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## **Othering or Protecting? The Discursive Practice of Saving Youth Prostitutes**

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### **Introduction**

In 1987, John Lowman suggested we ‘take young prostitutes seriously.’ He claimed that there was a need to place an understanding of youth prostitution in the realm of the material and political and understand how age is unique to legal subjectivity. He suggested youth prostitutes not be understood in terms of their ‘deviance’ alone. Some twenty-four years later, I ask, “Are we serious yet?”

Currently, young people involved in prostitution are most often studied as victims of sexual exploitation and abuse, or as deviant and at-risk. The resulting dialogue is one of victimization by social circumstance such as neglectful families, poor socialization, improper schooling, or by predatory sex offenders. There is very little debate in the literature which offers a different way of understanding youth prostitution. While there is a wealth of policy discussion and theoretical debate about adult prostitution, there is a dearth of debate on youth prostitution. Sex work for adults is a contested discursive field but sex work for youth is dominated by a victimizing discourse. This paper examines what distinctions between adult and youth prostitution reveal and conceal about the lives of young people involved in prostitution, and the way all young people are represented, constructed, understood, and governed. I argue we are not yet serious.

In this article I want to suspend the notion that child saving is automatically productive. I argue that it has taken different historical forms and contend it is productive to think about various child-saving mechanisms as discursive practices. I aim to understand how the protection mechanisms directed toward youth prostitutes are constituted as well as the unintended immediate (punishment and discipline) and long term (denial of agency) consequences of protection.

This paper does three things. First, it examines the construction of the contemporary victim discourse of youth prostitution by examining child development literatures and feminist theorizing of prostitution. Second it examines how this knowledge is taken up in social policy aimed to protect youth prostitutes, highlighting child/youth prostitute saving as a disciplinary practice. The paper concludes with some thoughts on effects of this disciplinary practice and asks questions about how this intersects with other forms of youth governance.

### **Constructing the Contemporary Discourse of Youth Prostitution**

Examining the trajectory of studies on sex work/prostitution gives us context through which to view changing discourse of youth prostitution, how it is linked to broader discourse on child/youth development, and how specific cultural, historical, and political circumstances give rise to differing truths. Discourse on youth prostitution has variously located youth among systems of prostitution: as individually responsible for their behavior, as victims of circumstance, and as victims of sexual abuse that leads to prostitution. The resulting subject (the youth prostitute) is constructed as promiscuous, passive, or risky. I claim the contemporary understanding of youth prostitution as a form of child abuse/victimization emerged through specific constructions of child development and feminist conceptions of sex work and patriarchy.

At the turn of the century, all prostitutes were regarded as immoral and profane. This gave way to mid-century con-

sideration of child/youth prostitution as a form of delinquency. The victimizing discourse took off in the 1980's and was first identified in Canada in the 1984's Badgley Report which considered youth prostitution to be sexual abuse of a young person rather than a case of delinquency by a youth. The victimization discourse has changed and today youth prostitutes are considered sexually exploited youth with the effect of defining the experience of sex work for young people as one of exploitation. I suggest that the discursive struggles leading to this contemporary understanding are part of a broader set of shifts in the meaning of sex work debated in the feminist community and the identification of causes (and effects) of improper child development.

Discourse defined by Foucault (1970; 1972) is the general domain of all statements, sometimes as an individualizable group of statements and sometimes as a regulated practice that accounts for a number of statements. These utterances form a grouping of 'things' such as the discourse of feminism or discourse of child development which are considered by Foucault as sets of structures and rules. We categorize and interpret experience and events according to these structures and by doing so lend the discourse strength or perhaps provoke a discursive struggle. Discourse is not the equivalent of language. It does not translate reality into language rather it is a system which structures the way we perceive reality. The regularities which we perceive in reality should be seen as the result of the anonymous regularities of discourse which we impose on reality (Mills 2003:55). Framing of and shifts in law and policy are not simply reactions to knowledge/information, but instead are grounded in discourse and become discursive practices. As contested definitions of behaviour take a new legitimacy, institutions such as law and social welfare take on these definitions and discourses authoritatively giving them power and constituting their form. Using the concept of discourse, we can ask questions such as how western child development literature structures the action of children and parents and social policy creating juridico-political dimensions of child protection. In examining contem-

porary discourse of youth prostitution and its resulting set of discursive practices, we attend to the idea that defining or judging youth prostitutes as deviant/risky/victims is filtered through the discursive structure of child development. Child development assigns meaning to the acts of youth prostitution. Similarly, feminist discourse provides a set of meanings about sex work.

Foucault (1980a) argues discourse is both an instrument and an effect of power where discourse structures things through its effects, but it is never uniform or stable. An important effect of discourse is what is excluded. In the production of knowledge, the criminological expert or child development expert excludes other ways of knowing. Therefore discourse exerts power by excluding other ways of knowing. However, Foucault cautions us to think more continuously about discourse and power. He says, ‘what is said must not be analyzed simply as the surface of projection of power.... Indeed it is in discourse that power and knowledge are joined together.... And for this very reason we must conceive discourse as a series of discontinuous segments whose tactical function is neither uniform nor stable (1980a:100). To be specific, we should examine the world of discourse as an array of discursive elements that can come into play in various strategies (1980a:101). Thus the victimizing discourse of youth prostitution is not a mere imposition of protective authority utilizing knowledge. Rather Foucault suggests the distribution of discourse must be analyzed with the things said and those concealed, the enunciation required and those forbidden, that it comprises; with the variants and different effects according to who is speaking, his position of power, the institutional context in which he happens to be situated. (1980a:103). This article examines child psychologists, sociologists of child development and lobby groups including experiential youth and radical feminists who make particular claims about youth prostitution and are recognized as expert. It's important to note that alternative discourses are not disqualified but are to be considered building blocks. Foucault's rule of the tactical polyvalence of discourses (1980a:102) asks us to nominally

question discourse on two levels – their tactical productivity (the effects of power and knowledge they ensure) and their strategical integration (i.e. why are they necessary to use in a given moment). This requires us to think about sexual exploitation of young people not as merely something to be controlled or known but rather as a transfer point of relations of power between youth, adults, advocates and protectionists. This article is a foray into identifying the changing discourse of youth prostitution, its discursive struggle, and tactical polyvalence. The discourses examined below are to be thought of as part of a process of power relations that frame the idea of youth prostitution as a recognizable problematic occurrence.

With the rise of professional scholarship and the expansion of the welfare state after World War II, we witness the development of two discourses which I argue co-determine the contemporary dominant discourse of youth prostitution. These include first, the expansion of child development and youth transition studies and its link to deviance, and second, feminist theorizing of sexuality, sexual abuse, and systems of patriarchy.

### **Child and Youth Development Studies: Solidifying the Proper Way to Grow Up**

In this section I'm interested in understanding how age is deployed and in examining how these child development discourses position young people as a group marking them off for regulation and governance, and how political power/knowledge networks facilitate, constrain, and arrange that deployment (Bell 1993). Therefore, instead of thinking of childhood as a naturally existing category, one that is revealed through research that aims to be progressive (i.e. raising better and healthier children) I examine child development literatures as a set of power knowledge networks that are instilled in the historical process of bringing into practice developmental conceptions of childhood and appropriate governmental arrangements that facilitate this. In interro-

gating child development discourses I do not deny there are actual physical differences in a child of six and a child of sixteen, but I am claiming that we know those differences and experience those differences through discourse of development and the structures it imposes on our thinking.

At the turn of the century we witness the beginning of social distinction and social exclusion by age. For example, it is here we see the establishment of compulsory schooling, reformatory schools, youth courts, labour law, and youth delinquency legislation. Much of this distinction was predicated on moral conceptions of children and youth as innocent, sacred, different from adults, and in need of proper guidance. Moral notions of childhood eventually give way to scientific conceptions of childhood. It is here we witness an entrenchment of adolescence as a distinct social stage and child and youth are marked off from adults (Goitleb 1983; Aries 1962; Smadych 2001). Scientific knowledge of children spur the development of a system of relations (legislatively and socially) based on the differences of adults and children. In *Policing the Family* (1980) Donzelot argues a tutelary complex establishes to facilitate, constrain, and arrange childhood. He argues that this complex changes the relationship between children and their parents and the state. No longer is the domain of care and control the patriarchal father, but instead the complex of medical professionals, psy professionals, educators, and social workers that govern children through families. This tutelary complex or network of knowledge and advice given to parents in terms of child development is to enhance or help parents fulfill their 'natural' duties.

Donzelot argues that the discourse of childhood development appears natural but we must think about what might appear as conventional power as political. Developmental ideas like those found in psych and medical professions represent a discursive structure through which we filter experiences of young people and their relationship to families and the state. These relations of power and discourse solidify childhood/adolescence an object of governance. Bell suggests that

child development knowledge/claims is a political way of maintaining normalized social institutions (1993:394). The development and expansion of academic disciplines and the professional discourses of social work and psychology have been responsible for developing a particular power knowledge network housed as a discourse of adolescence.

The discourse of adolescence changes as research into child development burgeons and the development of interest groups and research specifically into age flourishes. Smart (1999) discusses the ongoing heightened sense of concern for the moral welfare of children in philanthropic circles and how medical discourse recognizes sexual abuse as early as 1910. She suggests that early Purity campaigners were concerned with young women who prostituted in purely moral terms. In Victorian times and at the turn of the century, studies of prostitution were not divided by age (Sanger 1869; Walkowitz 1980, 1992; Bell 1984; Agustin 2005). Women of the night were categorized based on where they worked, how they dressed, and if they had disease, but age was rarely a primary concern. Most women<sup>1</sup> who worked were viewed in some way as profane, immoral, and in need of saving. Indeed a large philanthropic movement of middle class women developed to save lower class, misguided women who prostituted (Walkowitz 1992; Mahood 1990; Agustin 2005). There is no specific difference between young people and adults who prostituted and all prostitutes were profane.

Smart (1999) argues that as medical discourse and studies of adolescence develop, newer conceptualizations of 'harm' begin to take root. Harm is conceived not as morality, but as individual physical harm which means harm to proper developmental pathways. This is variously researched as both delinquency and victimization. Adolescents who engage in behaviour that lies outside of the limits of acceptable boundaries are labeled deviant (Tanner 2001). Young women involved in prostitution become located within deviance

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1 Research on males involved in systems of prostitution at this time appears non-existent.

studies and their behavior defined as immoral deviance.<sup>2</sup> While discourse on prostitution at this time conceptualized all prostitutes as profane, immoral, and diseased, youth prostitutes were regarded as doubly deviant, first by virtue of exchanging sex for money and second because they openly resisted the proper behaviour of young people. Youth prostitution thus comes under dual discourse – the prostitute as profane and youth as delinquent.

Early studies in delinquency were tightly associated with developmental studies. Developmental psychology is concerned to understand universal stages of development, normal and abnormal pathways of development, identity formation, normative behavior, and the relationship between social and biological maturation (Wyn and White 1997:8). These studies equalize social personage as a biological reality. As brain functioning and the body matures, so does the social person. Children and youth are thus recognized as non-adult, as pre-social, as powerless and vulnerable, and considered deficient compared with adults. If this pre social self exists under adverse or dysfunctional care, children and youth will become rebellious, improperly developed, and irresponsible. The transition time between childhood and adulthood, loosely termed youth-hood, is often recognized as having an inherently problematic nature. The understanding of youth prostitution is vetted through this discursive field/structure of the storm and stress of adolescence. Deviance (including prostitution) is regarded as both an outcome and a cause of improper and disrupted development (see Smandych 2001).

Based on these developmental understandings of youth, prostitution research focused on causes of entry into systems of prostitution such as childhood experiences particularly of neglect and abuse<sup>3</sup> and social environmental factors (such as

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<sup>2</sup> This is evidenced in such work as W.I. Thompson's 'The Unadjusted Girl' which concluded that female delinquency is a sexual problem and one of lower class marginalized girls who worked to secure consumer goods. See Sangster 2001 for an examination of studies examining regulation of female deviants in Ontario.

<sup>3</sup> This typical pathway is debated in the literature. Brannigan, Knafla, and Levy (1989) were inconclusive in their Calgary study, while Hoyt, Ryan and Cauce

lack of education and experiences of poverty) which disrupt proper development. Academic literature on youth prostitution has almost exclusively focused on the types of youth that do it and why and how they get there. Empirical and descriptive studies on age of entry (which tends to range between 14 and 18<sup>4</sup>) and numbers of youth on the street (ranges from 800 to 2000 per year in urban areas<sup>5</sup>) dominate much of the literature. This research variously concludes that childhood experiences of neglect, sexual and physical abuse<sup>6</sup> and lack of education cause prostitution. Research on delinquency tries to establish causal links between running away and youth prostitution (Tyler, Hoyt, Whitbeck and Cauce 2001; Unger, Simon, Newman, Montgomery, Kipke, and Alboronoz 1988; VanBruncshot 1995; Farrington 1990a, 1990b, 1993). Research examining runaways and school dropouts suggest that youth who engage in prostitution experience relative deprivation, relegating youth prostitution is a deviant subsistence strategy (Farrington 1996; Weisberg 1984; Hagan and McCarthy 1997; Sullivan 1988; 1986). The primary discourse tells us that youth prostitution is the result of disrupted and dysfunctional families, mental inferiority, dropping out of school, inclinations to promiscuity, uncontrollable and unregulated sexuality, and running away. Thus, prostituted youth have problems that require intervention at the level of the youth themselves. Scourfield and Welsh (2003) argue that literature on dysfunctional families and neglect promotes a shift away from government of youth through the family as Donzelot claims, to government of the family in the form of child protection services. This literature situates families as

1999; Whitbeck, Hoyt and Yoder 1999, Weisberg 1985 conclude neglect and abuse cause one to prostitute. Gemme et al 1984

4 the Federal/Provincial/Territorial Working Group on Prostitution 1998 found average entry age of 14-15.5 years. McCarthy 1995 found average age of entry 15 and Benoit and Millar (2001) and Caputo et al 1994 found 18 and 17.8 to be the average age of entry.

5 McCarthy 1995. Saskatoon Street Workers Advocacy Project 1996, POWER 1994.

6 Chesney-Lind and Sheldon 1992; Schissel and Fedec 1999; Brannigan, Knafla, and Levy (1989) Hoyt, Ryan and Cauce 1999; Whitbeck, Hoyt and Yoder 1999, Weisberg 1985.

dangerous spaces where members may be in need of support. Since the 1990s youth prostitutes have been defined in terms of their risk categories (Tyler et al. 2001; Biehal and Wade 1999). Developmental psychology is not replaced, but used as a way to understand risk. Studies of youth prostitutes confirm the risky categories to be dropping out of school, running away from home, a history with child welfare agencies, history of abuse in their home of origin. When these conditions present themselves, the risk of youth prostitution increases. While these are similar to the causes of prostitution noted above, they differ. The difference is representative of a societal shift from social welfare societies to a risk based one (Castel 2001; Rose 1996; Vaughan 2000). Thus there is a subtle shift from studying systems or social structures such as families and sexuality which create problems for proper development of youth (or youth as having problems) to occupying categories of risk (youth as being problems). This is an important shift which does not change the basic content of child development discourse but the techniques of government move from the family to the individual. Individual risk management exerts itself not in a universal fashion (i.e. improving education or support for families), but on the individual herself to correct her behaviour and become a self regulating citizen. Categories of race, class and gender are subsumed under risk. As Kelly argues, discourses of youth at risk are framed by the idea that youth should be a transition from normal childhood to normal adulthood (2001:24).

Coinciding with globalized social relations, the issue of youth prostitution also claimed the global stage beginning in the late 1990s and continuing into the 2000s. Saunders (2005) examines how child/youth prostitution changed from an identity – a youth prostitute – to an acronym – the Commercial Sexual Exploitation of Children (CSEC). This term developed as a result of coalitions, working groups and international non-governmental Organizations (NGO's) curiously similar to the purity and philanthropic movements at the turn of the century. However, they are movements armed with

knowledge of practices that harm proper childhood development. On a global level, youth prostitutes were regarded as victims of pedophiles, sex tourists, local governments, and international economics. Two world congress meetings on commercially sexually exploited youth produced rights documents urging countries to address this concerning issue. *Save the Children Canada* and its *Out of the Shadows and into the Light* project has played a significant role in contributing to a victimizing/risky discourse of those involved in prostitution in Canada. Run by experiential youth, it is dedicated to recognizing that

The term child or youth prostitute can no longer be used. These children and youth are sexually exploited and any language or reference to them must reflect that belief. We declare that the commercial exploitation of children and youth is a form of child abuse and slavery (Bramly et al 1998:8).

An examination of the trajectory of understanding youth prostitutes through discourses of child development suggest that youth don't exist independently of the power knowledge formations that constitute youth as a subjectivity. Indeed we cannot understand youth prostitution without examining age as a local centre of power knowledge and how power knowledge relations transform social relations. Said otherwise, youth prostitutes are known only through their deviance/victimization and the youth prostitute is brought into being in the structure of child development discourse.

### **Feminist Discourses of Prostitution: Absent Youth**

A primary goal of feminism is to understand gendered power. Although there are various conceptions of gendered power, feminism as a discourse agrees power is gendered. Street prostitution was initially defined as vagrancy: Criminal Code s.175(1)(c) read: "Every one commits a vagrancy who... being a common prostitute or nightwalker is found in a public place and does not, when required, give a good account of herself." The equating of prostitution as a moral offence was strongly rejected by feminism. The majority of feminisms

regard prostitution as coercive, dominant, and restrictive. Vagrancy C was repealed in 1972 because it applied only to women, and thus contravened the 1960 Canadian Bill of Rights. It was replaced by the “soliciting law,” which read: “Every person who solicits a person in a public place for the purpose of prostitution is guilty of an offence punishable on summary conviction” (Criminal Code s.195.1).

Although a step forward in recognizing prostitution was not a moral offence, feminists critiqued solicitation laws arguing they did not reflect the exploitative nature of sex work and had the uneven effect of holding prostitutes, not their clients, responsible for cases of prostitution. On December 20, 1985 the “soliciting law” was repealed and the “communicating law” (Criminal Code s.213) enacted<sup>7</sup>. For the first time, the prostitute’s client was explicitly made a party to the street prostitution offence, which prohibited any manner of communication in public for the purpose of engaging in prostitution or of obtaining the sexual services of a prostitute.

Prostitution is debated among feminists. Radical feminist analytics of prostitution claim that male values dominate society and prostitution is a reflection of masculinist ideology. They regard all women in prostitution, regardless of age and race, as victims of oppressive and objectifying sexuality. Not all feminists agree. There were several heated feminist debates during the 1970s and 1980s. Some firmly locate prostitution as a form of exploitation (MacKinnon 1987 and Dworkin 1988) and others consider sex work as a site of empowerment and agency (Rubin 1984; Bell 1994). Critical feminism (mostly Socialist and Marxist feminists) disrupt the universal radical feminist discourse by addressing the socioeconomic contexts of the prostitution industry (Kempadoo and Doeza 1998; Kempadoo 2001). Pro-sex work feminists examine how women negotiate careers in the sex industry (Brewis and Linstead 2000a & 2000b; Chapkis 2003; Phoenix 1998 & 2002). Most of these critical studies situate prostitution in terms

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<sup>7</sup> Like the soliciting law before it, the communicating law is a summary offence, and thus subject to a fine of no more than two thousand dollars, up to six months in prison, or both.

of work, how the industry is historically located, what the work entails and produces, who is relegated as most likely to engage in prostitution. They regard the term prostitution as a social construction. Critical pro-sex work feminists cast doubt on universalist victimizing accounts of prostitution seeking instead to legitimate sex work (See also Vanwesenbeeck 2001; Shaver 1996). This orientation suggests that although prostitution may have patriarchal underpinnings, the actual experience of those who work needs to be addressed in a legitimate way and not victimized or pathologized. Examinations of work routines, managing risks, workplace stress, and social stigma come to illuminate a problem with the way the prostitution industry is ordered, not as inherent in the work itself. What is debated is whether it is the work of prostitution itself that is hazardous or the way it is currently structured in terms of lack of workplace regulations and health and safety that places women at risk of experiencing violence (Brock 1998; Shaver 1996; Vanwesenbeeck 2001; Lowman 2000). Studies in political economy equate sex work as one of many forms of gendered labor which is precarious, unregulated, and potentially unhealthy. Numerous prostitute advocate groups – for example COYOTE – Call off your tired old ethics; PONY – Prostitutes of New York; and CORP – Canadian Organization for Prostitutes Rights – have emerged representing a new form of democratic struggle and producing prostitutes as new political subjects. What is curiously absent in these critical pro-sex work perspectives is an analysis of age. Although pro-sex work feminists advocate for decriminalization of adult work, they are silent about youth work.

Radical feminism does not differentiate prostitution via age. It considers all females to be victims of a dominant male sexuality. In the 1970s radical feminists spearheaded a painstaking interrogation and politicization of the social problem of child sexual abuse and made links between child sexual abuse and prostitution. Radical feminist anti-rape and anti-pornography rhetoric expanded the terrain of sexual abuse and challenged the notion that young people were complicit or knowingly consenting to sexual activities (Angelides 2004:

141-142). In many ways, radical feminist discourse erased distinctions of age and prioritized masculine power. There is an alignment of radical feminism with discourses of child sexual abuse. Radical feminist concerns of child abuse are strengthened by discourses of child development. In fact, they pull on ideas of immaturity and lack of developmental knowledge about sexual relations inherent in children and youth. It is the lack of development that leaves young people in positions of vulnerability to masculine sexuality. Therefore the discourse of child sexual abuse that underpins much of the research on youth prostitution draws significantly on the radical feminist model of power. By virtue of the fact that children are immature, they are in positions of biopsychosocial vulnerability, at the whim of adult power. Exploitation is thus a man capitalizing on his position of dominance to take sexual advantage of a person in a subordinate position (Burgess and Groth 1980).

Different from radical feminism which incorporates all women regardless of age into their analysis, pro-sex work feminists do not account for age. Although it rejects the idea that prostitution can only be understood as male exploitation, it does not provide a critique of youth prostitution on the same theoretical grounds. Therefore, while critical studies of adult prostitution exist, there is a paucity of feminist work which conceptualizes prostitution as a form of work for youth or studies the day to day realities for youth including how youth prostitutes experience violence, stigma, and deal with stresses of work (however, see Montgomery 1998; Gorkoff and Runner 2003; Benoit and Millar 2001). Most studies of youth prostitution remain under radical feminist analyses. There has been very little research that privileges the voices of young people's experiences with youth prostitution. Rather, most theorizing about youth prostitution has been dominated by a combination of liberal and radical protectionist analysis and child development discourse. These conclude that systems of prostitution are harmful, deny women agency, are characterized by abusive relations – brutal and controlling male pimps and abusive, aggressive customers, and are

characterized by violence (Jeffries 2000; Barry 1984). Women who occupy these systems are found to experience low self esteem, poor health, physical and psychological abuse, and addictions thus pathologizing sex workers and conceptualizing prostitution as a form of sexual abuse. The dominant discourse considers acts of prostitution engaged in by young people as profane ones upon the sacred body of the child. Typically, it suggests youth prostitutes are inclined to work due to sexually abusive experiences, are young when they enter street work young, are often put out by pimps or abusive adults, often engage in survival sex and are on the street due to relative deprivation such as inadequate families, lack of education, and victimization. It also suggests young women work the street due to the sexualization and commodification of women's bodies which further victimize them.

There is little research that examines the breadth, nature, and scope of the sex work industry in Canada generally let alone how youth are incorporated into that system. It is known that the sex industry in Canada varies from exotic dancing, to escort work, to street work, to call work. Lowman (2000) suggests the industry exists on a continuum from female sexual slavery (the gorilla pimp) to survival sex (the sale of sexual services by persons such as the homeless who have limited options) through to the more bourgeois styles of sex trade where both parties are fully consenting. In-between is a whole host of different forms of work from casual to full time, self-employed to working in pairs or groups. Information on the age distribution of workers in these various sectors is not known. Most research tends to place youth near the survival sex end of the continuum. It appears that youth are less often found in off street work such as escort services or exotic dancing which are more highly regulated through municipal policies and harsh criminal code sanctions which deter agencies from licensing or hiring underage workers meant to deter and protect young people. Thus, it is not surprising that most youth work in the street trade or in non-regulated off street work such as trick pads<sup>8</sup>.

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8 Anecdotal and journalistic information however suggest that many youth

### **Discourse and Power: Youth Prostitution Policy**

Early juvenile justice policy in Canada criminalized female sexual behaviour and girls were prosecuted almost exclusively for moral offences, that is, real or suspected sexual behavior (Busby 2003:103). Structured by radical feminist discourse and child and adolescent developmental discourse, the contemporary dialogue of youth prostitution is one of victimization. The victimization status of youth prostitutes relegates them to be in need of protection. Prostitution, the epitome of patriarchal practice, is a system that young people in particular should avoid because they are not fully developed. Worse yet, those at risk of poor development face little chance at successful development if they engage in abusive systems of prostitution. Youth prostitutes are thus victims of a numerous social relations – dysfunctional families, experiences of abuse and neglect, inadequate child welfare systems, inadequate schooling, and existing systems of prostitution.

Given the state's position as *parens patrie*, it utilizes this expert knowledge and dominant discourse to develop protection mechanisms. Improper development, abuse, and victimization are experiences with causes and effects which can be named and identified. This insists on governmental programs to stop the effect. Indeed, based on ethical principles of paternalism and benevolence, governments are required to protect young people.

In the last 100 years we have witnessed an escalation of systems of regulation to control the lives of young people (Smandych 2001). Systems of regulation over youth are numerous and include governmental programs such as compulsory education, establishing and changing juvenile delinquency legislation,<sup>9</sup> the establishment of provincial ministries of youth, numerous governmental and non governmental

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make use of the industry through computer networks – chat rooms, online pornography, and pay per view sites. This area has received no critical analysis in Canada.

9 Canada has witnessed 3 major youth criminal legislations within 105 years – JDA, YOA and YCJA – the last two occurring within 20 years of one another.

programs (morality squads, boys and girls clubs, big sisters, big brothers). During the early half of the century, youth prostitution was put into discourse as an individual problem that could be solved through proper socialization or reform and philanthropic effort. In the latter half of the century youth prostitutes were no longer regarded as deviant but as victims of social circumstance requiring the state to provide various mechanisms of social protection and the broad government of children/youth through the family. The 1990s saw Criminal Code changes to prostitution legislation criminalizing those who purchase service from young people, and the establishment of several specialized initiatives to deal with youth prostitutes<sup>10</sup> and countless programs for at risk children and youth. All of these programs establish sets of governmental relationships between adult saviors and child victims. In Canada, there are three general sources of program delivery for youth sex workers: mandated child welfare services, special legislative initiatives, and non-governmental organizations. Generally, the first two are supported by dominant protectionist discourse while the third is less rigid and more open in its approach to deal with this population<sup>11</sup>. Under particular political rationalities (liberal, neo-liberal) mandated child welfare and specialized legislative initiatives use victimizing representations to support new authoritarian governing strategies – secure care, educational standardized testing, sentencing of children in adult courts, safe houses, drop in centers, help lines, and secure care legislation in the name of protecting young people. Together, this youth regulatory regime can be considered a juridical formation

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10 Ontario, Nova Scotia, Alberta, Saskatchewan, and British Columbia have actively tried to institute youth prostitution legislation. Alberta succeeded in passing the *Protection of Children Involved in Prostitution Act* in 1998 which was amended in 2001. British Columbia passed the *Secure Care Act* in 2000. Ontario passed their act in 2002. These policies are not unique to Canada, see Phoenix 2002 for a description of the UK policy *Safeguarding Children Involved in Prostitution*.

11 These programs include harms reduction programs that do not aim to protect children and youth but provide support to those who continue to engage in sex work. Gorkoff and Waters (2003) found these programs used more often by young people involved in sex work, but were also the most precariously funded.

of power which uses particularist notions/discourses of age and normative adult sexuality. In an examination of Alberta's Children Involved in Prostitution Act (PCHIP) Bittle (2002) analyzes how victimization discourses were taken up by and inscribed on governmental responses to youth prostitution. He suggests these display characteristics of neo-liberal forms of governance (responsibilization, network nature of helping complexes, prudentialism, and normalization) which casts the net of surveillance and social control of youth quite wide. These strategies although appearing as protection, have a disciplinary and social control function where youth are pushed to the normal standards of behavior for youth and the material conditions that lead to prostitution are unchallenged. Other scholars have argued how neo-liberalist policies have waged a war on all young people as a group which has created obedient subjects and who lack political agency (Giroux 2002, Skelton 2001). This is also apparent on a global level where protection is extended and youth prostitutes are part of an international human rights framework creating children as subjects of rights. The right however, is not one of agency or political identity, but the right to be protected from the experience of commercial sexual exploitation. Saunders (2005: 168) argues that while the move from stigmatized identity (child prostitute), to a protective, neutral acronym (CSEC) has created some possibilities for youth to speak in different modes about their experiences, not all youth perspectives are afforded status as acceptable voices for change. Indeed, it can be argued that the extension of liberal rights to youth prostitutes has little power to change material realities of the lives of youth who do sex work acting instead as a bandaid.

### **Conclusion**

We see that understanding the youth prostitute has shifted from immorality, to deviance, to victimization and exploitation. I attempted to deconstruct the contemporary discourse of youth prostitution in terms of the child development literature and feminist theorizing about patriarchal sexual

relations. Recently, research has questioned the power effects of this discourse on the lived experience of youth prostitutes (see Benoit and Miller 2001, Gorkoff and Runner 2003, Gorkoff and Waters 2003, Montgomery 1998, Angelides 2004). The dominant discourse tells us that young people are victims, all street experiences are abusive, and all young people on the street are victims. This discourse universalizes experiences of sex work as problematic for everyone and suggests young people engage in sex work out of pathological remnants of past abuse and don't take seriously a career in sex work. As such, they are regarded as deviant adolescents or victims of circumstance not as equipped choice makers. A significant corollary of this is that it reifies young people's engagement with prostitution as insignificant and immaterial and perfunctory relegating their needs and experiences as workers irrelevant and extraneous. Victim labels tend to entrench representations of youth as incapable choice makers who need to be disciplined and protected at the same time. People positioned as experts on the subject constantly lobby governments, write and speak at conferences on the subject, with the result that young people who sell sex are pathologized as victims everyday (Agustin 2005:2). There are two specific issues of concern.

First, the dominant victim discourse obscures an analysis of youth which takes into account young people's material and cultural existence. As Phoenix (2002) argues, by casting young people as victims the generalities of their lives are subsumed by the notion of their victimhood. The consequence of the label victim is an erasure of the social and material uniqueness of being a young person involved in society in general and in prostitution in particular. This renders silent all the relevant issues of prostitution such as health and safety, stigma, and working conditions because the victim label has supremacy. It leaves unexamined the similarities between adult and youth prostitution namely the material context in which the decision to prostitute is made and the construction of sex work generally. Issues of economic disparity, of race, class, gender, and the ability to find a job that provides

a living wage are subordinated to issues of pimping, violence, and sex (Lowman 1987; Sullivan 1992). Unintentionally, this gap may harm the health and safety of youth sex workers. By casting them in terms of deviance and victimization one runs the risk of entrenching stigma and pushing youth further and further away from supports. Further, while couching the issue of youth prostitution as a deviant subsistence strategy of street youth is informative in providing a starting point for youth's agency, it is also problematic. Largely absent in these conceptualizations are socio economic forces that shape sex trade work and then implicate youth. Thus, it is not age itself, but sex work and general exclusions of the young paired with youths' relationship with the state that structure young people's engagement and experience of prostitution. Few studies link sex work to other forms of aged labor such as precarious retail work, over representation in poor paying sectors of the labor market, and low rates of unionization. Rather, the relationship with prostitution is located via its relationship to deviant, victimized, or risky behaviors and neglects the importance of age with respect to labor generally and sex work in particular. If the decision to work the street is fueled by economic need or relative deprivation, what comes to define this economic need and how is this particular for youth? It is evident that these issues need to be examined as creating the situation for prostitution to exist and how age impacts the decision to take part.

Second, when these discourses are taken up by helping regimes, there are negative consequences for young people. The hegemonic discourse allows governmental regimes to exert extraordinary regulation and governmental control in the lives of young people. This reinforces the dichotomy of the power of adult saviours and lack of agency of child victims. This is evidenced in an explosion of services directed toward youth prostitutes in the late 1990s and early 2000s allowing the state to intervene if young people are suspected to be involved in prostitution. Representations framing youth sex workers as people in need of saving promote societal control mechanisms that firmly locate them in society in terms of

their social deviance or victimization (Velasco 1994; Phoenix 2002). By adhering to only victimization experiences, youth are understood as passive recipients of whatever happens to them. This renders young people as powerless and lacking agency. Worse yet these discourses sever the capacity for individuals to change their life or their world because it denies them political agency leaving them othered to adults, othered in systems of prostitution, and othered as political subjects. In addition, resistance is seen as problematic, confirming government intervention in the lives of young people rendering silent the actual need to prostitute. The differences between adult and youth prostitution appear to be related to the existence of adolescence as a social category and how this is taken up by regimes of regulation and social practice. It can be argued that if many of the problematics of the issue of prostitution were removed, we would see issues that affect youth sex workers also affect all youth. Gotlieb (1993) suggests that all children are protected by social control mechanisms largely because of their status as children. Therefore, one can argue it is possible that the primary reason for the separation of adult and youth prostitution lays not in the experience of sex work but in the location of children/youth vis-à-vis adults and the state.

This article has been focused on taking young prostitutes seriously by examining the discursive construction of the youth prostitute. To Lowman's question asked 24 years ago, I answer no, we are not yet serious. The dominant discourse prioritizing exploitation and victimization has moved us further away from thinking about the realm of the material and political and understanding how age is unique to legal subjectivity. I conclude that the lack of feminist theorizing of age and young women's involvement in systems of prostitution has continued the modernist project of universalizing, grand narratives and reproduced the hierachal opposition between adult and youth where adults occupy privilege sites and youth are disprivileged others. Although we have moved away from thinking about youth prostitutes as deviant, it has been replaced by a narrow conception of exploitation and

victimization. The current power/knowledge configuration has excluded various voices. It is necessary to use a theory of age to guide future analyses and discuss age as a transfer point of power relations. We can begin to analyze how the decision to prostitute intersects with power and economic inequity, cultural components, and social constructions of age. Understanding age as a social formation which changes over time and is different in different historical and socio-political times rather than a problematic or pathologized stage of development opens the door to more fruitful analyses of social phenomena. The search for victims of child abuse obscures material and structural issues. Understanding age as a relational process as opposed to a linear and biological one is important. Youth, regardless of involvement in prostitution, experience the social world (as laborer, as citizen, through culture) in ways that are distinct from adults, yet, the social divisions (class and race) that shape the lives of adults are also central to the lives of young people. Hollands (2003: 444) suggests, there is a need to situate young people's economic, political, and cultural position within a historical, materialist, feminist, and cultural analysis and contribute to a perspective that will analyze the relationship between a socially constructed age stage, an economic mode of production and reproduction, and the socio-spatial and cultural forms of life this combination engenders. This allows us to claim that young people do exercise agency to varying degrees and under diverse circumstances but this agency is subject to pressures on and limits of activity arising from their material position and relations in society which are shared among all youth but contingent on space, resources, gender, race, and class (Wyn and White 1997).

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