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Unionising Sex Workers and Other Feminists

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journals.sagepub.com/home/sls**Katie Cruz** *University of Bristol, Bristol, UK*

Abstract

A minor movement of strippers and sex workers are unionising as the Sex Workers' Union (SWU) branch of the Bakers Food & Allied Workers Union. SWU have produced a counter hegemonic perspective on law and society in the process of class struggle. This perspective demystifies the view that strippers and sex workers are free workers and enterprising subjects, or unfree vulnerable victims in need of state protection. SWU's counter hegemonic perspective inverts this common-sense assumption and posits that strippers and sex workers are *unfree* workers and *free* sexual subjects. This demystification is evident in SWU's 'feminist law work', which demands decommodification and decriminalisation for all sex workers by working within, and against, official law. In conclusion, I argue that there are at least three reasons why other feminists should support SWU by ceasing eradication of sex work via criminalisation and closure campaigns. This would open space for a politics of solidarity between sex workers and other feminists, centred on the conditions within which sex workers' labour is commodified.

Keywords

sex work, stripping, labour, employment, class, feminism

Introduction

Strippers are a divided sector within the sex workforce. The majority do not want to unionise and want to be self-employed rather than in an employment relationship. My previous collaborative work focused on the decision making of this majority of non-unionised strippers and how working conditions might be improved in a way that does

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not turn on employment status claims (Cruz et al., 2017). Meanwhile, a minor movement of strippers is now acting in ways that a few years ago co-authors and I thought was highly unlikely. They are unionising with other sex workers, contesting their employment status and the closure of strip clubs, and are engaged in a range of forms of legal action and dissent (Barbagallo and Cruz, 2022; Cruz, 2013, 2020). This article is the first study of class relations within which the Sex Workers' Union (SWU) branch of the Bakers Food & Allied Workers Union (BFAWU) are organising and the place of law therein.

My argument is that the SWU have produced a counter hegemonic social and legal narrative in the process of class struggle, which challenges the common-sense view that strippers and other sex workers are free workers and enterprising subjects, or unfree vulnerable victims in need of state protection.¹ SWU's counter hegemonic perspective inverts this common sense and posits that strippers and other sex workers are *unfree* workers and *free* sexual subjects. This demystification is evident in SWU's 'feminist law work', which demands *decommodification* and *decriminalisation* for all sex workers by working within, and against, official law. SWU's demand for decommodification and decriminalisation should be supported by other feminists who are concerned about gender equality for at least the following three reasons. First, closure and criminalisation campaigns can militate against women exiting sex work (Sanders, 2007; Scoular and Fitzgerald, 2021). Second, supporting the circumscribed choices of SWU members and non-unionising strippers to remain in sex work, and possibly organise, by ceasing closure and criminalisation campaigns is not antithetical to supporting women who want to leave sex work through holistic and non-punitive exiting initiatives (O'Neill and Campbell, 2010; Pitcher, 2013). Third, attempts to abolish sex work via closure and criminalisation campaigns will not deliver gender equality (O'Connell Davidson, 2003; Munro and Scoular, 2013; Scoular and Fitzgerald, 2021) but are experienced as SWU and sex workers as entrenching it. Ceasing these eradication efforts would open space for a politics of solidarity between sex workers and other feminists, centred on the conditions within which sex workers' labour is commodified (Cruz, 2023; Scoular and O'Neill, 2008; Scoular and Fitzgerald, 2021).

This article advances socio-legal theoretical and empirical enquiry through the case study of SWU. First, it expands our understanding of the perspective that sex work is work to which labour and social welfare rights and protections should apply (Abel and Ludeke, 2021; Cruz, 2013, 2018, 2020; Mac and Smith, 2018). Second, it extends Marxist and Marxist feminist class analysis of sex work and sex worker organising (Cruz, 2018, 2022, Federici, 2006; Hardy, 2016; James, 2012; Walkowitz, 1982). Third, it responds to calls for more socio-legal, empirical, and theoretical research about sex worker, working class, and activist legal consciousness and legal mobilisation (Holdren & Tucker, 2020; Klambauer, 2019; Kirk, 2022). It introduces the 'feminist law work' (Enright et al., 2020) of SWU, which has emerged in the process of class struggle, by bringing together previous empirically grounded co-authored research with my own empirical research and observations of the activities of the SWU branch of BFAWU from 2021 to 2023.

This article proceeds in the following steps. The first two parts are contextual and methodological. First, I provide an overview of the narrative of sexual exploitation, morality and vulnerability which has framed legal and political debate about stripping and sex

work over the past 20 or so years. This narrative has been continually contested by strippers, sex workers and socio-legal scholars who have attempted to shift debate to decriminalisation, labour rights and unionisation (Cruz, 2013, 2020; Cruz et al., 2017; Mac and Smith, 2018). Second, I review socio-legal research on sex work, law and its broader social context to locate my own methodological approach, which builds on previous collaborative empirical research with non-unionised (Cruz et al., 2017) and unionised strippers and sex workers (Barbagallo and Cruz, 2022). This section also includes a discussion of methods. Third, I set out SWU's counter hegemonic perspective on stripping and sex work – that they are both unfree workers and free sexual subjects that want to be decommodified and decriminalised – a perspective that has materialised in the process of class struggle, which is happening at the point of production (the strip club) and in broader political and cultural spaces, including trade union, the sex workers' rights, and women's movement. Fourth, I tune into how SWU are pursuing this counter hegemonic vision via their 'feminist law work' within, and against, official law. Fifth, I propose three reasons that other feminists should support SWU's law work by ceasing closure and criminalisation campaigns, and conclude that a politics of solidarity, rooted in the material conditions within which sex workers' labour is commodified, could unite sex workers and other feminists.

Regulating Sex Work to Unionising Sex Workers

Sexual exploitation and the trafficking of women and girls became a key concern of politicians, the Home Office, women's organisations, feminist activists, and global institutions during the early 2000s (O'Connell Davidson, 2015; Munro and Scoular, 2013). In the UK, this resulted in new laws, including the Policing and Crime Act (PCA) 2009. Sections of this Act increased criminalisation of sex buyers (s.14 and s.15) and introduced rehabilitation for street-based sex workers (s.17) to achieve the eradication of prostitution (Munro and Scoular, 2013). Concern about sexual exploitation had an impact on the regulation of stripping venues. Part 2 of the PCA amended the Local Government (Miscellaneous Provisions) Act 1982 and gave local authorities increased powers to regulate 'sexual entertainment venues'.² Increased powers included the ability to control the number of venues through closure or capping of numbers, according to what is deemed appropriate for that locality (s.27(5)(c)), and the ability to insert terms and conditions into licenses that are granted, renewed or transferred (s.27(6)) (Cruz et al., 2017; Barbagallo and Cruz, 2022).

Feminist abolitionists supported the introduction of increased criminalisation and licensing regulation of sex work and have campaigned for the closure of sex work venues and clubs on gender equality grounds (Barbagallo and Cruz, 2022; Hardy and Sanders, 2012). This feminist approach is complicated by its insertion into the existing framework that governs prostitution and stripping in the UK. A complex assemblage of laws and policies position sex workers as immoral, indecent, and a nuisance to communities and neighbourhoods, particularly when in public, and as vulnerable victims of male consumers and exploiters. These concerns have been buoyed by feminist abolitionist rhetoric, often masked a moralism about women engaging in non-conforming sexual practices, and deflected attention from the structural causes of sex work (Carline, 2011; O'Neill, 2010; Scoular and Carline, 2014; Munro and Scoular, 2013).

The sex worker rights movement have argued that sex workers are not immoral nor necessarily victims of male sexual exploitation, that sex work must be decriminalised on the ground of safety and well-being (Cruz, 2020; Mac and Smith, 2018), that the licensing regime was designed without their consultation and input and does not protect their interests, and that clubs must remain open (Barbagallo and Cruz, 2022; Sanders, Hardy and Campbell, 2015). In the early 2010s I started to research labour law's potential for recognising sex work, including stripping, as work. Based on empirical research with activists and case law, I argued that labour law would likely offer some level of protection for the formally self-employed stripping sector, but that neither bosses nor workers viewed such a relationship as desirable (Cruz, 2013).

Sanders and Hardys' (2014) large-scale study of working conditions in UK lap dancing clubs found low levels of autonomy and high levels of control, and that women chose stripping because of its flexible fit around other work and educational commitments. Turning to Sanders and Hardy's rich collection of data, we found that strippers were against the current model of self-employment and wanted more autonomy at work, which they saw any form of employment relationship as antithetical to. Strippers were attached to the idea of self-employment and entrepreneurialism and wanted more autonomy and control at work. We concluded that labour law would be of limited utility for strippers, and proposed venue licensing for ensuring decent working conditions by local councils writing terms into the licenses granted or renewed (Cruz et al., 2017).

We were wrong. First, the PCA licensing powers have not been used to improve working conditions in clubs. Rather, the conversation surrounding licensing has continued to focus on whether to close all or cap the number of clubs in a local vicinity, often in response to what appear to be gender equality concerns (Colosi, 2013; Hardy and Sanders, 2012; Barbagallo and Cruz, 2022). Second, a minority of strippers and other sex workers have started to unionise and have demonstrated an appetite for legal mobilisation (Barbagallo and Cruz, 2022). In June 2018, sex workers who were active in the Women's Strike Assembly published a document titled 'Unionisation of Workers in the Sex Industry [+] The Decriminalisation of Sex Work [+] Feminist Education About Sex, Violence and Power [=] The Red Feminist Horizon' (hereinafter 'Red Feminist Horizon') (Caradonna, 2018). SWU emerged out of feminist and sex worker organising that happened in 2018, including the Women's Strike and the establishment of Decrim Now, a joint campaign of sex worker rights groups for decriminalisation (Barbagallo and Cruz, 2022). In November 2018, Michael Ford KC and I met with representatives from SWU and United Voices of the World Union (UVW). We discussed the working conditions in London clubs and the applicability of 'worker' status for the purposes of guaranteeing basic labour protections. By late 2019 Uvw had settled two holiday pay claims made by dancers in London, and in February 2020 a stripper in a London venue successfully argued before the Employment Tribunal (ET) that she was a 'limb b worker' under s.230(3) of the Employment Rights Act 1996 (*Nowak v Chandler Bars Group Ltd* (2019)). This legal status sits between employee and self-employed and provides basic rights at work, including the national minimum wage, holiday pay, protection against detriment and inducement in relation to union membership and activities, and access to the process of union recognition for the purposes of collective bargaining (Cruz, 2013, 2020; Barbagallo and Cruz, 2022).

The rapid global spread of COVID-19 had a dramatic effect on the sex industry and many UK-based workers found themselves jobless and without financial support and assistance (Brouwers and Herrmann, 2020; Platt et al., 2020). Managed sex work venues, including strip clubs, closed their doors the month after the 2020 ET win and the attention of SWU was diverted away from workplace organising (Barbagallo and Cruz, 2022). A notable victory came in 2021, when an Edinburgh Employment Tribunal found that a stripper was a ‘limb b worker’ (KR v Mick Costello and others (2021)). Come 2022, many sex work venues have reopened and SWU have been pre-occupied with contesting a new wave of strip club closure attempts. In March 2022, Edinburgh City Council announced their intention to close all strip clubs and prohibit the opening of any new venues and in March 2021 Bristol City Council (BCC) announced a second 12-week public consultation on the closure of clubs. SWU fought back. On 28 July 2022, BCC’s Licensing Committee met to debate and decide upon changes to its Sexual Entertainment Policy, which had been under review since 2016 by a working group set up by the Licensing Committee. Following a strong campaign by SWU and the Bristol Sex Workers’ Collective (BSWC) the Licensing Committee voted 9-1 in favour of keeping the current SEVs open in Bristol (Bristol Post, 2022). In February 2023, SWU celebrated a further victory with the quashing of Edinburgh City Council’s decision to impose a nil cap after they had been given permission to intervene in a judicial review challenge (Kaagobot and ors v City of Edinburgh Council (2023)).

Having provided an account of sexual exploitation rhetoric and its contestation by sex workers and scholars, in the next section I review socio-legal research on sex work, law, and its broader social context to locate my own methodological approach.

Socio-Legal Sex Work Research and Methods

Socio-legal literature has described how law constitutes the lives of sex workers and hypothesises or traces empirically the negative effects of law for sex workers (Munro and Scoular, 2013; Carline and Scoular, 2015; Graham, 2017). Bottom-up empirical studies have focused on sex worker experience and legal consciousness. Studies about street and indoor sex workers’ legal consciousness explore its connection to sex workers’ behaviour toward the law and views on law reform (Klambauer, 2019; Lutnick and Cohan, 2009). A complimentary focus is sociological and socio-legal researchers’ focus on the class relations of sex work, including stripping, and the role of law in these processes (Hardy & Barbagallo, 2021; Hardy and Sanders, 2012). Previous collaborative research (Cruz et al., 2017) investigated how non-unionised strippers managed the contradiction between class relations at work – high levels of control and discipline – and their self-employed status. We argued that within the class relations of stripping non-unionised strippers appealed to a dominant social and legal narrative of self-employment to ‘frame themselves as enterprising subjects and masters of their own destiny, in the face of stigmatizing discourses that cast them as powerless and victimized’ (Cruz et al., 2017: 284). In 2020, I co-authored an article with an activist-organiser who had completed a participatory action research project titled ‘*Unionizing Reproductive Workers: Labour Demands, Organizing and the Market*’. This project had coproduced

knowledge to facilitate and support sex worker rights activists in implementing and delivering unionisation campaigns and a national decriminalisation of sex work campaign. In this article, we argued that a worker narrative was evident in SWU's organising and that 'worker' status was emerging as a useful (albeit limited) tool to this end (Barbagallo and Cruz, 2022).

This article builds upon this collaborative research to elucidate the role of law in SWU's class organising. I bring together empirically grounded co-authored research (Barbagallo and Cruz, 2022) and my own empirical research and observations of SWU between 2021 and 2023, including attendance and participation at SWU events, online social media observation and interviews. Four organisers involved in the establishment of the SWU branch of the UVW were interviewed and I organised an event at the University of Bristol in 2022 in which workers from Bristol clubs came together with academics to discuss BCC's protracted consultation on the possible closure of strip clubs. I also draw from submissions of written and oral evidence at BCC's licencing committee meeting in July 2022 and BCC Licensing Committee minutes. I have been researching sex work and its regulation and have been active in the feminist and sex worker rights movements for 15 years. I am committed to participatory action research methods which are characterised as research *with* rather than *on* or *for* communities that requires long term collaboration and co-production of knowledge (Cruz, 2013; Barbagallo and Cruz, 2022; O'Neill, 2010; Van der Muelen, 2012). I am indebted to the networks I have developed in this time which enabled me to conduct this research by contacting founding members of SWU. Ethics approval for the interviews was secured from University of Bristol Ethics Committee and a draft of this article was sent to current SWU members for comment, which has resulted in a continuing dialogue and future collaborative research plans.

In the next section, I argue that a counter hegemonic social and legal perspective on sex work and stripping has developed in the context of the class relations and antagonisms within which SWU are organising. Once I have unpacked this perspective, I move on to consider how SWU are mobilising law to advance it.

SWU's Counter Hegemonic Perspective

From a Marxist perspective, capitalism operates via necessary unfreedoms. These are the commodification and incorporation of workers into labour markets, which are structured by exploitation, discipline, and alienation to increase productivity and generate profit. These unfreedoms are necessary because workers and capitalists have no choice but to participate in them. In other words, workers must commodify their labour (unless they are independently wealthy) and capitalists must rely upon commodified labour, and keep its costs to a minimum, to generate a profit and stay competitive (Cruz, 2018, 2020; Fudge, 2019; Knox, 2023). These processes are gendered and racialised, and shaped by the distribution of legal rights, protections and penalties (Cruz, 2018; Hardy, 2016; Hardy and Barbagallo, 2021).

In this section, I first illustrate these class dynamics through a narration of SWU's recent history. I map SWU's contestation of strippers' and sex workers' incorporation into, and treatment (exploitation etc) within, the sexual labour market via their tripartite

strategy of unionisation, decriminalisation, and political strikes and protests. I pay particular attention to solidarity and antagonism and how law is understood to be implicated in these relations and processes. Second, I argue that SWU's class organising coheres around two demands flowing from their counter hegemonic perspective that strippers and sex workers are *unfree* workers and *free* sexual subjects. These demands are *decommodification* and *decriminalisation*.

SWU and Class Struggle: Antagonism, Solidarity, Law

SWU emerged out of the feminist and sex worker rights movement and has been supported by trade union branches. In June 2018, sex workers who were active in the Women's Strike Assembly published a document titled 'Red Feminist Horizon' (Caradonna, 2018). It is a strategy of unionisation and decriminalisation of all forms of sex work produced by activists in the Women's Assembly and several sex worker rights organisations under the campaign 'Decrim Now'. One SWU interviewee shed light on the materialisation of this strategy.

The unionisation strategy came about cause of organising the women's strike, organising with United Voices of the World, and all the sex worker organisations that have been around for a decade or more, like SWARM, x:talk, ECP, that's a lot of organisations that are user led, sex workers led ... it's a pretty organic strategy, it looks like this really coherent thing but part of the reason it looks that way is because there were a lot of organisations involved building and critiquing it.

As this interviewee went on to comment, the Women's Strike offered a novel space for sex workers to have a 'real discussion with feminists about decriminalisation and what decriminalisation would be without unionisation'. Members of UVW were involved in the Women's Strike, and this brought them into contact with sex workers. Commenting on this period of organising an interviewee recounted that 'there was heaps of solidarity from University College Union, the Communication Workers' Union and the Independent Workers of Great Britain'.

A key part of the strategy was to unionise the least criminalised sector of the sex industry – strippers – in a bid to tackle their economic exploitation, to demonstrate what is possible when sex work is not criminalised, and to normalise sex work, which might provoke a shift toward another strategic aim: decriminalisation. As one interviewee explained,

yeah ... a cultural shift, hopefully, which is where I think the industrial strategy can help ...
Yeah, like kind of talking about labour of sex workers, making it like other forms of labour.
That would help demystify it, decriminalise it in people's imagination.

A third aspect of the strategy, alongside unionisation and decriminalisation, was participation in the political strikes staged by the Women's Strike. This strike called on women workers to refuse to engage in paid and unpaid labour, which organisers argued is 'impossible' and that this is 'why it is one of the most important things that needs to be done' (Barbagallo, 2018). It is impossible because society would cease functioning without this

labour and necessary to demonstrate the value of the devalued labour performed by women. Sex workers have joined the strike by staging a yearly one-day sex/work refusal to perform both paid and unpaid sexual services.

Things moved quickly after the Women's Strike in 2018 with mapping and strategizing about how to unionise strippers and protests for the decriminalisation of all forms of sex work.

After Women's strike ... in March, we met again in April ... And then there was a meeting... very soon after a meeting, like founding meeting where we invited loads of workers.

This meeting took place in early summer and more than 40 dancers and full-service sex workers met in the Common House, a community centre in East London that the migrant sex worker rights organisation *x:talk* project established in 2013. Several meetings followed in which sex workers mapped their industry and shared knowledge. They outlined how licensing structured their jobs, they analysed power in their workplaces flowing from owners, security guards, support staff, and floor managers, and they shared stories of extreme economic exploitation, abuse, bullying, and grossly unfair disciplinary systems perpetrated by bosses (Barbagallo and Cruz, 2022). One interviewee detailed how the familial and personal nature of relationships between bosses and workers could deepen economic exploitation. 'They work close together in XXXX the whole day... the dancers are told they have the greatest opportunities to be employed here ... you feel like you are entitled, like you are a chosen one ... I think the girls feel, you know, close ... the girls then had to pay money for their time off, so if they were going off for like six or seven days, they had to pay like 350, you know?'

Establishment of what was then the USW branch of UVW followed shortly after, and by late 2018 recruitment had spread to clubs in London and new members joined in Bristol, Edinburgh, Cardiff, and Sheffield. Early activity focused on growing numbers in clubs, which was a difficult task, not least because sex workers and strippers assume they have no rights. As one interviewee remarked:

We have tried to build numbers in different clubs. Despite the fear, despite like, you know, if you compare it to any other sector, like literally, kind of telling people you actually have rights ... you have to do this education, not just with the trade union movement with the courts, with the opposition, you have to do with the actual members, like you have rights, people are shocked when you tell them that.

Activity at this time also focused on exploring legal avenues that might challenge the highly exploitative practices of clubs (Cruz et al., 2017; Barbagallo and Cruz, 2022). Labour law and 'limb b' worker status was identified early on as a possibility.

It kind of became clear that we have to establish worker status ... So a lot of the focus went into that. And I'm not an expert. I had to like really train myself up ... we had a lot of learning to do ourselves ... about the law about the whole situation, and what's possible, and it became clear that what we need is a test case.

In February 2020, SWU achieved their first in court victory when Sonia Nowak, a former stripper in a London venue, was awarded ‘limb b’ status, which is required to access basic employment rights at work (Nowak v Chandler Bars Group Ltd (2019)). A month later the UK entered its first covid lockdown. A SWU interviewee described their frustration:

The shortest won victory that has ever been known to the left. It was like, 3 weeks. We had so many plans.

SEV bosses, fellow strippers, politicians and feminist organisations have all dissented from SWU’s strategy (Barbagallo and Cruz, 2022). One interviewee described opposition from bosses, workers, and feminists in the following way:

There were definitely some of those dancers at XXXX where a case was won, and we held a big meeting with them, after the court case, to try to talk through their concerns, that was also on the back of a very big campaign run by the bosses to say that the judgment was going to close down the establishment and ruin it, and that they were going to appeal it. So, it was a pretty normal union campaign, there were lots of people who were in solidarity with what we were doing, and definitely hostilities, with the added bonus of the kind of moral element of the radical feminists.

SWU have worked to debunk negative messaging about unionisation coming from employers. Bosses argued that unionisation will worsen conditions at work.

And literally bosses were saying, you know that the union is against you, the union is here to cause trouble. They, you know, they want your criminalised ... all sorts of bullshit.

This was possible because employers have better access to dancers and can appeal to the familial structure of the club and relationships.

First of all, because of the way the club was run, because of the personal relationships that are, you know, kind of endemic in this kind of workplace where there is no status and no rights. We weren’t, actually we failed to organise in the club ... So there was just no organising ... The club had full access to the dancers.

SWU are therefore concerned that non-unionised strippers are being given inaccurate information by bosses regarding the effects of unionisation and employment status. At the same time, previous collaborative research has revealed that non-unionised strippers see any form of employment status as antithetical to their interests and desire for autonomy. In other words, they want to be de facto self-employed (Cruz, 2013; Cruz et al., 2017). SWU have promoted ‘limb b’ worker status (a status that can apply to self-employed workers who are subordinated and controlled without removing autonomy) to non-unionised strippers by producing flyers and facilitating online and in person discussions. In these meetings they have explained that entitlement to the minimum wage does not mean that only a minimum wage can be earned during each shift and that dancers’

existing freedoms need not be curtailed. As one interviewee recounted, a key strategy has been to argue ‘again, and again, ... you’re already a worker. Yeah, these are your rights here that somebody is trying to take away from you.’

Concern about the implications of unionisation and worker or employee status on freedom and autonomy at work is not particular to strippers and sex workers and is shared by other ‘gig’ workers (Wood, Martindale, and Burchell, 2023). However, what is perhaps unique is that strippers and sex workers face societal stigma. This stigma appears to have a relationship with a desire to remain self-employed and a rejection of employment status (Cruz et al., 2017) and can push against any identification with the label sex work. One interviewee spoke to this barrier in the following way: ‘there is like social stigma, and people say, and ... some dancers say, I’m definitely a sex worker, some dancers will say, no, that’s a completely different thing.’

SWU are contesting attempts by feminist organisations and allies to see strip clubs closed (Barbagallo and Cruz, 2022). BCC’s Licensing Committee met in July 2022 to debate and decide upon changes to its Sexual Entertainment Policy. Although the decision allowed the existing clubs to remain open, there was strong support from feminist organisations and the police for closure of SEVs in Bristol on the basis that they promote gender-based violence, precarious self-employment, and unhealthy relationships between men and women (Bristol City Council, 2022).³ SWU experienced this coalition of actors as silencing, condemning strippers for misogyny, and endorsing a moralism about sex crossing over into the market.

Often, our voices can go unheard due to the stigma which surrounds our work. But now, as we have in the past, we are raising our voices and imploring you not to ignore us (Bristol City Council, 2022a).

In 2021, the BSWC appealed to the BCC to

create policy that centres the experiences and rights of the workers instead of giving credence to a puritanical and misogynistic minority who blame women, in particular sex workers, for the violence of men and the hyper-sexualisation of women in mainstream culture (Bristol City Council, 2022b).

SWU are therefore caught in a difficult set of antagonisms that extend beyond more common employer hostilities and worker divisions to feminist organisations who want clubs closed because they promote sexual objectification and precarious self-employment.

Post pandemic, SWU are organising against the closure of strip clubs and emphasising strippers’ desire to stay in sex work because it is the best economic option available. They are drawing attention to how incorporation into stripping work is being shaped by poverty, social reproduction and care, the cost-of-living crisis, poor wages in other available jobs, and disability and mental health. These concerns are distilled in the responses of SWU and BSWC to Bristol City Council’s most recent and protracted consultation about its Sexual Entertainment Policy. In 2021, BSWC pleaded with the Licensing Committee not to open another round of consultations regarding closure.

Policy makers are aware of structural inequalities, the impact of low Universal Credit and benefit rates, the burden of childcare and education, that preclude sex workers from

simply exiting sex work and finding another job. If Bristol implements the nil cap, we will be forced to choose between working in unregulated and unprotected spaces within Bristol ... or risk being pushed into poverty (United Voices of the World, 2021).

SWU are now organising with sex worker groups under the banner of 'Hookers Against Hardship' (HAH) and are campaigning for support for sex workers during the cost-of-living crisis. The HAH campaign centres on worsening working and living conditions, including ongoing Local Council consultations about closing clubs, a failure of employment law to remedy conditions of false self-employment, and the continued imposition of austerity and poor benefits and economic choices for women workers and carers.

SWU's Counter Hegemonic Perspective

At best we are classified as self-employed, but most of the time we are treated as victims in need of saving or as criminals. (Caradonna, 2018)

In this section, I argue that SWU's class organising has demystified narratives that situate sex workers and strippers as free workers and enterprising subjects, or unfree vulnerable victims that need to be saved or protected by the state. SWU are fighting back against the suggestion of their bosses that they are free, self-employed workers. When asked about their perspective on self-employment in the sex industry one interviewee responded:

And it's like the idea of freedom associated with choice. There's no freedom in the choice between this snack or that snack. I mean, it's bullshit. It's just a neoliberal like, yeah, brainwash.

And SWU are fighting back against the insistence that they are vulnerable victims who cannot make sexual choices about engaging in sex work and, as such, need to be 'saved' by abolition of the sex industry and feminist organisations who campaign to end gender inequality.

The Bristol Sex Workers' Collective would like to know what evidence is there suggesting that closing the clubs would in fact help us towards our collective goal of gender equality? If that is the argument being made by a minority of people from pressure groups, why is the onus on us, as workers, to prove that we deserve to exist and that our choices are our own? (Bristol City Council, 2022a)

The feminist focus on women's vulnerability and gender inequality is experienced by SWU and BSWC as indistinguishable from moralistic attitudes that position women who engage in non-conforming sexual activity as deviant. This was apparent in BSWC submissions to BCC (Bristol City Council, 2022b) and interviews. In response to a question about the aims of SWU, one interviewee commented that worker status would mean that 'all the radical feminists won't try to be judging what you do as disgraceful or say that 'you're disrespecting yourself, your body bla bla bla'.

SWU's counter hegemonic argument is that strippers' active and purposeful incorporation into, and treatment within, the sexual labour market is structured by gendered economic unfreedoms that are mediated by law (labour, criminal, public and social welfare). They are demanding their status as unfree workers be remedied by a range of measures that *decommodify* their (paid and unpaid) labour and their status as free sexual subjects be remedied by *decriminalisation*.

It is important to point out that SWU's counter hegemonic perspective that they are unfree workers does not come at the expense of recognising strippers' agency. SWU insist stripping is an economic choice made within the constraints of gendered capitalism and they are themselves unionising and organising alongside other feminists in the Women's Strike to contest unfreedom. Similarly, emphasising that strippers make conscious choices about selling embodied sexual services does not mean that SWU fail to see that hierarchical gender and sexual relations organise their work. As documented in this section, SWU acknowledge that gender and familial relations organise their paid and unpaid labour, including economic exploitation in clubs and their decision to enter sex work and stripping.

Regarding hierarchical sexual relations with clients, at a public event that SWU members and I spoke at in March 2023 we discussed how relations with clients can be shaped by sexual objectification. This, however, is a difficult argument for SWU to make publicly because acknowledging that sex worker and client relationships can be hierarchically gendered can be used by other feminists to argue that sex work is sexual objectification and gender inequality, and therefore not work. Indeed, as I will unpack in the next section, other feminists have deployed SWU's argument that they are exploited at work and misclassified as self-employed to argue that strip clubs must be closed.

In the next section, I turn my attention to how SWU are pursuing their counter hegemonic perspective through its 'feminist law work.'

SWU's 'Feminist Law Work'

The term 'feminist law work' is intended to capture the manifold ways in which non-lawyer feminist activists engage with law, legal mobilisation, legal consciousness, legal institutions and legal argumentation to try to achieve their desired end ... This is work that takes place alongside, and sometimes against, more formalised law work and activity undertaken by voluntary and non-governmental organisations. (Enright et al., 2020: 360)

Feminist and Marxist political and legal scholarship enquiries into the possibilities of hegemonic liberal law to redress social injustice given its implication in the distortion and production of social marginalisation and oppression. Law is viewed ambivalently, as a tool to be engaged to return some measure of justice and to grow social movements, as a site for political and social disagreement and ideological critique, and as a questionable arena for advancing counter hegemonic feminist and class projects (Brown, 1995; Cruz, 2015; Knox, 2023; Rancière, 2011). In previous research, I have drawn together these insights to argue that rights are demands made by sex worker rights activists within law *and* against law by staging a social disagreement about the legal status quo. I have also argued that the uses of rights by sex workers should be thought through a 'double movement', as securing some measure of freedom, and as depoliticising,

normalising and even presupposing the domination and oppression to which sex workers turn to the law to remedy (Cruz, 2015).

Legal mobilisation is a stand of legal consciousness study (Chua and Engel, 2019) that has in common with feminist and Marxist literature a focus on the interrelated and multi-layered processes of tactical legal engagement within law and political protest and organising against law to advance the political and justice-based aims of social movements. Protest against the law often deploys legal categories – such as rights and equality – to frame the grievance or demand and at some point, a tactical choice is made about whether to enter legal institutions (Buckel et al., 2023; Colling, 2009; Kirk, 2020; McCann, 2006). This vast literature also views liberal law as ‘double edged’ (McCann, 2004) and questions whether it can enact the emancipatory vision of social movements and/or reproduce liberal legal hegemony, which it tends to answer via an appeal to law’s contingency and fine-grained empirical enquiry (McCann, 2004, 2006).

In this section, I start to bring these conceptual insights about the production of legality to be bear on SWU’s ‘feminist law work’. I argue that SWU are feminists who are working within, and against, official law to achieve decommodification and decriminalisation. Whether SWU’s law work ‘within’ liberal law depoliticises their counter hegemonic perspective and/ reproduces liberal legal hegemony is beyond the parameters of this article. I do, however, end this section with a brief discussion of this dynamic or tension in SWU’s organising.

Within the Law

SWU are mobilising law by working ‘within’ it to achieve decommodification by contesting bogus self-employment and discriminatory practices, including the closure of strip clubs and bank accounts. SWU are active participants within Employment Tribunals, Licensing Committees across England and Scotland, and the Court of Sessions in Edinburgh in a bid to challenge their status as self-employed workers and as victims of gender inequality. Key to their law work has been their willingness to engage in legal self-education and to think strategically about what the law can deliver, including working with the indeterminacy and open texture of legal categories (Ewick and Silbey, 1998: 147–158). SWU hope that this ‘within’ the law work will ‘radiate’ (Colling, 2009) beyond immediate cases to advance their aims of increasing membership of SWU and changing societal attitudes toward sex work.

Engaging the law has required legal education amongst SWU members. SWU organisers have educated themselves, organised and agitated in strip clubs, produced legal flyers, joined forces with the sex worker rights movement, women’s movement, and trade union movement, and have instructed lawyers. As one interviewee put it,

Employment Law is boring to most people. It’s too much you know, like so I spent literally days and days of my life like trying to simplify the flyer that we put out with like, frequently asked questions. Like, how do I explain it in the most simple, accessible shortest way.

And while SWU believe that all sex workers should be protected at work, they have been elective in their approach, engaging strategically with the law as they seek to pursue

employment rights for the least criminalised sector of their members: strippers and dancers.

That's why the dancers struggle emerges as it does because those dancers can go to court. That win is constrained by who has access to the legal system.

SWU recognised early on that contesting the employment status of strippers is both possible and a necessary gateway to further rights at work, including collective bargaining. In this way, SWU are pursuing a strategic approach to the law for a section of their members which is similar to other unions and falsely labelled self-employed workers (Dias-Abey, 2022; Kirk, 2020).

UVW traditionally was kind of as like a fighting union always like looking to go to collective organising strikes and so on ... but we need to use strategic litigation to get us to the point where we can even organise in that way ... I was trying to get groups of workers to think collectively about how they, you know, might fight together, it became clear that we have to establish worker status. So, kind of a lot of the focus went into that ... We have to have worker status to even start thinking about bargaining units.

SWU's opponents are strategically using the same SWU employment status loophole – strippers' (mis)classification as self-employed – to argue that strippers should have no rights at work. In July 2022, I attended a BCC licensing committee meeting where Bristol Women's Commission (BWC) used the self-employment loophole to argue that because clubs do not provide secure employment the council should impose closure and strippers should find more stable employment (Bristol Women's Commission, 2022). At the meeting, SWU members expressed concern that this loophole was being used to deny their livelihoods and organising efforts.⁴ When within the law, then, SWU and counter groups have used the same legal contingency or indeterminacy – the precarious employment status of strippers – to argue for vastly different ends.

Gender equality is another indeterminate legal concept that SWU and counter interests are deploying within the law to different ends. In early 2021, both the SWU and BSWC submitted open letters and public forum questions to BCC's Licensing Committee after it became clear that a second consultation was to be held before the Council would decide the fate of SEVs in Bristol. The gendered disadvantage of closure for women workers, harm reduction, and cost of living crisis dimensions of SWU's and BSWC's arguments convinced the Licensing Committee that sat in July 2022 to vote 9-1 in favour of keeping the current SEVs open. In mid-2022, SWU were granted permission to intervene in a judicial review of Edinburgh City Council's decision to impose a nil cap. Inverting the radical feminist argument that *open* clubs constitute gender inequality, SWU argued that this *closure* constituted (i) indirect sex discrimination (because it is a decision that disproportionately disadvantages women) under s.11 and s.19 of the Equality Act 2010; (ii) was an unjustifiable interference with strippers' Article 8 right to privacy under the Human Rights Act 2000; and (iii) was in a breach of the Council's Public Sector Equality Duty (PSED) under s.149 of the Equality Act 2010 (Kaagobot and ors v City of Edinburgh Council (2023)).⁵ The Court quashed the nil cap on the

ground that the Council had been given, and relied upon, incorrect legal advice that nil caps create rebuttable presumptions against the granting of licenses when in fact they exclude any discretion for councils. This is a welcome victory for SWU, but they received no finding on their indirect discrimination or Article 8 arguments, and the Court found that the Council had in fact satisfied its PSED.

SWU's opponents have strategically engaged with gender inequality arguments and licensing regulations to the opposite end. The view that strip clubs constitute gender inequality – on the basis that they are sites of violence against women and encourage this behaviour – was shared almost unanimously amongst the stakeholders asked to respond to the working group set up to review BCC's SEV policy in 2016 (Bristol City Council, 2022c). These stakeholders include BWC, Safe and Equal Bristol, members of the University of Bristol's Centre for Gender and Violence Research, Bristol Fawcett and Avon and Somerset Police. The public disagreed that existing SEVs in Bristol should be closed. Unhappy with the result of the first consultation, the working group pushed for a second public consultation with revised questions on the basis that several 'comments were made alongside consultation responses relating to the fear that some women experience when in proximity to these premises' (Bristol City Council, 2022d). Once again, the public disagreed and in July 2022 BCC Licensing Committee also disagreed that SEVs should be closed for promoting gender inequality.

On the one hand, then, SWU are working within labour law and public law to advance their counter hegemonic perspective and thus to contest the effects of gendered capitalist commodification and to recognise sex workers' constrained choices. On the other hand, feminists who are opposed to the existence of strip clubs are using the same legal values and categories – gender equality and employment status – to advance the position that stripping reflects women's sexual commodification and lack of choice. This observation reinforces legal mobilisation and critical legal scholarship that law is a relatively indeterminate collection of values and categories that can be taken up by different, often counter posed interests to argue for vastly differing ends or agendas (Conaghan, 2019; McCann, 2021).

SWU recognise that contesting closure orders is necessary but lament the fact that this is getting in the way of their ability to organise for their rights at work.

As organisers, we want to fight for better working conditions, better pay and labour protections but we can only do that if our workplaces are not constantly at risk of being shut down by our councils. It is exhausting that we are expected to justify our right to work to the people who are supposed to represent us. (United Voices of the World, 2022)

At the same time, SWU remain hopeful about turning their attention to working within law to secure individual and collective workers' rights and to engage licensing committees with the workers' rights dimensions of licensing. The latter was a tactic that SWU members were engaged before the pandemic, again with mixed results. One SWU member recounted attending a Camden Council Licensing Committee meeting hopeful that licensing rules could be manipulated to advance a workers' rights agenda for strippers.

At some point that became my kind of focus. I felt that I found a potential partner in one local authority in Camden ... to write those rights into the licencing agreements, and have loads of meetings, and I have been sitting on Camden licencing committee meetings. And you could see the confusion on their faces, like, you know, who are you? How come there is a worker's right dimension to licencing ... It's like a licencing issue. They couldn't get it.

Previous research has documented both the potential and failure of licensing regulations to protect the interests of strippers (Sanders and Hardy, 2014; Cruz et al., 2017). Whether licensing agreements could be tactically 'played' to advance a worker rights agenda is questionable, though not impossible, given the hostility of many councils to the mere existence of clubs.

Contesting the employment status of strippers has also provided a tool for increasing membership of SWU by showing non-unionised members what is possible. As one interviewee put it, strategic litigation for worker status for strippers was 'pursued to make the point, deliberately that point, that if people have access to employment protection they will use it, and if they don't have access to it they don't'. This tactic – litigation to encourage membership – has had mixed results, perhaps partly due to the difficulty SWU have had accessing non-unionised strippers. As one interviewee put it:

The club had full access to the dancers ... And when it came to the, you know, to the ruling, they've done the organising work instead of us ... And they turned them against us. Yeah. And that was vicious. It was, it was really, it was quite a horrible experience. With literally a roomful of women shouting at us, like, we didn't ask for any rights. And at that point, it's very difficult to tell people like, you know, that we're working in your interest ... So, so we kind of failed on that.

The jury is out on whether employment status successes will have the 'radiating effects' that organisers hope for. As of early 2023, SWU continue to deploy worker status and rights at work to this end. However, one interviewee saw the strategy of securing worker status for strippers as having far broader effects, beyond benefits for existing and new members of the union.

Yeah, because you know if it's actually proved by law that it is work then people will stop messing with you ... It's a big influence in shaping society's mind about sex work ... But if it was like approved as a job it would change everything in society, people's mind... Worker status is the next thing we need.

Against the Law

SWU's tactical use of the law needs to be situated within their participation in the sex worker rights movement's protest 'against' the law. Once again, the aims of this political law work are multiple. SWU are engaging in several protests about law's exclusions and failures to decommodify and decriminalise their labour, which they hope will 'inspire' a sense of injustice (Colling, 2009) across society, leading to increased solidarity and a change of societal attitudes, as well as changes to formal law. SWU are provoking and protesting law's role in the unfreedoms they experience and its refusal to recognise

their active choice to engage in sex work. SWU protest and campaign for decommodification of their paid and unpaid labour and for the decriminalisation of sex work. They register a dissensus from the law concerning its gaps, weaknesses and biases, which is usually animated by a demand that official law and policy embody the content of the provocation.

SWU have been active in campaigns that politicise law's role in failing to commodify (sex) workers and women's labour and are acting in solidarity with the sex worker rights, feminist movement, and trade union movement. Every year since 2018 SWU and sex workers have been part of the Women's Strike, which protests the patriarchal, racist, and economic conditions under which women engage in paid and unpaid labour (Barbagallo and Cruz, 2022). During the pandemic, SWU and other sex worker rights organisations raised funds for sex workers who were incompletely covered by government schemes (Barbagallo and Cruz, 2022), and as of 2022 SWU are organising as part of HAH to campaign against the costs of living crisis, the poor economic choices faced by women and sex workers, and to fundraise for sex workers. SWU have supported cleaners in UVW in industrial action over poor pay and conditions, and have participated in trade union political actions, including support for striking train drivers.

For the union, the cleaners, like we organised a fundraiser party where we are like collecting money from the tickets and the dancers and sex workers were performing.

But in terms of other solidarity, like we made it, as soon as the branch was established, probably even before, we made a point again, and again, to be going out to actions, definitely within our union, but also public and political actions. You know, trade union action to be very clear about how sex workers stand in solidarity with other workers to embed the message that sex workers are workers.

These collective protests and campaigns are paying off. In 2022, Unison, the UK's largest union, passed a motion of support for decriminalisation and sex workers' rights at work (Unison, 2022).

SWU campaigns and protests have made novel connections between the inadequate decommodification of (sex) workers' labour and the need for decriminalisation. For SWU and the sex worker rights movement, the former cannot meaningfully take place for all sex workers until the latter is achieved.

The current laws that regulate what we can and can't do with our bodies and the continued efforts to criminalise our workplaces make it difficult, at times nearly impossible, for sex workers to organise and unionise (Caradonna, 2018).

Protesting criminalisation has been a staple of SWU from its inception. Starting in 2018, sex workers active in the Women's Strike have staged a one-day Sex/Work Strike in demand for decriminalisation. The 2018 Sex/Work Strike call to action articulated the Strike in the following way:

The criminalisation of the sex industry makes our work unsafe and exposes us to violence. So, on March 8th, we will refuse to do the sex/work that we do for money and all the domestic, sex and care work that we are expected to do for free (Women's Strike, 2018).

SWU 'strikes' have extended solidarity to sex workers in the USA who are campaigning against the SESTA/FOSTA legislation, which, amongst other things, contributes to blocking effective unionisation and access to worker's rights.

We had a few strikes that we held together as sex workers and also against SESTA/FOSTA, that was the Women's strike in 2019 ... the strike was for worker's rights. We strike, that was one of our like mottos, just for like getting fair conditions at work, worker statutes and respect, being destigmatised, having dignity for women.

The most recent HAH campaign centres both decommodification *and* decriminalisation and makes six demands covering benefits for all set at a living wage, a moratorium on evictions and arrests of sex workers, and full decriminalisation (English Collective of Prostitutes, 2022). And sex workers are back protesting criminalisation as part of the Women's Strike, after a 2-year COVID-19 imposed hiatus.

On March 8th, at 6PM, we will leave our brothels, strip clubs or homes and take a stand against the sexist, racist and criminal laws that jeopardise our lives as sex workers. We will not see clients. We will not answer our phones. We will not sell sex ... We demand decriminalisation of our workplaces and our lives (Decrim Now, 2022).

In summary, SWU's 'feminist law work' has involved using the law to speak their counter hegemonic perspective by tactically engaging within it to return some measure of decommodification, and by protesting law's inability or reluctance to provide decommodification and decriminalisation. Their successes are numerous, extending beyond the courtroom to building confidence and power in the movement, to chance encounters that might provoke a change of societal and individual perspective on sex work.

Participating in every strike and demonstration was super empowering, like, really that was such like a boost of adrenaline and happiness, and when you're like out there on the streets, we are all like dancing and shouting and doing all those things. Things like strike are the moments where we are also showing to decide that we are not afraid of our profession, of who we are and we just don't let them to step on us, stigmatise our job and all this stuff. So, yeah, as for organising, in a strike or in a demo, there's also a chance to give leaflets, inform people, and you never know who you are meeting in a tube or on the street.

While an exhaustive discussion of the complex and contradictory relationship between these uses of law is outside the parameters of this article, it is possible to offer a brief reflection on this dynamic. Zoe Adams' recent provocation is that indie unions in the UK must not invest too much potential in the siren call of liberal law because it cannot speak the truth of worker's commodification under capitalism. Adams argues that indie unions must also engage in political work that disrupts the status quo and

demonstrates the limits of liberal law by making ‘impossible demands’ on the state (2023). By working within the law to secure rights at work and some measure of de-commodification SWU are, like all other organising workers, using a body of liberal law that denies labour is a commodity whose reproduction relies upon the expropriation of women’s labour in the home. Working within labour law hence *depoliticises* SWU’s argument that they are unfree gendered workers. At the same time, however, SWU are also engaged in a number of protests, ‘strikes’ and campaigns that *politicise* the reality of commodification and expropriation of gendered labour, which have been documented as instances of class struggle in this article.

In the next and final section, I argue that there are three good reasons that feminists concerned with gender equality should support SWU and propose that aspects of SWU’s de-commodification agenda offers other feminists the opportunity to forge a politics of solidarity with sex workers.

Strippers and Other Feminists

As feminists, we believe that the sisterhood depends on all factions coming together to support one another. Sex workers are feminists as well ... we are raising our voices and imploring you not to ignore us. But to stand by us (Bristol City Council, 2022a).

Feminist organisations that frame sex work through the lens of gender inequality, defined as women’s sexual subordination and objectification, have not extended solidarity to the workplace struggles of unionising nor non-unionising strippers and sex workers. At the same time, unionising strippers and sex workers are feminists who are also concerned with gender inequality and reject a sole focus on sexual subordination and objectification (see also Mac and Smith, 2018). In this section, I argue that there are (at least) three reasons that feminists concerned with gender equality should support SWU and cease the eradication of the sex industry through criminalisation and closure of venues and clubs. Having stated these arguments, I propose that aspects of SWU’s de-commodification agenda offers other feminists the opportunity to forge a politics of solidarity with sex workers.

First, the use of criminal and public law powers to close sex workplaces does not enhance the employment and other opportunities of women but can affect their chances of ‘exiting’ sex work due to a criminal record (Sanders, 2007; R (QSA & Ors) v SSHD & Anor (2018)) and will push the sex industry further underground and women further into poverty (Scoular and Fitzgerald, 2021). This latter point is made by both unionising and non-unionising strippers in submissions to the BCC licensing committee hearings from July 2022. As a UVW press release put it in its submission, ‘By implementing a nil cap SEV policy, Bristol City Council would be effectively forcing workers into private spaces without the protection of those rights offered within the existing strip clubs’ (Bristol City Council, 2022a). Second, SWU’s law work is continually directed at contesting closures. Other feminists can support women who want to leave the sex industry while leaving alone those who, usually due to poverty and circumstance, want to remain and may want to challenge their working conditions. Third, attempts to abolish sex work via closure and criminalisation campaigns will not deliver gender equality (O’Connell Davidson, 2003; Munro and Scoular,

2013; Scoular and Fitzgerald, 2021). On the one hand, these strategies are taking effect in the context of a late capitalist state that is hostile to the provision of substantive goods that would make equality real, including provision of services (accessible and affordable housing and education, non-punitive migration routes, for example) and alternative opportunities for women who work in the sex industry (a decent wage for engaging in paid *or* unpaid labour in the home or community, for example). On the other hand, as SWU have extensively argued, devoid of these services and opportunities, these strategies are *entrenching* gender inequality. Regardless of the intention of other feminists to bring about meaningful change for sex workers, the material effect is that the sexual agency and choice of SWU members and others sex workers to earn a relatively decent income, and for some, to improve their conditions at work, is being thwarted.

SWU members and other feminists agree that the sex industry is structured by a complex interplay of sexual and economic exploitation, as well as resistance or negotiation of these processes. If eradication through criminalisation and closures were abandoned, there would be space for sex workers and other feminists to find common political ground. Poverty and poor wages, discrimination at work, limited educational opportunities, housing and childcare are common concerns for SWU and other feminists (Cruz, 2023). Indeed, as this article has detailed, these concerns have recently united sex workers with feminists during the Women's Strike. Post criminalisation and closure tactics, strippers, sex workers, and other feminists could find commonality and solidarity advocating within, and against, the law for the substantive goods needed to make gender equality real for sex workers and women (Cruz, 2023) or, as sex work scholars have argued, a politics of redistribution that focuses on the material conditions within which sex is exchanged might be the ground upon which to meet (O'Neill 2010; Scoular and O'Neill, 2008; Scoular and Fitzgerald, 2021).

Conclusion

SWU are engaging in class struggle at the point of production (the strip club) *and* in the broader political and cultural spaces, including trade union, the sex workers' rights, and women's movement. This has produced a counter hegemonic perspective on sex work, stripping and law, which views strippers and sex workers as both unfree workers and free sexual subjects that want to be decommodified and decriminalised. SWU are pursuing this counter hegemonic vision via their 'feminist law work'. Other feminists should support this feminist law work and the decision of unionising and non-unionising strippers and sex workers to remain in sex work. While it is unlikely that the support of other feminists will be a decisive factor in SWU's future successes, it would certainly be welcomed and would lighten their legal workload.

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Notes

1. In May 2023, USWs announced that they had left United Voices of the World Union. Their new branch name is SWU and they union is the BFAWU.
2. Sexual Entertainment venue is defined as ‘any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser of the entertainer’ (s.27(3)(1)). Relevant entertainment means ‘(a) any live performance; or (b) any live display of nudity; which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience (whether by verbal or other means)’, excluding sex cinemas and sex shops (s.27(3)(2) and (3)).
3. These include Bristol Women’s Commission (BWC), Safe and Equal Bristol, members of the University of Bristol’s Centre for Gender and Violence Research, Bristol Fawcett and the Police and Crime Commissioner for Avon and Somerset. See Appendices 3, 13 and 14.
4. Author observation notes from Bristol City Council Licensing Committee Meeting (28 July 2022).
5. Edinburgh City Council’s Regulatory Committee has a duty under the Equality Act 2010 to conduct an Impact Assessment when developing its policy regarding the licensing of Sexual Entertainment Venues. This assessment should demonstrate that the Committee had had due regard to the need to eliminate discrimination, harassment, and victimisation; advance equality of opportunity between people who do and do not share a protected characteristic; and foster good relations between people who do and do not share a protected characteristic. It was SWU’s contention that ‘the assessment identified the discriminatory effect of the nil determination if implemented. However, it failed to address how that negative effect might be minimised, mitigated, or otherwise addressed’.

Cases Cited

R (QSA & Ors) v SSHD & Anor [2018] EWHC 407
Nowak v Chandler Bars Group Ltd UKET 3200538/2019
KR v Mick Costello and others 4111660/2021
Kaagobot and ors v City of Edinburgh Council [2023] CSOH 10

References

- Abel G and Ludeke M (2021) Brothels as sites of third-party exploitation? Decriminalisation and sex Workers’ employment rights. *Social Sciences* 10(3): 1–15.
- Adams Z (2023) Legal mobilisations, trade unions and radical social change: a case study of the IWGB. *Industrial Law Journal*. <https://doi.org/10.1093/indlaw/dwac031>.

- Barbagallo C (2018) The international women's strike is impossible. Available at: <https://womenstrike.org.uk/2018/01/14/the-impossibility-of-the-international-womens-strike-is-exactly-why-its-so-necessary/> (accessed 10th July 2023).
- Barbagallo C and Cruz K (2022) Dancers win at work: unionization and *Nowak v Chandler Bars Group Ltd*. *Studies in Political Economy: A Socialist Review* 102(3): 354–375.
- Bristol City Council (2022) Sex Establishment Policy Review. Available at: <https://democracy.bristol.gov.uk/mgAi.aspx?ID=28573#mgDocuments> (Accessed 22nd December 2022).
- Bristol City Council (2022a) Sex Establishment Policy Review. Appendix 13 – Public Form 08-03-21. Available at: <https://democracy.bristol.gov.uk/documents/s73952/Appendix%2013%20-%20Public%20Forum%2008-03-21.pdf> (Accessed 22nd December 2022).
- Bristol City Council (2022b) Sex Establishment Policy Review. Appendix 15 – Open Letter Bristol Sex Workers Collective. Available at: <https://democracy.bristol.gov.uk/documents/s73954/Appendix%2015%20-%20Open%20Letter%20Bristol%20Sex%20Workers%20Collective.pdf> (Accessed 22nd December 2022).
- Bristol City Council (2022c) Sex Establishment Policy Review. Appendix 3 – Responses to Stakeholder Invitation. Available at: <https://democracy.bristol.gov.uk/documents/s73939/Appendix%203%20-%20Responses%20to%20stakeholder%20invitation.pdf> (Accessed 21st June 2023).
- Bristol City Council (2022d) Sex Establishment Policy Review. FINAL REPORT. Available at: <https://democracy.bristol.gov.uk/documents/s73936/01%20-%20FINAL%20report%20sex%20est%20policy%20v1.1%2008-07-22.pdf> (Accessed 22nd December 2022).
- Bristol Post (2022) Strip clubs saved as Bristol city councillors reject proposed ban. Available at: <https://www.bristolpost.co.uk/news/bristol-news/strip-clubs-saved-bristol-city-7394379> (accessed 19th November 2022).
- Bristol Women's Commission (2022) 'Sexual Entertainment Venues (SEVs) as 'employment opportunities' Available at: <https://www.bristolwomensvoice.org.uk/wp-content/uploads/2021/07/BWC-briefing-on-SEVs-as-employment-opportunities.docx.pdf> (accessed 22nd November 2022).
- Brouwers L and Herrmann T (2020) We have advised sex workers to simply choose other options"—the response of adult service websites to COVID-19. *Social Sciences* 9(10): 181–195.
- Brown W (1995) *States of injury: power and freedom in late modernity*. Princeton: PUP.
- Buckel S, Pichl M and Vestena C (2023) Legal struggles: a social theory perspective on strategic litigation and legal mobilisation. *Social and Legal Studies*. <https://doi-org.bris.idm.oclc.org/10.1177/096466392311153>.
- Caradonna A (2018) Available at: <https://www.opendemocracy.net/en/beyond-trafficking-and-slavery/unionisation-decriminalisation-feminist-education-red-feminist-horizon/#>. (Accessed 22nd December 2022).
- Carline A (2011) Criminal justice, extreme pornography and prostitution: protecting women or promoting morality? *Sexualities* 14(3): 312–333.
- Carline A and Scouler J (2015) Saving fallen women now? Critical perspectives on engagement and support orders and their policy of forced welfarism. *Social Policy and Society* 14(1): 103–112.
- Chua L and Engel E (2019) Legal consciousness reconsidered. *Annual Review of Law and Social Science* 15: 335–353.
- Colling T (2009) Court in a trap? Legal mobilisation by trade unions in the United Kingdom. Warwick Papers in Industrial Relations No. 91. Available at: https://warwick.ac.uk/fac/soc/wbs/research/irru/wp/irru_wp_91.pdf.
- Colosi R (2013) Over 'sexed' regulation and the disregarded worker: an overview of the impact of sexual entertainment policy on lap-dancing club workers. *Social Policy and Society* 12(2): 241–252.
- Conaghan J (2019) The essence of rape. *Oxford Journal of Legal Studies* 39(1): 151–182.

- Cruz K (2013) Unmanageable work, (un)liveable lives: the UK sex industry, labour rights and the welfare state. *Social & Legal Studies* 22(4): 465–488.
- Cruz K (2015) *Within and against the law: UK sex worker rights activism and the politics of rights* (Doctoral dissertation, University of Nottingham).
- Cruz K (2018) Beyond liberalism: Marxist feminism, migrant sex work, and labour unfreedom. *Feminist Legal Studies* 26(1): 65–92.
- Cruz K (2020) The work of sex work: prostitution, unfreedom, and criminality at work. In: Bogg A, Collins J, Mark Freedland QC and Herring J (eds) *Criminality at work*. Oxford: OUP, 192–209.
- Cruz K (2023) Archiving Marxist Feminist Legal Theory. Under review with *feminists@law*.
- Cruz K, Hardy K and Sanders T (2017) False self-employment, autonomy and regulating for decent work: improving working conditions in the UK stripping industry. *British Journal of Industrial Relations* 55(2): 274–294.
- Decrim Now (2022) Sex/Work Strike March 8th. <https://decrimnow.org.uk/2022/02/17/sex-work-strike-march-8th/>. (Accessed 22nd December 2022).
- Dias-Abey M (2022) Mobilizing for recognition: indie unions, migrant workers, and strategic equality act litigation. *International Journal of Comparative Labour Law and Industrial Relations* 38(2): 137–156.
- English Collective of Prostitutes (2022) Campaign – Hookers Against Hardship. Available at: <https://prostitutescollective.net/campaign-hookers-against-hardship/> (Accessed 25th September 2023).
- Enright M, McNeilly K and De Londras F (2020) Abortion activism, legal change, and taking feminist law work seriously. *Northern Ireland Legal Quarterly* 71(3): 359–385.
- Ewick P and Silbey S (1998) *The common place of law: stories from everyday life*. Chicago: University of Chicago Press.
- Federici S (2006) Prostitution and globalization: notes on a feminist debate. In: Davies M and Ryner M (eds) *Poverty and the production of world politics*. London: Palgrave Macmillan, 113–136.
- Fudge J (2019) (Re) conceptualising unfree labour: local labour control regimes and constraints on Workers’ freedoms. *Global Labour Journal* 10(2): 108–122.
- Graham L (2017) Governing sex work through crime: creating the context for violence and exploitation. *The Journal of Criminal Law* 81(3): 201–216.
- Hardy K (2016) Uneven divestment of the state: social reproduction and sex work in neo-developmental Argentina. *Globalizations* 13(6): 876–889.
- Hardy K (2016) Uneven Divestment of the State: Social Reproduction and Sex Work in Neo-developmental Argentina. *Globalizations* 13(6): 876–889.
- Hardy K and Barbagallo C (2021) Hustling the platform: capitalist experiments and resistance in the digital sex industry. *South Atlantic Quarterly* 120(3): 533–551.
- Hardy K and Sanders T (2012) Devalued, deskilled and diversified: explaining the proliferation of the strip industry in the UK. *The British Journal of Sociology* 63(3): 513–532.
- Holdren N and Tucker E (2020) Marxist theories of law past and present: a mediation occasioned by the 25th anniversary of *Law, Labor, and Ideology*. *Law & Social Inquiry* 45(4): 1142–1169.
- James S (2012) *Sex, race, and class—the perspective of winning: a selection of writings, 1952–2011*. Oakland: PM Press.
- Kirk E (2020) Contesting ‘bogus self-employment’ via legal mobilisation: the case of foster care workers. *Capital & Class* 44(4): 531–539.
- Kirk E (2022) The worker and the law revisited: conceptualizing legal participation mobilization and consciousness at work. *International Journal of Comparative Labour Law and Industrial Relations* 38(2): 157–184.
- Klambauer E (2019) On the edges of the law: sex workers’ legal consciousness in England. *International Journal of Law in Context* 15(3): 327–343.

- Knox R (2023) International law, race, and capitalism: a Marxist perspective. *American Journal of International Law* 117: 55–60.
- Lutnick A and Cohan D (2009) Criminalization, legalization, or decriminalization of sex work: what female sex workers say in San Francisco, USA. *Reproductive Health Matters: An International Journal on Sexual and Reproductive Health and Rights* 17(34): 38–46.
- Mac J and Smith M (2018) *Revolting prostitutes: the fight for sex workers' rights*. Verso.
- McCann M (2004) Law and social movements. In: Sarat A (ed.) *The Blackwell companion to law and society*. Dartmouth: Blackwell, 506–522.
- McCann M (2006) Law and social movements: contemporary perspectives. *Annual Review of Law and Social Science* 2: 17–38.
- McCann M (2021) Law, Litigation, and the Politics of Social Movements. In e-legal, Revue de droit et de criminologie de l'ULB, Volume n°5. Available at: <https://e-legal.ulb.be/volume-n05/la-mobilisation-du-droit-par-les-mouvements-sociaux-et-la-societecivile/law-litigation-and-the-politics-of-social-movements>.
- Munro VE and Scoular J (2013) Harm, vulnerability, and citizenship: constitutional concerns in the criminalization of contemporary sex work. In: Duff RA, Farmer L, Marshall SE, Renzo M and Tadros V (eds) *The constitution of the criminal law*. Oxford: OUP, 30–52.
- O'Connell Davidson J (2003) Sleeping with the enemy'? Some problems with feminist abolitionist calls to penalise those who buy commercial. *Social Policy and Society* 2(1): 55–63.
- O'Connell Davidson J (2015) Prostitution and trafficking for sexual labour. In: Moellendorf D and Widdows H (eds) *The Routledge handbook of global ethics*. Abingdon: Routledge, 279–291.
- O'Neill M (2010) Cultural criminology and sex work: resisting regulation through radical democracy and participatory action research (PAR). *Journal of Law and Society* 37(1): 210–232.
- O'Neill M and Campbell R (2010) Desistance from sex work: Feminist cultural criminology and intersectionality — the complexities of moving in and out of sex work. In Campbell R and O'Neill M (eds) *Sex work now*. Cullompton: Willan, 235–262.
- Pitcher J (2013) Support services for women working in the sex industry. In: Campbell R and O'Neill M (eds) *Sex work now*. Cullompton: Willan, 235–262.
- Platt L, et al. (2020) Sex workers must not be forgotten in the COVID-19 response. *Lancet* 396(10243): 9–11.
- Rancière J (2011) *Dissensus: on politics and aesthetics*. London: Continuum Books.
- Sanders T (2007) Becoming an ex-sex worker: making transitions out of a deviant career. *Feminist Criminology* 2(1): 74–95.
- Sanders T and Hardy K (2014) *Flexible workers: labour, regulation and the political economy of the stripping industry*. Abingdon: Routledge.
- Sanders T, Hardy K and Campbell R (2015) Regulating Strip-Based Entertainment: Sexual Entertainment Venue Policy and the Ex/Inclusion of Dancers' Perspectives and Needs. *Social Policy and Society* 14(1): 83–92.
- Scoular J and Carline A (2014) A critical account of a 'creeping neo-abolitionism': regulating prostitution in England and Wales. *Criminology & Criminal Justice* 14(5): 608–626.
- Scoular J and FitzGerald S (2021) Why decriminalise prostitution? Because law and justice aren't always the same. *International Journal for Crime, Justice and Social Democracy* 10(4): 56–65.
- Scoular J and O'Neill M (2008) Legal incursions into supply/demand: criminalising and responsabilising the buyers and sellers of sex in the UK. In: Munro VE and Giusta MD (eds) *Demanding sex: critical reflections on the regulation of prostitution*. Hampshire: Ashgate, 13–34.
- Unison (2022) National Delegate Conference Decisions. Available at: <https://www.unison.org.uk/content/uploads/2022/07/2022-National-Delegate-Conference-Decisions-v4.pdf>. (Accessed 22nd December 2022).

- United Voices of the World (2021) Bristol's sex workers need your solidarity and active support. <https://www.uvwunion.org.uk/en/news/2021/11/bristols-sex-workers-need-your-solidarity-and-active-support/>. (Accessed 23rd November 2022).
- United Voices of the World (2022) Strippers should have the right to work in the city and venue of their choice. Available at <https://www.uvwunion.org.uk/en/press-releases/2022/03/stripers-should-have-the-right-to-work-in-the-city-and-venue-of-their-choice/> (Accessed 22nd December 2022).
- Van der Muelen M (2012) When sex is work organizing for labour rights and protections. *Labour Journal of Canadian Labour Studies* 69: 147–168.
- Walkowitz JR (1982) *Prostitution and victorian society: women, class, and the state*. Cambridge: Cambridge University Press.
- Women's Strike (2018) STRIKE! <https://womenstrike.org.uk/2018/01/06/first-blog-post/>. (Accessed 22nd December 2022).
- Wood AJ, Martindale N and Burchell BJ (2023) *Gig Rights & Gig Wrongs.*'. *Initial Findings from the Gig Rights Project: Labour Rights, Co-Determination, Collectivism and Job Quality in the UK Gig Economy*. British Academy. <https://www.bristol.ac.uk/media-library/sites/business-school/documents/Gig%20Rights%20&%20Gig%20Wrongs%20Report.pdf> (Accessed 30 September 2023).