



Article

# The politics of injustice: Sex-working women, feminism and criminalizing sex purchase in Ireland

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## Abstract

This article interrogates the discursive framing of recent law and policy debates on criminalizing sex purchase in Ireland and the implications this has for sex workers' political voice. Drawing on Nancy Fraser's work on the political dimensions of justice, we look at how Irish neo-abolitionists, through their Turn Off the Red Light (TORL) campaign, map and delimit access to political space and consequently misframe, misrecognize and misrepresent the 'problem' of sex work and sex-working women. We employ the methodological framework suggested by Carol Bacchi's What's the Problem Represented to Be (WPR) approach to explore how TORL campaigners exercise and manage frame-setting in law and policy contexts to deny all 'other' voices parity of participation in political space. We argue these misframing strategies reflect meta-political injustices of misrepresentation.

## Keywords

Discourse, justice, law, policy, radical feminism, sex work

## Introduction

One task for critical theory is to render visible the ways in which societal inequality infects formally inclusive existing public spheres and taints discursive interaction within them. (Fraser, 1990: 65)

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This article considers recent changes to prostitution law and policy in the Republic of Ireland (hereafter Ireland). Prompted by political theorist Nancy Fraser's words, we wish to reveal the processes tainting discursive interaction on sex work in Ireland and the political effects this has for sex workers.

In 2012, the Irish government initiated a review of its laws governing prostitution. This process included submissions to and public hearings by the inter-party Joint Oireachtas Committee on Justice, Defence and Equality (JOC).<sup>1</sup> The Committee's report on these hearings recommended the government adopt Swedish-style law on prostitution and criminalize sex purchase.<sup>2</sup> In November 2014, the Minister for Justice and Equality, Frances Fitzgerald TD,<sup>3</sup> announced she intended to follow the Committee's recommendations and published Draft Heads of Bill<sup>4</sup> for the amended Criminal Justice (Sexual Offences) Act. The introduction of similar demand-focused legislation in Northern Ireland through Lord Morrow's Human Trafficking and Exploitation Bill (2014) influenced this policy direction. Minister Fitzgerald stressed alongside the Northern Ireland Assembly's plans: 'the proposal [...] reflects an All-Ireland consensus to targeting the predominantly exploitative nature of prostitution'.<sup>5</sup> On 23 February 2017 and subject to two amendments due to pressure from the Sex Workers' Alliance of Ireland (SWAI) the Bill came into force.

We interrogate the role the neo-abolitionist organization, Turn off the Red Light (TORL)<sup>6</sup> played in framing the debate. TORL invoke the radical feminist view of prostitution as the 'absolute embodiment of patriarchal male privilege' and evidence of women's global exploitation (Kesler, 2002: 219). TORL target demand to eliminate prostitution and trafficking for sexual exploitation. We argue TORL deploy state feminism's tactics to reframe this previously marginal issue as pertinent to the status of all women in Ireland. By this we mean, TORL succeed by incrementally institutionalizing their agenda 'in actual legal-institutional power' and align their campaign with state interests in criminal enforcement (Halley et al., 2006: 341).

Mansbridge (1990: 127) theorizes the transformation from 'I' to the political 'we' masks subtle forms of control, subordinating particular political narratives by prioritizing the dominant view. This resonates with the TORL frame for sex work, prompting questions about how Ireland's *political* environment excludes sex workers and others who challenge TORL hegemony. We interrogate how the TORL campaign's claim that an ideal society for *all* women in Ireland is attainable through the criminalization of sex purchase, and that this objective should take political precedence over sex workers and other challengers' voices (FitzGerald and McGarry, 2016).

We structure the article as follows. First, we introduce Irish neo-abolitionism's social, political and cultural contexts and how these relate to our objectives. Second, we engage with Nancy Fraser's (2010) reflexive, critical theory of the political dimensions of justice and consider its value for developing a theoretical framework for analysing Irish prostitution politics. Third, we discuss briefly our methods and sources. To unpack the discursive strategies underpinning the TORL campaign and its overreliance on criminal justice intervention as the 'solution' to the 'problem' of prostitution, we turn to Carol Bacchi's (1999) 'What's the Problem Represented to Be' (WPR) approach. Finally, we present our findings on the political effects of neo-abolitionism in Ireland.

## **Contextualizing the Debate**

In order to understand why neo-abolitionism dominates Irish prostitution politics, we must locate our observations in the contexts producing and reproducing such thinking.

The relationship between the Catholic Church and the Irish State is well documented. This relationship shaped conservative law and policy, and created a highly regulated sexual landscape that served as the backdrop to locate Irish neo-abolitionism (Kitchin and Lysaght, 2004). Huschke and Schubotz (2016) argue a sex negative moral discourse and a lack of systematic evidence characterize sex work debates across Ireland. Commentators observe that some similarities exist in prostitution politics in Northern Ireland and the Republic of Ireland (Ellison, 2016; Huschke, 2016; Huschke and Ward, 2017). We agree it is important to identify intersections in the politics of injustice cross-jurisdictionally. We find, however, an All-Ireland response to prostitution as recommended by the Minister for Justice in the Republic of Ireland to be misleading and an inaccurate representation of the different and complex political, cultural and religious processes that frame the debate in both jurisdictions respectively. While in this article we can only touch upon the intricacies shaping a very particular Irish situation regarding normative gender roles and sexual governance, it is core to an understanding of the evolution of Irish neo-abolitionism. Crucially, the lack of critical discourse to challenge dominant hegemony is notable by its absence in feminist arenas in Ireland. We must, therefore, invoke the trajectory of Ireland's women's movement to understand the rise of Irish neo-abolitionism.

Ireland, in the 1970s, witnessed the rise of the women's movement which, coupled with Ireland's exposure to global socio-political forces through European Union membership, introduced a gradual shift in thinking on gender, sexuality, identity, equality and diversity. Irish feminism transformed ideas on women's status in Ireland and instituted women's human rights' discourses on a range of issues (Hanafin, 2001; Mullally, 2005). Prostitution has not received any of the critical scrutiny afforded to other feminist campaigns. As a law and policy issue it occupies a peculiar position. In a context where historically Church and State colluded to export sexual 'others' through migration and institutionalize 'sexual dissidents' (in Magdalene convents) for sexual transgressions such as pregnancy or homosexuality; Irish mainstream feminism remained silent about how it – and white middle-class women's groups – perpetuated the continued exclusion, punishment and public stigmatization of 'immoral women'. While an in-depth examination warrants further research, it is beyond the scope of the current article. These issues are, however, key to Irish feminist politics today that sees prostitution as a perpetuation of patriarchal privilege that disenfranchises women specifically (Luddy, 2007). It is important for us to state here that, in large part, we have no quarrel with this framing. We recognize, however, such thinking eschews how this framing of prostitution denies recognition to those who 'persist' in selling sex (Scouler and O'Neill, 2008): moreover, how this creates undemocratic processes silencing challengers and promotes reductive criminal law solutions, which endanger those they purport to protect (Levy and Jakobsson, 2014).

Radical feminisms' achievements on equality, violence against women (VAW) and rights notwithstanding, we are compelled to occupy what Ward and Wylie (2014) describe as a 'discomforting' position contrary to dominant Irish standpoint feminism.

We feel uncomfortable with how feminist thinking on prostitution excludes sex workers from debates that have a direct bearing on their lives. We wish to use this article to reclaim a space to disrupt hegemonic thinking on sex work and sex workers, and to reflect critically on neo-abolitionists and their supporters' assumption that their campaign has resolved this issue for all women living in Ireland.

We turn, therefore, to Bacchi's WPR approach.<sup>7</sup> Inspired by Foucauldian theory on 'thinking problematically to uncover how governing occurs through the production of truth' (Foucault, 1980: 93), Bacchi (1999: 5) devised a methodological framework for analysing 'problem representations' or problematizations in policy. The current article extends Bacchi's suggestions for testing the operation of Irish neo-abolitionists' problematization of prostitution by examining the political *effects* this problematization produces through Fraserian ideas on social injustice. Bacchi's WPR approach allows us to investigate the production and reproduction of knowledge and the materiality such knowledge is awarded through modes of governance (e.g. the criminalization of sex purchase). This approach comprises six areas of questioning for interrogating policy problematizations. While it was beyond the scope of the current article to test all of those areas, we devised the following objectives by applying Fraserian ideas on the politics of representation to this WPR framework: (1) to interrogate how Irish neo-abolitionists demarcate the politics of prostitution by exercising and managing frame-setting; (2) to question how their frame controls access to and permission to speak on prostitution in Ireland; and (3) to consider the political effects this has for sex workers and for discursive interaction on prostitution law and policy. We turn now to Fraser's theorizations to interrogate TORL regulatory practices.

## Fraser: The Public Sphere Reimagined

The public sphere, as a contested space, is an idea developed by Fraser after the work of Habermas. Civic republicanism, rather than liberal-individualism, characterizes the Habermasian bourgeois public sphere as private interests are excluded in favour of the 'common good' (Habermas cited in Fraser, 1990: 58). Fraser notes this limits deliberations to discourse framed by a single 'we', masking unequal power relations based on, not only gender, but also class and ethnicity.

Fraser revised her theory by introducing the political dimension of justice, namely representation. She suggests analytically separate from 'redistribution' (economic injustices) and 'recognition' (cultural injustices), considering 'representation' can reveal how 'ordinary-political injustices' emerge when biased procedures exclude some members of society from participating fully as peers (Fraser, 2010: 19). She argues that political injustice's principal characteristic is misrepresentation. She divides the injustices of misrepresentation into two categories, namely misframing and meta-political misrepresentation.

Misframing relates to 'the boundary-setting aspect of the political' (Fraser, 2010: 147). Injustice arises when 'partitioning of political space blocks the poor or despised from challenging those who oppress them' (Fraser, 2010: 147). Institutional hierarchies of cultural value deny people, like sex workers, the social status to interact with dominant groups as equals: 'the result can be the denial of political voice to those who are cast

outside those who “count” (Fraser, 2010: 147). Consequently, they suffer status inequality or ‘misrecognition’ (Fraser, 2010: 16). Misframing the ‘problem’ of prostitution is not a random political act. It is a frame-setting tactic, determining where ‘legitimate’ political debate occurs and who is included/excluded ‘from the universe of those entitled to consideration within the community in matters of distribution, recognition and ordinary-political representation’ (Fraser, 2010: 19).

This brings us to meta-political misrepresentation as ‘the very grammar of frame-setting’ (Fraser, 2010: 20). Meta-political injustices comprise how the state or powerful elites monopolize frame-setting through gerrymandering which, for Fraser (2010: 20), is ‘political death’ for those who are its object. Those who suffer it may become the objects of humanitarian interventions, which as power relationships prevent recipients pursuing their own justice claims. In the service of other political agendas they become ‘non-persons with respect to justice’ (Fraser, 2010: 20).

This prompts questions such as: how misrepresentative has the women’s movement been for sex-working women in Ireland? How do the processes of misframing, misrecognition and misrepresentation perpetuate inequalities, denying sex workers parity of political participation? How does the notion of the political ‘we’ allow neo-abolitionists to delimit knowledge production on prostitution? And how does TORL facilitate invasive systems of governance targeting those whose lives do not fit into neat legal binaries of victim/criminal? As we explore TORL tactics, we consider how its campaign illustrates the above-discussed forms of meta-political misrepresentation by examining its effect on democratic processes and for sex-working women’s political positioning. First, we discuss briefly our methods for data gathering and analysis.

## Methods

Our methodological starting point is an explicit acknowledgement of the reflexive nature of research that is affected by and has potential to affect political contexts and processes (Fraser, 2010). We considered the WPR approach (Bacchi, 1999) appropriate to understanding such ‘ontological politics’ (Mol, 1999) shaping our study, while delivering on our research objectives. This allows us to consider the relationship between discourse and other social elements (power, ideologies, institutions, social identities, etc.) (Fairclough, 2013). We focus on the reproduction of political power and domination through political discourse and ‘the discursive conditions and consequences of political *inequality* that results from such domination’ (Van Dijk, 1993: 249, emphasis in original).

We received ethical approval from Maynooth University Social Research Ethics Subcommittee. Adhering to the principles of research integrity throughout as per our institutional ethical guidelines and those of the Sociological Association of Ireland, we limited our ethical concerns by focusing solely on a document-based analysis of publicly available information.

We began by imposing boundaries on our inquiry. We selected the period 2013–2014 inclusive to coincide with discursive events leading up to and following the release of the JOC Report in June 2013.<sup>8</sup> As our inquiry relates to the framing and communication of discourse, our population of data sources is limited to TORL texts from the period in

question. This includes TORL primary and secondary (cited) material and sex workers' and others' texts challenging TORL over this period.

We devised a sampling strategy for the period in question across different text types. An initial tentative scoping exercise generated a selection of texts for inclusion, including official documentation and various media texts. Through a process of sorting and filtering we used purposive sampling to identify key data sources including the JOC Report and associated documentation, TORL-related press releases, TORL-related Twitter activity by campaigners and opponents and significant televised and radio discussions with TORL supporters and challengers during the period in question.

We acknowledge our study's limitations given the necessity for imposing boundaries relating to time, document type and our sampling strategy, which produced a specific snapshot of discursive events. Our sampling of social media texts (i.e. Twitter) was necessarily tentative as an exhaustive examination was beyond the scope of this project. This restricted our analysis and interpretation of the form and effects of meta-political misrepresentation. While we acknowledged the importance of interrogating media for their role in co-constituting problem representation, we felt an extensive consideration of this was beyond the scope of the current article (Bacchi, 2009). We suggest that our preliminary explorations constitute an important first phase in what could lead to an expansive, systematic analysis of media texts in producing and reproducing politics of injustice.

In the formal analysis stage we applied our WPR questions to the sampled documents by selecting and extracting relevant data for critical, qualitative analysis. We sorted and coded them for thematic content to interrogate the assumptions on which neo-abolitionist framing of prostitution lie, the political effects such misframing has and how such misframing impacts sex workers politically. We used Fraserian thinking on the politics of representation through Bacchi's WPR framework, and established a coding scheme to observe (1) how TORL demarcate political interaction on prostitution in Ireland by (a) misrecognizing and misframing sex work as a policy issue and (b) communicating and managing this political process. (2) How such political strategies produce meta-political misrepresentation. Interpreting these questions within the context of the existing knowledge base allowed us to consider (3) what the political effects of such a framing are for sex workers and those who challenge TORL hegemony. What follows is the presentation of our findings from this exercise in critical discourse analysis. We begin by returning to our first guiding question.

## **How Do Neo-Abolitionists Demarcate Political Interaction on Prostitution in Ireland?**

The obstacles to sex workers' political recognition in deliberations on prostitution provide an archetype of Fraser's notion of the injustice of meta-political misrepresentation, revealing TORL tactics which indicate 'how' they determine 'what' the framing of prostitution should be and 'who' can participate in this process.

### *Misrecognizing and misframing prostitution as a policy issue*

The data provide evidence of neo-abolitionist bounding of political space in discussions on prostitution (misframing). These tactics reflect Fraserian ideas on political silencing

(misrecognition) as neo-abolitionists exclude sex workers from political spaces (meta-political misrepresentation). This emerged during the JOC public hearings. The JOC received over 800 written statements concerning proposed legislative changes on prostitution. The Committee held four public hearings between December 2012 and February 2013 where 29 organizations and individuals (specifically 15 organizations and 14 individuals) made representations. Twelve of the 15 organizations who gave evidence were TORL members.<sup>9</sup> The remaining three organizations included SWAI<sup>10</sup> and two statutory agencies. Of the 14 individuals who presented, five were academics, two were medical professionals and two were media professionals. When the JOC concluded the oral hearings it agreed to hold a final *in camera* hearing in February 2013, inviting two current and three former sex workers to participate. Here the bounding of Irish political space emerges in the policy process on prostitution variously; first, by truncating sex workers' participation in the process; second, how TORL predominate; and third, how the JOC manages the limited evidence it gathers from current sex workers.

Importantly, the JOC disregarded sex workers' submissions and, where it considered their evidence, it rejected it in favour of those supporting a neo-abolitionist stance. For example, Chairman, David Staunton, stated the JOC Report was the culmination of evidence from hearings with 24 organizations and individuals. In fact this figure should be 29 because the Committee appears not to have included the five sex workers' testimonies in the final tally. Furthermore, the report prioritized former sex workers' evidence over that of current sex workers. After the government published the JOC Report, the then Minister for Justice, Alan Shatter, and the Chairman of the JOC, David Staunton, presented an addendum querying how the Committee's recommendations account for discrepancies of opinion in current and former sex workers' evidence. The JOC response is unequivocal:

The Committee placed a particular value on the evidence provided by those individuals who had exited prostitution and have put some distance between their present life and their experiences in prostitution. They appeared not to have a vested interest in the outcome of the review of the law on prostitution; apart from their concern that others might be exploited through prostitution. (Houses of the Oireachtas, 2013: Addendum)

In a discursive move we discuss later in this article, the JOC justifies its differential treatment of sex workers' testimony, and the social sanctioning of sex workers who persist in selling sex by pathologizing them (Rubin, 1993). Highlighting their non-normative sexual behaviour as evidence of their lack of credibility as witnesses, the Committee validates its dismissal of their evidence. In one of its more bizarre suggestions, the JOC questions whether witnesses or evidence can be credible if someone has a vested interest in the legislative review's outcome. By implication such thinking would render invalid any person's evidence with a personal investment in a policy issue. Yet the inference here is that current sex workers are untrustworthy witnesses, with a somewhat dubious agenda relative to the genuine intentions of former sex workers. Consider the following discursive framing:

Witness B [...] from Romania, [...] [said] she was aware of many young women eager to leave that country to earn money as escorts [...] She characterised this as simply another form of

economic migration, saying that there was no need for coercion as the women were eager to travel. However, other contributors, including former prostitutes who addressed the Committee, disagreed strongly, saying that these depictions of life as an escort, whether in Ireland or elsewhere, are at best uninformed and are frequently intended to deceive women who might not otherwise be willing to enter prostitution. (Houses of the Oireachtas, 2013: 28)

The JOC, in justifying its recommendations, notes that those advocating criminalization predominated in written submissions and in presenting evidence and comprise a 'broad cross section of Irish-civil society' (Houses of the Oireachtas, 2013: 74). Current sex workers are conspicuous by their absence from the report's recommendations. It excludes their testimonies in favour of conflicting evidence from others ostensibly speaking on their behalf. After the Committee released its report, sex workers tweeted it had disregarded them:

@SWAIreland Opinions of #sexworkers opposed to the Swedish model seem to have been dismissed out of hand. (SWAI, 9 May 2013)

Clearly neo-abolitionists dominated the submission process and, in the absence of challengers from the wider public, TORL controlled the message by deploying ontological and moral assumptions about the 'problem' of prostitution (Scouler, 2015). Fraser (2010: 48) states what is at stake here is how 'questions of justice can arise and where justice can reside'. By monopolizing frame-setting and silencing sex workers, TORL sustain undemocratic processes at the meta-political level. Consider how during a live, national televised studio debate TORL deny sex workers' voices by misrecognition. We see sex worker activist, Nicki Adams, attempt to challenge neo-abolitionists' grammar of justice by calling for a political reframing of prostitution before TORL counter-challenge, seeking to partition off political space through misframing:

I've been working with the International Prostitutes' Collective for over 20 years and I've worked with hundreds of women and one thing we do know is that 70 per cent of sex workers are mothers, mostly single mothers, and we feel that if prostitution policy were framed by that fact we would come up with a very different conclusion [...] [when] women go into prostitution it's an economic choice [...] it's the best choice often of a set of bad choices. (*Prime Time*, 2014)

Lead TORL campaigner and the Chief Executive of Ruhama, Sarah Benson, rebukes Nicki Adams' arguments as irrelevant, arguing on what appears to be a definitive TORL point: '[t]he critical thing is prostitution should never be a solution to women's poverty', to which Nicki Adams replies: '[b]ut it is a solution for us though, sometimes it is a solution for us'. This exchange reveals how the neo-abolitionist frame ensures they control 'who' speaks on the 'what' of injustice and 'how' Ireland should understand and redress it. Irrespective of the sex work activist's attempts to re-orientate the conversation to consider women's poverty, TORL refuse to stray from their message. This disenfranchises sex workers through meta-political misrepresentation via a contestable set of hegemonic assumptions that carry the TORL agenda. And it is to this centre ground of political injustice we turn now.

### *Exercising and managing this misframing activity*

Neo-abolitionists manage their message by harnessing a marginal issue like prostitution to wider political questions concerning Ireland's future and its reputation internationally. Ruhama's Chief Executive makes an unequivocal statement in the *Irish Times* that 'the purchase of sex is incompatible with equality, and it is a human right not to be bought' (Holmquist, 2013). Through the rhetoric of national identity politics, VAW, sexual slavery and women's human rights TORL ask what kind of society does Ireland wish to be? They identify criminalizing sex purchase as the solution to the problem of prostitution, having the added benefit of re-balancing Ireland's history of patriarchal privilege and establishing Ireland's future among 'progressive' nations like Sweden. The following statement by a delegate from the National Women's Council of Ireland (NWC) at the JOC hearings exemplifies this vision:

The introduction of legislation has great potential to establish a new norm in our society which deems prostitution to be an [...] unacceptable social phenomenon and sends a strong message to future generations that it is not acceptable for women to be treated as commodities, to be bought and sold for sexual use. (Houses of the Oireachtas, 2012: 6)

Key to TORL frame-setting tactics is the suggestion they enjoy mass support. In the Habermasian tradition of the public sphere discussed previously, and as exemplified by Fraser's critique of civic republicanism and singular political narratives, TORL interviews conjure the image of the national collective, suggesting a groundswell of support by the majority for the benefit of the majority. 'More than 60 organizations make up the Turn Off the Red Light Campaign representing every aspect of Irish life' (*Prime Time*, 2014). TORL portray themselves as a 'collective' of the enlightened. This rhetorical tactic pervades most of Immigrant Council of Ireland (ICI) statements about TORL from the period 2013–2014, whereby they present the number of organizations and the list of associated professional people from a range of sectors as evidence of the inclusive and proliferating public backing for the campaign.

And this returns us to the place of state feminism in Irish prostitution politics. TORL propel their campaign, arguing prostitution is linked to organized crime, long viewed as a pressing law and order problem in Ireland. Testifying at the JOC public hearings, a delegate from the NWC demonstrates how TORL align their agenda with state interests in crime control. Ignoring for now why TORL construct crime control as key to solving Ireland's prostitution problem (we will return to that below), what is crucial here is how TORL entwine their agenda with state interests. It is important to recognize that internationally, there is nothing unique about this connection (Halley et al., 2006). State feminism has institutionalized 'a vision of social justice as criminal justice' in prostitution politics (Bernstein, 2012: 251). Aligning their agenda with Irish state interest in organized crime, TORL espouse a problematic form of criminal enforcement. TORL make this a definitive element of their campaign, and lead group ICI claim:

It is not just a case of examining prostitution and violence against women [...] It also concerns the involvement of organised crime and gangs [...] Resources targeted at that area will have a major benefit for women and for society at large. (Houses of the Oireachtas, 2012: 7)

In state feminism, the law acts only on the ‘problem’ of prostitution. It does not improve sex workers’ lives. As research from the Nordic context reveals, the criminalization of sex work to protect sex workers is counter-productive (Skilbrei, 2012). It constrains individuals’ ability to manage their safety and exert their right not to be subjected to degrading treatment, exploitation, sexual assault or violence. Criminalization invisibilizes sex workers (Brooks-Gordon, 2006). This limits their ability to access police protection, support services and other safety mechanisms (Visser et al., 2004). Criminalization impacts adversely sex workers’ lives beyond prostitution through threats of eviction and deportation (Sweeney and FitzGerald, 2017). The neo-abolitionist paradigm identifies groups who must become the focus for law reform and social control, namely ‘risky’ groups of purchasers and/or criminals and ‘at risk’ female sex workers. In Fraser’s terms, this misframing reinforces a simplistic understanding of the ‘problem’ of prostitution, and solidifies the image of the subordinated prostitute who requires immediate state intervention and her more able and politically powerful ‘sisters’ to speak on her behalf. It is to this control of political space we turn now.

### **How Do TORL Political Strategies Impose Limits that Produce Meta-Political Misrepresentation?**

The TORL steamroller quashes attempts to deliberate further on what they regard as a political certainty in the aftermath of the JOC Report and its recommendations to introduce Swedish-style laws in Ireland. Speaking at a TORL event chaired by the ICI, one speaker argued: ‘[w]e have to be careful not to fall into the trap of replaying the first half. [...] We must focus now on seeing it out to the end [...] and not allow the other side to reopen the debate’ (Keenan, 2014). We observe in the data how ‘the conditions of exercise, functioning and institutionalisation’ of neo-abolitionist discourse produce political effects (Foucault, 1980: 65). Nowhere is the level of meta-political misrepresentation more visible than through online media. Informal impediments to participatory parity can persist even when, superficially, access to participation in debate is public (Fraser, 1990). TORL use Twitter to disseminate campaign messages and engage with supporters and wider audiences. Exclusion is unequivocal in online terms when TORL block sex workers and others who challenge them from discussion on TORL. As acknowledged above, our precursory review of Twitter for this project limits our analysis. Still our tentative exploration reveals how TORL harness political and discursive power through online means. We do not argue that by blocking interaction on Twitter TORL dominate the debate per se. What we do argue is social media are another medium through which TORL enable, enhance, accelerate or extend political effects. Meta-political misrepresentation is the cumulative effect of messages that communicate an essentialist picture of prostitution that becomes *the message*.

Yet despite this uneven political playing field, which our tentative exploration illuminates as persistently inequitable, as TORL dominate and demarcate political spaces even through online means; sex workers continue to challenge such silencing and misrepresentation:

Who to listen to in the debate nurses, teachers or actual #sexworkers who say no to #swedishmodel. (SWAI, 9 May 2013)

Sounds awfully familiar ‘SWs who oppose the bill are accused of being a non-representative and privileged minority’. (SWAI, 5 November 2013)

Having articulated how the JOC dismissed them during the policy consultation as discussed earlier, sex workers voice their opposition to neo-abolitionism:

#not your rescue project My body, my choice. I want rights, not rescue. (GlasgaeLauraLee, 2 January 2014)

Criminalization of sw in any form violates #sexworkers rights and endangers their safety. (SWAI, 1 March 2014)

Sex workers’ struggles for recognition as illustrated above, reflect the tensions in a neo-abolitionist frame-setting that makes claims on their behalf. Bacchi’s (1999) WPR approach reveals how this challenge occurs within discursive arenas. As sex workers assert themselves politically this requires strategic reframing responses from TORL. Clearly, any challenge to TORL is dismissed and discredited. Indeed single narratives advocated by civic republicanism *must* exclude and devalue political participation by the excluded, and ‘preclude genuine dialogue between differently located subjects’ (Stychin, 2001: 286). In a newspaper report, TORL employ a discursive manoeuvre to justify dismissing sex workers from the political arena by questioning their competence as political actors:

[F]alse consciousness is a state in which a woman being prostituted denies and disassociates from the psychological reality of her situation in order to survive [...] it is only after these women have left prostitution that their consciousness changes [...] Dissociation is a very common experience [...] our experience of the survivors’ movement, is that the sex trade is harmful for all involved: there are physical and psychological consequences. (Holmquist, 2013)

As with its commitment to a criminal law response to prostitution, the structural and social inequalities forcing some women into prostitution are lost in this framing exercise. They become TORL proxies denying sex workers the requisite social and political status to deserve recognition. Similar to the pathologizing discourses found in the JOC Report, in the above statement TORL organize these proxies around the distinction between problematic notions of ‘other’ women’s mental health as indicative of their suitability for, and right to, voice. Those who adhere to heteronormative behaviour and who can also assume appropriate victim identities ‘are rewarded with certified mental health, respectability, legality, social and physical mobility, institutional support and material benefits’. Those whose sexual behaviours and perceived identities operate outside these ‘norms’ ‘are subjected to a presumption of mental illness, disreputability, criminality, restricted social and physical mobility and mental sanctions’ (Rubin, 1993: 111–112). Similar pathologizing discourses structure how TORL perpetuate the injustice of meta-political misrepresentation by constituting sex workers as non-persons in terms of justice. The message is: given their lifestyle and its impact on their ability to recognize and speak their ‘truths’ they must remain outside the circle of those who ‘know’.

Key to sustaining this problematization are TORL demarcation tactics determining ‘who’ can produce ‘knowledge’ that will count as ‘truth’ and ‘how’ they secure their position of influence (Bacchi, 1999; 2012). An article on the pulse of this issue appeared in the *Irish Times* in 2014, illuminating how neo-abolitionists manage the frame and discredit any opposition. TORL caution scepticism when considering sex workers’ evidence in deliberations on sex work policy in Ireland: ‘[CEO of ICI] is dubious of surveys of sex workers, saying: “the majority want to get out of the [sex industry]. Most are told to say they work for themselves and that they are happy in the industry”’ (Holland, 2014). Having created this exclusionary space and populated it with mass support, TORL are ‘justified’ in dismissing challengers. Independent politician, Clare Daly, TD, who refused to support TORL, and questioned the campaign’s premise, revealed how TORL maligned her: ‘I have never experienced a campaign like Turn Off the Red Light, where if you dare speak out against it you are vilified as being in some way in favour of sexual violence and abuse of women’ (Holland, 2014). Here she challenges the hierarchies of power produced by TORL class-based discourse:

It completely denies the possibility of distinguishing between a consensual transaction and violence, saying even when a woman says it is consensual, that she couldn’t possibly make that decision [...] And when it comes to offering these women alternatives, where are they? (Holland, 2014)

TORL conflate issues of ‘voluntary’ migrant sex workers and human trafficking especially among geo-specific populations of women. Commentators observe within dominant anti-trafficking discourses two claims about human trafficking occupy the status of unquestionable ‘truths’ (FitzGerald, 2016). First trafficking is a criminal enterprise run by foreign organized gangs. And second, ‘trafficked persons [read women] are victims of modern [sex] slavery and should be treated as such’ (O’Connell Davidson, 2006: 5). Among neo-abolitionists, these truths justify criminalizing sex purchase ‘to achieve the best outcomes in reducing the degree of organised crime in this country and exploitation in the sex industry’ (Houses of the Oireachtas, 2012: 24).

By turning Ireland’s ‘gaze’ to foreign, organized criminals we have a situation where feminists support a carceral agenda focused on criminal law, border and immigration control. Yet, the rhetoric of organized criminals involved in Ireland’s sex industry is vague rather than established. It is based on an inference that ‘some individuals’ comprise the increasing number of ‘foreign nationals’ associated with Irish prostitution. The logical conclusion is any opposition to TORL by those in the sex industry supports criminals’ attempts to deflect attention from their activities. By implication TORL must deny the ‘sex industry’ a voice. Consequently, TORL discredit current sex workers’ voices as the probable criminal ‘campaign of misinformation’ claiming: ‘[t]he sex “trade” has attempted to brush over the serious charges laid before it and to create distraction by peddling stories of “happy hookers” operating right across Ireland. Their dodging of the issue has fooled no-one’ (ICI, *Irish Times*, 20 June 2014).

TORL misframing extends to others challenging their campaign. The ICI argue ‘vested interests’ profiting from prostitution infiltrate academic arenas and are untrustworthy:

[T]here are vested interests that do not want to see the millions of euro they make from the misery of others disappear. Their representatives travel from academic conference to conference and university to university arguing human trafficking does not exist [...] As one survivor recently responded. You learn about prostitution in a brothel, not in a university. (ICI, *Irish Times*, 20 June 2014)

Where evidence-based critiques of neo-abolitionism emerge from informed challengers, TORL discredits 'others' who neither understand nor have the authority to speak about prostitution in Ireland (Ward and Wylie, 2014). Observing these discursive and subjectification effects we are drawn to the knowledge–power dynamic, and how TORL delimit who can produce 'knowledge' that will count as 'truth' and tactically secure their position of influence (Bacchi, 1999; 2012). We turn now to our final question concerning the political effects of meta-political misrepresentation for sex workers and for those who challenge TORL.

### **What Are the Political Effects of this Misrepresentation on Sex Workers?**

Bacchi (2012) contends those who perpetrate particular discourses accomplish things, making things happen through their truth claims. TORL maintain their hegemonic position by tapping into and exacerbating power and class differentials between women in Ireland. They do this by ensuring the 'what' of injustice rests with the chosen few. We witness TORL capitalizing on cultural and class hierarchies structuring Irish society by ensuring debate occurs at a level that will exclude sex workers, becoming just one part of powerful women's agendas. Nicki, the sex worker activist in the aforementioned television programme, articulated this point pertinently when she debated the injustice created by TORL misrepresentation of sex work:

**N Adams:** I don't think you can tell other women what it [prostitution] is [...] If I say I know the difference between rape and consenting sex you can't tell me that my experience is not that, you can't say to other women you don't know your own mind you are being traumatized without even knowing it.

**D Charlton, ICI:** I think there's a huge difference between consenting sex between adults and prostituted sex and certainly the experience of the Immigrant Council and the women that we're working with and the stories they tell us it is about abuse. (*Prime Time*, 2014)

This exchange highlights how TORL monopolize justice claims and how their campaigners legitimize what counts as knowledge on sex work. This meta-political misrepresentation allows for what Mansbridge (1990: 648) contends is a certain 'moral force'. Glaringly absent is any current sex worker endorsement of the campaign. Acutely aware of their exclusion, sex workers tweet their dissatisfaction:

sex worker bill does not have support of #sexworkers

Do not pretend you are trying to help us. (SWAI, 26 November 2014)

TORL ran a campaign that hollowed out the complexity of contemporary Irish society. They pursued a frame that articulated the political 'we' but this frame is neither inclusive nor transformative. While the authors are ardent supporters of gender equality and welcome interventions to eliminate exploitation and sexual violence for women and for all, we argue neo-abolitionism reinforces rather than repeals inequalities. TORL meta-political misrepresentation of prostitution contains unproblematic racialized class and gender categories. For example, white, middle class and, to a large degree, professional women frame the TORL message, namely, prostitution as a gender equality issue for all women in Ireland. Criminalization is necessary because it affects all women's status equally: '[i]f one woman is perceived as being for sale, the implication is that all women and girls are potentially for sale and this directly undermines the potential for gender equality' (Houses of the Oireachtas, 2012: 22). We argue campaigners neither recognize nor dismantle the inequalities permeating Irish society, which drive some women into prostitution (FitzGerald and McGarry, 2016). TORL pursue their agenda in unreflective ways, assuming all women living in Ireland have similar needs, status and relationships with prostitution despite Ireland's social diversity (Ward and Wylie, 2014). When asked during the public hearings about the demographics of sex-working women in Ireland, an ICI delegate stated: 'approximately 97% are migrant women' (Houses of the Oireachtas, 2012: 17). Campaigners note this population comprises women from African, South American as well as Eastern European nations. This gives us reason to ask some fundamental questions, namely: where are these 'other' women's voices? Where are their representatives? How have TORL located their needs in their vision for a prostitution-free Ireland? Indeed, there is much potential for further research to consider the effects arising from the disconnect between the TORL frame and sex workers' claims. This lack of consideration for the heterogeneity of Ireland's sex worker population, mapped onto claims of a bounded and homogenous political community like TORL, raises further questions about the frame underpinning Irish neo-abolitionism, permitting it to claim to speak on this issue in mass terms.

Such political effects have repercussions for sex workers beyond political spaces. As one sex worker activist insists in her letter to the *Irish Times*:

Poverty drives women into the industry, and it is this which we 'lefty liberals' must seek to eradicate, not consenting adults having sex [...] this debate is not about how any one person feels about the trade, it's about the right to work in safety, a right currently denied and which will continue to be denied under the new legislation. (Lee, 2014)

While discursively TORL campaigners perpetuate notions of equality, this campaign reveals how it could never be transformative. In Fraser's (2010: 29) terms, this perpetuates the kinds of inequalities, which emerge from Ireland's failure to recognize diverse justice claims and establish genuine opportunities for participation parity, revealing 'the frame as the central question of justice in the globalizing world'.

Thus TORL impose limits on challengers by discrediting opposing knowledge claims, tainting discursive interaction in the law and policy arena. A seeming official reluctance to establish a rigorous knowledge base on prostitution, which is not ideologically driven to build an appropriate policy response, is further evidence of accomplished TORL

misframing. Buoyed up by state support, TORL are justified in delimiting space for social scientific activity challenging their frame. The meta-political injustice of the exclusionary political 'we' conjured and carried by TORL, contributes to the injustice of misframing. It does this by claiming consensus on *what* counts as the injustice (sex buying) and controlling *who* is permitted to speak (the political 'we') and *how* the state should solve the problem (criminalization). According to Fraser (2010: 29) this is 'both the unjust background conditions that skew putatively democratic decision-making and the undemocratic procedures that generate substantively unequal outcomes'.

## Conclusion

In this article we draw on Fraser's work to challenge how neo-abolitionist problematizations map and delimit Irish prostitution law and politics. Fraser illuminates how the public sphere becomes a space for limiting debate, concealing the power inequalities which emerge therein. This article interrogates how neo-abolitionist campaigners exercise, communicate and control frame-setting in Ireland and the political effects for sex workers of such a campaign.

Integrating Bacchi's WPR approach with Fraser's theory on the political dimensions of injustice, allow us to critique TORL misframing of Irish prostitution politics by mapping how they deny sex workers' voice. Some of the key 'rules of formation' for frame-setting involve discursive manoeuvres intertwined with state agendas (Foucault, 1980: 65). We witness the reproduction of political effects as sex workers become designated as governance 'problems' through TORL discourse. This dovetails with neo-abolitionist regulatory responses of criminalization and total prohibition (Halley et al., 2006).

Through a critical discourse analysis of TORL texts and by focusing on the reasoning behind claims of 'what' the injustice is and 'who' should decide 'how' to address it, we reveal evidence of the silencing of sex workers as TORL extend their message. We argue the issue is how TORL determine the pertinent grammar for reflection on the injustice for sex workers and the nature and effects of this monopoly on justice claims.

Bacchi encourages us to study problematizations to examine the politics shaping lives. We attempt to illuminate how the production and reproduction of neo-abolitionist knowledge on prostitution law and policy have political effects for sex workers in Ireland. To conclude, we must strive as knowledge producers to resist, question, disrupt and displace the rules of formation which systematically exclude and disenfranchise the most marginalized and which ultimately govern all of our lives.

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## Notes

1. The Oireachtas is the Irish Parliament. The Defence, Justice and Equality Committee is a forum for Oireachtas members from all parties to participate in legislative and policy areas.
2. Houses of the Oireachtas Joint Committee on Justice, Defence and Equality Report on hearings and submissions on the Review of Legislation on Prostitution (June 2013).
3. Teachta Dála, Member of Dáil Éireann, the lower (executive) house of the Irish parliament.
4. When the Government of Ireland indicates it wishes to bring forward legislation to tackle a particular issue the relevant government department researches and drafts a preparatory Heads of Bill establishing key objectives, chapter headings and main provisions in each section. It sets the framework but it will not contain all the detail of the proposed legislation. Publishing the Heads of Bill allows further opportunities for stakeholders to provide input on the inclusions and gaps in the proposed legislation.
5. Department of Justice, press release, 27 November 2014, cited at: <http://www.justice.ie/en/JELR/Pages/PR14000349> (accessed 3 December 2014).
6. TORL is a coalition comprising feminists, health care professionals, non-governmental organizations (NGOs) from civil and religious society and individuals. TORL membership available at: <http://www.turnofftheredlight.ie/about/whos-involved>.
7. A WPR approach considers the following questions: (1) what is the 'problem' (e.g. of prostitution) represented to be in a specific policy? (2) What presuppositions or assumptions underpin this representation of the 'problem'? (3) How has this representation of the 'problem' come about? (4) What is left unproblematic in this problem representation? Where are the silences? Can the 'problem' be thought about differently? (5) What effects are produced by this representation of the 'problem'? Consider three kinds of interconnected effects: discursive effects; subjectification effects; lived effects. (6) How/where has this representation of the 'problem' been produced, disseminated and defended? How could it be questioned, disrupted and replaced?
8. We used documentation associated with the JOC hearings released in 2012, that is, the documented report of submissions and hearings.
9. Witness list available at: <https://www.oireachtas.ie/parliament/media/committees/justice/Witnesses-and-Submissions-on-Review-of-Legislation-on-Prostitution.pdf>.
10. Dr Teresa Whitaker, a non-sex worker represented SWAI.

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