

2 Prostitutes, Prostitution and the Law

The legal contexts within which prostitute women work comprise, *inter alia*, the formal laws regarding prostitution and the publicly backed (and at times publicly funded) initiatives that frame particular forms of intervention into the lives of prostitute women. Within Britain's current legal framework, prostitution is conceived of as both a public nuisance problem and a public sexual health problem, and prostitutes themselves are constituted as different from other women. In combination these constructions permit very particular forms of intervention into the lives of prostitute women and thus help to structure the experiences they have of prostitution. This chapter examines the manner in which prostitution and prostitutes are made sense of within Britain's current legal framework.

Women working as prostitutes in Britain find themselves in an ambiguous legal position, for whilst the sale of sex is not an offence, many of the activities connected with it are. Indeed as Bresler (1988) notes, prostitutes are only criminalised when they attempt to work. Contemporary British law on prostitution has been framed by a negative regulationist approach. The law has not sought to abolish or legally repress prostitution by criminalising the sale of sexual services, as in the United States. Conversely the law in Britain has not been used to regulate prostitution by legalising it, as in the case of the licensed brothels in Amsterdam, Hamburg and Australia (see Perkins and Bennett, 1985). Rather British law addresses only those prostitution-related activities that it defines as injurious to the ordinary citizen or exploitative of prostitutes. It has attempted to 'maintain a more manageable form of prostitution divested of its disruptive and politically embarrassing characteristics' (Matthews, 1986, p. 188) by negatively sanctioning particular prostitution-related activities.

This approach was established by the Sexual Offences Act 1956, which deals with the various activities, relationships and behaviours that might aid, manage, exploit or encourage prostitutes. Specifically, the Sexual Offences Act criminalises the following:

- Causing or encouraging prostitution, which is also known as procuring women to become prostitutes (Section 22(1)).

- Living on the earnings of prostitution, which includes the gender-specific offences of pouncing or ‘men living on the earnings of prostitution’ (Section 30(1)) and women exercising ‘control, direction or influence over a prostitute’s movements’ (Section 31).
- Brothel keeping and associated activities such as landlords or tenants knowingly permitting their premises to be used as a brothel and keeping a disorderly house (Sections 33–6, and Disorderly Houses Act 1751, Section 8).

The Street Offences Act 1959 deals directly with prostitutes and prostitution and regulates the manner and means by which prostitutes and their clients can contact each other. It specifies the following offences:

- 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).
- Persistent solicitation of women for the purposes of prostitution (Section 2(1)).

Since 1959 there have been two amendments to the legislation. First, the use of imprisonment as a punishment for women convicted of soliciting was abolished (Criminal Justice Act 1982). Second, ‘persistent’ kerb crawling was made an offence (Sexual Offences Act 1985).

In practice, then, the only way that prostitution can be practised without committing a criminal offence is as a one-to-one arrangement between two consenting adults in private. Moreover, whilst the law does not regulate the specific encounters or relationships between prostitutes and their clients, it does regulate other relationships that prostitutes have – particularly those which are judged to be exploitative of prostitutes. Hence living on immoral earnings and exercising control over prostitutes are offences.

Britain’s current legal framework regarding prostitutes and prostitution was created by the *Report on Homosexual Offences and Prostitution* (Wolfenden Committee, 1957). This report explicitly argued that any attempt to abolish prostitution through the use of law was folly. The Wolfenden Committee claimed that prostitution has persisted across many different societies and throughout time despite the various legal efforts to eradicate it. They opined that its endurance could be explained in terms of the simple notion of supply and demand – as long as there are men who want to go to prostitutes, there will always be

prostitution (*ibid.*, pp. 79–80). Thus underpinning British law on prostitution is an acceptance of its existence, but an acceptance predicated on the notion that prostitutes and prostitution pose a specific public nuisance problem and are therefore subject to legal intervention.

THE ‘PROBLEMS’ OF PROSTITUTION: PUBLIC NUISANCE AND PRIVATE MORALITY

The understanding of prostitution as a problem of public nuisance has shaped and guided nearly a century of laws on prostitution in Britain. Central to the Wolfenden Report was the assumption that the proper function of the law is ‘to preserve public order and decency, to protect the citizen from what is offensive... and to provide sufficient safeguards against exploitation and corruption of others’ (Wolfenden Committee, 1957, pp. 9–10). Combined with this assumption, the report also differentiated between matters of criminal law and private morality, arguing that regardless of the fact that certain forms of sexual behaviour are regarded by many individuals as ‘wrong’, ‘sinful’ or ‘objectionable’, it is not within the ambit of the criminal law to intervene into the private sexual lives of individuals. This differentiation was not new to Wolfenden. Indeed in 1927 the Street Offences Committee argued that the law should not adjudicate over or intervene in issues of ‘private morals or ethical sanctions’, and that the proper focus of the law should be actions by individuals that injuriously affect the rights of others. Directly drawing on the arguments contained in the *Street Offences Committee Report* (1928), the Wolfenden Committee asserted that the focus of legislation on prostitution should not be concerned with the sale or purchase of sexual favours but rather the related activities of prostitutes and others connected with them that cause ‘affront’ to ordinary members of society. In short Wolfenden recommended that prostitution should be seen as a matter of private morality, except when it creates a public nuisance.

Throughout the report the Wolfenden Committee stressed that prostitution causes a problem of public nuisance because the visibility of prostitutes insults ‘public decency’ (Wolfenden Committee, 1957, p. 81). The committee was strident in its assertion that this was the case because ‘those ordinary citizens who live in these areas... cannot, in going about their daily business, avoid the sight of a state of affairs which seems to them to be an affront to public order and decency’ (*ibid.*, p. 82). Such was the strength of the Committee’s conviction

about the offensive nature of the visibility of prostitutes that when recommending the removal of the then legal necessity of proving annoyance before proceeding against a prostitute they remarked as follows:

In our view both loitering and importuning for the purpose of prostitution are so self-evidently public nuisances that the law ought to deal with them as it deals with other self-evident public nuisances, without calling on individual citizens to establish the fact that they were annoyed (*ibid.*, p. 87).

In other words, underlying the British legislation on prostitution is the assumption that the mere presence of prostitutes in public places is enough to cause a public nuisance.

The report's articulation of the type and manner of public nuisance caused by prostitution was fairly unsophisticated in that it relied on the ill-specified and yet self-evidently conceptualised notion of 'an affront to public decency'. However, since then there have been several attempts to specify the exact nature of the nuisance caused by prostitution. For example Sion (1977, pp. 15–16) asserts that the problem of prostitution inheres in the way that prostitution creates an environment where property values and businesses in red light areas decline through the 'bad reputation' of that area; where 'innocent and decent men' are accosted; where road traffic is disrupted by kerb crawlers; where fear of molestation is increased by the presence of men on the streets late at night; where other women may be corrupted because they 'may imitate prostitutes in times of financial distress'; and where young children are 'continuously exposed to the manifestation of prostitution. Similarly the *Criminal Law Revision Committee's Seventeenth Report* (1985) added to this list of nuisances the nuisance of neighbourhoods acquiring a 'reputation for vice' if off-street prostitution in the form of brothels were legalised (CLRC, 1985, p. 14). In more recent works it has been argued that prostitution causes a public nuisance because it creates an atmosphere that increases both the fear of crime experienced by individuals, particularly women, in communities where prostitution occurs (Matthews 1993), and neighbourhood decline, in that once certain 'incivilities' (including activities such as soliciting and kerb crawling) become regular features of a neighbourhood, a dynamic is put in place that both attracts more crime and criminal activities and undermines the stability of the community (see Wilson and Kelling, 1982; Skogan, 1990). More practically, it has also been argued that one of the more significant public nuisance problems that prostitution poses in a society

of car drivers is the sheer increase in the volume of traffic, with all the attendant problems of noise, congestion and pollution (Matthews, 1993).

The conceptualisation of prostitution as causing a public nuisance was resurrected in the 1980s in the campaign to criminalise kerb crawlers. Matthews (1986) and Edwards (1987) have described the role of local community groups, tenants' associations and feminists in the early 1980s in bringing attention to the problem of public nuisance by the clients of prostitutes. The problem, it was claimed, was that non-prostitute women in the streets and public spaces of red light areas were being sexually harassed and 'kerb crawled' by punters. Hence for those groups and individuals fighting the campaign to criminalise kerb crawling, prostitution was a public nuisance in that it was adversely affecting the safety of all (other, 'innocent') women. Calls for action culminated in the Criminal Law Revision Committee's (1984) recommendation that the law on men who solicit prostitutes be tightened in such a manner that they would be criminalised for their actions.

The Sexual Offences Act 1985 did just that by introducing the offence of 'persistent kerb crawling'. Matthews (1986, p. 192) interpreted the introduction of the Sexual Offences Act 1985 as signalling a shift in the approach to the 'problem' of prostitution:

Although the Criminal Law Revision Committee maintain a formal commitment to Wolfenden's style of regulationism, there is clearly a marked shift in approach towards a more overt and more systematic 'enforcement of morals', together with a broader shift to the Right, and a gradual erosion of that brand of liberalism which once underpinned Wolfenden's approach.

Whilst such an amendment may have signalled a shift in the constitution of prostitution in terms of private morality, in the 1990s the construction of the problem of prostitution as one of public nuisance was given renewed vigour by various vigilante groups who sought to remove street prostitution from their neighbourhoods and communities. One such campaign was the Streetwatch and Care Association in Birmingham. In the spring of 1994 a campaign was launched with the explicit purpose of ridding Balsall Heath of its street-working prostitutes. The campaign was directed at embarrassing both prostitutes and punters through the highly visible presence of protesters on the streets and the use of placards to notify the punters that the registration numbers of their cars were being recorded. As Raja Ahmin, spokesman for the Association, asserted:

None of the girls live in the area, none of the girls think anything about throwing used condoms in people's gardens or what we might think about having to see prostitution all the time. As far as we're concerned Balsall Heath is for the Balsall Heathers – we want a safe community and that means getting rid of prostitution (Newstalk, BBC Radio 5, 3 June 1996).

By the end of the summer of 1994, most of Britain's major cities had at least one such campaign. These campaigns added a new complexity to the construction of prostitution as a problem, in that whilst clearly drawing on more diffuse notions of public nuisance, they also drew a direct causal link between the existence of prostitution in particular neighbourhoods, a lack of personal safety and crime.

One of the interesting features of British law on prostitution is that it has been reliant on the notion of prostitutes being different from other women. Clearly this is the case, if only because within the law there is a category of offenders known as 'common prostitutes', who are distinct and different from both non-prostitute women and other offenders. An examination of the legal definitions of 'prostitution' and 'common prostitute' illuminates the manner and way in which the law underscores an assumed difference between prostitutes and women not involved in prostitution.

'Prostitution' has never been defined in statute, thus the meaning of the term arises from common law, which stipulates that sexual intercourse is not a necessary component of prostitution (Rook and Ward 1997, p. 262), rather prostitution merely entails 'that a woman offers her body commonly for lewdness for payment in return' (Darling J. [1918] K. B., 635 and 637). Subsequent case law established that, indeed, no actual physical contact between a man and a woman is necessary for prostitution to occur (Webb [1964], 1, Q. B., 357): all that needs to happen is for a woman to be paid for an 'indecent act' (or sexual service). Thus, as prostitution has been defined in law, there is a conflation of the activity of selling sex and a group of individuals. Such a conflation is further noted in the legal category 'common prostitute'. As stated earlier, it is an offence for a common prostitute to loiter or solicit for the purpose of prostitution. The meaning of 'common prostitute' is very clear. A common prostitute is a woman who 'is prepared for reward to engage in acts of lewdness with all and sundry, or with anyone who may hire her for that purpose' (Morris-Lowe [1985], 1 All E. R., 402). Without wishing to overstate the point, as constituted in British law, prostitution (as the activity of selling sex) is defined in terms of a category of persons

(that is, 'common prostitutes'), which is in turn defined in terms of the activity of selling sex.

It is in an examination of the reasons for retaining the category of offenders called 'common prostitutes' that the clear distinction the law draws between prostitutes and non-prostitute women is most visible. In the Wolfenden Report there is a discussion of whether or not to retain the category of common prostitute. The committee acknowledged that there were several objections to retaining the category, especially in terms of (1) the fact that the term is not defined within statute law; (2) the legal anomaly created by defining an offence in terms of the persons committing it, which is unprecedented in relation to other offences; and (3) the presumption of guilt that precedes women into court who have in the past had this label attached to them. However the committee argued that it was important to retain the category in order for the law to provide a 'safeguard from wrongful arrest which ... [it] affords women who are not "common prostitutes"' (Wolfenden Committee, 1957, p. 88). Whilst they explored the possibility of redefining the offence with no reference to a category of persons, the committee asserted that such a legal move would leave the police unable to distinguish between non-prostitute women and prostitute women:

We have in mind the possibility that any woman might, from ignorance or indiscretion, put herself in a position in which she might be said to be loitering, and by conduct which was quite innocent give rise to a suspicion in the mind of an observant policeman, that she was loitering for the purposes of prostitution. She might, for example, be waiting for a friend who had been unexpectedly delayed, and from anxiety over the growing delay enquire the time of a number of male passers-by... [A] policeman might quite legitimately reach the *prima facie* conclusion that she was loitering for the purposes of prostitution and arrest her accordingly (ibid., p. 89).

In other words, because some women might engage in what appears to be the same behaviour as prostitutes, the Wolfenden Committee felt that it was necessary to formalise within the law the distinction between 'innocent' women and 'common prostitutes' in order to protect the former from wrongful arrest. Therefore at the heart of British law on prostitution is a notion of the difference between prostitutes and 'innocent' women, which inheres not in their behaviour and activities (for a single act of 'lewdness' does not confer on a woman the legal label 'common prostitute'), but rather in the manner in which prostitutes are

'indiscriminate' in that they offer sexual services to 'all and sundry'. Prostitutes are not the same as other women because they operate with a fundamentally different set of sexual values. The very visibility of such women thus causes the public nuisance that is the problem of prostitution. According to the Wolfenden Committee, 'the simple fact is that prostitutes do parade themselves more habitually and openly than their prospective customers, and do by their continual presence affront the sense of decency of the ordinary citizen' (*ibid.*, p. 87).

Interestingly, at the same time as constructing prostitutes as a group of morally different and sexually indiscriminate women, the committee also constructed them as different from other women by virtue of some type of pathology that they possessed. When discussing a proposed structure of penalties for prostitution-related offences, the committee recommended that young prostitutes should be remanded at an early stage in their career in order to enable a full social report to be submitted. The point of such a penalty would not be punishment *per se*, but rather to enable Social Services to investigate the psychiatric or medical problems that had led to the young women's involvement in prostitution. This was an unusual recommendation because at that time the courts were empowered only to levy a fine on prostitution-related offences. Thus remanding in custody for up to three weeks an offender convicted for the first or second time of a prostitution-related offence created a certain discrepancy in punishments. The committee, however, felt that this discrepancy was justifiable in terms of the 'benefits' that would accrue from full medical and social reports on the young women (*ibid.*, p. 94).

The understanding of prostitutes as different from non-prostitute women also occurs later in the report in relation to 'living on the earnings of prostitution'. Here the committee was adamant that the relationship between prostitutes and pones is not as exploitative as it first appears. According to the committee, the relationship between a prostitute and her ponce is usually instigated by the woman, and 'seems to stem from a need on the part of the prostitute for some element of stability in the background of her life' (*ibid.*, p. 99). In other words, prostitutes' lives are so unstable that they have need of what has been thought of as an exploitative relationship. They are unlike other women because behaviour such as taking or demanding a woman's earnings has a fundamentally different meaning for prostitute women.

One result of the legal constitution of the problem of prostitution as one of public nuisance is the generation of a set of laws and policing strategies that focus not on prostitution, *per se*, but on particular forms

of prostitution and prostitution-related activities. Hence, the police aim to reduce or end street prostitution but tolerate the growth of less visible forms of prostitution such as sauna work, brothel work and home work, which are seen as causing less public nuisance. For example 'zones of tolerance' have been created where particular forms of prostitution are permitted, as in the case of Birmingham City Council's recent considerations (O'Neill, 1997; cf. Matthews, 1986; Smart, 1995). Indeed the Street Offences Act 1959 facilitated the targeting of street prostitution by:

- removing the need to produce evidence to prove 'annoyance' in order to proceed with a loitering or soliciting charge (Wolfenden Committee, 1957, pp. 86–7);
- increasing the police's discretionary powers with regard to cautioning (Matthews, 1986);
- creating the legal category 'common prostitute' (a category conferred on a woman after two cautions for loitering or soliciting), who can be proceeded against on the evidence of two police officers (Matthews, 1986; English Collective of Prostitutes, 1997).

Matthews (1986, p. 189) has asserted that a regulation system was thus introduced that was capable of much 'deeper intervention' than had hitherto been possible by employing more punitive measures against a smaller (and more containable) prostitute population.

But it has also been argued that the 'streamlining' of the regulation of street prostitution has made street workers a special and unique category of offenders. As noted above, current legislation constructs the offence around the offender herself, rather than around specified forms of behaviour, and hence 'women with one or more previous conviction(s) find themselves under scrutiny and their mere presence on the streets often leads to further arrest and prosecution' (Edwards, 1997, p. 61).

Moreover, by permitting subsequent convictions to be based on the label 'common prostitute' and the evidence of two police officers, the Street Offences Act 1959 created an exceptional and discriminatory situation in which the principle of 'innocent until proven guilty beyond reasonable doubt' was turned upside down through a procedural system in which prostitute women could be tried not on the evidence against them, but on their previous records and the 'cautions which stamp and condemn' them (English Collective of Prostitutes, 1997, p. 85).

A second effect of the construction of the problem of prostitution as one of public nuisance is the comparative underenforcement of provisions

designed to protect prostitute women from exploitation (Matthews, 1986; Edwards, 1997). For focusing legal and police attention on the public nuisance caused by prostitution creates a situation in which attention is deflected away from less public and less visible prostitution-related activities. Indeed Matthews (1986, p. 208) reports that in 1978, whilst there were thousands of convictions for soliciting-type offences, only fourteen people were tried for procuring and only eleven of those fourteen were eventually convicted. Edwards (1997) explains the failure to police the legal proscriptions against the exploitation of prostitutes as resulting from the manifest inequality of treatment that the law itself gives to prostitute women. Matthews (1986) and Smart (1995) comment that the existing legal provisions are woefully inadequate in that they fail to differentiate between individuals who share monies with prostitute women and individuals who extort, exploit, control and/or intimidate prostitute women, whilst also requiring the women themselves, to bring charges and give evidence against the individuals who exploit them. Whatever the case may be, there is little doubt that current legislation and the failure to implement the Criminal Law Revision Committee's proposals to tighten up the provisions against procuring, living off immoral earnings and brothel keeping (CLRC, 1985) mean that prostitute women receive only a modicum of protection from the exploitative, coercive and violent actions of those individuals who would take advantage of them.

THE 'PROBLEMS' OF PROSTITUTION: PUBLIC SEXUAL HEALTH

The construction of prostitution as a problem of public sexual health is not unique to the late twentieth century (see Mahood, 1990a, 1990b; Walkowitz, 1980; McHugh, 1980; Bell, 1994). Mahood (1990a, p. 20) notes that in 1497 Aberdeen Council passed an Act that declared that all prostitutes should be branded so that the general public could identify them as possible carriers of syphilis.¹ In the nineteenth century the Contagious Diseases Acts 1884, 1866 and 1869 legally formalised the construction of prostitution as a public sexual health problem. In the century that has passed since then the association of prostitution with sexually transmitted diseases has never totally disappeared, and with the arrival of the world-wide AIDS/HIV pandemic it began to be deployed in a new and slightly different way. Similar to the construction of prostitution as a problem of public nuisance wherein prostitute women

are understood as different from other women (by virtue of their different values and morals), in the construction of prostitution as a public sexual health problem there is also an understanding of prostitutes as different from non-prostitute women, but here the difference is located in prostitutes' bodies and their lifestyles. This section describes the encoding of prostitutes as sexually unclean and diseased others (both in the nineteenth century and today) and the particular forms of intervention that such a construction has enabled.

Spongberg (1997), in an examination of nineteenth-century British medical discourses on women's bodies in general and venereal disease in particular, demonstrates how venereal disease was feminised and how medical literature on syphilis and gonorrhoea influenced the construction of prostitutes as different from other women because they were contaminated individuals. One of her central arguments is that in the nineteenth century there was a considerable shift in the medical discourse on venereal disease from inscribing femininity as generally diseased to inscribing prostitutes' bodies as the primary site of venereal disease. Spongberg asserts that the dominant medical discourse on male and female bodies until the late eighteenth century was a Galenic model of sexual similarity, whereby women's sexual organs were simply the inverse of men's, that is, vaginas were seen as interior penises, labia were seen as the foreskin, the uterus was seen as the scrotum and so on (*ibid.*, p. 3). But in the nineteenth century the Galenic model of sexual similarity gave way to a model of sexual difference, in which the male body represented the standard of health and the female body became an aberration, and, thus it was that 'femininity' generally became akin to 'diseased' (*ibid.*, pp. 5, 27–34).

In a detailed discussion of nineteenth-century medical literature, Spongberg demonstrates how the association between venereal disease and women was once again transformed. Earlier notions that any and all women could transmit venereal disease gave way as prostitutes became progressively pathologised, until in the late nineteenth century prostitutes, unlike other women, were represented as *necessarily* diseased (*ibid.*, pp. 13, 35–60):

Prostitutes were made to appear not merely as fallen women, but something less than women. This of course created a gulf between the upright woman and the fallen woman. The prostitute's body became not only the representative sexualised female body, but a site of abnormal indulgence. The proverbial sterility of prostitutes was seen as a key to their pathology. In contrast the body of the virtuous

woman came to be desexualised, her sexual characteristics co-opted as maternal characteristics. In this way the body of the prostitute came to be synonymous with venereal disease. Prostitutes were not merely agents of transmission but somehow inherently diseased, if not the disease itself (*ibid.*, p. 45).

That prostitutes and venereal disease were symbolically fused together is evident in the language used during the 1850s when the terms 'social disease' and 'social evil' were deployed interchangeably to describe both venereal disease and prostitution.

The construction of prostitutes as different from other women because they were seen as the primary site of venereal disease (and by implication a public sexual health problem) enabled the deployment of a particular type of intervention into the lives of prostitute women through the Contagious Diseases Acts of 1864, 1866 and 1869 (see Mahood, 1990a; Roberts, 1992; Walkowitz, 1980). The first of these Acts set up a 'police morals squad' (Roberts, 1992, p. 248), which was empowered to stop any woman suspected of being a common prostitute. The woman was then ordered by a magistrate to undergo a medical inspection, and if she refused she was confined in a Lock Hospital where she was forcibly examined and, if found to be infected, detained for up to three months. Originally these measures applied only to a number of garrison towns, but the 1866 and 1869 Acts expanded the scope of the legislation: a larger number of towns were encompassed by the Acts, police powers were extended and a system of registration of prostitutes and fortnightly medical inspections were introduced. Many contemporary commentators have noted that underlying the Contagious Diseases Acts was a struggle for, and over, the extension of state regulation and control over its populace and the policing of working-class sexuality (McHugh, 1980; Walkowitz, 1980).

But the Contagious Diseases Acts were resisted by campaigners seeking their repeal and by individual women who were subjected to compulsory medical interventions (Walkowitz, 1980; Bell 1994). Throughout the 1870s and 1880s opposition to these Acts grew, until they were suspended in 1883 and finally repealed in 1886. This, however, did not mark the end of the construction of prostitution as a problem of sexual health, because as Bland (1985) has demonstrated, during the First World War the Defence of the Realm Act 1918 (which effectively reintroduced the procedures set up by the Contagious Diseases Acts) was underpinned firstly by the image of the prostitute body as wholly different from that of other women because it was unclean and infectious,

and secondly by government claims that venereal disease had incapacitated 30–40 per cent of the men of some military units. Hence compulsory medical intervention into prostitute women's lives was reintroduced as a means to 'protect' soldiers.

The end of the Second World War saw the successful introduction and widespread use of penicillin to treat venereal diseases, in particular syphilis and gonorrhoea, and with this the construction of prostitutes once again shifted. They were no longer represented as different because they were a threat to public sexual health, but rather because they were seen as being a threat to themselves. Consequently the image of prostitutes as diseased 'others' disappeared from the medical discourse on venereal disease until the emergence of HIV/AIDS (see Spongberg, 1997, pp. 180–2).

With the onset of the HIV/AIDS pandemic the image of the prostitute as a threat to public sexual health resurfaced. In the 1980s and early 1990s popular discourse revived the notion of prostitutes as reservoirs of sexual disease by scapegoating them as transmitters of the HIV/AIDS virus. Drawing on the older construction of prostitutes as sexually contaminated, strategic use was made of the 'junkie whore' stereotype, that is, a drug-dependent woman who trades in sex to fund her habit (Roberts, 1992, pp. 335–7). Various calls were made to restrict or segregate prostitute women (see English Collective of Prostitutes, 1997). Such was the climate of hostility towards prostitutes on the ground that they were contaminated with the HIV/AIDS virus that in the late 1980s and early 1990s several commentators accused the media of conducting and fuelling a witch hunt against prostitute women (O'Neill, 1997; Roberts, 1992; English Collective of Prostitutes, 1997). In 1992 the *Sunday Express* reported that the King's Cross police alleged that 'of the 50 regulars who work the streets around the station . . . three out of four have the virus' (*Sunday Express*, 29 April 1992). But the allegation was found to be completely unsubstantiated, and was in fact based on the opinion of the arresting police officers as to whether individual prostitutes might be infected (English Collective of Prostitutes, 1997).

During the 1990s there has been a notable sophistication in the symbolic conflation of the threat to public sexual health through HIV/AIDS and prostitution. Whilst prostitutes continue to be constructed as purveyors of sexual ill-health, attention is focused not on individual prostitute women but on their lifestyle and behaviours that are represented as being high risk (that is, increase an individual's chance of contracting HIV/AIDS). Therefore prostitutes have been constituted

as unlike other women because they are assumed to act as a 'bridge' over which HIV/AIDS can spread to the general populace. Within the last decade there has been a plethora of HIV/AIDS-related research into prostitute women in terms of promiscuity in their personal lives, whether or not they use condoms in their work as prostitutes and in their personal relationships, their drug use and so on. Such research has sought to quantify the actual extent of the HIV-related risk behaviours in which prostitute women are thought to engage (Green *et al.*, 1993; Kinnell, 1989; McKeganey and Barnard, 1996). After a detailed ethnographic study of drug and condom use amongst street-working prostitutes, McKeganey and Barnard (1996, p. 87) asserted the following:

Perhaps the first point to make here is that we see no benefit whatsoever in responding to the assumed threat of HIV transmission associated with prostitution by increasing the social control of prostitutes. In addition to being ineffective in eradicating prostitution, such measures are likely to increase HIV-related risk behaviour by forcing prostitutes into increasingly covert styles of working and out of contact with helping agencies.

In a similar vein, Ward and Day (1997, p. 141) claim that:

Prostitute women who inject drugs and share equipment are clearly at increased risk of HIV infection in the same way as other drug injectors. Prostitutes who do not inject may also be at increased risk because of their sexual contacts – either with clients or non-paying partners.

The point I am making here is that rather than pathologising prostitutes' *bodies* (as happened in the earlier invocation of prostitution as a problem of public sexual health), in late-twentieth-century Britain it is prostitutes' *behaviour* that has been increasingly scrutinised as different and threatening at the same time as pathologised. The construction of prostitution as a threat to public sexual health has been rejuvenated by the depiction of prostitutes as engaged in high-risk behaviour and as being the 'bridge' for HIV/AIDS transmission into the wider population. So within the context of the world-wide AIDS pandemic, prostitutes in Britain have been represented as being unlike other women because they pose a threat to heterosexual society 'symbolised in the "innocent victims" – the clients' wives, girlfriends and children' (McKeganey and Barnard, 1996, p. 58).

The importance of the recasting of the threat to public sexual health that prostitutes are said to pose in terms of high-risk behaviour cannot be underestimated for it has created new types of intervention into prostitutes' lives. These are aimed at educating high-risk groups about their high-risk behaviours and supporting those individuals in their attempt to alter such behaviours. In practice this has meant the growth of multi-agency 'outreach' projects whose aims include the dissemination of information and the provision of practical support for prostitute women, that is the provision of sexual health information and condoms, the establishment of sexual health clinics specifically for prostitute women and so on. By 1997 most of the major British cities had at least one such project, including the SAFE Project in Birmingham, the Praed Street Project in London, the Health Shop and POW! (Prostitute Outreach Workers) projects in Nottingham, the Sheffield AIDS Education Project, the Cardiff Outreach Project, the Wandsworth Female Sex Workers Project, the Women's Health in Prostitution Project (WHIP) in Leicester, Manchester Action on Street Health (MASH) and the SCOT-PEP and Centenary Project in Edinburgh. In most cases the projects are funded by the district health authorities (see Ashford, 1995).

Whilst the 'outreach' projects can be broadly (and somewhat superficially) categorised as 'welfarist' in their approach in that they seek to provide support for the well-being of prostitute women, underpinning them is the revival of the construction of prostitutes as sexually contaminated, as noted above. Overs asserts that such projects have at their base the perceived threat that prostitution poses to the general population:

The funds are not directed at sex workers for their own sake, but because they are viewed as people particularly likely to infect others. . . . It is important not to misunderstand the nature of this benevolence – it has nothing to do with women's health. . . . There has been no change in policies or motivation, but rather these are pragmatic moves to protect the clients (Overs, 1994, p. 114).

Thus whilst the sexual health projects may appear to be benign in that they provide women with both sexual health information and medical support, as Cohen (1996) has argued, interventions that appear to be welfare based (rather than 'punitive') and less formal often permit greater, more inclusive and less accountable intrusion into the lives of individuals.

CONCLUSION

Prostitution is seen as constituting two particular problems: a problem of public nuisance and a problem of public sexual health. Hence British prostitutes are constructed as the objects of both criminal justice (through arrest, conviction and the imposition of fines) and sexual and public health intervention (educating them in terms of their high-risk behaviour). The conditions that make these interventions possible are structured and underpinned by the fact that Britain's current legal framework constitutes prostitute women as unlike other women by virtue of their supposedly different sexual values and morals and by the assumed threat that prostitutes' bodies and lifestyle pose to the general populace.

Chapter 2 carries forward the theme of prostitutes' difference (and similarity) by examining the manner in which prostitution is treated in academic discourse and the way that prostitutes are constituted as either unlike or like non-prostitute women.