardware (computers) and infrastructure (broadband networks, referred to as Internet Service Providers or ISPs). Running a website means also having a (paid-for) domain name, url, and server (rented 'space' on a very powerful computer where all a site's content is stored), and knowing relevant code to design and operate the site (or being able to pay a software developer). Users must be able to locate a site (so, for example, how a search engine such as Google ranks and assesses the site is very important). Websites cost money. The infrastructure of the internet gives rise to some specific policy questions.

Braman (2011) suggests the most important dimensions of internet policies are: access to the internet, property rights, content regulation, and privacy. Of these, content regulation and privacy demand further discussion when discussing commercial sex, and specifically sex review sites. Internet polices are both global and local, and regulations involve private sector organisations, individual users and nation states. For example, the 'boundaryless' world of the internet means content hosted in one country is usually accessible in another, even if it would not be legal to host the material in the second country. This boundarylessness means that local laws are not readily enactable when the violator is based overseas.

Content regulation is an obvious focus for internet policy, and debates around free speech are significant here. ISPs may be responsible for content regulation, for example in not 'serving' webpages with content deemed inappropriate by national or regional governments (Braman, 2011: 146). Nation states may use complex internet content filtering systems to control access to information (Deibert, 2008: 143); parents may also install filtering systems. Whilst such control may be more readily associated with authoritarian states than liberal democracies, the UK - like Norway, EU states and the US - limits access to some types of material (child pornography, materials promoting terrorism, racist material and material which facilitates fraud). Content filtering is defended as a legitimate act where it is directed at culturally offensive material, and policy makers may find it productive to discuss whether sex review material counts as offensive, and if so on what grounds. Nonetheless, technical as well as cultural complexities make strong regulation difficult, certainly across borders.

For the most part, non-offensive content is carried under 'network neutrality' principles, so that websites are served to users without prejudice as to their content (Wu, 2003). In the US, network neutrality is being challenged by those wanting to make accessing the websites of political marginal groups more awkward (Braman, 2011: 159); in other nation states, some kinds of content is explicitly prohibited without a pretense of network neutrality.

Privacy is the second dimension to internet policy that merits attention when considering sex review sites. Many advocates for the emancipatory potential of the internet see the democratisation of knowledge and the multiplication of sources that characterizes this form of media as radical and positive. Different voices can be heard, and in 'web 2.0' (the social media web where the strict division between media producer and media consumer is ended), 'sharing resources and outputs among widely distributed, loosely connected individuals who cooperate with each other without relying on either market signals or managerial commands' (Benkler, 2006: 60) is seen as positive.

Whilst the plurality of knowledge and voice that is made possible by web 2.0 seems emancipatory, questions of privacy must be considered. That communications are private, and that users often want to be anonymous seem fundamental to the use of a sex review website. Users sign in with

pseudonyms. The ISP, however, does know which sites a user accesses (and the owner of a site is able to find out significant things about that user, such as what they searched for, their IP address and how long they spent on the site). Although sex review sites do not harvest information about users in the same way as global corporations like Amazon, users' ISPs can be recorded. Users' registration details are hackable, saleable and may make users blackmailable. Few of us understand how much of our data trails are scraped, mined and sold.

A second dimension to the question of privacy is the more complex question of the privacy of the sex workers and employers who are written about. Internet communities often set store by liberal rights, especially to free speech. However, reviews that judge the performance and personality of the sex worker challenge that worker's privacy. To some extent this may be positive as sex workers use reviews to generate new business (Sanders, 2008). Reviews that are negative, rude or even defamatory can cause damage, however. A sex worker who receives a bad review may lose future business, she may be punished by her employer, she may be disturbed and upset to read her body described as 'not in the peak of fitness' (one of the less cruel descriptions). Whilst recent high profile court cases such as the Bercow Twitter libel (BBC, 2013) show that defamation laws apply to social media, it is hard to imagine conditions where sex workers may be able to seek formal legal redress for defamation, not least because of the social and legal status of their work. Critical descriptions on sex review sites are potentially harmful and go against rights to privacy. Discussions of the good treatment of sex workers must pay attention to how web technologies have this shaping function, and this is one of the significant reasons why internet policy makers need gender awareness (Adam, 2005: 104).

### **Grey media and sex review sites**

The discussion of privacy cannot be fully developed without a discussion of the varied and specific ways commercial sex appears on the internet. As Jenkins comments, 'although sex work is now far less visible on the public streets, it is very readily identifiable by almost anyone who searches the Internet' (2010: 91). The old-fashioned separation of online and offline practice is not useful for understanding the complex technological and discursive mediations of commercial sex that are made possible by web 2.0 technologies. User-generated reviews are interventions in public spaces, and like other media, shape the social and political landscape through shaping how other users understand commercial sex. Review sites bring together (unverifiable) offline experiences in a space of text and talk in such a way as to generate understandings of market and social practices. Policy makers who assume that the direct and physical transaction is the only significant part of commercial sex are missing out on understanding how the markets are mediated by online practices.

Punternet is one such site, singled out by Harriet Harman MP in 2009 as a significant problem demanding regulation (BBC, 2009). Others include *Adultwork*, *Punterlink*, and *The LBB*; comparable sites exist covering other countries. These sites are part of what Brents and Sanders (2010) describe as the economic mainstreaming of the wider sex market, which is argued to have brought about a new respectability for male purchasers despite a growing number of policies directed at the regulation of the market. In the rest of this article, I will draw examples from an earlier analysis of Punternet reviews (Pettinger 2011; 2013) and draw out policy implications. Punternet was set up in 1999, by 'Galahad' (pseudonyms are the norm on the site, although the wikileaks website reveals Galahad's identity, public statements and Amazon review page) and though it focuses on the indoor sex market in the UK, it is hosted in the US. Galahad refers to the First Amendment of the US Constitution to explain this. Punternet is intended only for heterosexual male customers, known as 'punters', paying 'working girls'. The site requires no password to read, but users register to write reviews or comment on the forum. Not all of those who have offline experiences in the indoor sex market that Punternet focuses on use the site, and not all of those who use the site are punters. Those who read and/or write on the site do so to make choices between working girls, to speak to other men, to read about sex and to re-live their own experiences (Sanders, 2008).

There is comparatively little consideration of the presence of commercial sex work on the internet, whether mediated sex work (e.g. through webcams) or web marketing of offline commercial sex (Earle and Sharpe, 2007; Döring, 2009, although see Walby, 2012). Sex review sites are seen by some as akin to ‘amateur’ pornography (see Paasonen, 2011), being written by ordinary men and providing voyeuristic pleasures to their readers, and they may be compared to other ‘review’ sites such as Trip Advisor, where customers reflect on their experiences in hotels and restaurants for an audience of potential customers. They may also show how communities are formed around specific engagements in commercial sex practices, and how customers learn to behave (see Sanders 2008).

It is important to consider constraining and enabling technologies and the grey media of the searchable database (Fuller and Goffey, 2012) in order to understand the complex mediation of commercial sex. Databases and search functions are the key grey technologies that make it possible for someone to locate a sex worker using one of the sex review sites – a different part of the infrastructure to the fora that generate ‘community’ discussions. Databases are constructed through standard forms (‘field reports’) that structure the writing of the men using it. I took a random sample of authors and carried out narrative analysis of field reports from *Punternet* where database, structure and context were relevant to seeing what understandings of market action are manifested in this site. Analysis recognises that technologies have been *stabilised* in such a way as to be taken for granted by sex review users. Whilst commercial sex exists without such sites, and in forms that the site does not reference, internet technology is part of how commercial sex has come to take its current form, although neither law nor policy has yet fully acknowledged this (Ashford, 2008).

Comment [A1]: what is this?

Comment [LP2]: Defn added to intro

Standardised grey media forms are one of the most important ways technology frames, mediates and constrains what can and cannot be said. The opening section of the Punternet ‘field report’ (FR) contains information that makes it possible for readers to know how to reach a working girl, detailing location, price, and contact details. It is followed by ‘free text’ comment boxes where punters can discuss and assess the environment, the working girl’s body and the sex encounter. The field report ends with the questions ‘recommend?’ and ‘return?’. Standardisation limits what is said, and makes what is said comprehensible and searchable; descriptions of sex acts too are rather standardised and acronyms are commonly used to denote particular practices. On occasion, authors speak explicitly to each other through FRs. Some condemn, others warn:

Comment [A3]: what is this?

Comment [LP4]: Defn added to intro

“waste of my time and my well earned money. AVOID LIKE THE PLAUGE!!!!. what ever happened to the services ERANIA and ELMA provided, they were fantastic at there jobs and loved being there. well not this one lads save your well earned money.” (FR70803m spelling as original).

Such comments are interventions in the workings of the market, where buyers and sellers struggle over the services on offer. Sex workers described here are able to get some redress against negative comments. This relies on a further part of the standard form, the rebuttal, monitored by the site administrators. The ability to make rebuttals assumes the sex worker is aware of the review, has access to ICT and is comfortable with writing in English. Technological and social constraints combine here, and the structuring of the text through the media device being used matters too for how it can be used by others.

### **Markets, bodies, work and leisure.**

Policy makers should note that sex review sites do not passively report events but are part of the production of markets in commercial sex, laying claim to the right to determine what behaviour counts as good, and what as bad. In this section, I focus on three of the many possible ways that sex reviews can intervene in and mediate commercial sex to shape the social and political context within which paid-for sex operates. The legal and moral context around commercial sex; the brothels, massage parlours and hotel rooms where it takes place; and the promotional material that entice buyers are part of the assemblage of commercial sex alongside the buyers and the sellers. Market activity is always social and technological as much as it is ‘economic’, so that – for example – clients, like other consumers, are guided and constrained by a complex range of economic, technological, legal, material, and social factors, including their understandings of doing gender. My

thinking here is informed by Callon's idea of the market device, "the material and discursive assemblages that intervene in the construction of markets" (Callon, et al. 2007: 2). The concept is a useful way of countering simplistic understandings of economic activity that assume that markets can be studied as meeting points between buyers and sellers, and it focuses attention on the complex mediation of commercial sex.

Databases of commercial sex encounters are rich material for understanding some dimensions of the market for sex. Thinking about why the stories are written in the form they are, who the presumed reader is and what the author understands of his own practices and those of others contributes to policy discussions by providing different kinds of insights into sex customers than that gathered by interviewing punters (Sanders, 2008; Coy, Horvath and Kelly, 2012), or by questionnaires (McKeganey and Barnard, 1996). Sex review sites act as market devices to temporarily and contingently stabilize actors' understandings of how they and others should behave. In this respect, Punternet is a judging machine where persons and technologies - customer and field report - come together to publically assess a working girl. This serves to structure and order hierarchies of values in markets: to say what counts as good service and what is bad service in general, as well as in this context. Punternet assessors participate in the ongoing creation of hierarchies of position between products: this one works better than that. Punters' judgements draw on and frame wider discourse around gender relations and commercial sex. .

Reviews tell stories of workers' bodies, assess their appearance and sexual performance, and judge them as beautiful or ugly, good or bad. Twigg (2001) points to feelings and bodies as worthy considerations for social policy, even as the traditional tools and techniques of social policy tend to create a distance between good, rational empirical work and feeling. The judging machine is visible, demanding and sometimes cruel. In this extract, we see how a customer defends his desires against implied societal judgements against women with larger bodies:

'Nice friendly personality that makes up for not being in peak of fitness... I had been thinking of a session with a big girl for a while so decided to take the chance with her after reading all the favourable FRs' (FR51520).

Workers' bodies are part of how market values are stabilised, including cultural understandings of what counts as an attractive body.

How the field reports discuss paid work shows the interconnections between the specific practice of reviewing paid-for sex and wider discourses. In some instances, punters read the sex workers as fortunate to have work that suits them so well that they would do it regardless of payment: "Sharon seems to love her work and does it for the sheer enjoyment of it" (FR51520), a comment which downplays the market transaction. Contemporary discourses of work encourage us to love and commit to our work, and to be satisfied by it. Although this is a fantasy that does not match many people's experience of work (Ducey 2007), it may be part of how the legitimacy of commercial sex is confirmed by practitioners: not only is sex work a free choice, but it is fulfilling. An alternative story about work provides a complimentary insight. Women who let on that they are at work, or who seem interested mostly in money tend to be judged negatively in the field reports for producing sex encounters that were mechanical and perfunctory: "...an average punt ... Rebecca is a slim sexy woman who sees her work as strictly work" (FR38136). Other negative reports are notable for a refusal to consider why a sex worker might be quiet, passive or miserable. 'Work' thereby provides a useful language for judgement, specifically the 'fit' between work and its worker (Muirhead, 2004) and professionalism. Sexual and related services can be performed well or "not to professional standard" (FR37539), so that sex is simultaneously natural (something that women love) and professional (something they can be skilled in). Stories of work figure in Punternet authors' accounts as indicators of what they consider to be both poor and good service and may reflect the success of campaigns to recognise prostitution as work. Accepting prostitution as work provides the assessing punter with a language of assessment and judgement - the good worker, the professional, career and fit, and in this way earlier social policy discussions and decisions are implicated in contemporary practices of mediation.

How commercial sex is organised by those involved is also of interest. There are many accounts of how to find a sauna or flat, and descriptions of location: "I downloaded a map and directions using their postcode from the AA's route finder site which made finding them easy. There is plenty of local parking and the area appears respectable and safe" (FR58624). It is easy to imagine a similar description starting a review of another consumer experience such as staying in a hotel. Internet technologies and the local infrastructure makes the visit easy and the punter feel safe. Such details point to the need to explore commercial sex not purely as encounter between male and female strangers in abject places, but as an organised and rather mundane activity.

These dimensions reveal the ordinariness of much commercial sex, in contrast to the way policy debates often focus on the deviant sexuality of sex customers as 'client, punter, pimp, trafficker, and rapist' (Whowell 2010: 127-128). The exploration of how discourses of bodies, work and ordinary leisure are manifest in the market device of sex review sites must encourage rethinking of the oversimplified policy discussions that have been problematized by Scoular (2010). Advocates of prohibitionist, regulationist and abolitionist systems, too readily disconnect their policy recommendations from local practices (Scoular, 2010: 12-13). Attention to the complexity of local practices, including what kinds of sex establishments are common and popular in different geographical areas, how different organizational structures influence customers, and the power of discourses of 'good workers' and 'sovereign customers' (both categories being gendered) aids a more nuanced account of how commercial sex operates.

### **Conclusion**

Understanding how the market for sex is mediated by the taken-for-granted infrastructure of the internet and visible web 2.0 sites is important for developing effective and supportive social policies that pay attention to the specific and complex organization of commercial sex as a market. This involves a consideration of 'hidden' as well as visible technology. Making sense of sex review sites involves an understanding of the mediation of social and market life enacted by grey media, alongside the rest of the assemblage of commercial sex - the mobile phone, the massage parlour, the technologies of body work that sex workers engage in, and so on. The standardising forms of Punternet have been conceptualised here as grey media enabling the online 'community' to stabilise their understanding of commercial sex and to search for experiences. Writing and reading on sex review sites intervenes in the domain of commercial sex to assert how a 'community' member should behave. However, technological affordances such as searchable databases do not make for ethically right behaviour, despite Peppet's (2013) suggestion that technology could make sex work safer and better if only the legal prohibition of sex work can be removed. Questions of regulation and privacy, free speech (including negative judgements on sex workers), risk and community and the use of the internet as a promotional device for sex workers themselves to manage their work and public presence are also important. It is worth noting that such debates involve latent as well as manifest policy questions. Making policies about commercial sex has unexplored impacts on policies about the internet, and vice-versa. Policy-making must attend to the complexity of the subjectivity of the customers of commercial sex within the broader context of internet sex if it is to develop more effective policy and to understand the potential of technologies to reach out to sex customers and sex workers.

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