

Sex Workers: Citizenship Status and Identity, Civic Deficits, and Exiting

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Abstract

Sex workers have a lesser citizen status, yet the relationship between sex work and citizenship status has rarely been explicitly considered within extant research. In contrast, this article will critique England and Wales's sex work legal and policy discourses and frameworks from the perspective of the moral, material, structural, and operational components of citizenship (Lockwood, 1996). The operation of citizenship has led to the creation of policy and law (such as the Sexual Offences Act 2003) which has assigned sex workers to a "negatively privileged" group prevented from accessing a full citizenship identity (Lockwood, 1996, 538). Sex workers experience civic deficits (stigmatised, power, and fiscal) and inferior resource allocation, as their access to social citizenship rights are curtailed on moral and material grounds. Despite claims by policy and lawmakers to support and protect this group, the article proposes that the structure and operation of citizenship interplays with victim and criminal discourses to further marginalise sex workers. This is evidenced in the article by the example of exiting programmes, which reconfigure and reinforce the exclusion of sex workers while claiming to provide a supportive route out of the profession.

Keywords

Sex work; citizenship; criminal law and policy; exiting.

Introduction

In England and Wales, sex work has long been a concern for lawmakers, and currently, sex work is partially criminalised via laws including the Street Offences Act 1959, the Sexual Offences Act 2003, and the Policing and Crime Act 2009. Despite the longevity of prostitution legislation, according to Scoular (2015, 2), many studies on sex work are about law but not *on* law. Thus, "examining what law 'does', as it operates alongside other discourses and practices to shape the subjects... and forms of power in sex work" is necessary, rather than reiterating

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what law “says”. The laws on sex work have reinforced negative representations within society and institutionalised stigma (Sanders, 2018). Formal social control via stigma can directly impact upon work negotiations such as limiting terms of work - for example, indoor sex workers may feel unable to demand improved working conditions (Vanwesenbeeck, 2017). Yet stigma is “not the end game”; addressing the social inequalities underpinning stigma should be ongoing (Sanders, 2018, 736). The latter is imperative because of the relationship between sex work and poverty. The English Collective of Prostitutes (2016) found a 60% increase in sex work in some areas of the United Kingdom because of welfare austerity. This is suggested to have increased along with the advent of Covid-19, with estimates of 100,000s of family units financially dependent upon sex work (English Collective of Prostitutes, 2020).

The state’s concern with the *vulnerability* of sex workers (see for example Her Majesty's Government (HM) Government (2012)) gives the appearance of the government being responsive to the needs of sex workers, but arguably upholds neoliberal citizenship principles. According to Hewer (2019, 228), this leads to a sex work policy subsystem, a *gossamer consensus* in which the “vast majority of policy actors - regardless of their perspective... agree women in prostitution *are vulnerable* and that *something* should be done about it”. Yet, as argued by Munro and Scoular (2012, 191), the concept of vulnerability is a tool for supporting more regressive state practices which defend criminal sanctions and “bolster the image of the state as benevolent”. Accordingly, the concept of vulnerability has led to the legal and policy framework conveying sex work as dangerous and the sex worker as a victim. The latter has meant that their agency has been denied (Sagar & Jones, 2014; Vanwesenbeeck, 2017) with significant implications for their status as citizens.

Categories, such as victim or criminal, are utilised to enable state mechanisms such as the responsabilisation and rehabilitation agendas (Sanders, 2009). That is, subjects have responsibilities to themselves and others within the community and they will recognise this through rehabilitation, notably by participating in an exiting programme and leaving sex work. Sagar and Jones (2013, 133) suggest that those agendas “keep sex workers as community outsiders, marginalized and beyond citizenship”. Thus, restrictive state policies regulate or control but do not address the social injustices and inequalities within the sex worker community (Abel, 2018). The lack of focus on the complexity of individual experiences within sex work, and how these have a negative impact on their lives in general, their agency and rights, is ignored (Pitcher, 2015). For example, the assumption that the nature of all sex work transactions as abusive and that sex workers require rescuing has resulted in law and policy which does not entirely reflect the diverse nature of sex work. Consequently, those sex

workers in indoor settings or independent workers who do not desire to exit lack the labour rights and protections afforded other workers, which in turn can lead to some sex workers being exploited within poorly managed brothels (Pitcher, 2015). Thus, as Munro and Scoular (2012) argue, the state's neo-liberal agenda, particularly the idealised concept of a responsibilised and self-governing citizen, needs examining by policy makers in conjunction with consideration of the complexity of sex worker's lives.

The responsibilising of sex workers is central to the government's exiting programme. Public bodies focus extensively on the notion that sex work is not inevitable and sex workers can be helped to leave sex work and be rehabilitated via the process of exiting (Association of Chief Police Officers, 2011; Home Office, 2006a; 2008). These programmes aim to help sex workers acknowledge *negative* components of sex work so that they can recognise how these outweigh any benefits. Sex workers who persistently solicit or loiter (two or more occasions in a three-month period (Policing and Crime Act, 2009)) can be given an Engagement and Support Order (as an alternative to a fine). The requirement under Engagement and Support Orders is the attendance of three meetings, over a six-month period with a person deemed 'suitable' to address their offending behaviour and pursue ways to exit (Policing and Crime Act, 2009). Although it is not in doubt that there should be an outlet for those who want to exit, the success of exiting remains unproven. Whilst this reflects the nature of inconsistent data for sex work in general, it brings into question the effectiveness of such provision for those who 'bounce back' after attempts to exit.

A key proposition of this article is that the impact of exiting is illustrative of contemporary citizenship discourses and practices that position sex workers on the margins of society (Scoular & O'Neill, 2007). It is clear within the extant research that the state's approach to legislation, and the resulting policy, impact on sex workers regardless of whether they are perceived as vulnerable or criminal. What is also evident is that both positions affect sex workers' citizenship status or their ability to act as a citizen. This article will analyse how the concept of citizenship operates alongside legal, policy, and exiting discourses with the purpose of exposing the 'rules of the game' for sex work, primarily for female sex workers. A novel perspective on the status of sex workers in England and Wales will be developed by utilising David Lockwood's (1996) framework on the institutionalisation of citizenship and how the concept legitimises and reproduces civic stratification. The project of citizenship is "always less than complete" (Lockwood, 1996, 536), and as Lister (2003) stated, citizenship not only excludes those from 'without' but also those from 'within'. It is important to pursue its development to establish greater universality especially in contexts in which inequality is on

the rise. Therefore, whilst the focus is on England and Wales' sex workers and citizenship, the article proposes an analytic framework applicable across late capitalist societies.

The Institutionalisation of Citizenship and the Legitimation of Inequality

Lockwood (1996, 531) inverted the traditional analysis of class (see Marshall, 1950/1992) by referring rather to the centrality of the “institutional unity of citizenship, market and bureaucratic relations” which support social cohesion and impact on how class is formed. Contra Marshall (1950/1992), for Lockwood (1996, 536) “the ethos and practice of citizenship is at least as likely as class relations to structure group interests and thereby fields of conflict and discontent”. For example, the institutionalisation of citizenship, at times when there is a legitimation of inequality, in part due to public questions of morality, fairness and worthiness (Morris, 2019a), indirectly and directly structures identities and life chances (Lockwood, 1996). Moreover, inequalities are constructed along two axes: access to rights and having the material or moral resources to benefit from rights (Lockwood, 1996) (see table 1).

Table 1

Civic Stratification (Lockwood 1996, p.536).

	Moral and resources +	Material	Moral and resources -	Material
Citizenship rights +	CIVIC GAIN		CIVIC DEFICIT	
Citizenship rights -	CIVIC EXPANSION		CIVIC EXCLUSION	

Civic exclusion is experienced by those who do not have access to citizenship rights, and lack moral and material resources, for example sex workers within England and Wales who do not have the legal right to reside and work here. This paper considers the extent to which sex workers experience *civic deficits*; those sex workers who are legal British citizens, have citizenship rights but lack the moral and material resources to access them. The formal component of citizenship bestows citizenship rights on lawful British citizens, and the social mores which conform to those of a *good citizen* are identified by those which do not (Dean, 1999). Indeed, *bad citizens* experience marginalisation which can restrict access to key resources regarded as social citizenship rights, such as welfare support, as a result of these “boundaries of inclusion and exclusion” (Morris, 2019b, p.271), which in turn can impact on the ability to gain other rights/duties such as the civil duty to pay tax (Marshall, 1950/1992).

According to Lockwood (1996, 538) it is not solely the deficiency in moral and material resources “but rather...the structure and operation of social citizenship, which of its own accord creates incipient status groups of a negatively privileged kind”. For example, those claiming benefits are stigmatised as ‘state dependents’ which permits inferior resource allocation leading to a ‘second class’ citizen identity. The second-class citizenship identity is status determined as they are not in the market but rather rely on state handouts (Lockwood, 1996). The latter impacts on the life chances of lesser/second class citizens as their access to citizenship rights is curtailed (Lockwood, 1996). Consequently, they become the objects of greater surveillance, requiring state assistance to attain a fuller citizenship status in order to overcome their lack of civic virtues. The utility of Lockwood’s (1996) framework for examining the citizen status of different social groups has been successfully demonstrated by Morris’ (2009) application of civic stratification categories to account for the exclusion of asylum seekers from welfare benefits.

Contemporary civic stratification must be seen from the context of the neo-liberal paradigm shift and its attack on the Marshallian principles of social citizenship in which welfare was a right to be guaranteed by the state for all citizens. In accepting the neo-liberal settlement, the United Kingdom’s New Labour government was central to the state’s reconfiguration of citizenship. Clarke (2005) identified the establishment of four types of citizens under New Labour that continue to frame policy agendas: *activated*, *empowered*, *responsibilised* and *abandoned*. It is suggested that these principles continue to influence the contemporary agenda for sex workers (explored in more detail below in relation to leaving sex work within the exiting section). Via the *activated* citizen construct, successive governments and neo-liberal principles have created other solutions to state care provisions in order to minimise the impact of welfare cuts. By nature, these are solutions which rely on the active citizen’s self-investment within their communities. Thus, citizenship is particularly associated with civic virtues (Lockwood, 1996), which is highly problematic for marginalised and stigmatised individuals unable to make such investments (Lister, 2003; Lockwood, 1996). Meanwhile, an *empowered* citizen is often free to develop their own sense of identity contra to rigid traditional norms (Fisher, 2007) and has both choice and voice. Thus, empowered citizens are reflexive due to the freedom from the constraints of the state (Beck et al., 2003).

The notion of citizens’ choice has driven change against the state’s traditional paternalistic approach to public services. Neo-liberal approaches to welfare positioned ‘citizens as consumers’ able to make personal choices about the services they accessed (Clarke, 2005), many of which would be provided by the private sector. Yet, choice and service

user autonomy in social care and welfare has failed to address significant social inequalities, with many vulnerable groups reliant on a residualised public sector, meaning they are negatively privileged. Furthermore, the notion of 'voice' was intended to extend the ways in which active agents could participate within their communities and local government. For some sex workers internationally, such as those in New Zealand, their voices have led to engagement with the development of policy (Sanders & Campbell, 2014). However, for individuals who lack the moral and material resources to contribute (Lockwood, 1996), the frameworks that could have enabled them to do so have been non-existent, ineffective, or underdeveloped, thus the notion of voice can amount to little more than tokenism (Clarke, 2005; Sanders & Campbell, 2014). This was exemplified within the most current sex work legal discourse (Support to Exit Prostitution Bill (HL Bill 54), 2016, p.1) (since prorogued)) whereby sex workers voices were sought but those that did not share the government's view of the interdependency of *sex work* and *vulnerability* (in particular the notion of sex work "as a form of violence against women") were sidelined.

The latter is additionally problematic as there has been an increased emphasis on citizens having shared *responsibilities* with the state and those around them. The *responsible* citizen regulates their own behaviour to promote civility, supports themselves, and looks after their own and their dependents wellbeing by being 'hard working'. Therefore, according to Clarke (2005, 451), ideal citizens are "moralized, choice-making, self-directing subjects... bad choices result from the willfulness of irresponsible people, rather than the structural distribution of resources, capacities and opportunities". This construction of the responsible ideal citizen has been consistently reiterated by successive United Kingdom governments in different contexts. The welfare-to-work process exemplifies the ideal, via a complex system of behavioural control and monitoring whereby responsible individuals seek employment (including low paid insecure positions) to remedy the issue of social security (Wright, 2012). Further, in the aftermath of the Brexit vote, former Prime Minister, Theresa May (2016, 1) signalled a new more nationalist framing of this 'spirit of citizenship' in which citizens respected the "bonds and obligations that make *our* society work", while castigating those who believed their responsibilities were global as 'citizens of nowhere'. This represented a pivot towards the white English working class, not just in opposition to so-called cosmopolitan elites, but also to those EU citizens who had chosen to work and live in the United Kingdom and whose post-Brexit status was uncertain.

The discourse of the ideal responsible citizen is one of exclusion rather than inclusion, which groups or individuals are recognised as citizens is firmly associated with 'conditionality'.

That is only those who can meet the conditions of citizenship are afforded the full range of citizenship rights and duties. This individualistic approach to sanctioning means that marginalised citizens are blamed for their choices and compared to those who can fulfill the status (Edmiston, 2017). The latter undermines the function of social citizenship in relation to equality of status, in fact, the focus towards punitive measures in relation to employment behaviour is antithetical as it has “destabilise[d] the emancipatory potential of citizenship” (Edmiston, 2017, 315).

States historically employ punitive measures based upon ideals for citizenship behaviours, creating a “‘deserving’ and ‘undeserving’” binary (Jensen & Tyler, 2015, 471) within which moral worth and resources are measures of the good citizen (Lockwood, 1996). The neo-liberal citizenship settlement has revived this binary, legitimating the inequalities of late capitalism through policy interventions that structure civic stratification. As Clarke (2005, 458) noted whilst some may receive a “‘hand up, not a handout’... ‘personalized’ interventions” others are subjected to “surveillance, criminalization and incarceration”. In this way, the neo-liberal conditional principles of universalism and inclusion, conversely, lead to significant exclusion as some citizens who cannot meet the required conditions are literally *abandoned* by the state (Clarke, 2005) and face profound civic deficit (Lockwood, 1996).

Sex Workers and Civic Deficits

A civic deficit is either when individuals are unable to exercise their rights due to a paucity of resources or when the exercising of rights is suspended (Lockwood, 1996). Some citizens have a stigmatised deficit, particularly those who are not perceived as contributing via employment (Lockwood, 1996). For example, Lockwood (1996, 546) stated that because some groups (such as benefit claimants) lack homogeneity their “material and moral resources are to begin with small, and whose lack of incentive, capacity and opportunity to engage in collective action is further diminished by the indignity of the status itself” which impacts on the sense of belonging and the ability to pursue rights. The antecedents of sex work are complex, highlighting a range of social issues such as economic exclusion and vulnerability to exploitation (Balfour & Allen, 2014; Munro & Scoular, 2012). It is perhaps this heterogeneity that compounds the stigmatised deficit for this group, some are regarded as workers (albeit in an illicit occupation) and others are regarded as victims. Sex workers both experience some market power and stigmatised deficits; stigmatised deficits impact on the ability to challenge power deficits (Lockwood, 1996).

Power deficits, such as lacking a “free and equal contract” with employers, have for some been dealt with via the Equality Act 2010, but sex workers remain in deficit, and so open to various forms of discrimination. That is, sex workers continue to face formal, legal discrimination compared to other marginalised groups, such as British Black and Minority Ethnic groups, that are more clearly covered by equality legislation. The latter is a result of the institution of citizenship, within which individuals must conform to impersonal market rules, but the corresponding inequalities in outcomes is legitimated in terms of distinctions of moral worth between groups (Lockwood, 1996). This creates an ambiguity around the sex worker’ market position. That is, they are regarded as able to freely extract profit from clients in an unregulated market in which sex work is categorised as both a ‘signal crime’ whereby the local community perceives a heightened risk to their safety, and, in some respects, a ‘market crime’ (economic activity that is not sanctioned by the state) (Association of Chief Police Officers, 2011). Thus, by partaking in an institutionally stigmatised ‘sex’ economy they are either perceived as self-excluding but self-sufficient, not experiencing fiscal deficits (Lockwood, 1996) and somewhat to blame for their own predicament due to partaking in an *illicit* occupation (Lewis, 2016; Munro, 2017; Putnis & Burr, 2020), or they are considered as victims (Home Office, 2008; Policing and Crime Act, 2008). Both positions place sex workers on a problematic basis for any claims to full citizenship status.

The state has targeted some sex workers as requiring increased surveillance via legislation and others a ‘hand-up’ via the exiting process. It is important to establish the extent to which legislation impacts on sex workers’ access to the rights and duties of citizenship. There have been several publications (see for example Phoenix (2009) and Platt et al. (2018)) on policy reform and sex work reflecting the varied nature of work in this arena and how law and policy can have both negative and positive outcomes. Yet, there is little explicit consideration of the paradoxes of the states’ ‘hand-up’ to citizenship identity via exiting.

Exiting: Sex Work Legal and Policy Discourses and Citizenship

Since its inception, citizenship status has impacted on the rights and duties of some subjects. As individuals pursued their rights within the 1800s (developing the ethos of active citizenship and improving rights of men), there was a corresponding increased political and social interest in sex work from contradictory viewpoints (Oswald, 2012). Sex workers were perceived as either an immoral nuisance or criminal (Committee on the State of the Police of the Metropolis, 1816; Metropolitan Police Act, 1839; Select Committee on the Observance of the Sabbath Day, 1831-1832; Towns Police Clauses Act, 1847; Vagrancy Act, 1824), or a victim

(Committee on the State of Mendicity in the Metropolis, 1815; Protection of Women Act, 1849; Select Committee on the Poor Law Amendment Act, 1838).

The nuisance discourse served the purpose of identifying *good* and *bad* citizens within the developing citizenship ethos, and sex workers were subjected to increased scrutiny (based on reports such as the Army Medical Department's in 1864), leading to the Contagious Diseases Acts of 1864, 1866, and 1869, which ostensibly aimed to improve public health by controlling the immoral behaviour of sex workers rather than making sex work illegal. According to Scoular (2015, 46), the Contagious Diseases Acts "...performed an important constitutive function ... to create the prostitute as a separate class of women, dislocating them from their working-class communities... outside the normal boundaries of society", excluding them from accessing citizenship. Paradoxically, the same treatment was eluded by male clients who were free to claim their right to pay for sex.

Whilst the Contagious Diseases Acts (1864, 1866, 1869) were reported as successful (Alderson et al., 1868; Childers et al., 1869; Commissioner of Police to the Board of Admiralty, 1870), there was limited public support for their extension as its aims were at odds with public concerns about the treatment of sex workers. That is, legally, the discourse within the Contagious Diseases Acts was of sex workers as carriers of sexual diseases which exonerated their male clients. Additionally, any female who looked like a sex worker was forced to have an invasive examination to see if they had venereal disease. If they were found to be infected, they were compulsory detained in a 'Lock' hospital until they were free of the disease. The latter led to numerous public meetings and petitions demanding the repeal of the Contagious Diseases Act (Shaen et al., 1871). Concurrent with the development of women's suffrage, the increased focus on civil activity encouraged feminist reformers (such as Butler) to act on sex workers' behalf. Sex workers were perceived as victims and the Contagious Diseases Acts (1864, 1866, 1869) as justifying the power of men over female sex workers. Butler (1874) indicated that this was only possible because women had been suppressed politically, socially, and legally. The Criminal Law Amendment Act 1885 replaced the Contagious Diseases Act (1864, 1866, 1869) and purported to support sex worker victimhood. However, the Criminal Law Amendment Act's 1885 focus on the closure of brothels led to a change in the structure of sex work with the increased reliance on male 'pimps' for protection. This inadvertently created a gender imbalance in sex work from female to male control and resulted in a negative outcome for sex workers as "there now existed third parties with a strong interest in prolonging women's stay on the streets" (Walkowitz, 1980, 211). This led to further

vulnerability for sex workers and, consistent with Lockwood (1996), maintained their status as a negatively privileged group who lacked both the moral and material resources of citizenship.

Even though the conditions differ, the historical discourse of saving victims of sex work is very similar to the more contemporary exiting discourse which emerged after the Sexual Offences Act 2003, such as those supporting sex workers to facilitate their individual social re-inclusion to provide access to social citizenship rights such as education (Association of Chief Police Officers, 2004; Hester & Westmarland, 2004; Home Office, 2004). However, most early exiting programmes expected sex workers to put themselves forward for assistance (Mayhew & Mossman, 2007) to fulfil the responsabilised citizen identity. Paradoxically, such an individualistic approach led to greater marginalisation for those sex workers who were unwilling or unable to exit, and only some of those who exited were reintegrated into the mainstream (Scouler & O'Neill, 2007).

Thus, instead of facilitating claims to equal rights as full citizens, encouraging sex workers to facilitate their individual social inclusion by exiting sex work supports an opposing good/bad citizenship binary for sex workers. Those who are unable to or do not want to exit experience continued formal and informal exclusion from citizenship leading to a disciplined citizen status. Such binaries are unproductive for a universal approach to citizenship as they dismiss those who do not access support despite there being various barriers such as supporting drug addiction (English Collective of Prostitutes, 2010) or childhood trauma (Blakey & Gunn, 2018), which can lead to a lack of engagement (Cimino, 2019). Consequently, non-exiting sex workers are doubly stigmatised by the structure and operation of citizenship with some experiencing fiscal deficits as a result. Accordingly, there is a necessity to investigate contemporary exiting legal and policy discourses to establish how the citizenship 'rules of the game' for sex workers persist.

Exiting is purported to be the state's vehicle to re-inclusion and a fuller citizenship identity for sex workers. The most recent sex work legal discourse was revealed within the Support to Exiting Prostitution Bill (2016), which aimed to ensure that the exiting provision was long term, formally monitored, and reviewed. The first objective of the Support to Exiting Prostitution Bill (2016, 1), *supporting persons to exit prostitution*, has been evident within the legal and policy agendas of consecutive governments (see for example, Hansard, 2011; Home Office, 2006a). From their inception, exiting programmes have utilised a holistic approach involving education, alternative incomes, and harm reduction (Lighthouse Project (Home Office, 2011); Mayhew & Mossman, 2007; New Futures Project, 2016; UK Network of Sex

Work Projects, 2008). However, there is a lack of statistical evidence to indicate whether exiting is successful or otherwise, placing doubt on the effectiveness and timeliness of exiting programmes. A lack of consistent strategies resulting from poor overall organisation (House of Commons Home Affairs Committee, 2016) means that basic citizenship rights remain unattainable for some; for instance, the basic right to shelter which continues to be an issue for on-street sex workers (Matolcsi et al., 2021).

Some contemporary exiting programmes, for example, the Sex Workers in Community/Custody (SWICC) initiative (All Party Parliamentary Group, 2011; Hansard, 2011), have attempted to address issues of poor organisation by providing improved training for those who work with sex workers in the criminal justice system, both in the prison service (initially piloted in five prisons) and the community. Within the Support to Exit Prostitution Bill (2016), it was suggested that a professionalisation of exiting services is necessary to ensure that they are supporting sex workers effectively, including monitoring quality standards, and involving sex workers in the development of these and providing feedback on services and policing (consistent with the International Union of Sex Workers, 2009). This was intended to ensure that support is available and that policing strategies do not interrupt other agencies providing support. The latter was deemed necessary as some sex workers are reticent to use support provisions due to a lack of trust, believing that they are either linked to the police or would provide information about their prostitution activity (Home Office, 2011). The House of Commons Home Affairs Committee (2016, 21), stated that the key underlying issue is that criminalising sex workers impacts on engagement with exiting programmes: “...treating soliciting as an offence is having an adverse impact, in terms of preventing sex workers from seeking help to exit prostitution, exposing them to abuse and violence, and damaging other areas of their lives... Having a criminal record for prostitution-related offences...creates an insurmountable barrier for sex workers wishing to exit prostitution.”

Indeed, when sex workers strive to gain a ‘mainstream’ occupation a conviction under the Sexual Offences Act 2003 outweighs qualifications and experience gained within exiting programmes and often leads to a return to sex work, maintaining their lesser-citizenship status. According to Graham (2017, 204) whilst the legal focus has been towards curtailing nuisance there has been a lack of attention on “the structural economic and social reasons why sex workers might be selling sex on the streets and thus is unsuccessful as a tactic to eliminate the street sex industry”. The state’s overreliance on the law to contend with sex work has led to the position where some sex workers are more vulnerable to exploitation and violence (Graham, 2017).

Conversely, the alternative approach which views sex workers as vulnerable victims is no less problematic for their citizenship status. Perceiving sex workers as vulnerable and sex work as violence against women and discriminatory in nature, can be an obstacle to equal rights. Within the Policing and Crime Act 2009 (section 14) and the Sexual Offences Act 2003 protection is afforded to victims 'subjected to force', and the Home Office's (2006a) exiting agenda created a picture of a vulnerable, abused individual who has little choice with regards to selling sex. HM Government's (2012, 7) strategies aimed "to reduce the harm suffered by the vulnerable women working in prostitution" contra to the English Collective of Prostitutes (2010, 2016) focus towards decriminalisation. Yet, the evidence to support the extent to which violence occurs in sex work is conflicting – in some cases it is presented as highly violent in nature (Bindel et al., 2013), while others question the extent to which this is the case (Laing, 2016). Regardless, sex workers are presented as vulnerable to violence and sex crimes from those who buy sex or coerce them into selling sex, and members of the communities they work in.

Additionally, whilst the aim is to empower abused sex workers to leave, models of exiting often focus on the negatives of sex work and projects workers as "little more than a bundle of unresolved needs" (Matthews et al., 2014, 10), in need of rescuing. Perceiving sex workers in this manner is problematic on several levels (Laing, 2016, 6):

To say all sex work is violence against women is to say that all sex workers are victims. The same logic would mean that women who enjoy sex work and work of their own free will are all somehow mentally disturbed... To take away the rights of an entire group of non-coerced adult people to define their own sense of self is just so wrong.

These latter unresolved issues result from the homogeneity of the victim discourse leading to sex workers being particularised by the state (consistent with Lockwood, 1996). Thus, they remain excluded from the mainstream in part because of their victim status (Sanders, 2009). The English Collective of Prostitutes (2010) stated that there should be a system of support based on social citizenship rights and duties. The *need* for help and support was emphasised by Association of Chief Police Officers (2011, 4) in the form of health, welfare, and exiting provision "in order to leave it behind and start a new life" via a 'hand-up' from the state. This acknowledges social marginalisation in terms of health and social care provision, yet these are not referred to as social rights but that they "should be able to access" such support (Association of Chief Police Officers, 2011, 7). Therefore, whilst it appears on face value that

the victim discourse could assist claims to social citizenship rights, this is not entirely the case. Indeed, according to Munro and Scoular (2012), within the victim discourse, vulnerability is a tool for the neoliberal agenda to support regressive state practices whilst simultaneously presenting the state as compassionate. As such, the current exiting agenda impacts upon sex workers' citizenship status formally on a civil and political level, and informally on a social level.

A critical component of the victim discourse for supporting the exiting process is the rejection of the notion that sex workers have legitimately chosen sex work. Whilst there is acknowledgement that some sex workers claim that they remain in the profession through choice (where legal and consensual (Association of Chief Police Officers, 2011)), this has been long negated. For example, the Home Office (2004, 41) stated that sex work is not an authentic choice as it is the result of "a combination of fear, the process of normalisation or in an effort to maintain their dignity" or that sex work is a survival activity resulting from abuse or being coerced (Home Office, 2006b). Viewing choice as lacking authenticity is problematic as choice is essential for the ability to act as an empowered citizen (Clarke, 2005). Conversely, sex workers are expected to choose between seeking out the assistance of exiting programmes to escape sex work or be on the receiving end of punitive measures for their crimes (Phoenix, 2008) such as loitering. This is problematic as 77.1% of sex workers in a survey by Laing (2016) stated that they supported the notion of organisations aiding exiting but only for those who wanted that assistance emphasising their concern with maintaining autonomy. If they choose to remain in sex work and have the same rights and responsibilities as other British citizens (as has been demanded by International Union of Sex Workers (2009)), they are thwarted as they adopt the abandoned citizen identity, due to being non-law-abiding citizens, resulting in increased surveillance. Conversely, in choosing to exit, sex workers should be exemplifying the attributes of the empowered and responsabilised citizen concepts, but reintegration is often difficult due to institutionalised stigma. Stigmatised deficits are thus determined by status (Lockwood, 1996), as lesser citizens, sex workers lack the moral leverage required to access a fuller citizenship status and the rights associated with the status.

Importantly, regardless of whether they exit or not, in the main, sex workers either lack the moral and material resources, or are deemed to do so, needed to contribute to the processes which influence sex work law and policy, their ability to engage in collective action is impacted upon. They may rely on the state to provide support and protection but do so as stigmatised victims not citizens claiming rights (consistent with Lockwood (1996)). Overall, the victim discourse underlying exiting is problematic in terms of attaining a full citizenship identity as it creates a power deficit. This power deficit denies sex workers agency of choice as

dependents on state assistance in a zero-sum relationship which is not concordant with claiming rights, or political participation. Consequently, the victim discourse within the exiting process does little to advance sex workers' citizenship status as viewing an individual in this manner assigns an 'other' status to them, as a result, they will always be second class citizens (Lister, 2003).

Conclusion

The aim within this paper was to add a novel dimension to extant research which has pointed towards the unequal treatment of sex workers in law and policy. It considered the influence of the concept of citizenship in the development of civic deficits for sex workers, their lesser citizenship identity, and how the states' 'hand-up' to citizenship for sex workers - the exiting process, influences those. This paper drew on the work of Lockwood to explore how citizenship operates in conjunction with sex worker law and policy discourses to discover how the *rules of the game* for sex workers have been created and accepted. Despite contemporary legal and policy agendas attempts to address marginalisation there remains a paradox in relation to the legal status of commercial sex work. That is, although legislation does not criminalise the act of selling sex, it criminalises specific associated activities which can result in a criminal offence for 'bad citizen' behaviour and is implicit in other areas (such as in relation to the sex-buyer) (Policing and Crime Act, 2009; Sexual Offences Act, 2003). This impacts on sex workers' ability to reach the responsabilised citizen expectations in terms of civility, irrespective of whether they are supporting themselves financially. This will remain the case, as focusing on the legal confusion obscures the issue of citizenship identity that the discourses create. For example, the victim discourse is problematic in relation to citizenship, agency, and being perceived as political actors, and criminality leads to a lesser citizenship status with rights curtailed. The victim discourse creates a power deficit, denying sex workers agency of choice as dependents on state assistance in a zero-sum relationship which is not concordant with claiming citizenship status, rights, or political participation.

Further, exiting is not fully able to provide the steppingstone towards regaining some of the necessities of the status (such as a more citizenship-like occupation, that is one that is regarded as a legitimate occupation). This is problematic as exiting projects profess to offer a way towards social citizenship with the provision of educational courses aimed to prepare sex workers for a more 'acceptable' career. Yet, due to the conditional nature of the citizenship concept and the rigidity of the 'empowered' citizen concept, they are blamed for their un-citizenship like choices. Thus, the operation of citizenship has created sex workers as a

negatively privileged group - legal barriers and stigma (related to the responsibilised citizen concept) prevent access to the mainstream (Lockwood, 1996). The outcome is inferior resource allocation as sex workers' access to social citizenship rights are curtailed on moral and material grounds. The implications of the analysis presented here is that policy and law makers consider how the structure and operation of citizenship interplays with the discourses they create which serve to marginalise further those they aim to support or protect.

References

Abel, G. (2018). Commentary: Sex work is Here to Stay and Decriminalisation Improves Safety and Social Justice. *BMJ*, 361, k2687.

Alderson, J., Hilton, J., Burrows, G., Watson, T., Holland, H., Jenner, W., Skey, F. C. (1868). 1867-68 (266) Contagious Diseases Act (1866). Copy of a Memorial to the Lord President of the Council from the President of the Royal College of Physicians, and Others, Respecting the Extension of the Contagious Diseases Act, 1866.

All Party Parliamentary Group. (2011). *Women in the Penal System: Second Report on Women with Particular Vulnerabilities in the Criminal Justice System*. Available at: http://www.howardleague.org/fileadmin/howard_league/user/pdf/Publications/Women_in_the_penal_system.pdf

Army Medical Department. (1864). *Statistical, Sanitary, and Medical Reports for the Year 1862*.

Association of Chief Police Officers. (2004). *Policing Prostitution: ACPO's Policy, Strategy and Operational Guidelines for Dealing with Exploitation and Abuse through Prostitution*.

Association of Chief Police Officers. (2011). *ACPO Strategy & Supporting Operational Guidance for Policing Prostitution and Sexual Exploitation*.

Balfour, R., & Allen, J. (2014). A Review of the Literature on Sex Workers and Social Exclusion. UCL Institute of Health Equity for Inclusion Health, Department of Health. Available at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/303927/A_Review_of_the_Literature_on_sex_workers_and_social_exclusion.pdf

Beck, U., Bonss, W., & Lau, C. (2003). The Theory of Reflexive Modernization: Problematic, Hypotheses and Research Programme. *Theory Culture & Society*, 20(1), 1-33.

Bindel, J., Breslin, R., & Brown, L. (2013). Capital Exploits: A Study of Prostitution and Trafficking in London. A Study Commissioned by the Mayor's Office for Policing and Crime (MOPAC).

Blakey, J. M., & Gunn, A. (2018). The "Ickiness Factor": Stigma as a Barrier to Exiting Prostitution. *Journal of Offender Rehabilitation*, 57(8), 538-561.

Butler, J. E. (1874). Some Thoughts on the present aspect of the Crusade against the State Regulation of Vice. Liverpool.

Childers, Mr., Pakington, J., Vivian, Marquis of Hamilton., Dalrymple, D., Wyndham, P., Kinnaird, Mitford, Mr. (1869). 1868-69 (306) (306-I) *Index to the Report from the Select Committee on Contagious Diseases Act (1866)*.

Cimino, A. N. (2019). Uncovering Intentions to Exit Prostitution: Findings from a Qualitative Study. *Victims & Offenders*, 14(5), 606-624.

Clarke, J. (2005). New Labour's Citizens: Activated, Empowered, Responsibilized, Abandoned? *Critical Social Policy*, 25(4), 447-463.

Commissioner of Police to the Board of Admiralty. (1870). (426) Contagious Diseases Acts. Copy of Report of the Chief on the Operation of the Contagious Diseases Acts in the Plymouth and Devonport district, &c.

Committee on the State of Mendicity in the Metropolis. (1815). (473) *Report from Committee on the State of Mendicity in the Metropolis*.

Committee on the State of the Police of the Metropolis. (1816). (510) Report from the Committee on the State of the Police of the Metropolis; with, the Minutes of Evidence Taken Before the Committee; and, an Appendix of Sundry Papers.

Dean, M. (1999). *Governmentality—Power and Rule in Modern Society*. Sage.

Edmiston, D. (2017). Welfare, Austerity and Social Citizenship in the UK. *Social Policy and Society*, 16(2), 261 – 270.

English Collective of Prostitutes. (2010). *Recommendations for Changes in Prostitution Law and Policy*. Available at: <http://www.prostitutescollective.net/>

English Collective of Prostitutes. (2016). *Decriminalisation of Prostitution: The Evidence Copyright Report of Parliamentary Symposium, 3 November 2015, House of Commons*. Available at: <http://prostitutescollective.net/wp-content/uploads/2017/01/Online-Symposium-Report.pdf>

English Collective of Prostitutes. (2020). *Statement: Coronavirus and sex workers' demands*. Available at: <https://prostitutescollective.net/statement-coronavirus-and-sex-workers-demands/>

Fisher, P. (2007). Experiential Knowledge Challenges 'Normality' and Individualized Citizenship: Towards 'Another Way of Being'. *Disability & Society*, 22(3), 283-298.

Graham, L. (2017). Governing Sex Work Through Crime: Creating the Context for Violence and Exploitation. *The Journal of Criminal Law*, 81(3), 201–216.

Hansard. (2011). *Topical questions (Column 149)*. Available at: <http://www.publications.parliament.uk/pa/cm201011/cmhansrd/cm110111/debtext/110111-0001.htm>

Her Majesty's Government. (2012). *The Call to End Violence Against Women and Girls: Taking Action – The Next Chapter*. Available at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/118156/action-plan-new-chapter.pdf

Hester, M., & Westmarland, N. (2004). *Tackling Street Prostitution: Towards an Holistic Approach*. Home Office Research Study 279.

Hewer, R. (2019). A Gossamer Consensus: Discourses of Vulnerability in the Westminster Prostitution Policy Subsystem. *Social & Legal Studies*, 28(2), 227–249.

Home Office. (2004). *Paying the Price: A Consultation paper on prostitution*.

Home Office. (2006a). *A Coordinated Prostitution Strategy and a Summary of Responses to Paying the Price*.

Home Office. (2006b). *Regulatory Impact Assessment. 1 A Coordinated Strategy for Prostitution*.

Home Office. (2008). *Tackling the Demand for Prostitution*.

Home Office. (2011). *A Review of Effective Practice in Responding to Prostitution*.

House of Commons Home Affairs Committee. (2016). *Prostitution. Third Report of Session 2016/17. Report, together with formal minutes relating to the report*. Available at: <https://publications.parliament.uk/pa/cm201617/cmselect/cmhaff/26/26.pdf>

International Union of Sex Workers. (2009). *Support Human Rights for Sex Workers*. Available at: <http://www.iusw.org/support-human-rights-for-sex-workers>

Jensen, T., & Tyler, I. (2015). 'Benefits Broods': The Cultural and Political Crafting of Anti-Welfare Commonsense. *Critical Social Policy*, 35(4), 470-491.

Laing, M. (2016). *Submission of written evidence to the Home Affairs Select Committee's Prostitution Inquiry*. Available at: https://s3.eu-west-3.amazonaws.com/observatoirebdd/2016_Submission_of_written_evidence_HASC_Inquiry_UK_LAING.pdf

Lewis, C. (2016). Inequality, Incentives, Criminality, and Blame. *Legal Theory*, 22(2), 153–180.

Lister, Ruth. (2003). *Citizenship. Feminist Perspectives* (2nd ed.). New York University Press.

Lockwood, D. (1996). Civic Integration and Class Formation. *The British Journal of Sociology*, 47(3), 531-550.

Marshall, T. (1992). Citizenship and Social Class. In T. Marshall & T. Bottomore (eds.) *Citizenship and Social Class*. Pluto Press. (Original work published 1950), 3-45.

Matolcsi, A., Mulvihill, N., Lilley-Walker, S., Lanau, A., & Hester, M. (2021). The Current Landscape of Prostitution and Sex Work in England and Wales. *Sexuality & Culture*, 25, 39–57.

Matthews, R., Easton, H., Young, L., & Bindel, J. (2014). *Exiting Prostitution: A Study in Female Desistance*. Palgrave Macmillan.

May, T. (2016, October 5). Theresa May's Conference Speech in Full. *The Telegraph*. Available at: <http://www.telegraph.co.uk/news/2016/10/05/theresa-mays-conference-speech-in-full/>

Mayhew, P., & Mossman, E. (2007). *Exiting Prostitution: Models of Best Practice*. Available at: <http://www.justice.govt.nz/policy/commercial-property-and-regulatory/prostitution/prostitution-law-review-committee/publications/exiting-prostitution-models/documents/report.pdf>

Morris, L. D. (2009). Civic Stratification and the Cosmopolitan Ideal. The Case of Welfare and Asylum. *European Societies*, 11(4), 603-624.

Morris, L. D. (2019a). 'Moralising' Welfare and Migration in Austerity Britain: A Backdrop to Brexit. *European Societies*, 21(1), 76-100.

Morris, L. D. (2019b). Reconfiguring Rights in Austerity Britain: Boundaries, Behaviours and Contestable Margins. *Journal of Social Policy*, 48(2), 271–291.

Munro, V. E. (2017). Shifting Sands? Consent, Context and Vulnerability in Contemporary Sexual Offences Policy in England and Wales. *Social & Legal Studies*, 26(4), 417–440.

Munro, V., & Scoular, J. (2012). Abusing Vulnerability? Contemporary Law and Policy Responses to Sex Work in the UK. *Feminist Legal Studies*, 20(3), 189–206.

New Futures Project. (2016). *Supporting Women & Young People. To Achieve their Full Potential*. Available at: <http://new-futures.org.uk/>

Oswald, J. (2012). The Spinning House Girls: Cambridge University's Distinctive Policing of Prostitution, 1823–1894. *Urban History*, 39, 453-470.

Phoenix, J. (2008). Be Helped or Else! Economic Exploitation, Male Violence and Prostitution Policy in the UK. In V. Munro & M. Della Guista. (eds.). *Demanding Sex: Critical Reflections on the Regulation of Prostitution*, 35-49.

Phoenix, J. (2009). *Regulating Sex for Sale: Prostitution Policy Reform and the UK*. Policy Press.

Pitcher, J. (2015). Sex Work and Modes of Self-Employment in the Informal Economy: Diverse Business Practices and Constraints to Effective Working. *Social Policy and Society*, 14, 113-123.

Platt, L., Grenfell, P., Meiksin, R., Elmes, J., Sherman, S., Sanders, T., Mwangil, P., & Crago, A. (2018). Associations Between Sex Work Laws and Sex Workers' Health: A Systematic Review and Meta-Analysis of Quantitative and Qualitative Studies. *PLoS Med*, 15(12), 1-54.

Putnis, N., & Burr, J. (2020). Evidence or Stereotype? Health Inequalities and Representations of Sex Workers in Health Publications in England. *Health*, 24(6) 665–683.

Sagar, T., & Jones, D. (2013). The Local Governance of Street Sex Work in the United Kingdom: Views from the Shop Floor. *International Criminal Justice Review*, 23(2), 132-148.

Sagar, T., & Jones, D. (2014). Off-Street Sex Workers and Victim-Orientated Policymaking at the Local Level: Denial of Agency and Consequences of Victimhood. *Crime Prevention and Community Safety*, 16, 230–252.

Sanders, T. (2009). 'Controlling the "Anti Sexual" city: Sexual Citizenship and the Disciplining of Female Street Sex Workers'. *Criminology and Criminal Justice*, 9(4), 507–25.

Sanders, T. (2018). Unpacking the Process of Destigmatization of Sex Work/ers: Response to Weitzer 'Resistance to Sex Work Stigma'. *Sexualities*, 21(5–6), 736–739.

Sanders, T., & Campbell, R. (2014). Criminalization, Protection and Rights: Global Tensions in the Governance of Commercial Sex. *Criminology & Criminal Justice*, 14(5), 535–548.

Scoular, J. (2015). *The Subject of Prostitution. Sex Work, Law and Social Theory*. Routledge.

Scoular, J., & O'Neill, M. (2007). Regulating Prostitution. Social Inclusion, Responsibilization and the Politics of Prostitution Reform. *British Journal of Criminology*, 47(5): 764-778.

Select Committee on the Observance of the Sabbath Day. (1831-32). (697) *Report from Select Committee on the Observance of the Sabbath Day: with the Minutes of Evidence, and Appendix*.

Select Committee on the Poor Law Amendment Act. (1838). *Forty-Eighth Report from The Select Committee on the Poor Law Amendment Act; with the Minutes of Evidence, and Appendix*.

Shaen, W., Pennington, F., & Gladstone, W. E. (1871, 24 March). [Letter to The Chairman of the National Association for the Repeal of the Contagious Diseases Acts to the First Lord of the Treasury]. Copies of Official Letters Addressed to the First Lord of the Treasury from the Honorary Secretaries of the Association for the Extension of the Contagious Diseases Acts, dated 8 and 14 March 1871, with the Answers Thereto; and of the Official Letter from the Chairman of the National Association for the Repeal of the Contagious Diseases Acts, Dated 24 March, to the First Lord of the Treasury, with his Answer Thereto.

UK Network of Sex Work Projects. (2008). *Good Practice Guidance: Working with Sex Workers: Exiting*. UK Network of Sex Work Projects. Available at: <http://www.uknswp.org/resources%5CGPG5.pdf>

Vanwesenbeeck, I. (2017). Sex Work Criminalization is Barking Up the Wrong Tree. *Archives of Sexual Behavior*, 46, 1631 – 1640.

Walkowitz, J. (1980). *Prostitution and Victorian Society: Women, Class, and the State*. Cambridge University Press.

Wright, S. (2012). Welfare-to-work, Agency and Personal Responsibility. *Journal of Social Policy*, 41(2). 309–328.