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**Title:**

Off street sex workers and victim orientated policy making at the local level: denial of agency and consequences of victimhood

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## **Off street sex workers and victim orientated policy making at the local level: denial of agency and consequences of victimhood**

### **Abstract**

The 2006 *Coordinated Prostitution Strategy* represented a landmark shift in the regulation of sex work, where sex workers in England and Wales became acknowledged first and foremost as victims of sexual exploitation. Consequentially, sex worker policy at the local level was set to become increasingly victim orientated to meet the needs of this new victim group. This paper draws on empirical research and local policy development in Cardiff, Wales to examine how claims of victimhood transcend into practice. Data collated from thirty interviews with off street sex workers demonstrate that *victim status* is not easily applied to *all* sex workers (some of whom make a rational decision to sell sex and who clearly enjoy their work). Advancing critical discussion in this area, we urge policy makers to consider sex workers not as a victim group, but as individuals with different experiences and different needs.

**Key words:** sex work, agency, victimhood, community safety.

### **Background**

In the United Kingdom (UK), the act of buying and selling sex is not illegal, although multiple legislative provisions exist which regulate where and in what circumstances commercial sex can take place. In particular, the law of England and Wales has focused on shielding the general public from the nuisances associated with street based work; and protecting the vulnerable by way of enacting procurement, coercion and brothel keeping laws (see, Sexual Offences Act 1956; Street Offences Act 1959; Sexual Offences Act 2003). However, the implementation of criminal law in the UK has been much more about social control than the benevolent protection of sex workers.<sup>1</sup> Indeed, when setting out a legal framework for 'prostitution' in 1957, the Wolfenden Committee (charged with the task of reviewing prostitution law) concluded that private morality was no concern of the criminal law; if the commercial transaction was carried out in private and if it was consensual then prostitution was a victimless crime.

Although the Committee acknowledged that some ‘prostitutes’ might have ‘unstable’ backgrounds (Wolfenden, 1957:99) it also assumed that they participated freely in the commercial transaction; they made a choice to behave in a certain way and thus were responsible for their own fate. Of course, in adopting what has become recognised as a *victim precipitation approach* (victim blaming) (see, Mawby and Walklate, 1994; Rock, 2007), the state was also effectively detached from any responsibility it might have with regard to the social structures existing in society which may influence a woman’s decision to sell sex. Indeed, perceived to be an *individualised* problem the Committee did not seek to rescue/save sex workers – it merely recommended that two cautions be given to sex workers who solicited and loitered in public areas with the aim of deterring new-comers into the ‘trade’; offering on a first caution a warning to prostitutes and a chance to *mend their ways* or risk a second caution and consequently prosecution (McLeod, 1982).

Feminists have worked tirelessly to challenge the concept of victim precipitation in the context of sex work; united in the campaign to bring about recognition of the impact of a capitalist patriarchal structured society on the lives of women who are victims of state oppression. However, the campaign has been a slow one, particularly given that sex workers are not ‘ideal victims’ (Christie, 1986). Indeed, as *undeserving* victims they have been stigmatised historically as immoral beings (Brooks Gordon, 2006) and in law recognised as creators of public nuisance (Wolfenden, 1957). Furthermore, women who sell sex have not won the sympathy of the media (which tends to separate women into virgins and whores, see Benedict, 1992), or the general public (O’Neill, 2007), nor consecutive governments since the 1950s. The campaign has also been hampered by a division amongst feminists as to whether the decision to sell sex should be respected as one made in the face of state oppression, as opposed to a woman without choice who is the victim of patriarchy and male sexual exploitation. These opposing arguments mirror the complexity of sex work itself, with both sides of the divide producing a wealth of empirical evidence to demonstrate the *real lived experiences* of women to support one particular ideological standpoint. What the research tells us is that some women see themselves as *victims* (Farley, 2004), others as *agents*<sup>2</sup> (Sanders and Campbell, 2007) and some as *agent and victim* simultaneously (Phoenix, 2000). Thus the emergence of the sex worker as a new form of ‘victim’ does not, to borrow the words of Kearon and Godfrey (2007: 32), ‘map neatly onto established typologies of the victim.’ In recent years however, the ‘moral order discourse’ (Kantola and Squires, 2004) of

radical feminists asserting that sex work is the result of male sexual exploitation and the key to women's oppression has achieved great success within political circles in the UK.

According to Kantola and Squires (2004) (and others for example, Weitzer, 2007a), the catalyst for this change is the increased awareness globally of the trafficking of women for the purposes of sexual exploitation, an issue that has been pushed forward in particular by radical feminists. Despite a lack of reliable evidence regarding the nature and extent of trafficking for the purposes of sexual exploitation (Weitzer, 2010) governments and media across the globe have been affected by horror stories of the trafficked victim who is, in every sense, the *ideal victim* – who through no fault of her own is the innocent victim of imprisonment, abuse and sexual exploitation. Indeed, Doezema (1998 cit in Kantola and Squires, 2004:90) points out that the trafficking literature is littered with language which emphasises innocence. This in turn has caused great concern as to how states can best protect the *innocent* victim. Brooks-Gordon (2010) and Weitzer (2007a) suggest that radical feminists perceive that the best way is to tackle the demand for sex work and ultimately eradicate the sex market. Of course this is an ideal, and arguably one which is out of step with reality given the expanding sex markets (Bretners and Sanders, 2010). However, trafficking presents an issue of such emotion that the radical feminist argument has been powerful enough to sideline the concerns of more liberal academics, who believe that conflating the issue of trafficking with sex work generally results in a *broad brush* approach towards eradication, which in turn denies sex worker's agency. Indeed, in trafficking debates such concerns are simply ignored, and in turn the distinction between voluntary and forced prostitution becomes unimportant. Thus, trafficking has provided radical feminists with a vehicle of reform which has shaken up the English sex work legal framework and called into question the concept of voluntary prostitution.

In 2006 the *Coordinated Prostitution Strategy* (Home Office, 2006) laid down a framework towards the compulsory rehabilitation of sex workers, it called on local Community Safety Partnerships and law enforcers to disrupt the markets, and set out an ambition to tackle the demand for prostitution. Interestingly, it was made clear that sex workers would only acquire victim status whilst in the process of exiting; those who refused to exit remained offenders against the community (Sagar, 2010). Of course, prioritising exiting as a means to acquiring social inclusion acted to preserve the distinction between good and bad women – those that exited being responsible and good and those who refused being anti-social and requiring

control (Scoular and O'Neill, 2007). And, being cast as victims of sexual exploitation, the then New Labour government had ignored (as all previous governments had) the structural and material conditions which facilitate sex work in the first place.

It is also true to say that the 2006 *Coordinated Prostitution Strategy* failed to recognise the varied nature of the sex markets and in applying a 'one size fits all' approach to sex work, the government ignored research suggesting that off street work (which represents the lion's share of the market, Sanders *et. al.* 2009) has very different characteristics to the street based market; it is less associated with violence (Church *et. al.* 2001); more likely to be less associated with drug use and to be better managed (Sanders and Campbell, 2007); and it is less of a public nuisance (see Hubbard, 1997). Indeed, it is perhaps because of this that off street establishments have dipped under the radar of Community Safety Partnerships and law enforcers for many years in the UK, leaving the industry to quietly expand (Matthews, 2005).

However, given the UK's quest to tackle trafficking it is unlikely that off street establishments will continue to operate unhindered, particularly given rising fears that trafficking is predominantly hidden away in off street establishments and increasing reports of non nationals working in city brothels (Scambler, 2007; Ward *et. al.*, 2004). Again, while academics warn about the dangers of conflating migrant workers with victims of trafficking (see for example, Agustin, 2006) this has gone unheeded, and there is a renewed interest in all off street sex work (see, Matthews, 2005). This can be illustrated in the UK by the creation of brothel closure orders under section 21 of the Policing and Crime Act 2009, providing for the closure premises (for up to three months) where prostitution related activity/sexual exploitation is suspected to take place. There has also been a tightening of licencing controls for adult entertainment venues, primarily targeted at lap dancing clubs (Hubbard, 2009) which are alleged to be a gateway to the selling of sex and venues where victims of trafficking can be found. In short, law enforcers working within Community Safety Partnerships at the local level have been armed with a variety of measures to target off street sex work establishments and their clients.

Crime reduction is at the centre of UK policy, and thus there will always be the potential to create new victims and new offenders. However, in the UK's attempt to eradicate sex work the transformation of sex workers from offenders against the community to a specific group who are victims of male sexual exploitation is particularly significant and controversial. The impact of victim discourse is so powerful that it is transforming (at great speed) the UK's

ideological approach to sex work, and as indicated here, this has resulted in a substantial body of work which has sought to question the appropriateness of the UK's approach. However, far less attention has been paid to the implications of the evolving victim centred approach for sex workers at the local level. Seeking to fill this knowledge gap, this article draws on empirical research collated in Cardiff, Wales. It sets out to highlight the *lived experiences* of sex workers who work off street and focuses on narratives which strongly suggest high levels of autonomy, education and job satisfaction. However, more importantly, it draws attention to the power of the anti-trafficking and anti-prostitution agenda at the local level which can result in the refusal of policy makers, who appear to be fixated with victim orientated policy, to acknowledge local evidence. Finally, it presents an analysis of the potential consequences of *victimhood* for sex workers who have clearly made a decision to work in the off street sex market.

## **Methodology**

The study's overarching aim was to gain an insight into the sexual health needs and the experiences of off street sex workers in Cardiff. Ethical approval for the study was received from the Ethical Standards Committee of the Centre for Criminal Justice and Criminology, Swansea University. Informed consent was obtained from the participants and anonymity and confidentiality assured through the allocation of pseudonyms for those taking part.

Whilst the authors acknowledge the wider range of sexual services such as erotic dance, stripping and lap dancing that are often incorporated in the definition of 'off street sex work' (see, Sanders *et. al.* 2009), the focus of this research was on independent sex workers (self employed) working from flats / domestic residences, and those who worked through escort agencies, as well as in sauna / massage parlours in Cardiff.

### *Research design and data analysis*

The research took place between November 2010 and February 2011. A semi-structured questionnaire was administered face-to-face or over the telephone. Questions were developed to elicit information regarding access to sexual services and sex worker experiences. The data

was analysed using a quantitative software computer package to produce descriptive statistics and frequencies. Qualitative responses were analysed separately, using a coding framework. This paper specifically focuses on our findings which challenge the notion of 'victimhood': demographic statistics; qualifications and previous work experience aside from sex work; experiences of sex work which included routes into sex work and motivations, and positive and negatives experiences of sex work.

### *Target population and sampling*

Our sampling framework used in this study was a hybrid of self selecting and targeted sampling (Shaver, 2005). In total 7 premises were identified in Cardiff advertising as saunas or massage parlours, 3 agreed to take part in the study.

Establishment A - 6 female respondents

Establishment B - 8 female respondents

Establishment C - 1 female respondent

From a total of 10 Escort Agencies advertising in Cardiff, 1 agency took part in the study. The largest population identified in the study came from independent sex workers; advertising through an adult services site; and advertising in an advertiser newspaper. The total population identified as selling sexual services in Cardiff on the adult services site was 303 of which 9 agreed to take part in the study:

1 Transgender (male to female)

3 Males

5 Females

A further 18 sex workers were identified through more traditional mediums such as newspapers/ advertisers. Out of the total number 2 agreed to take part in the research (both females).



### *Limitations*

The sample was self selecting and small (30). However, it is well recognised off street sex workers are a hard to reach population and without an established Outreach service to act as a gatekeeper (to pave the way having already established relationships of trust with parlours etc), it was highly likely that some establishments in Cardiff would treat the research with suspicion given that brothel keeping is illegal in the UK. Nevertheless, given the small sample, the research findings cannot be said to be representative of the off street sex work population in Wales or Cardiff. Still, the importance of this small research study is twofold; first, the data challenges the imposition of victim status for *all* sex workers, and secondly the data represents the *only existing research* into off street work in the city of Cardiff. Thus the findings provide a unique insight into the lived experiences of off street sex workers at the local level.

### **Results: challenging victimhood**

#### *Demographics*

As already suggested, the UK is preoccupied with trafficking and its association with the sex markets. More specifically, the issue of *migrant* sex workers in the UK is dominated by inferred links drawn between off street sex work, organised crime and trafficking (for example, Schaeffer-Grabiel, 2010). Although, there is research to suggest that the majority of sex workers in the off street market in London are non-UK nationals and that the numbers of foreign born sex workers in London has dramatically increased in recent years, from 25% in 1985 to 63% in 2002 (Ward *et. al.*, 2004). Research also undertaken in 2004 by Dickson led to suggestions that these figures were more likely to be around 81%. However, as illustrated in Table 1, 21 out of 30 respondents in our study were White and from the UK.

Table 1: Demographic information of respondents

<b>Gender</b>	<b>Frequency</b>
Female	83.3% ( <i>n</i> =25)
Male	13.3% ( <i>n</i> =4)

Transgender	3.3% ( <i>n</i> =1)
<b>Total</b>	<b>100% (<i>n</i>=30)</b>
<b>Age</b>	<b>Frequency</b>
18-25	40.0% ( <i>n</i> =12)
26-35	3.3% ( <i>n</i> =1)
36-45	46.7% ( <i>n</i> =14)
46-55	10.0% ( <i>n</i> =3)
<b>Total</b>	<b>100% (<i>n</i>=30)</b>
<b>Sexual Orientation</b>	<b>Frequency</b>
Heterosexual	76.7% ( <i>n</i> =23)
Bisexual	13.3% ( <i>n</i> =4)
Gay	3.3% ( <i>n</i> =1)
Bisexual when working	3.3% ( <i>n</i> =1)
Missing	3.3% ( <i>n</i> =1)
<b>Total</b>	<b>100% (<i>n</i>=30)</b>
<b>Ethnicity</b>	<b>Frequency</b>
White Welsh	33.3% ( <i>n</i> =10)
White British	33.3% ( <i>n</i> =10)
Romanian	13.3% ( <i>n</i> =4)
French	3.3% ( <i>n</i> =1)
White English	3.3% ( <i>n</i> =1)
Lithuanian	3.3% ( <i>n</i> =1)
White German	3.3% ( <i>n</i> =1)
Black South African	3.3% ( <i>n</i> =1)
Australian	3.3% ( <i>n</i> =1)
<b>Total</b>	<b>100% (<i>n</i>=30)</b>

Previous research on street based workers in Cardiff also found that workers are predominantly White and British (Sagar and Jones, 2010). This sparks concerns regarding the current political focus on trafficking which neglects to acknowledge that London is not representative of the rest of the UK, and furthermore that there is potentially a large population of British born sex workers who might not fit the profile of the trafficked victim which pervades government literature.

Additionally, we draw attention to another problem concerning the victim profiling of sex workers in the UK; notions of exploitation are further bolstered with governments focusing on vulnerability and the age of entrance into the market which is regularly documented as under 18 years for the majority of workers (see for example, County Council of The City and County of Cardiff, 2012). However, as seen in Table 1, over 50% of our respondents were over the age of 36, a finding which aligns with other local research in the UK which suggests that off street workers tend to be older than street sex workers (Galatowicz *et. al.* 2005). Again, the majority of our sample being British born and mature as opposed to foreign born and young does not square with the sex worker profile promoted within UK policy. Only 5 respondents came from Eastern European countries which have become associated with the issue of trafficking (Romania and Lithuania). However, there was no evidence to suggest that these migrant workers had been sexually exploited.

#### *Educational achievement and previous employment*

Sex work is often associated with women who are victims of a patriarchal society, who lack equality of opportunity and who are characterised by low levels of educational achievement. However, as Table 2 illustrates, our research found that approximately 77% of respondents ( $n=23$ ) had formal qualifications. This is not the first research to show educational achievement amongst sex workers, for example Sanders (2005) revealed that 48% of her sample of indoor workers had professional qualifications. However, unlike Sanders' findings which suggested a high level of educational success in the educational, nursing and caring professions, our participants educational successes included qualifications in:

- Psychology
- Sociology
- Forensics

- Chemistry
- Law
- Business
- Accountancy

Other respondents had opted to enhance their skills by embarking on vocational focused training including; computers and electronic installation; account administration, finance and planning.

Table 2: Educational achievement and previous employment

<b>Formal Educational Qualifications</b>	<b>Frequency</b>
Number of respondents reporting achieving formal qualification	76.7% (n=23)
Number of respondents reporting no formal qualifications	23.3% (n=7)
<b>Total</b>	<b>100% (n=30)</b>
<b>Respondents Previous Employment</b>	
Number of respondents reporting previous employment outside of sex work	93.3% (n=28)
Number of respondents reporting no previous employment outside of sex work	6.7% (n=2)
<b>Total</b>	<b>100% (n=30)</b>

However, the educational backgrounds of our respondents is perhaps best illustrated by reference to their previous occupations which included:

- Construction worker
- Senior manager in the private sector
- Fabric welder
- Accounts administrator
- Mortgage underwriter

- Tefel English teacher to foreign students
- Journalist
- Travel agent

Furthermore, there was no pattern or connection to be made between previously held occupations and the decision to sell sex. Instead, data indicates that off street sex work is an occupation which is taken up by a variety of people, some of whom are educated / highly educated with diverse work histories (similar findings have also been found by Weitzer, 2007b).

### *Motivations for selling sex*

Respondent narratives ( $n=15$ ) clearly indicated that some had made a conscious decision to sell sex as a way to increase income because they had fallen on what may be described as ‘hard times’ (unemployment/redundancy) or they sought money to maintain a lifestyle:

*“I got laid off; couldn’t get the job I needed to pay the bills.”*

*“I needed money – or we would have lost our house....”*

*“This work pays for my daughter’s school fees.”*

Likewise for all but one of our migrant respondents ( $n=8$ ) ‘money’ was *the* driver for working in the sex market. For example, one migrant worker stated:

*“I came to the UK with husband and the marriage broke down, and I have children so I must work.”*

Thus, although she had not come to the UK with the intentions of becoming a sex worker, the decision had been made in order to provide for her children. Another migrant worker similarly explained that she was a single mother who had parted from her baby’s father some time ago:

*“I needed money and friend told me about it”*

Interestingly she also added:

*“I have never been forced”*

It seemed to us that in offering this information the respondent was perhaps aware of the issues / current debates surrounding migrant sex workers and the use of force. However, it is important to re-emphasise that at interview our migrant worker respondents did not make any comments which would indicate that they were trafficked workers. In agreement with Mai (2009), we would also suggest that the current emphasis on trafficking and exploitation detracts from our understanding of (and even conceals) the nature of migrant sex work.

While our respondents’ decisions to enter into sex work can be said to be predominantly driven by the need to earn a higher income, when respondents spoke about their positive experiences the choice of occupation could be seen to be clearly attached to the benefits of self employment, flexible working hours, job satisfaction and providing a professional service:

*“Customer satisfaction, I am my own boss so can work when I want, when work comes in the money is good.”*

*“...the flexibility to work. I don’t have to worry about child care.”*

*“I am able to show my clients that this is not just the act of sex, but it is also about being sensitive and caring to their needs....”*

Our findings like those of Kontula (2008) indicated that some sex workers can find sexual pleasure in their work, and moreover that some are even drawn to the work because of the desire for sexual pleasure:

*“I get to have sex with nice young men.”*

*“You get to have fantastic sex, good friendships with clients and a little bit of money.”*

*“I needed extra cash and also enjoyed having sex.”*

One respondent explained in some detail how she felt *empowered* by her work:

*“... not only do I place a value on what I do which in turn increases my self-esteem, it takes away any of the game playing involved with dating.”*

Arguably, the possibility that sex workers can enjoy their work, take pride in their work, and provide a valuable service in society is negated within current UK prostitution policy. Thus, we would argue as others have done that our data challenges the notion that ‘prostitutes across the board, are coerced into the sex trade, lead lives of misery, experience high levels of victimisation, and want to be rescued’ (Weitzer, 2007b: 3). Indeed, several respondents ( $n=8$ ) stated that they had no negative experiences to share with us at all. For those who did talk of negative experiences, we found commonality regarding safety concerns:

*“I had a phone call from somebody being abusive, but my partner drives me to appointments and provides security for me.”*

*“I am in a dangerous business and I worry about being on the end of violence or robbery.”*

It is perhaps therefore unsurprising that 40% of workers in our sample indicated that one of the reasons they work in off street establishments is ‘safety’:

*“Some customers are aggressive but it’s ok if there is good security.”*

Two other respondents also noted their negative experiences with clients:

*“Some customers think that they literally own you and that they can do what they want...”*

*“Sometimes clients do things that make me feel uncomfortable; sometimes I’m not in the right mood and don’t enjoy it.”*

However, narratives clearly indicated that sex workers have *different experiences* and in this context it is important to note that the majority who took part in this research did not raise any concerns regarding the behaviour of their clients; some even demonstrated empathy for their clients:

*“The majority of the clients I have seen are very pleasant, polite gentlemen who show nothing but respect for what I do. Usually they are in loving but sexless marriages / relationships and want to have sex without any of the difficulties or problems from starting an affair. They are very lovely gents with whom I have continued contact and conversation.”*

The findings presented here certainly challenge notions of victimhood and raise questions about the imposition of victim status for all sex workers. Unfortunately, these findings were rejected as ‘unusual’ by Cardiff City Council’s Scrutiny Committee which sat to examine multi-agency approaches to sex work in 2011. The following section critically discusses this decision, its evidential foundation in light of local data, and considers its potential impact for off street sex workers at the local level.

### **Discussion: victim orientated policy making at the local level**

The Coalition government’s guidance on sex work makes it clear that local authorities and local agencies are best placed to produce effective local policy (Home Office, 2011:1.4). Although this government (elected 2010) has acknowledged the different philosophical approaches to sex work, and accepted that there is not one definitive approach to be taken (p.2), the guidance remains firmly focused on exploitation, vulnerability, trafficking, exit work and generally signals a move away from sex work. Furthermore, while acknowledging that street based sex work is the focal point of the guidance, it nevertheless signposts local areas to consider off street work and emphasises the need to develop an effective response to off street work. Additionally, the fact remains that given the timing of this document (published 2011), current policies and strategies at the local level in the UK had already been steered by the approach set out by the then New Labour government (see, Sagar and Croxall, 2011; Sagar and Jones, 2012); this is certainly true for the city of Cardiff.



There has been very little deconstruction of the impact of victimhood through the analysis of policy documents at the local level to illustrate how governmental power can shape the lives of sex workers. What is really interesting to us is how the constructed profile of the sex worker *victim* can be simply taken for granted at the local level, to the point at which academic empirical evidence to counter that constructed profile is simply ignored or discounted. As discussed here, the desire to believe in the *innocent victim* in Cardiff is so strong that ‘difference’ and ‘lived experiences’ of sex workers have been rejected without deliberation.

### *Selective use of evidence*

In July 2011 the research findings documented in this paper were submitted and presented to the Local Authority Scrutiny Committee in Cardiff. The ‘scrutiny’ of evidence, policy and practice was published in a report in 2012; it began with the following statement:

“When this Inquiry commenced, the members of the task group held a broad and divergent range of opinions and views on the various aspects of sex work/prostitution; we have ended the Inquiry united in the agreement that sex work/prostitution is undoubtedly damaging to the people involved...members heard many disturbing, often harrowing descriptions of life for those involved in sex work/prostitution. Whilst we recognised that an emotional response to such stories is very human, we understood that it can also cloud judgement and so we maintained an objective approach to the topic, relying upon the evidence, rather than myth, conjecture and prejudice: in doing so we found the path to agreement. ”

(Chairman’s forward p. 4)

The qualitative research findings documented in this paper represent the only research providing an insight into the lives of off street workers in Cardiff, however, the research was dismissed out of hand by the Committee on the basis that it *differed* from national research and the experiences of front line agencies (although this is untrue, see for example Sanders and Campbell, 2007). Instead the recollections of *one* front line worker who had engaged with off street establishments several years earlier in Cardiff formed the evidential basis of

the Committee's report together with evidence from one American radical feminist (Farley, 2003) which has been highly criticised in the United States (see, Weitzer, 2005). Nevertheless, dovetailing street based work with off street work the committee stated:

“Members are clear that...sex work/prostitution has been shown to be multi-traumatic whether on or off street....” (KF5)

The Committee went further to state that *all* sex workers face major challenges including:

“safety issues, resulting from physical and sexual violence and assault, coercion and exploitation; health issues, including substance misuse, sexual health, mental health and physical health; and accommodation issues.” (K15).

The impact of which the committee described as resulting in “...*feelings of low self-worth, social isolation, powerlessness and despair*” (KF15). Thus, it concluded that every effort should be made to reduce the demand, support women and reduce the impact of sex work on and off street.

The report also drew on documents produced by the then New Labour Government which in turn can be criticised for being selective in its use of evidence (the Coordinated Strategy drew on Home Office funded research and provided only one academic reference). Similarly, the Cardiff Committee relied heavily on reports focusing on trafficking and exploitation and the need for rescue work (25 out of 41 references, 18 of which were produced by government/statutory agencies). The bias of the Committee is also illustrated by its reliance on one particular document produced locally by Amnesty International (2007); this report on trafficking for the purposes of sexual exploitation suggested that there are at least 60 trafficked sex workers working in Cardiff brothels at any one time. However, this is not an academic report, it did not have ethical approval, it provides no methodology and a close reading of the report reveals that once again, this estimation is based on the opinion of *one* front line professional. However, the figures were accepted without question.

The need for evidence based policy has been vehemently advocated by social scientists, and for over a decade by politicians in the UK – both appear to accept that evidence based policy serves the public interest. However, as Campbell points out, politicians are prone to becoming ‘trapped by their own rhetoric and promises’ (cit in Hope, 2004: 4). Thus as Hope (2004:4) suggests, it is not unusual for policy makers to side-step, neglect and even misuse evidence, particularly in the face of conflicting political ideas, values, policy pressures and

political expediency (see, Hope: 2005: 302). Regrettably of course, decisions lacking evidence may not be the best, they indicate a failure to understand the complexity of a situation, and there are potentially negative consequences.

Counsellors who sit on council committees are democratically elected, thus Committees such as ‘Overview and Scrutiny’ are seen as providing a ‘pivotal link’ between the council, the local people and organisations. They have the power not only to steer local community safety strategies but also to call into question the direction of partnership work (see, Sagar and Croxall, 2012). However, the Scrutiny report under discussion in this paper clearly illustrates the Committee’s inability to understand the complexities of the sex markets and more importantly that the *real experiences* of sex workers are of little interest to policy makers.

### *Impact of victimhood*

Ignoring or rejecting evidence, particularly local evidence which can shed light on the ‘reality’ of sex work in a local area in the pursuit of a statutory aligned agenda which chases an ideal that sex work can be eradicated from society seems to us to be very wrong. However, of more importance still is the damage inflicted by the state where women are reduced to victims. Victimology scholars have warned us for years that *victim status* can be disempowering; there are negative associations attached to the label of victim (Spalek, 2006). As Lamb (1999: 108-110) questions, who would actually want to be a victim, a label that is constructed through psychology and pathology necessitating harm, mental anguish and long term suffering and which in turn emphasises powerlessness and robs the victim of agency. Indeed, for decades feminists have fought to rid those who are raped or the subjects of domestic abuse for example from the mantle of ‘victim’, presenting instead the construction of a woman with agency who is better described as ‘survivor’. Yet, for every survivor there does have to be an act of harm, thus at some stage in the transformation process to survivor, she must have once been designated a victim. Conversely however, what about the sex worker who does not experience any harm, what is she the victim / survivor of?

Elias (1986) interprets victimology as being concerned with the relief of human suffering, but as Mawby and Walklate, (1994) suggest, it cannot be assumed that human suffering can be

objectively agreed upon. Nevertheless, radical feminists have objectified the personal suffering of sex workers and symptomatically negated any alternative experience. In doing so sex workers are reduced to lacking the capacity to understand that they are indeed victims and thus like Convery, we draw on the work of D'Souza and argue that sex workers are 'victimised by the 'truncheon' of victimhood' (1992, cit in Convery, 2006: 3). Importantly however, to borrow the words of Lamb (1999:132) if the *subject* is 'who we are, who we think we are, how we think, how we act' then arguably it is wrong to elevate one person's subjectivity as representing the truth over another's (see also, Convery, 2006). To us, the perspective of the sex worker as a victim is seriously flawed. But, of course, for radical feminists there are important implications in having sex workers recognised as victims; it is necessary to manipulate political sympathy, to 'hold men responsible for their crimes' which are made to 'seem more serious' (Lamb, 1999: 119) and thus to fulfil the political strategy to eradicate sex work. And as illustrated in this paper, the desire to believe in the fallacy of sex work exploitation for *all* sex workers has filtered down to the local level, where political bodies can opt to ignore any element of sex worker consciousness in the fight for state to protect the vulnerable from the exploiter.

Imposing the label of victim on sex workers will not however achieve social inclusion and social justice for sex workers. O'Neill points out that 'the prostitute identity is prioritised over other 'ordinary' identities such as worker, mother, sister, daughter, carer, lover....' (2007: 3). Further, as Brents and Sanders (2010: 59-60) note, because sex workers are marginalised, stigmatised and ostracized from society life they in fear of the *whore* stigma. To further illustrate, Mai's study revealed that stigma was regarded by his participants as one of the worst aspects of the occupation and this impacted negatively on their professional and private lives (2009). Similar findings have been reported by Scambler (2007), while Sanders (2004) research found that sex workers prioritised the risk of 'being discovered' over any other. Similarly, in our study all but two ( $n=28$ ) of our respondents indicated that sex work was a 'secret' occupation and fears of stigma/ being judged was found to prevent workers from disclosing their occupation to sexual health services. We argue that victim status will not assist any sex worker who wants to *continue selling sex* to disclose her occupation – particularly to services that are directed to rescue her. In this situation it is likely that victimhood will work to reinforce perceptions of sex workers as 'not normal'. For us, the label of *victim* like that of *whore* weakens agency and is likely to simply add to oppression.

### *Moving beyond the binary of victim and agent*

The consequences of victimhood present an immense obstacle to sex worker equality. However, the polar perspectives of agency versus victimhood which have been used repeatedly in the discourse on sex work are too simplistic and do not take account of the nuances of sex work or the structural inequalities of men and women more generally (Sanders *et. al.*, 2009). Accordingly, when either the victimhood identity is used to develop policy and underpin legislation, or when the agency status of sex workers is adopted as justification for decriminalisation of sex markets and promotion of sex worker rights, both perspectives are empirically, theoretically and ideologically flawed. We therefore suggest that future theoretical frameworks to explain sex work should be entrenched in the social movements that exist around the sex industry (see also, Sanders, *et. al.*, 2009). Collective action through working with agencies representing the voices of sex workers could provide explanations that account for nuanced *differences* of the experiences of those living in, managing and working in the sex industry and in doing so take into account variables such as structural inequality, gender, geography and class. Critically, however, while the state with its ‘oppressive and transformative mechanisms’ Sanders *et. al.*, (2009:14) has the power to effect the status of sex workers, our experience is that presenting evidence to policy makers that moves beyond the binaries should be, but is not always, an opportunity to indirectly influence the labelling of sex workers through policy change. Nevertheless, it is vital that researchers continue to present evidence of lived ‘reality’ to policy makers at both national and local levels, as well as community safety partnerships that are at the forefront of policy implementation, in the hope that one day the *truth of difference* will out.

### **Conclusion**

Listening to women’s narratives is the most important tenant of the women’s movement. The progression of victimology scholarship also demands a more focused study of *individual* experiences (Spalek, 2006). It is also acknowledged that victims are characterised as ‘helpless

and vulnerable' Newburn and Stanko, 1994 cit in Kearon and Godrey, 2007: 29) but that they may be less passive and 'victim-like' than routinely constructed' (Kearon and Godrey, 2007: 29). However, the ideological victim constructed and accepted by governments is a particularly bad fit. As a consequence, sex workers who make autonomous choices, and who enjoy their work and take pride in their professionalism are sacrificed to support an ideological proposition that *all* sex work is exploitative, and this is without any evidential foundation. Our data clearly suggests that some sex workers do not perceive themselves to be victims; they do not feel that they are victims; they do not live their lives as victims. For these sex workers victimhood is damaging and this brings into question the ethical acceptability of the UK's approach to sex work and the sex worker population. This question is particularly important because as an ideological construct, bearing the label of 'victim', sex workers are also helpless to fight against it, as 'victimhood' becomes entrenched through policy initiatives and the creation of so called protective legal measures. And the great injustice here of course, is that at the time of writing in the UK, selling sex off street is not illegal for the sex worker, nor is purchasing sex illegal for the buyer.

While ever sex markets exist there is a risk of exploitation and a risk that women and children will be trafficked into the sex markets. Unfortunately, policy focuses on these risks completely. Trafficking and involuntary prostitution is wrong, however the idea that all sex work is forced and a form of sexual slavery is also wrong. It is baffling to us how any feminist agenda can reduce women to victims and deny them free choice. Worse still, this disempowerment leaves sex workers open to the protection of the state which over 200 years of historical insight tells us is likely to result in subjugation and maltreatment. If exploitation and abuse in the sex industry is to end, the solutions must move beyond the binary of victim and agent. Not all sex workers who work off street will have agency, but certainly not all are victims.

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### **Endnotes**

1. This article uses the term sex work in recognition of 'sex as work' rather than the term 'prostitution' which is historically recognised as a stigmatising and discriminatory

legal label and which is today associated primarily with male exploitation. We also recognise that sex workers comprise women, men and transgender workers. However, in this article we use the term sex work to primarily depict women who provide sexual services, because it is sex worker women who are the main focus of policy making, legal reform and the anti-prostitution and anti-trafficking lobbies.

2. In sex work discourse 'agency' has become synonymous as a counter argument against the 'victimhood' identity that is constructed around women who engage in sex work (O'Neill, 2001). Specifically, in this context, *agency* seeks to explain and acknowledge the often complex decisions taken by those working in sex work, decisions which should be contextualised within 'structural constraints and dominant relations of power in the global sex industry'(Kempadoo and Doezema 1999:8-9) and 'local/national political economies'(O'Neill, 2001:37).

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