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Discourses Surrounding Prostitution Policies in the UK

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ABSTRACT This article examines discourses invoked in the UK debates about prostitution and trafficking in women. The authors suggest that there are three striking features about these discourses: (1) the absence of the sex work discourse, (2) the dominance of the public nuisance discourse in relation to kerb-crawling and (3) the dominance of moral order discourses in relation to trafficking. At a time when the UK is about to revise its sex laws, it is important to consider the discourses that frame prostitution policies in other European countries, with a view to broadening the range of policy options. In this context, the authors compare the UK with the Netherlands, where a sex work discourse has framed debates. This comparison indicates that UK prostitution discourses could be shaped by discourses other than those of public nuisance and moral order and may open up new policy options.

KEY WORDS kerb-crawling ♦ politics ♦ prostitution ♦ trafficking in women ♦ United Kingdom

INTRODUCTION

This article examines the public discourses invoked in debates about prostitution and the trafficking in women in the UK¹ since the 1980s. We aim to determine which discourses have framed policy debates about prostitution within the UK, to compare these with other available discourses and to evaluate the extent to which UK prostitution policies could be framed in alternative ways. We focus specifically on the extent to which the rights of women as prostitutes fail to be prioritized within UK policy debates as a result of the marginality of the sex work discourse. We suggest that prostitution debates in the UK have been shaped by two

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distinct discourses: a public nuisance discourse and a moral order discourse. Of these the public nuisance discourse was dominant throughout the 1980s and 1990s, when kerb-crawling² was the focus of debate, securing widespread support across the political spectrum. Now that the seriousness of trafficking in the UK has been acknowledged a moral order discourse has emerged as central. At a time when the UK is about to revise its sex laws,³ it is important to highlight the limitations of these two discourses in framing possible policy options.

By contrasting the dominant discourses on prostitution in the UK with those in the Netherlands, the constraints of these discourses become manifest. The article therefore considers the differences between the dominant UK discourses and those framing recent debates in the Netherlands. Joyce Outshoorn (2001) has shown that the older moral discourse framing debates on prostitution in the Netherlands has recently been displaced by a sex work discourse. The fact that the parliamentary discourses in the Netherlands have no public nuisance frame and include a strong sex work perspective indicates that UK prostitution debates could be shaped by other discourses, such as the sex work discourse, which may open up new productive policy options.

FRAMING DOMINANT DISCOURSES: 'PUBLIC NUISANCE' AND 'INNOCENT VICTIM'

Two of the most significant debates on prostitution in the UK during the last 20 years have been the kerb-crawling debate and the more recent trafficking debate. In the former, the prostitute is understood as a public nuisance, in the latter as an innocent victim. The two dominant discourses on prostitution within the UK have two quite distinct histories. The public nuisance discourse draws on an English liberal legal framework, which is shaped by a central public/private distinction. The moral order discourse draws on a more complex synthesis of international human rights rhetoric, religious orthodoxies and a feminist perspective on sexual domination.

Within Britain's current legal framework, prostitution is conceived of as a public nuisance. The position of the prostitute is ambiguous in relation to the law: the sale of sex is not an offence but many of the activities connected with it are. The law has not sought to abolish or legally repress prostitution by criminalizing the sale of sexual services, as in the USA. However, neither has the law been used to regulate prostitution by legalizing it for licensed brothels, as for example in the Netherlands.

The dominance of this public nuisance discourse can be traced back to the Report on Homosexual Offences and Prostitution (Wolfenden Committee, 1957). Here prostitution is seen as a matter of private

morality, except when it creates a public nuisance, when, for example, road traffic is disrupted by kerb-crawlers, or when women in communities where prostitution occurs experience fear of crime. The Wolfenden Committee Report aimed to apply a rigid distinction between law and morality, claiming that however immoral prostitution may be, it was not the law's business. It encouraged a more systematic policing of the public sphere in order to remove the visible manifestations of prostitution in urban centres (Matthews, 1986: 188–9). Within this legal framework, two key pieces of legislation were swiftly introduced: the Sexual Offences Act 1956 and Street Offences Act 1959. While the Sexual Offences Act deals with the various activities, relationships and behaviours that might aid, manage, exploit or encourage prostitutes,⁴ the Street Offences Act deals directly with prostitutes and prostitution and regulates the manner and means by which prostitutes and their clients can contact each other⁵ (Phoenix, 1999: 19–20). In such a context, parliamentary and public debate concerning prostitution in the UK since the 1980s has been dominated by the issue of kerb-crawling.

More recently, the trafficking in women has also emerged on the public agenda as a serious concern.⁶ This debate entered into the UK public sphere via international and European legislative frameworks.⁷ The General Assembly of the United Nations adopted the UN Convention against Transnational Organized Crime in November 2000. It is to be the first legally binding UN instrument in the field of crime and has to be signed and ratified by 40 countries before it comes into force. The UK signed the Convention along with 120 other countries in December 2000 in Palermo, Italy. The Convention includes two optional protocols. These require the countries to undertake in-depth measures to combat smuggling of migrants and the buying and selling of women and children for sexual exploitation or sweat shop labour (Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children). The UK signed both the optional protocols as well as the Convention.

In addition to signing the Trafficking Protocol to the UN Convention Against Transnational Organized Crime, the UK government recognized the need for a specific offence of trafficking in human beings. It also considered it desirable to harmonize offences and penalties in this area on an EU basis (Hansard, Select Committee on European Scrutiny, Third Report). The Select Committee on European Scrutiny considered the Draft Framework Decision on combating trafficking in human beings and on combating the sexual exploitation of children and child pornography in the spring of 2001.

In other words, trafficking emerges on the UK agenda largely via international and European directives (though a concern about asylum seekers, and the pressure they place on state welfare provision, has also been important).⁸ This route contrasts with kerb-crawling, which has

gained attention within the UK parliament because of local community activism. The public nuisance and traditional moral discourses that characterize the two debates reflect these differing histories. These two discourses construct the prostitute in quite different ways: in the former she is an affront to public morality and hygiene, to be controlled and contained; in the latter she is an innocent victim, to be protected and relocated. The distinction between voluntary and forced prostitution therefore marks the two debates, with kerb-crawling focusing on voluntary prostitution and trafficking on forced prostitution. The distinction is not explicitly drawn however, as the two debates have not been linked within UK public debates. The sex work discourse, which has proved so significant elsewhere (see Outshoorn, 2001), is absent in both debates.

THE DEBATE ON KERB-CRAWLING

The parliamentary debates surrounding prostitution in the mid-1980s and 1990s were characterized by persistent attempts to criminalize kerb-crawlers. These debates were introduced in response to local community activism, and employed the discourses adopted by these campaigners. The protestors, media and local authorities all deployed a public nuisance discourse, which focuses on street prostitution and the public manifestations of commercial sex. It represents prostitution as an activity that brings dangerous and threatening social phenomena into the heart of local communities, notably crime and drugs. The discourse focuses on the disturbance caused to local residents, the atmosphere of fear created among local women and children, and the social stigma brought to the local community. The prostitutes are understood as a source of disease. This is significant in constructing them as a risk group likely to spread ill-health to the rest of the community. In other words, this discourse draws attention to the links between prostitution, criminality and disease.

Local newspapers have played an important role in developing this discourse. In their coverage of kerb-crawling debates, they persistently draw links between prostitution and crime. Constant association is made in the media between the presence of prostitutes and the occurrence of other crimes especially drug-related crimes (Gwinnett, 1998: 90; Hubbard, 1998b: 68–9). Within this discourse innocent women are to be protected from the manifestations of conspicuous sexuality, but it is the resident women and their children who are constructed as the victims, not the prostitutes. The male Street Watch Campaign, for example in Birmingham (see Hubbard, 1998a, 1998b), was established to protect them. In the local papers, there were references to 'young people who need protection from the sights and sounds of vice' (*Express and Star*, 13 March 1994, cited in

Hubbard, 1998b: 67). The debate is underpinned by a strong notion of respectable female sexuality, which excludes the idea of commercial sex.

Significantly, the problems associated with kerb-crawling are personified, not by male customers and kerb-crawlers, but by the female prostitutes. Prostitutes are constructed as holding different sexual values and morals and are assumed to pose a threat to the general populace by their bodies and lifestyle (see Phoenix, 1999: 25). Prostitutes were described as 'the human scavengers polluting our streets' and the pickets as 'the men who cleared Birmingham 12 of street scum' (*Birmingham Evening Mail*, 27 July 1997, cited in Hubbard, 1998b: 68). The pickets described their efforts as 'an attempt to reduce the environmental nuisance connected with persistent kerb-crawlers and street prostitutes who work around the clock' (*Birmingham Evening Mail*, 14 October 1994, cited in Hubbard, 1998b: 68). Because the stress is on the public nuisance resulting from street prostitution, the causes behind prostitution are not on the agenda. The unequal treatment of the prostitutes by the law and the problems they experience in their everyday lives are hardly addressed in the public debates.

This public nuisance discourse has also dominated parliamentary debates on kerb-crawling for the last 20 years. In 1984, Tom Cox (Labour MP for Tooting in London) introduced the parliamentary debate on street prostitution by stressing the experience of 'local residents', the threats and nuisance they endure, and the positive action they had taken to work with local police to deal with the problem.⁹ This 1984 parliamentary debate led to the Sexual Offences Act 1985, which introduced the offence of 'persistent kerb crawling'.¹⁰ All of the parliamentary debates leading up to the introduction of this Act worked within the public nuisance frame. For instance, Jill Knight MP said of Birmingham, Selly Oak:

The children cannot play there. Houses cannot be sold. In one part of Birmingham 50 percent of the houses are up for sale and no one will buy them because of the kerb crawling problem. Flats cannot be let and residents are afraid to go out at night, or even to shop. Businesses in certain areas cannot get women to work in them because of kerb crawling and they have to pack up and move away. (Hansard, 27 February 1985)

However, the 1985 Act very soon proved unworkable because police had to prove 'persistent' solicitation rather than solicitation per se. By direct comparison, the evidential requirement for solicitation by women¹¹ does not require persistence. Alongside the evidential obstacle to effective prosecution was the unwillingness of police to prosecute men, whose only error in their view was to consort with a prostitute (Edwards, 1997: 66).

The issue was therefore raised again in parliament. In 1990, a Private Member's Bill was proposed, with the aim of removing 'persistently' from the Act, to no avail. Although it was clear that this was not a party issue,

there was concern expressed by a few Labour MPs about the civil liberty implications of increasing police powers. Ken Livingstone (Labour MP for Brent East) quoted the civil liberties organization, Liberty:

We accept the need for some effective legislation to protect women from unwanted soliciting for the purposes of prostitution or other sexual harassment in public places. However, we have consistently opposed legislation which creates offences capable of proof by police evidence alone. (Hansard, 11 May 1990: Column 524)

However Tom Cox (Labour MP for Tooting) was more in keeping with the mood of the nation when he stated:

We have heard a great deal about people's rights, and I support these rights, but I give greater support to the rights of women who live in my constituency and who need to be able to walk home without continual harassment and abuse from people who come into the area that I represent. . . . Young girls going home or going to school, or retired ladies going shopping or going to a day centre, when walking in certain streets in my area are regarded by kerb crawlers as potential prostitutes. What has happened to their rights? (Hansard, 11 May 1990: Column 534)

Echoing this public nuisance discourse, Kate Hoey (Labour MP for Vauxhall) insisted: 'There is a great deal of criminality associated with kerb crawling' (Hansard, 11 May 1990: Column 548).

In 1993 and 1994, further debates were introduced, as a response to community activism, which questioned whether existing legislation was sufficient to deal adequately with kerb-crawling, though neither resulted in policy change. In 1994, Lynne Jones (Labour MP for Birmingham, Selly Oak) opened the kerb-crawling debate by stating: 'I have sought this debate on behalf of my constituents who live in what should be a pleasant residential area, but which for decades has been blighted and unjustifiably stigmatised as a result of the nuisance and disturbance associated with street prostitution' (Hansard, 19 July 1994: Column 292). Jones went on to argue that 'from a resident's perspective prostitution creates a poor environmental image. . . . An atmosphere of fear is created for female residents and children.'¹² Within the public nuisance discourse, Jones, along with the Balsall Heath residents' action group, called for 'zones of tolerance' to be introduced. They argued that prostitution should be controlled and managed so as to reduce medical problems and impose as little strain as possible on local people.

In 2001, kerb-crawling was once again the subject of parliamentary debate.¹³ The public nuisance discourse continued to dominate; however, there was a shift in terms of attitudes to zones of tolerance. While Jones had strongly supported such zones of tolerance, Gisela Stuart (Labour MP for Birmingham, Edgbaston) argued against them. Once again, she

introduced debate by invoking the public nuisance caused to constituents by kerb-crawling: 'Street prostitution is often a means by which people finance their drug habit. Associated with such a public nuisance is increased criminality closely connected with drug abuse' (Hansard, 3 July 2001: Column 46 WH). However, in contrast to Jones, who had been advocating zones of tolerance, Stuart strongly opposed them, rejecting the report of a panel composed of councillors and community representatives, including the police: 'Although it is tempting to say that the introduction of zones of tolerance is a way forward, I do not agree. I think that it is a misguided idea and would not work.'¹⁴ This policy was rejected in favour of a strategy of further increasing police powers.

In 2001, these debates resulted in legislative change whereby the Criminal Justice and Police Act 2001 made kerb-crawling an arrestable offence.¹⁵ Making the offence arrestable enables the police to take offenders into custody and question them rather than having to summon them to appear at a magistrate's court to answer the charge.

In each of these debates, MPs spoke of the concern expressed by their constituents about the problem of street prostitution. Both legislative changes resulted from Private Member's Bills, introduced as a result of local community pressure. It is clear that parliamentary debate was primarily responding to local constituency concerns about the public nuisance, or 'environmental pollution', caused by kerb-crawling. As David Mellor (Conservative Parliamentary Under-Secretary of State for the Home Department) stated: 'We are under no illusions about the nuisance caused by prostitutes soliciting in the streets, and the genuine distress experienced by respectable and law abiding residents who live in the vicinity of red light areas' (Hansard, 27 February 1984: Column 675). This public nuisance discourse was the only discourse articulated, and was shared by MPs across the political spectrum – Conservative, Liberal and Labour. While it was Labour Party MPs who primarily introduced the Private Member's Bills, this was largely a function of the fact that these MPs represented the inner-city constituencies in which kerb-crawling was perceived to be the biggest problem. Therefore, the public nuisance discourse was shaped by local community activism rather than by party ideology. Notably, the debate was not propelled onto the public agenda by feminist or prostitute organizations, nor was it introduced by government.

Notwithstanding the variations and tensions within the public nuisance discourse, it has proved sufficiently coherent and compelling to result in the marginalization of all other possible discourses. The sex work discourse, which is increasingly significant within Dutch debates on prostitution, has been eclipsed in the UK. In this discourse, 'prostitution becomes a sexual service or sex work, a profession a woman can enter out of free will. The prostitute can dispense of her body for the purpose of

prostitution by contract, in which case the state should not intervene: it is the private affair of her as a citizen' (Outshoorn, 2001: 478). Within the UK, this discourse has gained only the most marginal status. Only the English Collective of Prostitutes (ECP), formed in 1975 as an autonomous organization of prostitute women within the International Wages for Housework campaign, has systematically used this discourse. Its approach emerges out of socialist and feminist ideological critiques of contemporary society, and it focuses on the material and structural determinants of the prostitution industry. It therefore differs from the more individual, contractualist articulation of the discourse more evident within the Netherlands (Outshoorn, 2001: 478).

In their 1997 statement, the ECP states:

We campaign for the abolition of the prostitution laws which punish women for refusing to be poor and/or financially dependent on men; for human, legal economic and civil rights for prostitute women; and for higher welfare benefits and wages, student grants, housing and other resources so that no woman, child or man is forced by poverty into sex with anyone. (ECP, 1997: 83)

The ECP argues that prostitutes, who are criminalized and stigmatized by the law, are denied basic civil rights. They have to live with a constant fear of 'losing custody of children, housing or second job, being deported, ostracized by families and friends'. They are also denied 'the right to a family life other people take for granted because anyone who associates with a prostitute can be accused of being a prostitute herself or even a pimp' (ECP, 1997: 86). Crucially, although kerb-crawling legislation is about men, it has resulted in large numbers of prostitute women being arrested. 'Women – not men – are the first target', argues the ECP (1997: 91).¹⁶ The ECP regards kerb-crawling legislation as a 'part of the government's drive to "clean-up" inner city areas of one of the more visible effects of their economic policies – increased prostitution – and to defend the value of some people's property at the expense of the civil rights of others' (ECP, 1997: 90).¹⁷

The fact that kerb-crawling was made an arrestable offence under the Criminal Justice and Police Act 2001 illustrates the marginality of the sex work discourse. Drawing on a sex work discourse, the ECP argued strongly against such legislation. In the early 1980s, the ECP initiated the Campaign Against Kerb Crawling Legislation (CAKCL). As a result of the objections raised by this group to the 1985 legislation, the ECP claim that the House of Lords amended legislation to include 'the need to prove persistence, annoyance or nuisance' before a man can be convicted of the offence of kerb-crawling (ECP, 1997: 90). However, as a result of local community and police lobbying and parliamentary concern, this requirement to prove persistence was dropped in the 2001 legislation. The

temporary inclusion of the persistence clause was the only concrete policy response to the demands of sex workers.¹⁸ The concerns of the more established groups played a more prominent role than those of sex workers in the MPs' final recommendations (West, 2000: 109). As a result, tighter controls for kerb-crawling remains a core policing issue (West, 2000: 107).¹⁹

The new Anti-Social Behaviour Order (ASBO; introduced in 1999, as part of the Crime and Disorder Act) also draws on the public nuisance discourse, against the sex work discourse. ASBO was initially designed to help police and local authorities tackle hooligans, but now it is being used against sex workers (*The Guardian*, 20 December 2001). The government views ASBO as a way of being morally tough on sex workers. The ECP, in contrast, argues that the new order is causing prostitute women to take greater risks. It has resulted in many going underground and has disrupted their ways of dealing with dangerous customers. One prostitute, banned from working by this order, states:

I will keep trying to exit prostitution, but slapping an Asbo on me isn't the way to do it. I have to find a way to earn money to support my kids and it has to be flexible enough to accommodate my child care needs. I've only got 80p left in the electricity meter and if I don't get some punters tonight we'll all be sitting in the dark. (*The Guardian*, 20 December 2001)

However, her sex work discourse has been eclipsed.

The dominance of the public nuisance discourse led to very specific policy responses, which focus on strategies of driving prostitution away or containing it within a strictly regulated area. Professor Roger Matthews, who has developed a multi-agency approach to tackle street prostitution, articulated this policy response most influentially. He claims that his approach, including road closures and traffic calming measures, benefits residents and also helps to deter some women from street prostitution (Matthews, 1986, 1992; see also Benson and Matthews, 1995). Regulation is proposed to deal with the issues and problems that prostitution raises. It is based on a model that stands firmly on the side of residents in red-light districts in partnership with the police or city council. Not surprisingly, many feminists have resented the model. It is argued that Matthews's approach leaves no space for the voices of the women working as prostitutes (O'Neill, 1997: 21).²⁰

O'Connell Davidson (1998), for example, argued that unless the structures which drive people into prostitution are addressed, legal and other measures aimed at preventing prostitute use will do little to improve the lives of those exploited by prostitute users.²¹ She suggests that campaigns must be informed by an appreciation of the multiple oppressions involved in prostitution (O'Connell Davidson, 1998: 201). For example, kerb-crawling legislation and direct action by local residents, as in the

case of Birmingham, can actually make the most vulnerable prostitutes even more vulnerable. Maggie O'Neill (1997) observes how regulation is based on a model that stands firmly on the side of residents in red-light districts in partnership with the police or city council, and leaves no space for the voices of the women working as prostitutes. She argues for a more coordinated network of services to prostitutes, playing educative and empowering roles (O'Neill, 1997: 21). These perspectives were not represented in parliamentary debates. West concludes that, as in the US, in the UK prostitutes' organizations have had very little influence, partly because of preoccupations with disorder and abuse (West, 2000: 115).

THE DEBATE ON TRAFFICKING

In the late 1990s, debates about prostitution took on a new form, focusing on trafficking for sexual exploitation. By contrast to the kerb-crawling debate, in which local communities were significant players, the focus of this debate has been on international and metropolitan spheres only. The public nuisance discourse that framed the kerb-crawling debate sidelined any concerns with more private forms of prostitution, and the phenomenon of trafficking (in which women are frequently kept out of the public sphere entirely) is not apparent within this context. For this reason, the issues of kerb-crawling and that of trafficking have been viewed as quite distinct within public debate: kerb-crawling was a community level concern, whereas the actors in the trafficking debate are found at the international or national level. This is reflected in the lack of interest or commitment locally to allocate scarce resources to such 'marginal' areas (Kelly and Regan, 2000: 35). Indeed, the public nuisance discourse operating in relation to kerb-crawling may actually work against the effective deployment of policies to combat trafficking. Also government advisers have stressed that the dominance of the public nuisance discourse has been used to justify state inaction in relation to trafficking (see Kelly and Regan, 2000: 28). This point has since been acknowledged by government: the Minister for Prisons, Keith Bradley MP, recently noted: 'It is important that measures that are taken to deal with the nuisance associated with prostitution do not create an environment in which trafficking can flourish' (Hansard, 3 July 2001: Column 50 WH).

Debates about trafficking have emerged within the UK public sphere later than in the Netherlands, possibly because of the dominance of the public nuisance discourse. However, two factors have propelled the issue onto the public agenda: European and international legal directives and the growing problem of asylum seekers coming to the UK. For instance, in a 2001 parliamentary debate on prostitution, Minister for Prisons, Keith Bradley MP, stated that:

We are determined to tackle this crime and have been actively negotiating the final text of a European Union framework decision to combat trafficking in human beings. The report of the sex offences review also recommends a new offence of trafficking for the purposes of commercial sexual exploitation. We are now considering the responses to that recommendation. (Hansard, 3 July 2001: Column 51 WH)

During the summer of 2001, Tim Loughton (MP for East Worthing and Shoreham) introduced another debate, specifically on 'Child Sex Trafficking', making it clear what motivated his concern with this issue. He stated:

Over the past five years, the problem of child sex trafficking has reared its ugly head in West Sussex, largely because of the location of Gatwick airport – this is often forgotten – in what is a predominantly rural county. . . . Since 1990, 479 child asylum seekers have arrived at Gatwick airport in West Sussex and been placed in the care of West Sussex social services. Since 1995, 64 of those children have gone missing. . . . Strong evidence shows that they end up as prostitutes in northern Italy, predominantly in Turin. (Hansard, 25 April 2001: Column 92 WH)

In other words trafficking is a concern to those who have to deal with the increased numbers of child asylum seekers arriving in the UK. There is concern, among parliamentarians, that those trafficking in children see the UK as a soft touch on asylum seekers.

When trafficking has been debated in the media, it has been to express outrage about the difficulty in gaining convictions and the low penalties for trafficking in people.²² *The Guardian* (14 March 1999) quotes a police source stating that profits in trafficking in people are enormous compared to the risks. Judge Peter Singer, calling for new laws to crack down on the human traffickers, wrote in a letter to *The Times* that those found guilty of controlling prostitutes face a maximum of seven years in prison, or only two years if they caused or encouraged the prostitution of under-16-year-old girls. Even these penalties were 'rarely imposed'.²³ Existing laws, Singer argues, do not fit this new 'burgeoning phenomenon'.

In this context, the state is belatedly developing policy on trafficking. In the Home Office Report of February 2002, David Blunkett, the Labour Home Secretary, announced that the government will strengthen the law, including a 14-year penalty for facilitating illegal entry and trafficking for the purposes of sexual exploitation.²⁴ The White Paper incorporates the recommendation of a previous Home Office report that there should be a specific trafficking offence, which would involve 'bringing or enabling a person to move from one place to another for the purposes of commercial sexual exploitation or to work as a prostitute, for reward' (Home Office, 2000: xvi). This is one of 62 recommendations within the report, placing trafficking within a new sex offences legal framework. The White Paper

details six specific measures that the government will be taking to deal with trafficking. It will combat illegal working through improved enforcement action; strengthen the law; deal appropriately and compassionately with victims of trafficking; target the criminals through intelligence and enforcement operations; cooperate with EU and other international partners; and tackle organized crime through prevention strategies (Home Office, 2002: 17).

The development of this policy has been framed by a moral order discourse. The moral order discourse²⁵ focuses on the innocent victim of imprisonment, abuse and sexual exploitation. It is a largely degendered discourse, focusing on the trafficking in people and children, rather than women. It is closely related to the immigration and asylum debates, so central in the UK at present. This discourse draws upon elements of various pre-existing, and sometimes apparently antithetical, discourses. Notably, it draws on traditional morality, and on child welfare concerns, on international human rights agendas and on feminist analyses of sexual domination. While each of these discourses clearly offers its own distinctive agenda in relation to trafficking, what they share is a preoccupation with protecting the innocent victim. The moral order discourse therefore makes appeal to four quite distinct, and at times incompatible, discourses. Notwithstanding the incompatibility of elements of each of these discourses, they overlap at certain junctures to add critical strength to the broader moral order discourse. This places them directly at odds with the sex work discourse, which is primarily concerned to improve the working conditions of 'voluntary' prostitutes.

Parliamentary debates and media coverage of trafficking have invoked traditional moral discourses. For example, in the House of Lords, Baroness Cox (Conservative) refers to trafficking as entailing 'some of the most brutal forms of man's inhumanity to man' (Hansard, 19 January 2000: Column 1182). Lord Cocks of Hartcliffe states that: 'there is not just the question of humanity towards other people. Christians have a very great vested interest' (Hansard, 19 January 2000: Column 1186) In other words, a particularly moral and often Christian discourse is being invoked.

The discussion of trafficking is also framed by a concern with child welfare. The Minister of State, Department of Health, Mr John Hutton, stated in the parliamentary debate on trafficking:

Such exploitation of young people is a loathsome trade – it exploits the innocence and vulnerability of young people, which is deplorable, but it also strips them of their childhood, which is unforgivable. We need to tackle that evil trade. (Hansard, 25 April 2001: Column 107 WH)

The press also emphasized the plight of children: 'Refugee girls forced to work as prostitutes' claims *The Times* (26 April 2001). The debate is being framed in terms of the moral and physical welfare of children rather

than women and women's rights. Significantly, the most outspoken actors in this debate are Barnardo's and children's charities rather than British women's movements.²⁶

The third perspective contributing to the moral order discourse on trafficking is that of international human rights.²⁷ The debate represents an acknowledgement of the new threats posed to established state-based legal frameworks and national moral codes by increased population mobility. For example, in a recent debate in the House of Lords on 'Bonded Labour and Slavery', Lord Moynihan asked: 'what action is being taken to ensure that the victims of trafficking do not suffer and that those who are responsible are punished, for these women do not represent an illicit migration problem; they represent a human rights violation' (Hansard, 19 January 2001: Column 1201). The Home Office report specifically mentions that 'globalization has seen a growth in the movement of people, capital and business. It has also seen a growing involvement of organized crime' (Home Office, 2000: 105). This works to reframe the moral order discourses in a new international context. Moreover, given the significance of the UN and the EU in shaping the debate about trafficking within the UK, it is not surprising that elements of the debates have been conducted in terms of international human rights discourses and legislation. The Home Office report states: 'individuals are often held in circumstances which effectively restrict their freedom: passports and identification papers are removed; there may be limits on their ability to refuse clients or certain sexual practices and violence may be used to control them' (Home Office, 2000: 111).

The fourth perspective contributing to the moral order discourse, and so strengthening its appeal among a different constituency, is the sexual domination discourse. This discourse grows out of a radical feminist ideology, notably articulated by Kathleen Barry (1995) and Sheila Jeffreys (1997), that emphasizes the political and global dimensions of men's sexual violence against women. They argue that sexual exploitation is the foundation of women's subordination and the base from which discrimination against women is constructed and enacted (Barry, 1995: 11).

On an international level this approach has been advanced by Coalition Against Trafficking in Women (CATW). At the UK level, the sexual domination discourse is most clearly advanced by the Rape Crisis Federation (RCF) and Campaign to End Rape (CER). They have been consulted directly by the Home Office and the women's policy agencies regarding the drafting of the government report on trafficking. Feminist academics and key advocates of the sexual domination discourse Liz Kelly, director of the Child and Woman Abuse Studies Unit, and Linda Regan produced a Home Office paper on trafficking in women for sexual exploitation in the UK (Kelly and Regan, 2000).²⁸ In this they recommend 'the creation of a crime of "sexual exploitation" where proving the offence would require

showing that a sexual act took place and that someone else benefited from it in monetary terms or in kind' (Kelly and Regan, 2000: v-vi). They call for basic and regular monitoring of off-street prostitution and reform to ensure that the legal framework, including sentencing, acts as an effective tool to prosecute traffickers and exploiters (Kelly and Regan, 2000: vi). These recommendations were very closely aligned to the policy proposals made in the Home Office report. This indicates that a sexual domination discourse has filtered through into the formulation of trafficking policy. The fact that the sexual domination discourse is, in this case, compatible with the moral order discourse, may explain this influence.

Despite the differences between the traditional moral, the child welfare, the human rights and the sexual domination approaches, they all share a common preoccupation with the innocence of the victims of trafficking. Jo Doezema analyses the fascination felt about this innocence. She points out how the language of 'duped', 'tricked' and 'lured' enforces the image of women who did not know what was happening to them (Doezema, 1998: 43). She also detects the constant emphasis on the poverty of these women. This serves a twofold purpose: on the one hand, it shows an underlying rejection of prostitution as a profession. No 'normal' woman would choose the work unless forced into it by poverty. On the other hand, the focus on poverty establishes the innocence of the trafficked victims and thus their eligibility for human rights protection (Doezema, 1998: 43-4). Her own work draws on the sex work discourse. She argues that a number of today's campaigns against trafficking have become a platform for reactionary and paternalistic voices that advocate a rigid sexual morality under the guise of protecting women (Doezema, 1998: 45). The discourse is limited to forced prostitution. In this process, the sex worker, the voluntary prostitute, is ignored (Doezema, 1998: 45). The distinction between forced and voluntary prostitution is employed in a way that reproduces the madonna/whore division within the category of the prostitute. The madonna is the forced prostitute, the innocent victim, while the voluntary prostitute is the whore, 'she deserves what she gets' (Doezema, 1998: 45).

It is open to question whether the feminist sexual domination discourse has been complicit in a reactionary moral agenda, but it is clear that the sex work discourse has again proved marginal to public and parliamentary debate, policy formation and implementation. The sex work discourse was articulated on a theoretical level, for example by Jackie West (2000), and at an activist level by Europap-UK, a network which provides HIV and STD prevention services to sex workers (Europap-UK, 1999b). Hilary Kinnell of Europap-UK was invited to submit written comments to the Home Office on trafficking and sexual exploitation (Europap-UK, 1999a), but this contribution had little impact in the final report.

The police raids in Soho, London, illustrate this marginality in practice. In the name of protecting women from trafficking, about 40 women were arrested, detained and in some cases summarily removed from Britain. The women's organizations and the ECP protested against the raids. They argued that most of the immigrant women prostituting in Soho were doing it voluntarily. Niki Adams from Legal Action for Women argues in *The Guardian* that government is trying to use prostitution as a way to make deportation of the vulnerable more acceptable (*The Guardian*, 22 February 2001). Also, Nina Lopez-Jones from the ECP argues:

The Soho raids to 'liberate' victims of trafficking was an abuse of power. Women were led to believe that they could expect protection, only to find themselves arrested and deported. This raid lays the basis for trafficking legislation which would give the police greater power of arrest, while the women on whose behalf they are supposedly acting would no longer need to give evidence – the police, not the victim, would testify about the truth of her situation. (*The Guardian*, 22 February 2001)

The deep scepticism that views of Adams and Lopez-Jones express has not received much attention in the public debates on trafficking in women and children and is entirely absent from parliamentary debates.

The marginality of the sex work discourse shapes UK public and parliamentary debate on prostitution. Currently, trafficking and child prostitution are on the agenda while other dimensions of prostitution are excluded from review. Issues of abuse and coercion are beginning to dominate the UK debate, both in the media and at official levels, encouraged by a Labour government with a programme of moral renewal (West, 2000: 109). Significantly, the moral order discourse has sidelined the concerns of female prostitutes. Instead, there has been a moral outrage about children being trafficked into Britain and forced into sex slavery. The distinction between forced and voluntary prostitution loses its critical edge in the context of the moral order discourse that generates policy aiming to protect vulnerable children and women. This approach downplays the moral agency and legal rights of prostitute women.

Nonetheless, O'Connell Davidson notes that positive developments have been made. Traditionally, law enforcement practice in Britain has been to prosecute children for prostitution offences rather than their clients for child sexual abuse, and it is as a result of campaigns by children's charities that police and magistrates are beginning to shift the focus of legal control (O'Connell Davidson, 1998: 73). Also, West welcomes the development but suggests that it reflects the greater influence of well-organized 'moral constituencies' such as Barnardo's and the Children's Society than of groups promoting sex workers' occupational rights (West, 2000: 109).

THE UK DEBATES IN CONTEXT

When comparing prostitution discourses in the UK and the Netherlands, several striking differences emerge. The first, and most notable, difference between prostitution debates in the two countries is the different *focus* of parliamentary debate:²⁹ in the UK debates on prostitution have focused on kerb-crawling, while in the Netherlands they have focused on the legalization of prostitution and the repeal of the brothel ban (Outshoorn, 2001; Outshoorn, 2004). In this context, the parliamentary prostitution debates have been quite distinct. However, a new-found convergence emerges in relation to trafficking. This issue is now relatively significant in both countries. A bill proposing higher custodial sentences and a new formulation on trafficking was sent to the Dutch parliament in 1988 (Outshoorn, 2001: 481). A bill also proposing tougher sentencing for traffickers is currently being drafted in the UK parliament (Home Office, 2002). The debate on trafficking has therefore entered into UK parliamentary debates more recently, possibly as a result of the discursive framework (which privileges public nuisance issues) operating within the UK.

Both feminist discourses and feminist actors have played a central role in shaping prostitution discourses and policies in the Netherlands. Dutch official Cabinet documents on the status of women and sexual violence were influenced by discourses developed by 'the femocrats of the women's policy agency in the Netherlands' (Outshoorn, 2001: 475). The Dutch government legitimated its prostitution policies by claiming its legislation was in line with 'feminism' (Outshoorn, 2001: 474). By contrast, the women's policy agencies in the UK have not played any notable role in the kerb-crawling debates, and have only very recently engaged with the debates on trafficking (Kantola and Squires, 2004).

The discourses adopted within the two countries have been quite distinct. This may partly result from the differing role of feminist policy agencies and NGOs in relation to these debates, but is also clearly determined by the differing legal and cultural frameworks at play in each country. In the Netherlands, three discourses have competed for dominance: the traditional moral discourse, the sexual domination discourse and the sex work discourse (Outshoorn, 2001). In the parliamentary debates about repealing the brothel ban, Outshoorn argues that it is the sex work discourse that has won out (Outshoorn, 2001: 484).³⁰ By contrast, in the UK we have indicated that only two discourses have been employed: a public nuisance discourse and a moral order discourse. The sexual domination and sex work discourses have played no significant role in the UK debates on kerb-crawling. The public nuisance discourse has been absolutely dominant. This means that there has been consensus rather than competition regarding the discourses in the UK.

Outshoorn also discusses the ambivalence of the sex work discourse: prostitution was recognized as sex work, however it had to be seen as a special profession (Outshoorn, 2001: 484). A prostitute cannot be held to her contract, as this would violate her bodily integrity. Also, prostitution could never be considered work a woman could be required to do in order to retain her benefits (Outshoorn, 2001: 484). These nuances cannot be discussed in the British context because the sex work discourse is so marginal.

As West notes, as a result of the influence of the sex work discourse in the Netherlands and the decriminalization of prostitution at the national level, the range of policy options and issues to be addressed is much wider than in the UK (West, 2000: 113). The existence of three distinct discourses competing for dominance within Dutch debates means that the horizon of possible policy options has been relatively wide. In the UK, where the single public nuisance discourse has dominated without real competition, the range of policy options is much narrower.

In the Netherlands, important prostitution policy debates have included measures on pay, time off, workplace safety, work conditions, hygiene, health and recognition of the rights of the prostitutes to refuse drunk or violent clients. The sex work discourse allows for a debate on the regulation of these issues (West, 2000: 114). In the UK, in contrast, the absence of the sex work discourse is preventing these issues from entering the public debate.

The clearest representative of the sex work discourse in the UK is the ECP. As noted earlier, its notion of sex work is very different from the more liberal Dutch version of the sex work discourse. This further limits the policy options available. The energy and the demands of the ECP are directed at: 'defending sex workers against police illegality and racism, winning compensation for rape victims, defending sex workers against attacks by vigilantes, opposing and preventing the scapegoating of sex workers for HIV and AIDS, getting the police to stop using possession of condoms to arrest sex workers'.³¹ Rather than focusing on the welfare and rights of prostitutes, and protecting them from police excesses, UK prostitution policies have focused on the need for containment and control of prostitutes by the police.

Notwithstanding the clear differences between the UK and the Netherlands in relation to prostitution discourses, there are also areas of similarity. These similarities are particularly evident in relation to the more recent trafficking debates. There are two points of convergence between trafficking policies in the Netherlands and the UK: in both countries one finds that forced (rather than voluntary) prostitution is central and that the debates are largely gendered.

The distinction between forced and voluntary prostitution is important in both the Netherlands and the UK debates. It is a distinction that is

drawn upon quite explicitly in Dutch debates, and more implicitly – but equally significantly – in UK debates. Outshoorn argues in relation to the Netherlands that: 'As trafficking was by definition about forced prostitution, this had the effect that during the parliamentary debates discourses about voluntary prostitution were not developed any further' (Outshoorn, 2001: 483). Similarly, within the UK there has been no evidence of an integrated approach to both trafficking and kerb-crawling. The two issues have been debated separately within parliament, divorcing forced and voluntary prostitution into two quite distinct policy spheres. The dichotomy between public nuisance and innocent victim has shaped UK debates: the former invokes the notion of voluntary prostitution, and the latter invokes the notion of forced prostitution. However, this distinction has not been the subject of explicit reflection among UK parliamentarians and policy-makers, as it has in the Netherlands.

This distinction between forced and voluntary prostitution plays itself out in relation to asylum-seeking and anti-immigration agendas. Within both the Netherlands and the UK one can discern a tension between these two policy frameworks in relation to trafficking. Within the voluntary prostitution perspectives, anti-immigration issues become pivotal, with fears about streams of non-EU prostitutes seeking work in the Netherlands and the UK. These are understood to be illegal immigrants, and are portrayed as 'false victims' (Outshoorn, 2001:482). Within the forced prostitution perspective, the plight of asylum seekers and the responsibility of the host country becomes the more central paradigm. Here the victims are thought to be genuinely in need of government aid and protection. The explicit awareness of the forced/voluntary distinction within the Netherlands among parliamentarians means that the tension between the illegal immigrant and asylum seeker perspectives is the object of overt debate: 'if these women were sorry victims, they could not be purposeful illegal migrants coming to profit from the Dutch riches at the same time' (Outshoorn, 2001: 482). Both the moral order discourse and the sex work discourse have shaped trafficking policy formation within the Netherlands, and the tension between the two has been the object of political negotiation. In the UK, by contrast, the sex work discourse has been absent from the trafficking debate and it is the image of the innocent asylum seeker that has dominated.

The second area of policy convergence between the two countries lies in the degendering of trafficking debates. Outshoorn notes that the 'Trafficking of Persons' bill uses gender-neutral language, thereby concealing the power dimension involved in prostitution, namely that it is mainly women being trafficked for sexual purposes of heterosexual men (Outshoorn, 2001: 483). Similarly in the UK, parliamentary debates and government papers have referred to children rather than women. We have argued that the moral order discourse that shapes trafficking policy in the

UK is influenced by child welfare, human rights and sexual domination perspectives. The first focuses on children, the second on individuals and only the third on women. Although advocates of the sexual domination discourse have been influential in relation to trafficking debates (Kelly and Regan, 2000), government recommendations in the recent White Paper are phrased in terms of 'EU nationals of whatever sex or age' and 'victims of exploitation' only (Home Office, 2002: 84, 85). In other words, the trafficking debates in both countries are largely degendered.

CONCLUSION

We suggest that there are three striking features about the UK discourses on prostitution: (1) the absence of the sex work discourse, (2) the dominance of the public nuisance discourse in relation to kerb-crawling and (3) the dominance of a moral order discourse in relation to trafficking.

Prostitution is conceived in the UK primarily as a public nuisance. The parliamentary debates on kerb-crawling have been framed by this public nuisance discourse. This discourse emerged from, and gave legitimacy to, local community activists. By contrast, in relation to trafficking a moral order discourse is clearly central. This discourse emerges from, and gives a central role to, children's charities, certain feminist groups advocating a sexual domination discourse and religious organizations. Both of these discourses work to marginalize the sex work discourse that has been adopted by the ECP, the main feminist group campaigning around prostitution.

The public nuisance discourse is less prominent in the current trafficking debate because the practice of trafficking has so little impact on the public sphere. As a result, the discourse of parliamentarians has been shaped by NGOs rather than by local activists. Indeed, the dominance of the public nuisance discourse in relation to prostitution debates in the UK has arguably worked to blind the public and policy-makers to the extent of trafficking. Now that the seriousness of trafficking in the UK has been acknowledged, largely as a result of pressure from international organizations and children's charities within the UK, it is a moral order discourse that has emerged as central to this parliamentary debate.

When comparing prostitution discourses in the UK and the Netherlands, several striking differences emerge. The first, and most notable, is the different *focus* of parliamentary debate: in the UK debates on prostitution have focused on kerb-crawling, while in the Netherlands they have focused on the legalization of prostitution and on the repeal of the brothel ban. Second, the key *actors* and advocates of policy formation have been different in each country: in the UK local community organizations, policy-makers and parliamentarians have been the key actors, whereas in

the Netherlands feminist organizations have also been key actors. Third (and possibly as a consequences of the preceding), the *discourses* adopted by parliamentarians and within the public sphere more generally have been quite distinct. There are various important consequences following on from the appeal to these different discourses in the two countries. A final difference between the two countries lies in the field of *policy* decisions. In the Netherlands, there has been a focus on regulation of the working conditions of prostitutes. In the UK, the focus has been on policing and containing prostitution. However, now that trafficking is on the UK agenda, there is a notable convergence between the two countries in terms of the key actors shaping policy, the discourses adopted and the policies being formulated.

At a time when the UK is about to revise its sex laws, it is important to highlight the absence of the sex work discourse in parliamentary debate. This discourse, adopted only by certain marginal UK feminist groups, has framed debates in the Netherlands, generating very different prostitution policies. Outshoorn has shown that the moral discourses framing debate on prostitution in the Netherlands have recently been displaced by a sex work discourse. This is important, in that it indicates that the sex work discourse could also be strengthened in UK prostitution discourses. A willingness to engage other discourses may open up new policy options currently outside the parliamentary discursive framework.

NOTES

1. In this article we are considering legislation that is passed at Westminster and pertains to England and Wales. We do not deal with prostitution policies in Scotland or Northern Ireland. For a discussion on prostitution in Scotland see Fiona Mackay and Andrew Schaap unpublished paper.
2. Kerb-crawling is the term used to describe soliciting women from motor vehicles for the purposes of prostitution.
3. A recent Home Office report recommends a new code of sex offences (Home Office, 2000). Reforms are required to prevent breach with the European Convention on Human Rights, which came into force in autumn 2000.
4. Under the Sexual Offences Act 1956 it is a criminal offence to: cause or encourage prostitution (also known as procuring women to become prostitutes) (Section 22. 1), live on the earnings of prostitution (Section 30. 1, Section 31), keep a brothel or knowingly permit one's premises to be used as a brothel (Sections 33–36 and the Disorderly Houses Act 1751, Section 8).
5. Under the Street Offences Act 1959, the following offences are specified: loitering and soliciting by a 'common prostitute' in a street or public place for the purpose of prostitution (Section 1. 1), solicitation by men for immoral purposes (Section 32), kerb-crawling (Section 1. 1) and persistent solicitation of women for the purposes of prostitution (Section 2. 1).
6. On 19 January 2000 there was a debate in the House of Lords on Bonded Labour and Slavery. This cross-bench debate was concerned with bonded labour generally, and focused attention on child labour in particular.

7. The EU actions include the STOP and DAPHNE programmes, which aim at improving the position of the victims of trafficking. STOP was launched in November 1996 to support the actions of persons fighting for the prevention of trafficking in human beings and the sexual exploitation of children. DAPHNE (launched in 1997) campaigns to combat violence against children, young people and women. Article 29 of the Amsterdam Treaty contains an explicit reference to trafficking in human beings. Joint Action 1997 was taken to review existing laws of the member states with a view to providing that trafficking in human beings was a criminal offence. The Vienna Action Plan (1999) and Tampere European Council (October 1999) requested concrete initiatives on the field (points 23 and 48). The Commission of the European Communities made a Proposal for Framework decision (December 2000).
8. See Wijers (2000).
9. In the parliamentary debate on the Sexual Offences Bill, 25 January 1985, the public nuisance discourse was again evident: 'in every major city and town in Britain there is a small area . . . where the residents are made unhappy and where, on occasion, women are afraid to go out on their own' (Janet Foukes, MP for Plymouth, Drake). 'The effect on the community of dozens of single acts of kerb crawling in the course of an afternoon or evening is to create a public nuisance' (David Mellor, Conservative Parliamentary Under-Secretary of State for the Home Department).
10. The Criminal Law Revision Committee's (1984) recommended that the law on men who solicit prostitutes be tightened in such a manner that they should be criminalized for their actions. This was done by the Sexual Offences Act 1985.
11. Under the Street Offences Act 1959.
12. However, Jones claimed that in arguing that prostitution be viewed 'merely as a service which should be tolerated, provided that it does not cause nuisance' she was representing the views not only of her constituents, but also of prostitutes themselves, police officers and even representatives of the Mothers' Union (Hansard, 19 July 1994: Column 292).
13. In 1999, there was yet another parliamentary debate, again reviewing the law on kerb-crawling in response to concerns of MPs with constituency-related problems. This debate was also characterized by inner-city Labour MPs speaking about the concerns of their constituents. See, for example, Diane Abbott (Labour MP for Hackney North and Stoke Newington) (Hansard, 15 March 1999: Column 701).
14. Gisella Stuart notes that while it is often argued that tolerance zones work in Europe, they would not be appropriate for Britain: 'people on the continent have very different attitudes to sex. Zones of tolerance on the continent are usually made in agreement with the prostitutes and the local authority, because the system of pimps does not exist there to the extent that it does here. The zones on the continent operate without the involvement of pimps, but that would not happen here, so there is no analogy between the two situations.'
15. This was done by inserting Part 3 of the Criminal Justice and Politics Act 2001, 'Police and Criminal Evidence and the Terrorism Act', into Section 24(2) of the Politics and Criminal Evidence Act 1984.
16. For similar conclusions see Gwinnett (1998: 88), Edwards (1997: 58) and Scambler and Scambler (1998: x).

17. Interestingly, the ECP opposes the legalization of prostitution. In their view, this would only increase police control – ‘institutionalized pimping by the state’ (ECP, 1997: 91). Toleration zones, like the one proposed for Birmingham, are in non-residential areas, where women do not have the protection of other people being out in the streets. However, the ECP is for the abolition of the prostitution laws: ‘only the abolition of prostitution laws can both begin to disentangle consenting sex, which should not be the business of law, from offences of nuisance, and remove the stigma attached to prostitution’ (ECP, 1997: 100).
18. The ECP was partially successful in removing the Imprisonment of Prostitutes Bill in 1982, although the legislative change primarily resulted from more practical concerns with prison overcrowding and ended up having exactly the opposite effect – more prostitutes were jailed (see Kantola and Squires, forthcoming).
19. There were occasional appeals to this sex work discourse within parliamentary debates. For example, Ken Livingstone (Labour MP for Brent East, and former Leader of the Greater London Council) suggested that: ‘Instead of looking for an increase in repression and a widening of police powers, we should look to the social causes’ (Hansard, 11 May 1990: Column 528). However, it is notable that these appeals were made by politicians known for their commitment to ‘old-Labour’ values.
20. O’Neill argues for ‘women centred’ multi-agency approaches. These would allow for a more coordinated network of services to prostitutes, playing educative and empowering roles (O’Neill, 1998: 21).
21. For a criticism, see West (2000).
22. See Tony Thompson and Nicole Veash (*The Guardian*, 19 March 1999), Melanie McFadyean (*The Guardian*, 9 March 2001), Greg Hurst (*The Times*, 26 April 2001) and Gary Slapper (*The Times*, 13 June 2001).
23. Peter Singer (*The Times*, 2 January 2002); see also Sarah Hall (*The Guardian*, 3 January 2002). For similar conclusions see Kelly and Regan (2000).
24. Home Office (2002: 7).
25. This equates to what Outshoorn labels a ‘modernized moral discourse’ rather than the ‘traditional moral discourse’ (Outshoorn, 2001: 476).
26. The Home Office report specifically acknowledges the work of the Children’s Society, Barnado’s, ACPO and the ADSS (Home Office, 2000: 114).
27. The human rights discourse can of course intersect with both a moral order and a sex work discourse. Some campaigning organizations, such as the Global Alliance in Trafficking in Women, which articulate a sex work discourse, also draw upon a human rights discourse when trying to advance the rights of sex workers. For a useful discussion of the tensions between international human rights law and a sex work approach see Sullivan (2003).
28. Liz Kelly was a member of the Home Office External Reference Group producing a review of the sexual offences law in 1999 and the Metropolitan Police Consultative Group on serious sexual offences in 1999; she was consultant to the government’s Women’s Unit on developing its policy on violence against women, 1998–9 and consultant to the British Labour Party policy document on eliminating violence against women in 1995.
29. We recognize that public nuisance issues have been a feature of debates about prostitution within the Netherlands at a local level in debates about issues such as zoning. However we focus our attention here on a comparison of parliamentary debates only.

30. However, one should recognize that some suggest that the decision to lift the ban on brothel keeping was also informed by the wish of the authorities to deal with the public nuisance caused by the sex business. Some commentators emphasize, in contrast to Outshoorn, the importance of the pragmatic Dutch way of dealing with prostitution issues (see Kilvington et al., 2001; van Doorninck et al., 1998). We acknowledge this, but focus on Outshoorn's analysis in our comparison because of its parliamentary focus.
31. See the ECP statement at: www.med.ic.ac.uk/divisions/60/europapnew/activities/UK%20activity.htm

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