

**WESTERN SYDNEY
UNIVERSITY**



School of Law
Student Research Program 2015
Project Lists

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Project 17: Sugar Baby/Sugar Daddy Relationships – Challenging the Ambit of Criminal Law

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Project description:

In the past 10 years, a growing number of internet platforms dedicated to sugar-baby/sugar-daddy arrangements ('sugar dating') have emerged,¹ some of which cater specifically to an Australian clientele.² These websites facilitate interactions between would-be 'sugar babies' and 'sugar daddies', allowing users to sign up for membership and create a profile, which they can then use to communicate with other members. One of the leaders in the online sugar dating market, Seeking Arrangement, pitches its membership as follows:

Generous Sugar Daddies

You may be young or old, single or married, but you are generous and successful. You are seeking a mutually beneficial relationship and you have no time for games.

Attractive Sugar Babies

Sugar babies are attractive, ambitious & young at heart. Sugar babies are college students, aspiring actors and actresses, single moms, or someone just starting out.³

The terms and conditions of sugar dating sites typically state that solicitation of sexual services is not permitted, and state that sex is not a required aspect of sugar relationships. However, there are indications that the majority of sugar relationships involve sexual relations, and that platonic sugar arrangements are rare.⁴ This raises questions of legality: are sugar relationships contractually enforceable, and do they contravene prostitution law? According to South Australia Police, sugar dating sites may breach the law, and 'may also place people in dangerous situations'.⁵ This offers a compelling reason to examine their growing popularity.

There is a substantial body of academic scholarship devoted to prostitution and sex work, but to date, there has very little research examining sugar-baby/sugar-daddy arrangements, in particular, those initiated online.⁶ The existing research on sugar dating pertains to the United States only, and there has not yet been any published research investigating the phenomenon in Australia.

¹ Alex White, '15,000 Australian Sugar Daddies look for love online - more than half pick girls in the USA', *Herald Sun* (online), 16 September 2014 <<http://www.heraldsun.com.au/news/victoria/australian-sugar-daddies-look-for-love-online-more-than-half-pick-girls-in-the-usa/story-fni0fit3-1227060192356>>.

² See eg, <<http://australiansugardaddy.com.au/>>; <<http://sugardaddysydney.com.au/>>.

³ SeekingArrangement, *Relationships on Your Terms – Homepage - #1 Sugar Daddy Dating Site*, 2015, <www.seekingarrangement.com>.

⁴ Derived from Tumblr search using the term "platonic sugar daddy", see: <<https://www.tumblr.com/search/platonic%20sugar%20daddy>>.

⁵ Ashlynn McGhee, 'Sugar daddy' dating website may break sex work laws, police say', *ABC News* (online), 1 March 2015 <<http://www.abc.net.au/news/2015-03-01/sugar-daddy-dating-website-may-break-sex-laws-police-say/6269250>>.

⁶ See eg, Jacqueline Motyl, 'Trading Sex for College Tuition: How Sugar Daddy "Dating" Sites May Be Sugar Coating Prostitution' (2013) 117(3) *Pennsylvania State Law Review* 927.

Project Aims

- Develop an understanding of how sugar relationships operate in Australia; and
- Determine the potential for these arrangements to contravene applicable state and territory prostitution laws.

Project Methods

This project uses a mixed methodology to develop a broader understanding of internet-facilitated sugar arrangements, in order to assess whether they fulfil the legal indicia of ‘prostitution’ under relevant state and territory criminal laws.

The first aspect of the research is library-based, doctrinal research. This involves a survey of case law, legislation and academic literature relevant to prostitution and sexual commerce in Australia. This will require the use of databases such as AGIS, Lexis and Westlaw.

The second aspect is an online ethnography using the Tumblr social media platform. The researchers will use the NCapture tool to capture qualitative data from a set of approximately 30 weblogs written by self-described Australia and United States-based ‘sugarbabies’ (15 from each jurisdiction). The data will be coded thematically and analysed using NVivo.

A set of relevant Tumblr-hosted weblogs has already been identified by the Supervisor for possible use for this project. The relevant blog entries are publicly accessible, without requiring a Tumblr membership or password access. The authors of the blogs have chosen to remain anonymous, using pseudonyms and limiting information that discloses their precise location, or the names of ‘sugar daddies’ they have engaged with. Further, the Tumblr interface does not enable non-Tumblr members to contact bloggers directly, providing a further layer of anonymity.

To ensure that the privacy of the bloggers is protected, any data cited in subsequent publication will be de-identified, in line with the principles set out in the *Australian Code for the Responsible Conduct of Research*.

The student research assistant will be involved in all stages of the project, including developing an appropriate coding tree using NVivo, capturing and coding the blog data (including cross-coding) and writing up the findings for journal publication.

Opportunity for Skill Development

This project will enable the student to apply their library-based research skills to locate relevant case law, legislation, and academic literature and apply it to a novel legal ‘problem’ or social issue.

It also offers the student an opportunity to learn to use NVivo to capture, code and analyse qualitative data and develop a framework for thematic analysis of this data in consultation with the supervisor. These skills are transferable a research career, including higher degree by research studies.

Additionally, assisting with this project will provide the student with the chance to co-author an academic journal articles or articles based on the findings of the research. This will enable them to develop their written communication skills.

Students are required to have the following skills/meet the following pre-requisite(s) to apply

The student is required to have excellent legal research skills, and a strong grounding in criminal law consistent with a high achieving student in the final or penultimate year of their Bachelor of Laws studies. An interest in empirical research and socio-legal issues would be helpful, as would a background in sociology or anthropology.

Project 18: The Politics of Justice during Myanmar's Transition to Democracy

Supervisor(s): Dr Catherine Renshaw

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Project description

The focus of this research project is Myanmar, which is currently undergoing a transition from military dictatorship to democracy. The aim of the larger project is to explore the framework criteria for a transitional justice process in Myanmar which possesses the quality of legitimacy. In November 2015, the Principal Supervisor will be holding a workshop in Myanmar aimed at examining the issue of transitional justice from a comparative perspective, using case studies from Myanmar's neighbouring countries (Indonesia, Bangladesh, Timor Leste, the Philippines, Cambodia, Malaysia) with local actors (NGOs, members of ethnic groups, political activists, women's groups, lawyers and civil society representatives). The workshop will explore the following assumptions about transitional justice: (1) a transitional justice process which is not locally controlled and tailored to particular events and societies will lack subjective legitimacy among the population in which it operates; (2) internationally recognised norms such as ending impunity and protecting the due process rights of defendants are requirements for normative legitimacy; (3) an ideal type of transitional justice process will possess to the greatest possible degree both normative and subjective legitimacy. The current project involves examining, assessing and writing up the results of the workshop, for dissemination among a range of actors: (1) the project funders; (2) the project participants; (3) academic journals. In relation to the latter, the student has the opportunity to be a co-author.

Project Aims

- From a comparative perspective, to examine the contribution of justice to democratic consolidation in Asia;
- To explain how theories about transitional justice apply to the situation of Myanmar;
- To develop a model for a transitional justice process that possesses the quality of legitimacy.

Project Methods

The student will study the indicia of normative legitimacy, as they have been set out in various international instruments, and then consider what legitimacy might mean from a subjective perspective, given the ethnically, religiously and culturally diverse population of Myanmar. Part of the research material for this second exercise will be the records of proceedings from the November 2015 workshop. Using these and other materials, the student will scope variances in the ways that different parts of the population prioritise the traditional goals of transitional justice (retribution, deterrence, acknowledgment or peace-building). The student will then, using a comparative historical method drawing on research produced for and at the workshop, suggest factors which are or might be significant in the establishment of successful transitional

justice mechanisms in Myanmar. The student will engage with the question of whether or not, the regional delimitation and the identification of proximate commonalities among concrete cases enables us to identify similar causal conditions for the establishment of a successful institution in Myanmar. Finally, the student will create the model for such an institution.

Opportunity for Skill Development

The student's legal research skills, particularly in the area of human rights and international law, will developed throughout the project. The student will also improve writing skills and communication skills. The student will gain experience in reporting to donors and insights into project management. The student will gain experience in translating research into academic outcomes and in communicating research findings to diverse audiences.

Students are required to have the following skills/meet the following pre-requisite(s) to apply

The Project is suitable for law students who have reached at least 3rd year. Students who have studies international law or human rights will benefit most from the project.