

Editors' Introduction

# The Regulation of Prostitution: Contemporary Contexts and Comparative Perspectives

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It is often said that prostitution is 'the oldest profession', but what exactly we are to make of this claim is far from clear. Some take this to reflect the inevitability of prostitution as a social practice and draw upon this to suggest the futility of efforts designed at its eradication in the modern world. By contrast, in a context in which the majority of prostitutes are female and their clients are heterosexual men, others take this to illustrate the complex inter-relation between prostitution and male domination: since patriarchy is the oldest form of social organisation, it is no accident that prostitution has been so resilient, but this, it is submitted, tells us nothing about its future in a world of genuine equality and empowerment for women.

The question of how to conceptualise, and accordingly of how to regulate, prostitution has long been a focus of attention. Diverse agendas about gender equality, the regulation of sexuality, personal self-determination, state protectionism, public nuisance and socio-economic disparity have come together in debates on prostitution policy – often fusing and/or clashing with one another in complex, unpredictable and controversial ways. In addition, particularly in modern times, debates over prostitution policy have intensified, fuelled by the development of a number of high profile, and markedly diverse, legal and policy responses at national state level. These responses range from regulative regimes for legalisation of the sex industry, to less interventionist models of decriminalisation of sex work, through to proactive efforts at its eradication through the criminalisation of the purchase of sex. The exact parameters of, and rationales for, these responses raise a number of crucial questions about our conceptualisation of the sex industry, as well as about how these policy level imperatives are being translated, or failing to be translated, into practice.

The deconstruction of sex work as legitimate labour has led to the legalisation/regulation of prostitution in several countries. Although the exact detail of the regulation approach varies across national jurisdictions, its basic starting point is that both indoor and outdoor prostitution are legal, so long as they are conducted in accordance with specific requirements. In the Netherlands, since the lifting of the ban on brothels in 2000, prostitution is permitted in licensed brothels, in toleration zones, and in other places that cause no disturbance to public law and order. Similarly, in Germany, a change to the Civil Code in 2002 means that prostitution is no longer classified as 'an offence against good morals', and selling sex both on and off street

is now legal – subject to compliance with local authority regulations designed to limit the areas and conditions in which prostitution takes place. Under this regulation approach, then, sex work is officially recognised and dealt with as a legitimate occupation: sex workers are entitled to a number of employment-related protections under the law and local authorities are required to ensure that brothels are suitably licensed, and operating in accordance with relevant health and safety requirements.

This legalisation model can be contrasted against the related but distinct decriminalisation approach adopted most recently in New Zealand. Prior to the passing of the Prostitution Reform Act 2003, prostitution itself was not illegal in New Zealand, but there were a range of related offences – soliciting, brothel-keeping, procuring intercourse, and breaches of the Massage Parlours Act – that could be committed. Now, these activities associated with prostitution have a decriminalised status. Brothels are not subjected to any specific state licensing system, but are governed by the usual employment and health regulations that apply to other businesses. Soliciting has been decriminalised and there are no legal impediments to recruiting clients in public bars or hotels. In passing these reforms, the New Zealand government emphasised that its aim was not to legitimise prostitution but to offer to those who worked in the industry an improved level of protection and to eradicate the barriers to women's exiting prostitution, which may be created by a criminal conviction.

Though sharing this desire to facilitate 'exit', the abolitionist approach – most closely associated with, but not unique to, Sweden – adopts a somewhat different model. In Sweden, it is now an offence, punishable by a fine or imprisonment for up to six months, to obtain a casual sexual relationship for payment. Both outdoor and indoor prostitution are prohibited, although only the clients will be criminalised. As a result, the spotlight here shines squarely on the purchaser of commercial sex, and on criminalising his role in creating demand for the sex industry. A key rationale behind this is that prostitution is a central manifestation of male violence against women, which in turn means that those who sell sex should not themselves be punished, since they are victims rather than criminals. True gender equality, it is argued, is attainable only when men are no longer permitted to buy, sell and exploit women in prostitution, and the Swedish government has coupled this legislative initiative with a number of outreach programmes designed to assist women who wish to leave the industry.

These divergent modes of responding to prostitution, which have been developed and defended by different countries, have in turn become increasingly bound up with national identity. Regional and international discussions on sex industry regulation have been punctuated by episodes of posturing on the part of delegates from nations that adopt divergent perspectives – as if their state's response to this activity provides some kind of index, or measure, of their cultural ethos and 'civilisation'. Notably, thrown into the mix here is not just impassioned faith that each regime has secured access to the 'truth' of prostitution – a 'truth' that is denied or obscured in the alternatives – but also a sense of national pride at their own achievement, and of frustration at the resistance that is encountered from others.

In support of the legalisation model, it has been argued that women working in toleration zones or regulated brothels (in the Netherlands or Germany, for example) are now less marginalised and better off (both personally and financially) than they were previously. Commentators have suggested that the ability of these sex

workers to avail themselves of the collective bargaining of trade unions represents a significant improvement. At the same time, though, critics have pointed out that many sex workers in Germany remain unregistered – often for tax reasons – and that experience in the Netherlands suggests that the transition to a license-based regime has had negative side-effects: in particular, establishing regulatory systems and policing toleration zones has imposed hefty demands on state agencies and it has been suggested that the most vulnerable women (for example, those with irregular migration status or drug addictions) have been pushed into illegal sectors where there is no protection. There have been problems in finding a suitable location for toleration zones, and it has been argued that many men who purchase sex – preferring to remain anonymous – will be reluctant to frequent more visible areas, creating inevitable demand for unregulated arenas. In addition, moreover, concerns have been expressed by critics that this type of response focuses too little attention on the societal impact of prostitution, and on devising schemes that would provide effective assistance to those sex workers who are seeking routes out of the industry.

Some of these shortcomings might, of course, be usefully remedied by a decriminalisation approach. Indeed, the regulation/legalisation model was explicitly rejected by New Zealand on the basis that a licensing regime would need extensive administrative and enforcement resources, and risked the creation of a two-tier industry, in which the legal side of the market would come under the control of big business and the illegal side would be populated by sex workers who are most vulnerable to exploitation. While offering the benefits associated with the reduction of sex work stigma and the greater visibility of sex workers (which is thought to render them less vulnerable to abuse), it has been argued that decriminalisation may offer the added advantage of limiting state intrusion into the private lives of sex workers, and permitting them greater flexibility in their working practices. As critics point out, however, the downside of this flexibility remains that a lack of regulation may permit abuses to go unchecked. In addition, mirroring the critique of legalisation discussed above, some have argued that the hands-off ethos of decriminalisation avoids difficult ideological questions about the status of prostitution as a form of condoned labour only at the cost of selective blindness to the harms that are inherent in the sale of sex.

For many of these critics, it seems that the most acceptable response to prostitution lies in the abolitionist model. Supporters of this approach have pointed to the importance of the message sent out about the status of women, and have drawn upon the narratives of women who express gratitude for a legislative framework that gave them the added incentive to leave prostitution. A number of commentators have also highlighted the practical, and positive, impact of this response in quashing demand. It is argued that there has been a marked decline in the number of prostitutes working on Swedish streets. But critics point out that street prostitution had been in decline in advance of this policy, triggered by changing market conditions and the increased use of technology to recruit clients. In addition, critics point to a lack of information about off-street prostitution in Sweden and suggest that abolitionism may have simply forced a relocation to less visible sites in which sex workers may be at increased risk of abuse, or drawn into a more competitive market in which they have to cut prices or offer riskier services to secure the business of a decreasing client base.

Compounding the controversy in these inter-national debates are ideological disagreements over whether to respond to the individual experience of involvement in prostitution or the structural significance of men's commodification and consumption of female sexuality. In addition, there are significant methodological difficulties generated by the lack of reliable data about the scale and operation of this often illicit industry, as well as by the resultant dependency of researchers on case study evidence that renders systematic evaluation of the comparative merits and demerits of regulatory responses extremely difficult. Added to this are political conflicts arising from wider disputes about the acceptability of state paternalism, the scope of free movement imperatives, the impact of globalisation, the relevance of moral authoritarianism and the legitimacy of governmental intervention into what makes for 'good' work and/or sex. In addition, in a contemporary context in which patterns of (female) migration – both regular and irregular – have been linked to prostitution, these discussions have been increasingly marked by an imperative to identify victims of 'sex trafficking' as distinct from those persons (migrant or not) that 'freely' provide sexual services. These developments continue to beg important questions, however, not least since their focus on autonomy and self-determination requires engagement with the terrain of agency in circumstances in which social and economic constraints restrict the freedom to choose any viable alternative. Despite this, the spectre of trafficking, and its relation to sex work, has been a key feature of modern prostitution policy.

While the response to prostitution in England and Wales has not undergone the kind of dramatic legislative overhaul that has been witnessed over the past decade in some other jurisdictions, there is little doubt that this has also been a period of significant reflection and flux. The formal position on prostitution in England and Wales remains largely as proposed by the Wolfenden Committee Report in the late 1950s. Prostitution itself is not illegal, although many of the activities that facilitate or flow from both its street and off-street manifestations (including soliciting, kerb-crawling, controlling prostitution for gain and so on) are criminalised. Notably absent from the reform initiative that preceded the passing of the Sexual Offences Act 2003 in England and Wales, the issue of (non-trafficked) prostitution became the focus for dedicated consideration in the *Paying the Price* consultation, which was produced by the government in 2004. While this document presented itself as open to wholesale reform on the regulation of prostitution – putting legalisation, decriminalisation and abolitionist frameworks out for consideration – the outcomes of this exercise have been regarded by many as profoundly disappointing. The resultant response, produced by the government in 2006, declines to align itself wholeheartedly with any of these regulatory models. It is, however, clearly sympathetic to abolitionism – at least as far as street sex work is concerned – and reflects a complex narrative comprised of a concern to protect communities from prostitution-related nuisance, to 'crack down' on the organised criminal networks that are bound up with the sex industry, to provide avenues for exiting to all those who are prostituted, and in particular to rescue those whose involvement is coerced. Although an undertone of moral disapprobation of sex work can still be identified, the response emphasises the harms that are deemed to be inherent in prostitution and insists that those who sell sex should be seen primarily as victims – unless and until they fall foul of this

categorisation by refusing assistance to ‘exit’ and opting instead (whether by choice or circumstance) to continue to sell sex. In addition, it clearly shares the abolitionist conviction that reduction of women’s involvement in sex work can usefully be achieved by efforts to quash demand, in particular by stricter enforcement of kerb-crawling laws that target clients.

The failure of this consultation to embrace more deep-seated reform of the UK domestic response to prostitution, by making a clear and wholehearted commitment to any of the competing models on the table, has rendered it a target for critique. It has been suggested that the consultation failed to do enough to take on board the lessons available from other country’s responses to the sex industry. While this may be true, and the nature of these lessons will emerge as a recurring theme in the ensuing chapters, it is important to bear in mind the following two caveats. First, while the outcomes of the consultation have not yielded wholesale reform, they have provided a window into a shifting frame for prostitution policy in England and Wales, and have given rise to a number of changes in enforcement practice that require no statutory intervention (whether these changes are for the better is, of course, another question – and one that will be examined from a range of perspectives in the following chapters). Second, the dangers of adopting a simplistic ‘transplant model’ for prostitution reform – though perhaps not the driving force behind the UK government’s lack of ambition – are significant. The assumption that we can take up a model from one jurisdiction and predict the consequences of transplanting it into another, which has tended to animate much of the contemporary discussion on comparative prostitution policy, is problematic – at least to the extent that it tends to ignore or trivialise the peculiarity of the cultural environment of comparator countries. To assume that legislative change will – in and of itself – bring about attendant social change, let alone predictable social change that can be mapped from experience in another socio-spatial context, places far too much faith in the power of law as a reformist institution. Historical state/civil society relations, distributive patterns of gender power, attitudes towards sexuality and consumption, and diversity in the forms, scale and operation of commercial sex transactions, all contribute towards the creation of a unique national cultural context within which regulatory responses to prostitution will produce divergent, and often unpredictable, practical outcomes. To deny this reality in preference for a simplistic transplant model would be both disappointing and misleading.

### **Charting the Terrain of Feminist Debate: The Relevance of Terminology and Ideology**

These disagreements over regulatory responses to prostitution are, of course, grounded in and informed by the significant ideological debates between feminist scholars and activists, not just over women’s scope for legitimate autonomy in this arena, but also over the most appropriate mechanisms for redressing the vulnerability and marginalisation that sex work can bring. While some have argued for protective legislation that would improve the working conditions of prostitutes and decrease their social stigmatisation, others have argued that, since the violence within

prostitution is not incidental to the conditions in which it is conducted but endemic within a structure that promotes women's sexuality as a commodity to be purchased by men, prostitution must be abolished.

Within the context of these prostitution debates, it is clear that one's choice of terminology has assumed a perceived relevance, often acting as a shorthand identifier of a substantive position. Thus, the language of 'prostitute' and 'prostitution' have been closely aligned with abolitionist perspectives that see the sale of sex as entailing women's exploitation and objectification, both by those who manage and create the opportunity for the sexual transaction as well as by those clients who make the purchase and maintain the demand. By contrast, the language of 'sex workers' and 'sex work' has typically been preferred by those who emphasise women's agency in entering into commercial sex transactions (albeit perhaps under conditions of constraint) and who call for the regulation of the sale of sex as akin to the sale of non-sexual labour or services.

It is the view of the editors, and one of the driving inspirations behind this collection, that each of these polarised perspectives proves problematic, in different ways, when presented as an abstract position that claims universal applicability to all women and all commercial sex. Despite their heated disagreement, each of these positions falls into a significant epistemic pitfall by presuming the existence of a unitary truth, not only of the practice of prostitution but also of female (and, indeed, male) sexuality itself. There is a tendency in these accounts both to disengage from the diversity of sex markets (and the sexual services they encompass) and to artificially abstract the licit/illicit industry dichotomy from the messiness of its operation in the global (capital) economy. In addition, the threat of essentialism looms large here, as other forms of discrimination (race, age, class and so on) that may also feature in the commercial sex transaction are 'trumped' by the preoccupation with gender/sex difference.

At the same time, however, in concrete contexts in which the narratives of individual women who sell sex are themselves complex, multi-faceted, fluctuating and contradictory, and in which there is considerable diversity in the terrain of transactions across different sex markets, it seems that neither of these analyses can be wholly rejected. On that basis, and in an effort to reflect a conscious but not dispassionate ambivalence about these frameworks, this edited collection seeks to bring together a range of voices and perspectives on prostitution. Terminology fluctuates between chapters and a conscious decision has been made to allow these points of divergence to stand. Often, language choice does indeed betray greater allegiance to one perspective than another, but rarely should this be read as indicative of unqualified endorsement of the universal applicability of any one ideological standpoint.

In focusing upon the notion of supply/demand, this collection applies what – at first sight – may appear as a straightforwardly economic analysis in which prostitution emerges as a form of labour, subject to the same forces that animate many other capitalist forums. It is certainly true that several contributors to the collection do – to varying degrees and with varying levels of qualification – advocate this approach. At the same time, however, it is not the aim of this collection to provide an uncontested ideological platform for one or other side of the prostitution debate. As a result,

there are also several contributions in which authors – despite on some occasions invoking terminology more akin to the market model – continue to express concern about the legitimacy of women’s choice in entering sex work, about the exploitation that may be not only incidental to, but also inherent within the sex industry, and about the broader social implications for women of living in a society in which sex is commodified and served for male consumption. The improvements that may be offered by regulation – specifically in terms of security and non-stigmatisation for individual women – are evaluated in this collection against the risks associated with recognising prostitutes as sellers in the sexual economy (which include normalising sexual alienation, creating illegal sectors where exploitation proliferates, or losing impetus to support ‘exit’ from prostitution for vulnerable women).

Although this collection focuses on the issue of supply/demand, it is not its aim to provide an uncritical endorsement of sex work or an instruction manual for its regulation as a market economy. The emphasis on supply/demand does not entail a restricted focus on the market model, but a broader engagement with sociological and psychoanalytical factors that also inform this dynamic in the context of prostitution. By interrogating supply/demand from an inter- and multi-disciplinary perspective, the chapters in this collection aim to broaden engagement beyond the routine analysis of the locus of violence in prostitution and the validity of the prostitute’s consent. A focus on the supply/demand dynamic, whilst not excluding these concerns, brings into play a range of other societal, economic and psychological factors, including but not restricted to the social construction of sexuality, the viability of alternative choices for prostitutes and clients, and the impact of internal and external regulatory regimes on the provision of sexual services. In addition, a focus on supply/demand entails studying not just the factors that underlie each component of the dyad (for example, questions of access to, and the nature of, alternative employment opportunities that underpin supply, or of the role of personal characteristics and socio-economic standing in shaping client demand), but also a critical examination of their dynamic interrelation. This is important, since it is this interaction that determines the existence of many different types of prostitution, each of which poses its own questions and produces its own responses to the divergent regulatory regimes.

There is a large amount of literature available on the issue of prostitution, but this has often come from the discipline of sociology, which operates with its own paradigms and modes of analysis. This edited collection links these insights to perspectives from a range of other disciplines, namely economics, law, political and social theory, philosophy, human geography and anthropology. Each of these disciplines has vital contributions to make to the field of prostitution discourse yet they have often been overshadowed by the dominance of sociological perspectives. Drawing these disciplinary engagements in from the margins and submitting their key claims to scrutiny both across and within disciplines, this project seeks to move discussion beyond the dichotomous conflict between ‘pro-sex work’ and ‘abolitionist’ positions that has too frequently paralysed sustained engagement. Moreover, by consciously infusing the analysis with perspectives and methodologies from disciplines, such as economics and law, which characteristically have a high level of engagement with policy, this collection interrogates prescriptions that build on the core ideological engagements rehearsed in sociological work. In so doing, it

aims – amongst other things – to draw attention to the tensions that arise between social policy, practical enforcement and resultant outcomes in a world in which routes into and out of prostitution (as a client and sex worker) are diverse, and in which the sex industry displays both considerable fluidity and resilience.

## **Review of the Chapters**

The first four chapters in this collection share the concerns raised above over the failure of much current prostitution policy, in both the UK and elsewhere, to acknowledge the complexities involved in the exchange of commercial sex, and critically consider the consequences that derive from this failure in terms of social justice. Across these chapters, the authors' engagement with the perceived shortfalls of current regulatory approaches is marked by different disciplinary perspectives, but is simultaneously united by a commitment to feminist critique, and by an attendant desire to enliven their theoretical analyses with grounded and evidence-based claims, as well as with positive suggestions for future praxis.

Scoular and O'Neill open the collection with a critical assessment of the growing influence of abolitionism, reflected in recent legislative efforts to challenge the supply/demand nexus in prostitution. They convincingly demonstrate the limitations of programmes and techniques designed to criminalise and responsabilise the buyers and sellers of sex, both from a practical and an ideological point of view. More specifically, they argue that the form of 'social inclusion' that is offered here is premised on a subject's victim identity and that this – in turn – perpetuates the exclusion of those who do not fit the normative paradigm, whilst re-affirming a narrow and unchallenging vision of citizenship. As an alternative, they argue for an ethics of inclusion, rooted in a feminist approach, which challenges socio-sexual inequalities and advocates the recognition of sex workers as citizens in issues of governance.

Phoenix traces a trajectory of change in UK prostitution laws since the 1990s, reflecting, she argues, a shift away from public nuisance concerns and towards an agenda for eradicating male violence and economic exploitation. This chapter reflects on the ways in which, despite a raft of local and national level policy initiatives, punitive and coercive measures continue to affect disproportionately the more economically and socially marginalised street based sex workers, and draws attention to the negative impact of these regulatory responses, particularly upon grass-roots agencies that were originally mandated to support and represent those women. Building on this, Phoenix examines the acute dilemmas that the new regulatory regime, especially when coupled with a child protection agenda that imposes an obligation to 'rescue' young persons engaged in prostitution, has presented to those involved in sex industry outreach projects, and highlights their paralysing effects.

Like Scoular, O'Neill and Phoenix, Day also looks at recent developments in UK prostitution policy, and is similarly sceptical about the sentiment of the current regulatory regime. She argues, however, that the traditional coexistence within the sex industry of both formal and informal politics may, even in the context of this new repressive environment, offer productive potential to the sex workers' movement. Set against the backdrop of the fiftieth anniversary of the Wolfenden Report, her chapter

provides a careful evaluation of British abolitionism, intersected with an historical overview of the *modus operandi* of sex worker movements in their engagement with the state on issues of rights, recognition and representation. At the heart of Day's analysis of prostitution policy is a concern with women's representation and their lived (as well as symbolic) empowerment. These are issues that animate a number of the chapters in this collection, albeit that in other contributions, what counts as ('real') empowerment may be approached from a rather different perspective.

Offering a valuable moment for some comparative insight, Allwood's chapter provides an informed and rich engagement with the evolution of policies towards prostitution in France over the last ten years, examining in particular the ways in which prostitutes, clients and the relationship between them has been constructed and contested. She illustrates how current policies are contradictory in their efforts to incorporate an abolitionist (the traditional approach in French policy), anti-trafficking and anti-immigration agenda. Notwithstanding calls for more support of those who want to leave the industry, current service providers receive very little funding. By contrast, the new right-wing government agenda, as of 2002, has included prostitution in its Domestic Security Law, creating a serious offence of passive soliciting, and simultaneously representing prostitutes both as victims of vicious trafficking rings who need to be saved and as criminals who should be fined heavily, imprisoned and, if foreign, deported. A distinction has been drawn, Allwood suggests, between 'traditional' (French) prostitutes, fondly represented as part of the national heritage, and victims of sex trafficking/illegal immigrants, who were designated as the real targets of the new measures. The client, ignored for many years by the law, is increasingly present in these debates, and is even criminalised in the case of prostitutes who are under 18 (2002) or are 'particularly vulnerable' (2003). However, echoing the concerns of previous contributors, Allwood notes that these debates, which are situated within a broader security discourse, concerned at the local level with preserving public order and at the national level with controlling immigration, only address street prostitution. This means, amongst other things, that middle-class men, who are increasingly turning to other forms of less visible prostitution, are unlikely to be affected.

Continuing to develop this focus on the theoretical instruments deployed in the construction of discourses surrounding prostitution and trafficking, the chapters by Munro and FitzGerald situate these national policy initiatives in the inter-national context. Munro illustrates how the concept of exploitation has been (mis)understood in debates on sex and labour trafficking, reflecting upon the ways in which the malleability of the concept has been deployed to preserve (explicitly or otherwise) dubious victim hierarchies in national, regional and international legal responses. In particular, she draws attention to inconsistencies in the use of exploitation across the labour and sex variants of people trafficking, and examines the implications of this for prostitution policy. Drawing on exploitation and consent theory, she argues that situations may exist in which, although the background conditions of full and free choice are not met, it is possible to exercise a meaningful degree of agency in entering into transactions, and that although these arrangements may be rightly recognised as exploitative, they may nonetheless bring about a level of advantage to both parties. Unpicking the meaning and significance of exploitation claims in the context of

prostitution, she argues for a more careful and candid approach, and dedicates her chapter to exploring avenues for further examination that might transcend some of the polarities of the pre-existing debates.

FitzGerald discusses the background to feminist campaigning on trafficking from the perspective of feminist cultural and post-colonial geography, highlighting the similarities with imperial rhetoric about the female 'Other' and the 'fallen woman'. Her chapter usefully deconstructs contemporary discourses around women's agency in prostitution and in particular the agency of non-Western women. In addition, through a careful analysis of the lobbying undertaken at the European level in recent sex trafficking debates, FitzGerald links her discussion to broader issues of women's political representation, and examines the risks associated with adopting a feminist perspective that aligns itself too closely to a conservative anti-immigration agenda that, in turn, threatens to restrict female mobility and behaviour.

The chapters by Della Giusta, and Collins and Judge, provide a new disciplinary angle to the discussion by considering regulatory regimes from an economic perspective, focusing in particular on the likelihood that policy-makers might switch regimes (Della Giusta) and the effect of different enforcement on the spatial interaction between supply and demand (Collins and Judge).

Della Giusta introduces an economic approach to studying prostitution, critically assessing the current limitations of economists' contributions to this important policy debate and illustrating the relative merits of economic modelling for policy design. Central to her approach is the recognition of the role of social stigma in determining the configuration of the exchange of paid sex, and the way in which this is, in turn, both understood and influenced by policy. The discussion begins with an illustration of the main ideas underpinning the economic model, which is then enlarged to illustrate the choice of policy regimes by policy-makers. To choose between policy options – if we assume a rational action approach – an evaluation of the costs and benefits in welfare terms of different regulatory regimes would have to be conducted. In the absence of such calculations, Della Giusta uses stylised facts from the sex trade to advocate liberal policies that maximise public welfare by lifting the stigma associated with the sector, and illustrates the conditions (for example, a concern about voting or re-election) under which policy-makers may nonetheless fail to adopt them.

Collins and Judge, though continuing to utilise the economic lens, turn attention to a slightly different issue, namely client participation and behaviour in paid sex markets. After examining the economic literature that has explored the demand side of the market, the authors consider the likely impact on consumers of alternative regulatory models. Having done so, they then move on to explore the likely effects of enforcement level variability on client behaviour within any given regime, concluding that it is likely to lead to the consumption of commercial sex being subject to spatial displacement.

The final three chapters continue this focus upon the client, but turn their attention more directly to the question of how to respond to the purchase of commercial sex by examining – amongst other things – the call to criminalise clients of prostitutes, and the claim to the objectification of women in prostitution on which this is based. Archard explores the case for prosecuting men who unknowingly use trafficked

prostitutes and reflects specifically upon the jurisprudential problems arising from the proposal to consider them guilty of the offence of rape. Subjecting clients to sanction in this way poses, he suggests, a number of interrelated problems, particularly in terms of the legitimacy of extending the criminal law to new domains. His discussion centres specifically on the difficulties associated with presuming clients' knowledge as to the prostitutes' circumstances, and questions the extent to which such a presumption can be enlarged to the general circumstances surrounding prostitution – or to analogous situations of client/consumer responsibility towards the providers of a service or good.

Sanders and Campbell share this focus on recent policy shifts in the UK that 'tackle client demand', but they situate this discussion in the broader context of radical feminist lobbying, which typically sees sex work as inherently violent, inevitably involuntary, and a prolific generator of the objectification of women. More specifically, they observe that although this approach may appeal to policy-makers, it does little to address the complexities of the sex industry, and, more importantly, fails to address the negative impact of such policies on sex workers themselves – as their rights, social inclusion and safety are weakened through the creation of an even more risky and illicit industry. Together, Sanders and Campbell argue for regulation of a legal industry, which would ensure rights for sex workers and leave scarce policing resources to focus upon exploitative practices. They ask also that more consideration be given by policy-makers to existing research on men who pay for sex in order to produce evidence-based policies.

Coy, in her chapter, however, takes a quite different perspective, grounded upon her empirical work as a feminist researcher with a background in outreach projects involving sexually exploited girls and young women, as well as adult women in prostitution. She discusses the role of notions of objectification and commodification in the construction of commercial sex by both clients and prostitutes, and places this in the context of the wider (and, in her view, problematic) socio-cultural context in which there is an increasing mainstreaming and normalisation of the sex industry. She holds the perspective that prostitution constitutes not only a significant barrier to gender equality but also a form of violence against women, and accordingly argues for policies that support exit, alongside the provision of mechanisms for effective intervention to prevent women and girls from being coerced into either entering or continuing in prostitution.

## **Concluding Remarks**

This is a collection that brings together a range of perspectives on prostitution, framed and communicated across a diversity of disciplinary contexts. Our aim in bringing these contributors together has not been to try to impose any kind of strict coherence upon this multiplicity, but instead to present a series of commentaries that constructively underscore the complexity and ambiguity of contemporary engagement with, and regulation of, supply/demand dynamics in the commercial sex context. As part of this project, it has been vital to understand how different theoretical perspectives can help to illuminate (as well as obfuscate) the positions that are represented in current

debates and policies on prostitution. At the same time, this collection emphasises the importance of rendering policy-makers alert to the evidence emerging from empirical studies conducted in different fields of enquiry, in the hope of moving beyond polarity and politics at the local, national and international level.

A key sub-theme here is the role of consumerism in shaping the sex industry, in terms of both the construction of the client–prostitute exchange and the increasingly globalised and normalised nature of its operation. The role of the market – its positive and negative potential – emerges as an important issue which merits further research, not least since it often plays an under-theorised role in feminist debates, with protagonists pointing to both the inclusion *and* the exclusion of commercial sex from the market economy in order to account for the continuation of gender discrimination. On the one hand, it is true, of course, that supply and demand are theoretical constructs that make sense only when one accepts that the exchange taking place happens in a market (however informal or formal this may be). But on the other hand, as many commentators have convincingly argued, the language of the market – much like the language of the law – makes a pretence at neutrality, and as a result, using the market as a metaphor for what is happening in the exchange of paid sex may risk implicit acceptance and, even validation, of the extant power structures and inequalities. Unpicking the dilemmas associated with supply/demand entails a critical exploration of micro- and macro-level power relations, as well as of the dyadic relationship between the two. It requires an account of what forms of consumption and commodification are intolerable, and equally important, it demands that we subject the intuitions we conjure up by posing that question to sustained and critical scrutiny. In so doing, it may offer vital and valuable potential, in the context of prostitution policy, for some fresh thinking around the politics of sexuality, the practices of patriarchy, the feminisation of poverty and the suppression of vice – all of which impinge directly upon the forms and freedoms of the contemporary economies of commercial sex.

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Between the submission of this manuscript and its coming to press, the UK Criminal Justice and Immigration Bill 2007, to which a number of the authors in this collection make reference, was enacted. In its original form, the Bill envisaged the removal of the term ‘common prostitute’ from the statute books and the introduction of special rehabilitation measures for those convicted of loitering or soliciting for prostitution. At a relatively late stage in the debates, however, the Government opted to remove these provisions, apparently concerned that objections raised at the House of Lords in regard to the ‘piecemeal’ nature of this reform effort would delay the Bill’s progress in a context in which its other clauses were seen to be a more pressing priority. The forms of governance reflected in the Home Office’s *Coordinated Prostitution Strategy* clearly support these initiatives, and their removal from the Bill was coupled with an express statement of intent to re-visit and re-introduce them – possibly as part of a more far-reaching reform proposal, pursuant upon a further study on client demand – in the next Parliamentary session. To this extent, the shifts in the framing of, and responses to, prostitution that these clauses illustrate remain highly pertinent, and the evaluations provided by contributors in this regard are thus of considerable value.