

“Not on the Street Where We Live”: walking while trans under a model of sex work decriminalisation.

Gwyn L. E. Easterbrook-Smith

contact@gwynesmith.com

ORCID ID: <https://orcid.org/0000-0001-8621-3733>

Abstract:

The phenomenon frequently described as “walking while trans” in which transgender women, particularly women of color, are profiled by police on suspicion of soliciting, is well documented as occurring in the USA (Courtenay Daum 2015, Jordan Woods et al 2013). In New Zealand sex work was decriminalised in 2003, yet this mode of harassing transgender women persists – enacted by other members of the public, often associated with self-appointed ‘concerned citizen’ groups. An examination of news media texts from 2009 – 2013 identified narrative categories applied to street sex workers (but particularly transgender workers) in South Auckland, and the concurrent attempts to limit their presence in public space through proposed by-laws. The findings highlight the way societal stigma against sex work is deployed against transgender women, at the same time as transmisogynistic discourses are used to reinforce whorephobia. This article concludes that situating the workers as inherently threatening rhetorically positions workers as interlopers in their own community, and contributes to the campaigns to remove them from public space. In the absence of literal policing, the role of enforcing normative limits on who may inhabit these spaces is taken up by other community members.

Keywords:

Sex work, transgender sex workers, sex work decriminalisation, prostitution, transgender women, prostitution decriminalisation

Introduction

In 2003 New Zealand passed the Prostitution Reform Act (PRA), which decriminalised all forms of sex work for citizens and permanent residents, including street sex work (Prostitution Reform Act, 2003). Despite the now legal status of street sex work, some non-sex working residents have advocated for bylaws which would restrict the areas in which street sex workers can work, both in Papatoetoe/South Auckland, and more recently in Christchurch (Hansard 2015; Tina Law 2017). Examining articles which related to attempts to pass first the Manukau City Council (Control of Street Prostitution) Bill, then the Manukau City Council (Regulation of Prostitution in Specified Places) Bill produces evidence of the phenomenon described as “walking while trans” at play in New Zealand (Courtenay Daum 2015; Elijah Edelman, 2011; Elijah Edelman, 2014; Hansard 2015; George Hawkins 2005). This article considers how this harassment of transgender (trans) women occurs within a legislative environment where sex work is legal, although not free from stigma.

“Walking while trans” is a shorthand used to describe the experiences of trans women, but predominantly women of color, who are subject to increased police surveillance, harassment and arrest while conducting day-to-day activities in public (Daum 2015). The rationale usually given for their arrests is that they are suspected of soliciting for sex, reflective of the tendency for trans women to be profiled as sex workers (Amnesty International 2005: 20-25; Jordan Woods et al 2013). More generally, walking while trans refers to the additional burden of surveillance and suspicion placed particularly upon trans women of color. While existing work discusses walking while trans in the context of anti-solicitation laws being used as a

means by which to harass trans women, this research presents evidence of this occurring in a decriminalised environment and from members of the general public, not law enforcement. Distinct from, but related to, generalised transphobia, the harassment documented in these media texts indicates much of the root of this behaviour is a mixture of transmisogyny (the combination of transphobia and misogyny experienced by trans women) and whorephobia¹ (Julia Serano, [2007] 2016: 12, 14-16). As such, it indicates that in the absence of state policing of where trans women may exist in public without scrutiny and unwanted attention, this policing is frequently taken up, with vigour, by other community members eager to regulate the use of public space and lobby for city council by-laws to achieve these ends.

Daum discusses the ways in which “walking while trans” is used in the USA as a mechanism to control the movements of transgender people, but particularly migrant and poor trans women, through legal means (563), and is among the researchers who have identified the trend of profiling trans women as sex workers (Woods et al 2013). This paper indicates that in the absence of a state-sanctioned method of control this enforcement of who may use public spaces is taken up by other members of the community, dictating who the “public” who are permitted access to space are, and what modes of intimacy may occur in public (Lauren Berlant and Michael Warner 1998: 552-553). Comparisons with existing international research into the stigmatisation of street sex workers generally, and transgender workers specifically indicates that the discourses employed to further these aims are remarkably similar to those which occur under different legislative models.

Initial Analysis and Methodologies

¹ I use the term whorephobia here to refer to the discrimination, hatred and fear which sex workers are subjected to as a result of the stigmatization of their work (Mgbako, 2016). The concept of ‘whore stigma’ has been theorised for some time, and the term ‘whorephobia’ has recently moved into common usage in informal and academic contexts (Pheterson, 1993; Ellison and Smith, 2017; Tempest, 2019).

As part of a larger project to examine the production of stigma against sex work and workers in New Zealand post-decriminalisation, news media texts from 2009 and 2013 inclusive were collected and analysed. Texts included reports about the progress of the proposed Parliamentary bills, longer-form investigative pieces, editorial commentary, and panel discussions between interested parties. Among these were a series of texts concerning the debates (occurring both in Parliament and within media) about the proposed bills, and street sex work in South Auckland more generally. An analysis of these texts revealed that much of the language used about street sex workers was deliberately and violently transmisogynistic, with repeated attempts to construct the workers as an ‘othered’ group existing outside the South Auckland community, and to dismiss or delegitimise their gender identity. Phil Hubbard’s research into media reports about street sex work in Balsall Heath, UK, identifies they often function to create “imaginary moral geographies” which are used to make meaning of physical spaces, supporting an analysis of the texts as a constitutive site at which the use of public space is contested and decided (1998: 62).

The analysis of the texts included identifying who was permitted to be a speaking subject, and who was spoken about, referring to Norman Fairclough’s model of discourse representation (1992: 272–274), and Raymiee McKerrow’s work on critical rhetorical analysis, which focuses on an analysis which identifies intersecting nodes of oppression within discourse (1989: 96). Fairclough highlights that his approach to discourse analysis combines elements of a Foucauldian post-structuralist approach to discourse as socially constitutive with linguistic approaches which understand it as socially shaped, suggesting discourses may simultaneously serve both these functions (1995: 18-19, 55). Fairclough’s framework emphasises paying attention to how discourses integrate comments from different sources, and how an “ambivalence of voice” can occur in which indirect speech is not immediately discernible from reportage (1995: 72, 81). A blurring of boundaries between

“represented discourse” and “representing discourse” is evident in terminology choices (where, again, Fairclough highlights that lexical decisions represent points where a choice was made, even if not a calculated one) (1995: 18, 81). Following this approach, the terms used to refer to sex workers and their work were collected, to determine if the terminology was predominantly positive, negative, or neutral, and any trends which existed within it. From there, narrative themes which occurred in multiple texts were identified and examined collectively, in a methodologically similar approach to previous work in this area (Erin Van Brunschot, Rosalind Sydie and Catherine Krull, 2000; Helga Kristen Hallgrimsdottir, Rachel Phillips, and Cecelia Benoit 2006).

Of the texts analysed, thirteen were print based and two were radio news segments from *Radio NZ*, with most of the texts coming from Auckland newspapers, predominantly *The New Zealand Herald*, and one from *North and South*, a monthly current affairs magazine. The person interviewed most frequently, by a significant margin, was John McCracken, who appeared in nine of the texts. Following him in frequency were texts that interviewed representatives from the New Zealand Prostitutes’ Collective (NZPC), numbering five; texts interviewing Len Brown, Auckland Mayor, interviewed five times; and Pat Taylor, Chair of the Hunters Corner Town Centre Society, interviewed, paraphrased, or quoted four times. In only three of the fifteen texts were sex workers or former workers quoted, paraphrased, or interviewed.²

Sex workers and the NZPC, an organisation representing and advocating for workers’ safety and rights, were only quoted in a small fraction of the texts. Those given most space to discuss

² The texts in which this occurred were “Not on the Street Where We Live”, “Cleaning Up the Streets”, and “Street Legal: Ten Years After Prostitution Decriminalisation” which interviewed former sex worker and former MP Georgina Beyer.

sex work were opposed to the presence of street sex workers in South Auckland, particularly McCracken, who participated in Papatoetoe Residents Reclaiming Our Streets (PRROS). PRROS was described by some within the analysed texts as “vigilante”, known for filming and harassing workers and their clients, and sending accusatory letters to the home addresses of presumed clients (Phil Taylor 2013; Radio NZ 2009; Joanna Wane 2011). PRROS’ tactics were similar to those which have occurred under other legislative regimes, with neighbourhood/street watch style groups sometimes accused of harassing street sex workers (Phil Hubbard and Teela Sanders 2003: 81; Tracey Sagar 2005: 105). The division of who is permitted to speak about sex work, and whose voices are amplified within the media texts, indicates street sex workers are spoken about, instead of being permitted to speak for themselves.

The words and phrases used to describe street sex workers are also indicative of the dominant voices in the media texts speaking about them and their work. Among the negative and transphobic terms and phrases used for street sex workers and their work were: ‘illicit drive-through sex’, “six-foot-three trannies”, ‘hookers’, ‘streetwalker of indeterminate gender’, “open-air Polynesian whorehouse”, “knickerless transsexuals”, ‘drag queen’, “six men”, ‘bullying prostitutes’, ‘transvestites’, ‘selling their bodies’, ‘street walkers’, ‘obnoxious transvestites’, ‘drugged to the eyeballs’, ‘peddling their bodies for money’, “big, strong people” (Wane 2011; Amy Maas 2012; Kate Shuttleworth 2012; Brian Rudman 2011)³. While some texts use the term ‘sex workers’, most opt for ‘prostitute’. ‘Prostitute’ as a descriptor carries connotations of moral failing, and is often used to describe a “social class”, unlike ‘sex worker’ which identifies sex work as legitimate labour, not a complete identity (Gail Pheterson, 1994;

³ Within this list of terms double quotation marks refer to reported speech from interviewees, while single quotation marks indicate terms used within the body of the reportage from journalists, or copy from editorial commentary.

Jo Bindman and Jo Doezema, 1997). Many texts misgender trans women or fa'afafine⁴ who are street sex workers, or use demeaning slurs such as 'tranny'. Others highlight the racialised aspect of the harassment workers are subject to, as in "Polynesian whorehouse", or use whorephobic slurs such as 'hooker'. Additionally, the word 'prostitute' was also frequently accompanied by a negative modifier. In many cases these terms reflect the reported speech of interviewees or commentators; in others these word choices are those of media outlets and journalists in their own accounts.

Recurring Narratives and Public Spaces

Many of the terms used are primarily and deliberately transmisogynistic, including some that were not part of reported speech. The function of this is to "embed normative discourses" about gender identity and gender variance, by playing upon cisnormative and damaging stereotypes (Jamie Colette Capuzza 2015; 115). Many commenters quoted in the texts use phrases that undermine and ignore the gender identity of the workers as part of an ongoing theme of treating them as undeserving of respect. The terms used frequently draw attention to the perceived differences between the physicality of trans women and cisgender (cis) women, noting trans women's size and presumed strength. As outlined by Serano this "obsessive" focus on transgender bodies and their capacity to "pass" as cis is a way of creating transfeminine people as the other and subjects of undisguised scrutiny (Serano [2007] 2016; 185–186).

Serano argues that the pathologizing of transgender bodies functions to make them "humanly unrecognisable" (Judith Butler 2004; 98 as cited in Serano [2007] 2016). In the case of the workers discussed in the analysed texts, the pathologizing language is used to justify

⁴ Fa'afafine is a Samoan term for people who were assigned male at birth but adopt more traditionally feminine modes of dress and expression; some may undergo medical transition (Johanna Schmidt 2003; 417; 2010; 2-4).

speaking about them as a nuisance in need of solution. The use of terms which construct the sex workers as outside acceptable norms of behaviour and gender presentation also situate them and their work as aberrant. While it is not by chance that transgender workers are subject to the most vehement hatred, it is also evidently a useful discursive device for commentators who object to street sex work: linking street sex work and trans women in public discourse presents an opportunity to play upon existing transmisogynistic stereotypes and fears to produce street sex work as inherently dangerous, and workers as undeserving of respect or protection. The prevalence of the term ‘prostitute’ and ‘street prostitution’ over ‘sex worker’ or ‘street sex work’ is further evidence of this: the work in question is quite literally omitted from the discussion.

In the fifteen examined texts the key narrative themes identified were: street sex workers as outside the community; street sex workers as a nuisance or contaminant; a demand for work conditions which are unattainable; and transmisogyny. There are interplays between each of these themes, and many of them occur concurrently in the same texts. The themes are produced through a combination of reported speech from interviewees; the structuring of texts - including whose voices are given precedence both by being placed first in texts, and through the space they are afforded; and through the descriptions and language which journalists use in describing workers and their work. The interplays are most apparent in the integration of transmisogyny into the analysed texts: an imprecision of language often makes it difficult to discern if the specific workers being discussed are transgender or not. Wane, describing young transgender sex workers, notes readers would be “hard pressed to tell them apart” from other young women (2011: 70). Later in this article I consider if this collapsing of identity categories, trans woman and sex worker, into an amorphous ‘other’ may be a rhetorical sleight-of-hand. The failure to specify how commentators know particular workers

are trans and others are not in many respects emphasises the scrutiny inherent in walking while trans – visible difference is what marks one out for harassment, and knowing by looking is presumed to be so obvious as to not be stated. Of the fifteen texts however, seven mention transgender workers specifically – the foregrounding of their trans status as noteworthy would seem to suggest that it is a contributing factor to the tone of the commentary about them.

One narrative identified in other locations is the assertion that street sex workers' presence, often typified as the evidence of their presence in the form of litter or noise, disrupted the community, with this utilised to discredit and undermine their right to work safely (Kathryn Ryan 2012). Becki Ross, discussing street sex workers in Vancouver during the 1970s and 1980s, notes that trans women and people of color were a particular target of harassment from a group of protestors who identified themselves as “concerned citizens” (2012: 200-202). The sex workers were situated as a group who had no claim to either public or private property; instead situated as an “impediment” whose presence created an objectionable nuisance to other, more allegedly legitimate, residents (209–210).

The theme of constructing street sex workers as a nuisance to be managed is also documented by Susan Strega et al (2014). They write that street sex workers are the most visible, but smallest sector of the sex industry, and are frequently represented either as vermin or victims within news media coverage.⁵ In one text, Mayor Len Brown is paraphrased as saying “it is a safety issue – for the sex workers as well as people living and working nearby” (Frances Morton 2011). Simultaneously, Brown expresses the notion that engaging in street sex work is inherently dangerous (although research indicates one of the key groups who pose a threat of

⁵ Street sex workers are similarly the smallest but most visible proportion of the industry in New Zealand (Gillian Abel, Lisa Fitzgerald and Cheryl Brunton, 2007: 171).

violence to street sex workers under decriminalization are passers-by (Lynzi Armstrong 2011; 2016)) and positions workers as interlopers and an inherent threat (Morton 2011).

In the analysed texts, ‘community’ is a group constructed by those who object to street sex work to exclude the street sex workers. The physical geography of where a “community” exists and what activities are appropriate is also constructed in an explicitly heteronormative manner, echoing Berlant and Warner’s work on the forcing out of queer and non-normative sexualities from public space (1998: 553), and Human Rights Watch’s reporting on the persistent profiling of trans women in public spaces (2012). The construction and conflation of community as a tangible location, and community as a discrete group, relies on implicit understandings of each. ‘Papatoetoe Residents Reclaiming Our Streets’ establish from their name that those within the group and supporting it are ‘residents’, and the streets where the sex workers are working as something to be reclaimed from them. This establishment of a class of “legitimate residents” lays the groundwork to justify harassment of transfeminine people within these communities, under the guise of limiting street sex work in ‘public’.

The notion of what, geographically, constitutes public space is also seen in PRROS’ name: the ‘streets’ are not a place for sex workers or any detectable non-normative sexuality. The streets are discursively constructed as belonging to normative groups only, represented in the media primarily by Taylor and McCracken, both white men who are engaged in local politics. While the presentation of these views by the news media is not indicative of a specific framing per se, the overrepresentation of these voices relative to other points of view does emphasise one discursive position, elevating it to greater prominence.

Ross has previously identified this construction of street sex workers, particularly transgender workers and non-white workers, noting they are “cast as a menacing nuisance” and viewed as

“hyper visible objects of fear, disgust and discrimination” (2010: 202; 2012: 138–139). Representing transgender sex workers as out of place and inherently threatening (morally or literally) is evident in the analysed corpus of news media coverage and is a mode of transphobia which often occurs in tandem with misgendering. The production of trans women as physically imposing or aggressive is suggestive of masculine traits, calling their gender into question, but also dehumanises them by positioning them as the dangerous ‘other’. Describing trans women as “big strong people”, for example, suggests a capacity for violence, situating them as a group who other residents need protection from and justifying the attempted exclusion of them from public space (Auckland Now 2012).

In “‘Obnoxious’ Transvestites Descend on Corner”, the decision was made to use the descriptor “obnoxious”, from a complainant, in the headline, functioning both to condone this word choice and to signal the framing the text will contain (Maas 2012). The text quotes Taylor as saying “...they're a group of transvestites and they're openly flaunting themselves wearing hardly any clothing on the streets before 10am when there are children walking to school.” In “\$1000-a-night Street Workers in Turf War”, the journalist paraphrases and quotes Kehi Moana Fameitau, a crime prevention officer, who describes a group of sex workers allegedly causing a disruption and fighting with local “girls” or “ladies”, as, variously: “five men”, “six men” and “fa’afafine”. Fights and alleged public nuisance are the fault of the transfeminine workers, according to Fameitau, who concedes that local workers had been adhering to a curfew. The journalist reports on the situation, displaying the kind of slippage between reporting and reported voice described by Fairclough: “children on their way to school were being exposed to prostitutes waiting in bus stops wearing g-strings, “and they can see everything”” (Andrew Koubaridis 2012; Fairclough 1995). Both news texts indicate an indignation about transfeminine sex workers within the community: the source of the perceived threat of moral contagion resides within their physicality.

In both texts, a complaint from other residents is that street sex workers, particularly those from outside the local region, were ignoring agreements to only solicit customers during specific hours. The reporting conflates the allegations of solicitation during the day with workers being present in public space in any capacity. In Koubaridis' reporting, for example, there is a complaint that "the behaviour had become so brazen they often walked up to cars and propositioned men, despite them being with their families", followed by a statement from Fameitau that "they come here earlier in the morning and walk around in front of people", and finally the comment that street sex workers were seen waiting in bus stops (2012). The discursive effect of these three complaints grouped together (with the first as direct reportage) is to suggest the presumed threat or offense posed by street workers soliciting is the same as the threat posed by their engaging with, and existing in, a community. Their bodies are considered inherently obscene and dangerous, and normal activities are cast as suspect (as in the 'allegation' that a street sex worker used a bus stop, potentially to wait for a bus.) The problem, as it is constructed in many of the analysed texts, is public space being used by sex workers, whether actively working or not, and the presumed transformation of the space which their presence produces. The issue is, quite literally, walking (or waiting) while trans: the presumed potential of their bodies is the offense and offence, and their presence in a public space is constructed as the issue to be managed. While some texts do then give a right of reply to NZPC representatives, these are often presented after quotes from parties who objected to street sex work (Maas 2012). Situating such responses second, if at all, functions to foreground objections to sex workers as the key argument.

Among the tactics used to establish street sex workers as a group who are not residents or part of what PRROS refer to as the 'local community', was situating sex work and workers as a problem in need of 'cleaning up'. They are denied the right to be viewed as respectable social subjects, through their transgressing multiple boundaries but notably by refusing to engage in

normative modes of economic productivity (Dan Irving, 2008: 39). The persistent use of dehumanising language further serves to remove street sex workers from the discourse as active subjects: rather than permitting them to be speaking subjects they are instead vilified as vectors of contagion – a narrative identified previously by Hallgrimsdottir et al (2006: 269–271). The ‘problem’ with street sex workers is not purely or even largely the alleged disruption of their active work to non-sex working residents: it is their existing as sex workers. The sex worker is “always available, always working”, and the construction of street sex workers in media texts refuses to permit them to occupy any category other than sex worker, then renders them silent in this role (Melissa Gira Grant, 2014: 11).

One of the analysed texts that most succinctly demonstrates the way in which street sex workers are systematically dehumanised, coded as a dangerous problem in need of solution, and situated within the “vector of contagion” trope identified by Hallgrimsdottir et al (2006: 271-272), is “Community to Tackle Prostitution With CCTV” (Stuff.co.nz 2011). The text also displays some of the ways in which the arguments put forth by opponents of street sex work create situations in which there is no acceptable way for street sex workers (but most notably transgender sex workers) to work or walk in public, in which behaviours are concerning or disruptive when carried out by sex workers, but acceptable and reasonable from others. The text deals with a proposal to install a CCTV control room in the Hunters Corner town centre, where reportedly, “security staff can zoom in on problems and deal with them directly, call in police or issue warnings over a PA system”. McCracken is quoted, calling the combination of CCTV monitoring and a PA system “a practical solution”.

Within the context of street sex work in South Auckland the punishment for transgressing acceptable norms of femininity – through engaging in sex work, by being transgender, or both – is punitive surveillance. The surveillance, nominally proposed to ensure safety, is an attempt

to control and manage women's use of public space, and to produce appropriately "docile bodies" (Sandra Lee Bartky, 1998: 26-27). This proposal directly mirrors arguments made by Daum, that trans-profiling and "walking while trans" act as tools of social control (2015: 565). While bodies that deviate from normative standards are not criminalised overtly in this example, the policing of their presence in public space is still predicated on the threat of police involvement, and of public shaming.

The proposal outlined was, essentially, to constantly monitor all street sex workers, under the guise that they are the primary source of anti-social offences in the South Auckland area. In response, Lexie Matheson comments that the litter and rubbish left around Hunters Corner is "not a mess made by half a dozen people", reflecting that street sex workers are scapegoated as the cause of most littering and in the area (Kelsey Fletcher 2012). Matheson also highlighted the misgendering of transgender sex workers as a specific issue in discourses which she typified as originating from "middle-class, white, privileged heterosexual men" (Fletcher 2012). There was a persistent disagreement between McCracken, Taylor, and others who object to the presence of street sex workers, and the NZPC and Ministry of Justice reports about how many street sex workers work in the area at any given time. Taylor put the number at around thirty street sex workers around Hunters Corner alone in "Street Legal" (Taylor 2013) while an official estimate published in a 2009 review by the Ministry of Justice reports:

"NZPC, local community members and Police agree the numbers of street-based sex workers in Hunters Corner and around the Northcrest car park are not large. Numbers range between four and eight most nights, while on a busy night a maximum of 20 sex workers may work in Hunters Corner, and from eight to ten sex workers work around the Northcrest car park." (Ministry of Justice 2009).

The proposed CCTV system presumes the relatively small number of sex workers operating around Hunters Corner are such a threat to security and safety that the outlay and ongoing costs necessary to constantly monitor them is justified. At no point in the text are any workers interviewed, and the NZPC is mentioned in passing but not quoted. Furthermore, the text includes the mention of a PA system to caution workers who are seen engaging in, or presumed to be engaging in, undesirable behaviours. Other media texts mention one of the perceived issues caused by transgender street sex workers is the noise they generate (Wane 2011; Koubaridis 2012). The suggestion that a loudspeaker system is a productive solution seems to be at odds with this complaint.

Embedded Discourses of Walking and Working While Trans

Evident within these themes is both explicit and subtextual transmisogyny, particularly in how the bodies of transgender sex workers are considered an inherent threat. This is seen in the duality of workers being accused of working (by appearing in public) during daylight hours, and simultaneously in the way that street sex work is criticised as a nuisance because of the possibility that non-sex working women could be mistaken for sex workers (also described in the work of Armstrong (2016: 286)). These arguments indicate that there is no correct way for street sex workers to exist: overt visibility is taken as an affront, while blending in with other women is viewed as a threat dispersed by their presence in a specific geographic location. Embedded in these statements is the suggestion that being mistaken for a trans woman is a grave insult which cis women should be protected from: further evidence of the transphobia and cisnormativity present in the discourses about street sex workers. Joshua Gamson has claimed that one of the markers of acceptable transfemininity is being demure and ‘appropriate’ – coded language for keeping one’s transgender status hidden for the benefit of others (1998: 155). However, Gamson notes there is a double standard in which a trans woman is inevitably

defined as deceptive in most media portrayals, creating an unwinnable situation: the correct performance of transfemininity is to be invisible, but to be invisible is to be deceptive (98), a point reiterated by Jody Norton in discussing how transphobic discourse denies transgender people “effective humanity” (1997: 140). Questions of appropriate performances of femininity in a New Zealand media context are also addressed by Pantea Farvid and Lauren Glass, who note street sex work is frequently deplored in news media largely because it contravenes norms of female sexuality and femininity (2014). The confluence of transgressions of norms of femininity, and the sexualization applied to transgender bodies, creates a situation in which one of the key modes of attack upon street sex workers is transmisogyny.

This pathologizing of transgender bodies is particularly prominent in “Not on the Street Where We Live” in which the journalist discusses Hunters Corner as being known as a location in which to find “streetwalkers of indeterminate gender” (Wane 2011). The text notes one of the complaints about street sex work is that workers cause a noise disturbance, followed by the statement that the noise levels outside a drag queen bar in Ponsonby, another Auckland suburb, were measured at 92dB. The text includes comments that dismiss and delegitimise the gender of trans women and a quote highlighting their height. The transgender sex workers are intended to be understood as unwelcome and threatening because of the nature of their presumed bodily differences, and the linkages to a drag queen bar functions to imply their ‘true’ identity is as queer men (referring to Serano’s identification of homophobia being one of the contributors to transmisogyny). Later in the text the author speaks directly with a street sex worker, describing her as a “pretty transgender teenager”, giving a counterpoint to the language earlier in the text – however this occurs well after the transmisogyny of the introductory paragraphs (2011: 69).

Commentary about the noise levels outside a bar elsewhere in Auckland is presented as proof or support for the argument that street sex workers cause noise disturbances “louder than a

lawnmower”. The text suggests a bar likely to hold far more people than the maximum number of workers, estimated at twenty, and benefiting from electronic amplification of music, is an appropriate comparison point. The comparison made by the journalist here also presumes that drag queens are trans women and vice versa – a conflation which occurs elsewhere in the texts analysed (as in “Street Legal” (Taylor 2013)), and presumes that their gender is a performance or costume. This comparison also plays upon the “ungendering” described by Serano: once their transgender status is known, the women in this case are identified as unfeminine, loud, and not appropriately meek and docile (2016: 171–172).

Transgender sex workers are also routinely identified as a separate group to cis sex workers. “Street Legal” refers to “the girls and queens of the night”, while Wane’s reporting discusses allegations from PRROS and notes that the workers being discussed are “not fragile under-age girls, but menacing “six-foot-three trannies”, high on drugs, who spit in your face”. This discursive delineation between cis and transgender workers intends to further marginalise street sex workers who are transgender by situating them in opposition to ‘girls’. Cis workers are framed as less blameworthy, more deserving of pity than transgender workers, who are presented as dangerous and menacing. Belonging to a group further removed from the acceptable or pitiable sex worker positions them to be blamed for the perceived issues with street sex workers in South Auckland.

In one of the only descriptions of sex workers provided in the media texts which was not paraphrased from a group or individual attempting to remove street sex work, the author of “Not on the Street Where We Live” visits the Papatoetoe town centre at night and notes “[i]n their flat sandals and short dresses, you’d be hard pressed to tell them apart from any young girl out for a night on the town” (Wane 2011:70). Wane’s comments indicate the divide between how street sex workers are produced as menacing within anti-worker rhetoric, and

how they are interpreted by others not invested in removing them from the area. Within the analysed texts it frequently becomes difficult or impossible to disentangle how much of the transphobic rhetoric is a function of direct reportage of interviewees' comments, or strongly informed by that, and what is indicative of norms of media reportage about trans women more generally. This sentence gives an indication of a more sympathetic position from a journalist; however, it still carries the implication that being unable to tell who is or is not a sex worker (or is or is not trans) is an indicator of deception. The inability to distinguish between trans and cis women, with the attendant presumption that all trans women are sex workers (and always working), is cited as a cause for concern, and a justification for their removal from the community as a whole. McCracken, in "Are Legislative Curbs Needed on Street Prostitution?" says:

“[W]ould you want your child walking to school being approached by a client because they can't find a sex worker, working on the street. This is the reality that we have on our streets, when the prostitutes can't be found and again when the clients are looking, and again women sitting at bus stops they are being approached by the clients.” (Ryan 2012)

Street sex workers are once more accused of being simultaneously too visible and not visible enough. Gamson refers to this as “the cultural game of seeing and interpreting sexual differences”, an obsession with identifying and discerning between cis and trans women (1998:150, 156-158). Within these texts there are two concerns, frequently conflated or presented interchangeably: the first concerns the ability to identify who is a sex worker, and the second concerns transmisogynistic portrayals of trans women as deceptive or dangerous if they are cis-passing. It is not always clear within the texts where the delineation between these two occurs: the description from Wane quoted above comes between a comment about a young

transgender worker and a paragraph that mentions that brothels do not hire trans women, making it unclear whether the author means the workers looked no different from “any young girl” despite being sex workers, or trans women, or both (2011).

The imprecise nature of the language used here collapses the two identity categories into one, with transgender sex workers situated as presenting multiple dangers to cisgender bodies. The primary threat alleged is the contagion they present to non-sex working, cis women: the dehumanisation of the workers is so complete that the specifics of their identity become immaterial. The concern expressed here is that the workers cast suspicion on other members of the community, with the precise nature of that suspicion being unimportant. The hostile attitudes to which the workers are subjected become terrifying when it is possible they could be mis-aimed.

Finally, another tactic often used by anti-street sex work commentators is suggesting the street sex workers would be safer or more acceptable if they worked indoors: in brothels (Shuttleworth 2012; Denise Montgomery 2012; Morton 2011; Taylor 2013). This argument is often deployed by suggesting that sex work is not a problem if it is out of sight, and out of mind. Some texts acknowledge the reasons why street sex workers choose not to or are unable to work in brothels or parlours, but this reality is not discussed or, evidently, understood, by those opposing their presence.

In “Street Prostitution Bill Doesn’t go far Enough – NZ First”, John Key, then the New Zealand Prime Minister, commented that he thought the PRA had not worked, saying the intent was to “eliminate all the street workers” (Shuttleworth 2012). “Pros and Cons for New Law on Prostitutes” makes a similar argument, saying in the opening paragraph that the intention behind the proposed bill was to give Auckland City Council the power to remove street sex

work across Auckland (Montgomery 2012). While commentary from supporters of the bill presumed banning street sex work would have resulted in workers moving to brothels, some of the texts quote sources, including the NZPC, saying that the proposed bill would force street sex workers into unsafe situations, restricting their ability to enact protocols to manage their work and wellbeing effectively. Commentary on this specific issue is one of the only areas in which sex workers are quoted more consistently and allowed to give an insight into their own experiences. One worker (Riia) cites safety and greater earning capacity as her reasons for working on the streets, which also indicates that, from the perspective of street sex workers, brothels do not necessarily afford them any greater measure of safety (Wade 2011), a finding reiterated in the work of Armstrong (2011: 87-89).

An NZPC representative is quoted, saying that banning street sex workers from “specified areas” may force them into “unsafe industrial areas” (Montgomery 2012), while Rudman echoes the NZPC’s statement, saying that “the proposed law won’t abolish street prostitution, it will just drive it into the less well-lit streets behind” (2011). Both statements make it clear it was understood that the proposed bill would not have had the desired effect of reducing or removing street sex work from South Auckland. Arguably, the supporters of the bill did not particularly care where the street sex workers would work if they were barred from some areas. The systematic and total dehumanisation of street sex workers allowed them to consider the workers only a “problem” in need of a solution, and allowed observations of a desire to “cleanse” the area (Rudman 2011). The cost to workers’ safety and business was not considered, because they had been constructed so completely as not workers, and to a degree, not people.

Beyond the desire to not work set shifts, keep more of the money earned, or to spend less time with individual clients, working in brothels is not an option available to transgender street sex

workers. As Abel and Fitzgerald report, street sex workers are more likely than other workers to be transgender (2012: 18). The material impact this has on the kind of sex workplaces open to them is largely ignored. The singular media text that mentions the impact this has on workers' ability to be hired by brothels, should they want that, is "Not on the Street Where We Live" (Wane 2011). In it, Wane writes "not even brothels hire trans-gender prostitutes" (70). That this is mentioned once in fifteen articles indicates media coverage of the lobbying to reduce or remove street sex work pays little attention to the realities and alternatives available to many of the workers.

Catherin Zangger's research has highlighted the inaccessibility of brothels, with interviews with transgender workers, and brothel managers, confirming that they are unwilling to hire trans women (2016: 101–103). Existing literature which discusses the reasons why street sex work may be preferable or the only reasonable option for engaging in sex work for some workers echoes the (few) comments from workers and the NZPC within the analysed texts, including access to outreach services or camaraderie with other workers (Jane Scoular et al 2007: 15; Ross 2012: 129). The broader and more nuanced context in which these decisions are made is largely absent from news media representations of the work.

Conclusion

As outlined in the introduction to this paper, the phenomena of "walking while trans" as a means to restrict the free and unharassed movement of trans women in public has been documented in the USA (Edelman, 2011; Edelman, 2014; Daum, 2015). While there it is used to describe the state policing of trans women's right to exist in public, I argue that it also exists within New Zealand, despite the decriminalisation of street sex work. Under a model of decriminalisation the limiting of where trans women may go through surveillance, or public

humiliation, is taken up by self-appointed ‘community representatives’. While this harassment is not sanctioned by police or other official bodies, the groups involved attempt to appeal to regulatory bodies, notably city councils, in order to formalise their notions of who may inhabit public space without censure. The arguments used to justify this campaign of harassment often utilize dehumanizing language towards street sex workers, and specifically carry with them the implication that transgender bodies carry the threat of a moral contagion, and are dislocated within their own communities.

In addition to the dehumanisation inherent in referring to sex workers as “problems”, documented in many of the analysed texts, there is the additional more pernicious dehumanisation of ignoring the needs of sex workers to carry out errands and chores as any other community member does. The restriction of their freedom of movement is rhetorically justified by conflating a sex worker engaged in sex work, with a sex worker being present in a space in any other capacity: they are perceived as permanently available, and a threat to heteronormative notions of propriety. The narratives which reoccur in news media texts about street sex workers function to amplify and legitimize the commentary of anti-street sex work groups often utilizing transmisogynistic language to achieve these ends, and to entrench normative notions of who and what ‘public spaces’ are for.

References

- Abel, Gillian, and Lisa Fitzgerald. 2012. “‘The Street’s Got Its Advantages’: Movement between Sectors of the Sex Industry in a Decriminalised Environment.” *Health, Risk & Society* 14 (1): 7–23. <https://doi.org/10.1080/13698575.2011.640664>.
- Abel, Gillian, Lisa Fitzgerald and Cheryl Brunton. 2007. *The Impact of the Prostitution Reform Act on the Health and Safety Practices of Sex Workers Report to the Prostitution Law Review Committee*. Department of Public Health and General Practice, University of Otago. <http://www.justice.govt.nz/prostitution-law-review-committee/publications/impact-health-safety/report.pdf>.
- Amnesty International. 2005. “Stonewalled: Police Abuse and misconduct against Lesbian, Gay, Bisexual and Transgender People in the U.S.” United States of America. <https://www.amnesty.org/en/documents/AMR51/122/2005/en/>.
- Armstrong, Lynzi. 2011. “Managing Risks of Violence in Decriminalised Street-Based Sex Work: A Feminist (Sex Worker Rights) Perspective.” PhD thesis. <http://researcharchive.vuw.ac.nz/handle/10063/2978>.
- Armstrong, Lynzi. 2016. “‘Who’s the Slut, Who’s the Whore?’: Street Harassment in the Workplace Among Female Sex Workers in New Zealand.” *Feminist Criminology* 11 (3):285–303. <https://doi.org/10.1177/1557085115588553>.
- Auckland Now. 2012. “Prostitutes Wrecking Public Property.” *Auckland Now*, July 16, 2012. <https://www.stuff.co.nz/national/crime/7287833/Prostitutes-wrecking-public-property>.

- Bartky, Sandra Lee. 1998. "Foucault, Femininity, and the Modernization of Patriarchal Power." In *The Politics of Women's Bodies: Sexuality, Appearance and Behaviour* 25–45. Oxford: Oxford University Press.
- Berlant, Lauren, and Michael Warner. 1998. "Sex in Public." *Critical Inquiry* 24 (2): 547–566. <https://doi.org/10.1086/448884>.
- Bindman, Jo, and Jo Doezema. 1997. *Redefining Prostitution as Sex Work on the International Agenda*. <https://walnet.org/csis/papers/redefining.html#2>.
- Capuzza, Jamie Colette. 2014. "Who Defines Gender Diversity? Sourcing Routines and Representation in Mainstream U.S. News Stories About Transgenderism." *International Journal of Transgenderism* 15 (3–4): 115–128. <https://doi.org/10.1080/15532739.2014.946195>.
- Mgbako, Chi Adanna. 2016. *To Live Freely in This World: Sex Worker Activism in Africa*. New York University Press.
- Daum, Courtenay W. 2015. "The War on Solicitation and Intersectional Subjection: Quality-of-Life Policing as a Tool to Control Transgender Populations." *New Political Science* 37 (4): 562–581. <https://doi.org/10.1080/07393148.2015.1089030>.
- Day, Simon. 2012. "Prostitute Flashes Breasts in Shop." *Stuff.Co.Nz*, December 24, 2012. <http://www.stuff.co.nz/auckland/local-news/8112405/Prostitute-flashes-breasts-in-shop>.
- Edelman, Elijah Adiv. 2011. "'This Area Has Been Declared a Prostitution Free Zone': Discursive Formations of Space, the State, and Trans 'Sex Worker' Bodies." *Journal of Homosexuality* 58 (6–7): 848–864. <https://doi.org/10.1080/00918369.2011.581928>.
online: <https://doi.org/10.1080/14680777.2019.1642226>

- Edelman, Elijah Adiv. 2014. “‘Walking While Transgendered’: Necropolitical Regulations of Trans Feminine Bodies of Color in the US Nation’s Capital.” *Queer Necropolitics*, Routledge. 172–90.
- Ellison, Graham, and Lucy Smith. 2017. “Hate Crime Legislation and Violence Against Sex Workers in Ireland: Lessons in Policy and Practice.” In *Critical Perspectives on Hate Crime: Contributions from the Island of Ireland*, edited by Amanda Haynes, Jennifer Schweppe, and Seamus Taylor, 179–207. London: Palgrave Macmillan UK. https://doi.org/10.1057/978-1-137-52667-0_10.
- Fairclough, Norman. 1992. “Intertextuality in Critical Discourse Analysis.” *Linguistics and Education* 4 (3): 269–93. [https://doi.org/10.1016/0898-5898\(92\)90004-G](https://doi.org/10.1016/0898-5898(92)90004-G).
- Farvid, Pantea, and Lauren Glass. 2014. “‘It Isn’t Prostitution as You Normally Think of It. It’s Survival Sex’: Media Representations of Adult and Child Prostitution in New Zealand.” *Women’s Studies Journal*. 28 (1): 47–67.
- Fletcher, Kelsey. 2012. “Prostitute Pamphlet Riles Academic.” *Stuff.Co.Nz*, August 1, 2012, sec. Local News. <http://www.stuff.co.nz/auckland/local-news/7386641/Prostitute-pamphlet-riles-academic>.
- Gamson, Joshua. 1998. *Freaks Talk Back: Tabloid Talk Shows and Sexual Nonconformity*. University of Chicago Press.
- Grant, Melissa Gira. 2014. *Playing the Whore: The Work of Sex Work*. Jacobin Series. London ; New York: Verso Book.

- Hallgrimsdottir, Helga Kristin, Rachel Phillips, and Cecilia Benoit. 2006. "Fallen Women and Rescued Girls: Social Stigma and Media Narratives of the Sex Industry in Victoria, B.C., from 1980 to 2005." *Canadian Review of Sociology/Revue Canadienne de Sociologie* 43 (3): 265–80. <https://doi.org/10.1111/j.1755-618X.2006.tb02224.x>.
- Hubbard, Phil. 1998. "Sexuality, Immorality and the City: Red-light districts and the marginalisation of female street prostitutes." *Gender, Place & Culture* 5(1) 55–76. <https://doi.org/10.1080/09663699825322>
- Hubbard, Phil, and Sanders, Teela. 2003. "Making space for sex work: female street prostitution and the production of urban space." *International Journal of Urban and Regional Research* 27(1) 75–89 <https://doi.org/10.1111/1468-2427.00432>
- Human Rights Watch. 2012. *Sex Workers at Risk. Condoms as Evidence of Prostitution in Four US Cities*. https://www.hrw.org/sites/default/files/reports/us0712ForUpload_1.pdf.
- Hansard. 2015. *New Zealand Parliamentary Debates*. 25 February 2015. Manukau City Council (regulation of prostitution in specified places) bill — second reading. https://www.parliament.nz/en/pb/hansard-debates/rhr/document/49HansD_20100908_00000878/manukau-city-council-regulation-of-prostitution-in-specified
- Hansard. 2015. *New Zealand Parliamentary Debates*. 7 December 2005. (Hon George Hawkins.) Manukau City Council (control of street prostitution) bill — first reading. https://www.parliament.nz/en/pb/hansard-debates/rhr/document/48HansD_20051207_00001144/manukau-city-council-control-of-street-prostitution-bill

- Irving, Dan. 2008. "Normalized Transgressions: Legitimizing the Transsexual Body as Productive." *Radical History Review* (100) 38–59.
- Koubaridis, Andrew. 2012. "\$1000-a-Night Street Workers in Turf War." *New Zealand Herald*, November 21, 2012.
http://www.nzherald.co.nz/prostitution/news/article.cfm?c_id=612&objectid=10848916.
- Law, Tina. 2017. "City Council Decides against Banning Sex Workers from Residential Christchurch." *Stuff.co.nz*. November 3, 2017. <https://www.stuff.co.nz/the-press/news/98463846/city-council-decides-against-banning-sex-workers-from-residential-christchurch>.
- Maas, Amy. 2012. "'Obnoxious' Transvestites Descend on Corner." *Stuff.Co.Nz*, May 14, 2012, <http://www.stuff.co.nz/national/6914517/Obnoxious-transvestites-descend-on-corner>.
- Mckerrow, Raymiee. 1989. "Critical Rhetoric: Theory and Praxis." *Communication Monographs* 56 (2): 91–111. <https://doi.org/10.1080/03637758909390253>.
- Ministry of Justice. 2009. "Review of Street-Based Prostitution in Manukau City." Wellington, New Zealand: Ministry of Justice. https://www.justice.govt.nz/cpu/prostitution/Prost_report.html.
- Montgomery, Denise. 2012. "Pros and Cons for New Law on Prostitutes." *The Aucklander*, July 19, 2012.
http://www.nzherald.co.nz/aucklander/news/article.cfm?c_id=1503378&objectid=11069214.

- Morton, Frances. 2011. "Cleaning up the Streets." *New Zealand Herald*, April 3, 2011.
http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10716684.
- Norton, Jody. 1997. "'Brain Says You're a Girl, But I Think You're a Sissy Boy': Cultural Origins of Transphobia." *International Journal of Sexuality and Gender Studies* 2 (2): 139–164. <https://doi.org/10.1023/A:1026320611878>.
- NZ Herald. 2013. "Vexed Issue of Sex in the City." *The New Zealand Herald*, June 8, 2013. http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10889116.
- Pheterson, Gail. 1993. "The Whore Stigma: Female Dishonor and Male Unworthiness." *Social Text* (37) 39–64. doi:[10.2307/466259](https://doi.org/10.2307/466259).
- Prostitution Reform Act, New Zealand Statutes. (2003.)
<http://www.legislation.govt.nz/act/public/2003/0028/latest/DLM197815.html>
- RNZ. 2009. "Prostitution Letter Sent to Wrong People." *Checkpoint*. New Zealand: Radio NZ. http://www.radionz.co.nz/audio/player?audio_id=1945431.
- Ross, Becki L. 2010. "Sex and (Evacuation from) the City: The Moral and Legal Regulation of Sex Workers in Vancouver's West End, 1975—1985." *Sexualities* 13 (2): 197–218.
<https://doi.org/10.1177/1363460709359232>.
- Ross, Becki L. 2012. "Outdoor Brothel Culture: The Un/Making of a Transsexual Stroll in Vancouver's West End, 1975–1984." *Journal of Historical Sociology* 25 (1): 126–150.
<https://doi.org/10.1111/j.1467-6443.2011.01411.x>.

- Rudman, Brian. 2011. "Don't Turn the Clock Back on Prostitution." *The New Zealand Herald*, January 31, 2011.
http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10703212.
- Ryan, Kathryn. 2012. "Are Legislative Curbs Needed on Street Prostitution?" *Nine to Noon*. New Zealand: Radio NZ. http://www.radionz.co.nz/audio/player?audio_id=2525430.
- Sagar, Tracey. 2005. "Street Watch: Concept and Practice." *The British Journal of Criminology* 45(1) 98–112. <https://doi.org/10.1093/bjc/azh051>
- Schmidt, Johanna. 2003. "Paradise Lost? Social Change and Fa'afafine in Samoa." *Current Sociology* 51 (3–4) 417–32. <https://doi.org/10.1177/0011392103051003014>.
- Schmidt, Johanna. 2010. *Migrating Genders Westernisation, Migration, and Samoan Fa'afafine*. Farnham, Surrey, England; Burlington, Vt: Ashgate.
- Scoular, Jane, Jane Pitcher, Rosie Campbell, Phil Hubbard, and Maggie O'Neill. 2007. "What's Anti-Social about Sex Work? The Changing Representation of Prostitution's Incivility." *Community Safety Journal* 6 (1): 11–17.
- Serano, Julia. (2007) 2016. *Whipping girl: A transsexual woman on sexism and the scapegoating of femininity*. 2nd Ed. Seal Press: Berkley, California.
- Shuttleworth, Kate. 2012. "Street Prostitution Bill Doesn't Go Far Enough - NZ First." *The New Zealand Herald*, November 16, 2012.
http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10847888.

- Strega, Susan, Caitlin Janzen, Jeannie Morgan, Leslie Brown, Robina Thomas, and Jeannine Carrière. 2014. "Never Innocent Victims: Street Sex Workers in Canadian Print Media." *Violence Against Women* 20 (1): 6–25.
- Stuff.co.nz. 2011. "Community to Tackle Prostitution with CCTV." *Stuff.Co.Nz*, June 21, 2011. <https://www.stuff.co.nz/auckland/5167843/Community-to-tackle-prostitution-with-CCTV>.
- Taylor, Phil. 2013. "Street Legal: Ten Years after Prostitution Decriminalisation." *The New Zealand Herald*, June 8, 2013. http://www.nzherald.co.nz/nz/news/article.cfm?c_id=1&objectid=10889113.
- Tempest, Tiffany. 2019. "Relationship Boundaries, Abuse, and Internalized Whorephobia." *Sexual and Relationship Therapy*. 1–4 <https://doi.org/10.1080/14681994.2019.1574400>
- Van Brunschot, Erin, Rosalind Sydie, and Catherine Krull. 2000. "Images of prostitution: The prostitute and print media." *Women & Criminal Justice* 10(4): 47–72.
- Van Delden, Aaron. 2012. "Council Puts Prostitution Bill on Hold." *Wanganui Chronicle*., October 29, 2012. http://www.nzherald.co.nz/wanganui-chronicle/news/article.cfm?c_id=1503426&objectid=11079684.
- Wane, Joanna. 2011. "Not on the Street Where We Live." *North & South*, April 2011. 64–71

Woods, Jordan, Frank Galvan, Mohsen Bazargan, Jody Herman, and Ying-Tung Chen. 2013.

“Latina Transgender Women’s Interactions with Law Enforcement in Los Angeles County.” *Policing: A Journal of Policy and Practice* 7 (4): 379.

Zangger, Catherin. 2016. “For Better or Worse? Decriminalisation, Work Conditions, and Indoor Sex Work in Auckland, New Zealand/Aotearoa.” PhD Thesis, Vancouver: University of British Columbia.