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DISSERTATION

Understanding the Theoretical Construction of Child Prostitution
and
Its Impact on Responses to Child Prostitution.

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Abstract

The concept of child prostitution and how to respond to child prostitution are complex issues that are closely associated with the conceptualisation of childhood, differences in the perception of prostitution and cultural attitudes towards prostitution (Ennew, 1986, Monk, 2002, Shaw et al, 1996).

As a result of the different conceptualisations of childhood and children, the concept of child prostitution is seemingly understood and constructed on a knife-edge. On the one hand, by acknowledging the actual sexuality, sexual autonomy and evolving decision-making capacity of children, the concept of child prostitution can be constructed and understood as *a clear indication of the sexual freedom and self-determination of children*. On the other hand, by disregarding childhood sexuality and maintaining the idea of the sexually innocent childhood and child, it can be constructed and understood as a “*social evil*” in which child prostitutes are often seen as deviant, in need of rescuing, discipline, correction and punishment (Hayes and Trafford, 1997:61).

However, the idea of a sexually innocent childhood, which is based on the age-specific construction of childhood in various pieces of legislation discussed in this dissertation, is in itself ill-equipped to deal with the complexities of child prostitution. Furthermore, the majority of statutory agencies tend to allow their responses to child prostitution to be influenced by the concept of the sexually innocent child. Consequently, far from addressing the actual needs of these children, this attitude reflects the cultural norms of the society, adult ‘moral panics’ and prejudice about child sexuality (Monk, 2002, Ennew, 1986).

Therefore, in this dissertation, I will argue that different conceptualisations of childhood affect our response to child prostitution, and that each theory or perspective that has been

suggested to explain the involvement of children in prostitution differently produces or shapes what form of intervention or response should be adopted.

Introduction – Aims and Purposes

The concept of child prostitution and how to respond to child prostitution are complex issues that are closely associated with the conceptualisation of childhood, differences in the perception of prostitution and cultural attitudes towards prostitution.

In general, “the linking of ‘child’ with ‘prostitution’ involves a tension between the association of childhood with vulnerability, innocence and simplicity, and the world of prostitution” (Shaw and Butler, 1998:178). Many responses to child prostitution still reflect this tension.

The transgression of the idealised construction of what adults want to believe is ‘childhood’, has serious consequences for young people (Shaw et al, 1996:15). In this context, one universal similarity is that adults regard children as weak, helpless, *non-sexual* or *sexually innocent*, and in need of protection, supervision and training (Ennew, 1986:13, Monk, 2002). This universal similarity remained intact until the United Nations 1989 Convention on the Rights of the Child. During this term, the prevailing norms of childhood have still entailed innocence and protection. In other words, the view, in which childhood is seen as “a time of play an asexual and peaceful existence” (Kelly et al, 1995:10), or “a period of lack of responsibility, with rights to protection and training but not to autonomy” (Ennew, 1986:21), was the absolute rule among Western and universal contexts, until the 1980s.

However, “some historians have provided evidence that protected childhood is a relatively modern conception. According to writers like Aries, (1973), Plumb, (1972), de Mause (1979) and Hunt (1970), prior to the fifteenth century European children were considered to be adults with corresponding rights and responsibilities by the time they reached the age of six or seven years” (cited in Ennew, 1986:13). Clearly seen, in the past, children

were regarded as active, mature and independent members of society rather than weak, helpless, passive and dependent members of society.

Though, the concept of the sexually innocent or non-sexual child who needs protection and supervision is a relatively modern conception, it has religious, economic and educational origins.

In the religious context, Christianity and Christian ideology have always held children up as exemplars for living. “Children are described as ‘little angels’ and ‘closer to God’ than other mortals” (Ennew, 1986:15). “Becoming ‘like little children’ is a condition of entering the kingdom of heaven and this has ensured that childhood has been accorded a special conceptual status throughout the Christian era” (Ennew, 1986:14).

Changes in attitude towards ‘innocent children’ also had an economic basis. Through a combination of philanthropic and trades union campaigning, children were banned from the workforce during the course of the nineteenth century. In this context, since children were regarded as weak, helpless and in need of protection, supervision and training, their role was transformed from labour into students, and their sphere was confined to the school (Ennew, 1986:16).

The structure of education in schools and education policies concerning sex education and child sexuality are other crucial factors that provide the foundations for the idea of the sexually innocent child. In Education Law, child sexuality is one of the areas where the lack of children’s rights has been particularly criticised. In this context, children who are sexually active have been portrayed as complex legal objects, and their own views have been ignored (Monk, 2002:50). Rather, within the school and in the context of education, children and young people are constructed as ideally non-sexual or sexually innocent in a way that reflects prejudice and adult ‘moral panics’ about child sexuality (Monk, 2002:51).

However, the idea of the non-sexual child and sexually innocent childhood that shapes many countries' responses and approaches towards childhood and consequently child prostitution does not conform and correspond to the actual sexuality of children.

Unlike the idea of the sexually innocent child, the actual sexuality of children is an undeniable fact that has been well documented. For example, in England in 1998 there were over 100,000 conceptions to teenagers, of which over 8,000 were to girls under 16 (Sex and Relationship Education Guidance, DfEE, 0116/2000, Para 2.9:15). Similarly in England, since 1995 there have been significant increases in the numbers of diagnoses of genital chlamydial infection, genital warts and gonorrhoea. The rises were steepest in the 16-19 year olds, particularly for chlamydia (Sex and Relationship Education Guidance, DfEE, 0116/2000, Para 2.17:16).

After considering the evidence and research mentioned above, there is no doubt that children are sexually active under the age of 16. Thus, the Durex Global Sex Survey 1999 indicated that on average teenagers in the UK have their first sexual experience at 15.3 years – slightly later than the US and Canada, but earlier than most European countries (the global average was 15.9 years.) (cited in Setting The Boundaries, 2000, Para, 3.2.10 :36).

Two sets of ideas, mentioned above that differently conceptualise childhood and children – either by disregarding or acknowledging the actual sexuality, sexual autonomy and evolving decision making capacity of children - have a significant impact on the theoretical construction of child prostitution and consequently responses to child prostitution.

Thus, as a result of these two different conceptualisations of children, the concept of child prostitution is seemingly understood and constructed on a knife- edge. On the one hand, by acknowledging the actual sexuality, sexual autonomy and evolving decision-making capacity of children, the concept of child prostitution can be constructed and understood as *a clear indication of the sexual freedom and self- determination of children* who have sufficient

capacity to make informed decisions about their own sexual choice and fully understand the social, emotional, physical and psychological consequences of that choice.

On the other hand, by disregarding childhood sexuality and maintaining the idea of childhood as a time of sexual innocence and consequently by ruling out the possibility that child prostitutes might enter into prostitution as a conscious and considered decision, the concept of child prostitution can be constructed and understood as a '*social evil*'. In this context, child prostitutes are often seen as deviant, in need of rescuing, discipline, correction and punishment (Hayes and Trafford, 1997:61) which clearly reflects a repressive morality within society, prejudice and adult 'moral panics' about child sexuality (Monk, 2002:51). However, these simplistic approaches compel us to face two extreme possibilities: either giving absolute sexual freedom to children, or denying their sexuality and sexual autonomy. Needless to say that as a result of these simplistic approaches, children involved in prostitution and the sex industry are caught again between two possible responses from society - either one of punishment or one of protection (Aitchison and O'Brien, 1997:32).

In my opinion, to 'acknowledge' the sexuality and sexual autonomy of children should not be understood to mean that absolute sexual freedom should be given to children. On the contrary, it should be understood to mean that children have a sexuality that can be exploited and which needs to be governed by a reasonable and flexible approach that can be applied to older children in accordance with their real needs, their evolving decision-making capacity and their best interests, rather than adult 'moral panics', prejudice and repressive social morality.

As Ennew mentioned "recognising childhood sexuality does not necessarily lead to absolute sexual anarchy. On the contrary, it implies another form of adult responsibility in which both rights and duties are acknowledged" (Ennew, 1986: 61). Therefore, in this dissertation, I take a balanced approach, that both acknowledges the actual sexuality and sexual

autonomy of children in accordance with their evolving decision-making capacity *and* protects children against sexual exploitation.

By taking this balanced approach into account, I am neither ruling out the possibility that a conscious-sexual decision taken by a child can at any time be switched to a form of sexual exploitation of children, nor denying the vital role that society and the criminal law perform in setting standards of acceptable and unacceptable conduct, making certain types of sexual behaviour criminal, and maintaining boundaries of acceptable behaviour in the family and community (Setting The Boundaries, 2000, para, 3.1.2).

On the contrary, the aims of this dissertation are to:

- establish how different conceptualisations of childhood affect our responses to child prostitution;
 - put forward how each theory or perspective that has been suggested to explain the involvement of children in prostitution differently produces or shapes what form of intervention or response should be adopted for children involved in prostitution;
 - analyse whether our responses to child prostitution really address the real needs of children and offer a real solution to this global problem, or whether they fail to address the real needs of children, instead arising out of the cultural norms of the society, adult ‘moral panics’, prejudice and a repressive morality within society (Ennew, 1986, Monk, 2002);
- and finally
- establish that the idea and concept of innocent childhood which is based on the *age-specific construction of childhood* in various pieces of legislation (Ennew,1986:32), needs to be broken down into different stages of development in accordance with evolving decision-making capacity of the children.

In making all these arguments, I am neither considering myself to be totally competent to address all issues surrounding the concept of child prostitution, nor claiming that I can

discover, or devise a method that totally addresses this global problem. On the contrary, I am aware of the fact that my dissertation can not go beyond the scope and limits of a modest study compiled from different perspectives. Therefore, by providing and discussing as many perspectives and responses as possible, if I can slightly improve the knowledge of professionals, practitioners, or students who are struggling to form their own opinions about this global problem, I would be delighted.



Chapter 1

1.1 The Meaning of Words

“The linking of ‘child’ with ‘prostitution’ involves a tension between the association of childhood with vulnerability, innocence and simplicity, and the world of prostitution” (Shaw and Butler, 1998:178).

“Prostitution is the institution of controlling or using an individual’s sexuality for profit or gain. The English name of this ...institution, like the name in most European languages, remains true to the Latin root *prostituere*, which meant to offer for public sale” (Ennew, 1986:65).

However, the customary dictionary definitions of prostitution do not reflect its Latin root, rather they convey the negative perceptions of the individuals and society which hinders a proper understanding of this institution. For example, “ the *Penguin Dictionary* defines a prostitute as: ‘a woman who hires out her body for sexual intercourse’; while prostitution is: ‘an organised system in which women hire themselves out for sexual intercourse’; and to prostitute is to: ‘put to dishonourable use for the sake of money’ ” (The *Penguin Dictionary*, 1969,P.564, cited in Jesson, 1993:519). Similarly, *the Longman Dictionary of Contemporary English* defines a prostitute as: “someone, especially a woman, who earns money by having sex with people; to prostitute to: ‘ work as a prostitute or use a skill, ability, important principle etc. in a way that does not show its true value, usually to earn money” (Longman, 2003:1317).

As clearly seen, in these customary dictionary definitions, prostitution and prostitutes are defined in a negative way that reflect social disapproval, stigma and the repressive morality of the society.

When we consider the definitions mentioned above, three assumptions emerge which still have a significant impact on judicial reasoning and the decisions of the courts. With respect to the first assumption, it can be said that there has been a tendency to use a *gender-biased*

language in the ordinary way of speaking and *sex-specific construction* (Edwards, 1997) in the legislation which rule out the possibility that males might sell their services to women or men. Thus, the recent case of *DPP v. Bull [1994] (4 All ER 411)* showed that as far as the definition of common prostitute, set out by the section 1 (1) of the Street Offences Act 1959, is concerned, this gender-biased and *sex-specific construction of the law* (Edwards, 1997:60) has remained intact.

In this case the decision of Wells Street Magistrates, which ruled that the scope of the section 1 (1) of the Street Offences Act 1959 was limited to the activities of female prostitutes by excluding the similar activities of male prostitutes from the scope of the act, was challenged by the Director of Public Prosecutions. However, in May 1994, two high court judges dismissed the appeal and upheld the decision of magistrates by ruling that only women could be charged with loitering, and consequently could be defined as a “common prostitute” for the purpose of prostitution under section 1 of the 1959 Act. This assumption disregards the reality of young male prostitutes and hinders the efforts of those working with young male prostitutes and struggling to meet their needs.

As to prostitution, the second assumption is that prostitution is commonly defined as an activity where sexual acts are exchanged for money as payment (Lee and O’Brien, 1995:4, Ennew, 1986:65, Jesson, 1993:519, Kelly, et al, 1995:17). But, “ payment for prostitution need not be in terms of money. It may be in terms of privilege, power, food, clothing almost any form of exchangeable value”(Davis, 1937:752).

However, when the courts decide what activities amount to prostitution, they have only taken the element of the money as payment into consideration. Thus, in *de Munck [1918] (1 KB 635)*, the leading case, it was ruled that prostitution involves the selling of sex “*in lewdness for payment*” (cited in Edwards,1997:59). Similarly, in the case of *Webb [1964] (1 QB 357)* which discussed whether the activity paid for - the masturbation of a male client - amounts to

prostitution, the court again took the element of the money or payment into consideration by holding that “as long as the activity includes *the transaction of money or payment (emphasis added)*, it does not matter whether a prostitute plays the active or passive role or whether she whips the man or the man whips her” (cited in Edwards, 1997:59). This assumption disregards the possibility that in child prostitution sexual acts might be exchanged in order to meet basic necessities such as food, something to eat, or a place to stay, when these basic necessities are not being met elsewhere (Lee and O’Brien, 1995:4). This assumption also excludes the possibility that the provision of child prostitution in itself, or access to child prostitutes can be used as a *medium of exchange* between adults (Kelly, et al, 1995:17,emphasis added) in order to gain profits. In this context, child prostitutes are regarded as a gift or a form of bribe that is believed to have an impact on the decision of adults such as senior executives of big companies or politicians who are in a position to have the final word on financial affairs or settle a dispute, and also might have sexual interest in children. For those people reaching child prostitutes or having sexual intercourse with child prostitutes is more valuable than any other gifts. Consequently, it is logical to offer them a child prostitute instead of offering them any other gifts or money as a bribe. Therefore, in child prostitution sexual acts between children and adults are not always exchanged for payment or money. Sometimes, it is exchanged for basic necessities, such as food, and sometimes, there is no exchange between the adults and children, exchange takes place between two adults by using child prostitutes as a medium of exchange.

The third and final assumption, with respect to the meaning of prostitution, is that prostitution is commonly defined in terms of offering sexual intercourse. “This can give us an inaccurate picture, particularly for young women. Young prostitute women offer a wide range of sexual services, but not all of them engage in sexual intercourse” (Green, 1992:5). Some of them may engage in some particular services, such as sado-masochism, masturbation, whipping, and refuse to take part in sexual intercourse (Green, 1992, Ennew, 1986).

After discussing these three assumptions, it is obvious that the customary dictionary definitions of prostitution are misleading and have a negative and shallow basis. Taking this into account, the Labour Government recognised this problem and sought to tackle it through the Sexual Offences Act 2003 which prevents the misleading and profound impacts of these three assumptions on judicial reasoning and the decisions of the courts. In this context, with respect to the first assumption and sex - specific construction in legislation, which rules out the possibility that males might sell their services to women or men, Section 56 of the 2003 Act and the Schedule 1 of the Act substituted the word 'women' in all sex-specific constructions in the legislation with 'person' and substituted the heading of "Soliciting of women by men" for the heading "Soliciting for the purpose of prostitution" (The Sexual Offences Act 2003, s.56).

Similarly, the Act also made a major change with reference to the second assumption in which prostitution is commonly defined as an activity where sexual acts are exchanged for payment or money. In order to prevent the impact of this assumption, Section 47 of the Act redefined the concept and meaning of payment under the heading of "paying for sexual services of a child" by providing that:

" In this section, "payment" means any financial advantage, including the discharge of an obligation to pay or the provision of goods or services...gratuitously or at a discount" (The Sexual Offences Act 2003, s.47).

Finally, with respect to the third assumption in which prostitution is commonly defined in terms of offering sexual intercourse, Section 47 of the Act brought a broader definition into play which includes a wide range of sexual services in addition to sexual intercourse. In my opinion, in the light of these welcome legislative changes, it is, to a large extent, possible to develop a proper and broader definition that does not reflect those misleading assumptions mentioned above, and that prevents prejudice, social disapproval and negative perceptions of individuals and the society. "The definition should also be as near as possible to that used by

the young people involved in prostitution and those working with them” (Dodsworth, 2000:6).

One of the most widely used and helpful definitions of child prostitution is:

“ The provision of sexual services in exchange for some form of payment, such as money, drink, drugs, other consumer goods or even a bed and a roof over one’s head for a night” (Green, 1992:5).

Clearly, the language of this definition is not gender- biased. Additionally, as it prefers to use the terms ‘sexual services’ and ‘some form of payment’ instead of using the terms of ‘sexual intercourse’ and ‘money’, it is, to a large extent, possible to prevent the impact of biased and stigma attached to customary definitions which hinders the development of proper and necessary responses that meet the needs of young people involved in prostitution.

However, offering a meaningful response to child prostitution and understanding the problem of prostitution properly necessitates exploring several different perspectives and theories, which try to explain the involvement of children in prostitution. The next chapter attempts to examine this issue by discussing as many perspectives and theories as possible.

Chapter 2

THE THEORETICAL CONSTRUCTION OF CHILD PROSTITUTION

2.1 The Sociological Perspective

In the sociological context, the institution of prostitution is generally explained by two main arguments: ‘ Oldest profession theory’ (Bassermann, 1967), and ‘Male incontinence theory’ (Ennew, 1986, Jesson, 1993, Davis, 1937, Scambler and Scambler , 1997a).

2.1a The Oldest Profession Theory

In this theory, prostitution is understood to mean a ‘natural practice’ which has been in existence throughout human history (Bassermann, 1967). However, some caution is required. First of all, this theory is not simply supported by ethnographic evidence. There seems to be ample evidence that prostitution is extremely uncommon in tribal and peasant societies (Ennew1986: 66). Secondly, to use the word ‘natural’ in order to explain the continuity of the practice is regrettable, when the degree of continuity between the earliest documented forms of ‘sacred Middle Eastern, Egyptian and Mesopotamian prostitution’ and ‘contemporary Western secular prostitution’ is in fact still debated (Scambler and Scambler, 1997a).

Moreover, using the term ‘natural’ in conjunction with historical evidence in order to justify the continuation of a practice is vacuous. It creates the impression that all practices that have a long history can be described as natural regardless of what the practice entails. As Ennew mentioned “torture and capital punishment have equally long histories but the modern international community does not regard this as a valid reason to suggest that they are natural” (Ennew, 1986: 67). On the other hand, though child prostitution has a long history, in my opinion, when considered cultural norms and customs of societies, where all sexual relationships that occur outside marriage receive strong moral condemnations and perhaps

punishments, it clearly raises serious doubts as to whether child prostitution has been in existence throughout human history. Therefore, oldest profession theory seems doubtful to explain the concept of child prostitution as an oldest profession or natural practice.

2.1b Male Incontinence Theory & Adult Sexual Interest in Children

The second argument that explains the institution of prostitution from a sociological perspective can be labelled as ‘male incontinence theory’ (Ennew, 1986: 66). Since this theory is elaborately discussed by a male sociologist, Kingsley Davis, (Davis, 1937) and built on an assumption that there is a natural difference between male and female sexual desires and needs, it is sometimes named as ‘male structuralist perspective’ (Jesson, 1993:519) or sociobiological perspective in which female prostitution is interpreted as a social imperative to accommodate the over powering male sex drive (Scambler and Scambler, 1997a: XII).

“The ‘male incontinence theory’ entails the proposition that prostitution is a necessary social mechanism which ensures the persistence of the institution of marriage. It is based on the proposition that men have more powerful sexual desires and needs than women, and these can not be satisfied by the sexual activities permitted within marital relationship.... Normal married women can not satisfy their husbands’ needs. Only prostitutes, who are abnormally sexed women, can do this”

(Ennew, 1986:67,68).

Seen from this perspective, male incontinence theory provides the foundations and conducive environment to justify both the act of men, who are believed to have to seek release from their overwhelming sexual desires outside marriage, and the act of prostitutes who satisfy overwhelming sexual desires of men without threatening the stability of marriage. Unlike other kinds of extra-marital sexual relationships, such as courtship and concubinage that threaten the

stability of marriage, prostitution provides a social mechanism through which the family, the basic unit of the society, is supported and reinforced (Ennew, 1986).

After purchasing sex, it is argued that men can return refreshed to the cares of domestic life. Therefore, by functioning as “*a sexual safety valve*” for overwhelming male needs (Ennew, 1986:66, Corbin, 1990:211, O’Neill, 1997:5), prostitution and prostitutes save a lot of marriages.

Because of this social mechanism that protects the family by functioning as a sexual safety valve, male incontinence theory, in some respects is called “the functional perspective” (Scambler and Scambler, 1997a: XII). In that respect or perspective, it is claimed that all sexual institutions through which sexual contract between men and women occur, provide gratification and therefore, their functions seem the same in some respects (Scambler and Scambler 1997a). However, all sexual institutions do not perform the same function. This explains why sexual institutions are differently evaluated in the mores of the society (Davis, 1937:746).

By taking their functions into account society regulates all sexual institutions either by creating its own positive rules which permit, encourage or force various degrees of sexual intimacy within specific customary relations such as courtship, concubinage and marriage, or by creating its own negative rules that prohibit sexual relations in certain specified situations such as incest (Davis, 1937:747).

“ Of the numerous functions which sexual institutions subserve, the most vital relate to physical and social reproduction of the next generation...Marriage and its subsidiary patterns constitute the chief cultural arrangement through which erotic expression is held to reproduction. It is accordingly the most respectable institution, with the others diminishing in respectability as they stand further away from wedlock” (Davis, 1937:747).

In prostitution both parties use sex for an end not socially functional; the one for pleasure, the other for money, and there is no aim of reproduction or procreation. As sexual

intercourse is practised for money without a reproductive purpose, the social function of the sexual relationship in prostitution is indeterminate, secondary and extrinsic. Therefore, the institution of prostitution is inimical to reproductive relations that are already established in the marriage (Davis, 1937).

Seen from this functional perspective, two clear facts emerge. Firstly, prostitution is condemned and regarded as a “*social evil*” by the society. As both parties in prostitution use sex for an end not socially functional that hinder the reproductive aim of the society which requires long, close and sympathetic association that is believed just to be provided by the institution of marriage (Davis, 1937). Secondly, the institution of prostitution can still flourish and maintain its existence, as long as it is seen as a sexual safety valve for overwhelming male needs or “ a social sewage system: an unpleasant mechanism, which is nevertheless necessary in order to keep society clean” (Ennew, 1986:67).

However, this functional perspective includes some ironic and degrading points. Firstly, the institution of prostitution, in which the demand side of the relationship does not have to submit to health checks and is free to spread disease, may pose a serious health risk for the society by creating a conducive environment for sexually transmitted diseases. Whereas it is supposed to function as safety valve and necessary mechanism to keep the society clean.

Secondly, such theories degrade men, women and also children who were born out of wedlock. Because in such theories, “men are regarded as persons unable to control their sexuality; women either have their sexuality controlled within the institution of marriage, or used and abused outside it” (Ennew, 1986:68) and finally children who were born out of wedlock are still being regarded as illegitimate and undesirable since they were born out of marriage, and do not correspond the *gemeinschaft* model of the society (Davis 1937), which is the ideal type of relationship for social reproduction of the next generation.

With respect to the concept of child prostitution, I may arguably claim that the concept of child prostitution can not be identified with the male incontinence theory. As Ennew asserts:

“On the contrary, it might be argued that a respectable husband and father would be unlikely to seek sexual catharsis with a child young enough to be his own son or daughter, without posing a major threat to the fabric of society. But if one accepted the logic of the ‘male incontinence’ argument, then one could also suggest that men might seek sex with child prostitutes in order to release themselves from incestuous desires for their own children. Thus child prostitution would appear to be necessary in order to preserve the family group and assure the sexual purity of legitimate sons and daughters”

(Ennew, 1986:69).

However, such arguments deny the reality that a child with whom adults have sexual intercourse is the part of another family group that has to be preserved and supported. Such arguments also degrade and disregard the personality of the child who is involved in prostitution, by creating an impression that children involved in prostitution have already lost their sexual purity in their own family, as they had all been victims of sexual abuse or an incestuous relationship. Those who follow such arguments, regard incest or intrafamily sexual abuse as an antecedent to prostitution (Silbert and Pines, 1981) or, as Shaw and Butler mentioned, claim that incest becomes “*a sort of rehearsal for prostitution*” (Shaw and Butler, 1998:185,emphasis added).

In my opinion, the reason why the ‘male incontinence theory’ fails to explain the existence of child prostitution lies behind the *motivational difference* that prompt adults to have sexual intercourse with adult or child prostitutes and also behind the functions performed by these two kinds of prostitution. In child prostitution, the social function of the prostitution disappears or substantially diminishes. Because, the idea of the social function of prostitution is built on an assumption that men’s overwhelming sexual desires and needs can not be satisfied

by the sexual activities permitted within the marital relationship, therefore, men need inferior, impure, sexually abnormal, and a more experienced peer sexual partner (Kapur, 1978:214,221, Ennew, 1986:75) provided by the institution of adult prostitution that does not threaten the stability of the marriage. However, when adults show sexual interest in children, or wish to have sexual intercourse with child prostitutes, they do not want a partner who is impure, sexually experienced and peer. Indeed, they want a *pure, innocent, sexually normal, inexperienced and unequal partner and simple relationship* (Boudhiba, 1982:21, Ennew, 1986:7).

Moreover, though a significant proportion of the clients of child prostitutes are unlikely to fit most definitions of 'paedophile' (Kelly, et al. 1995:18), many analytic studies with respect to 'pedophilia' (Fenichel, 1945, Storr, 1964, Galassi and Galassi, 1979, Howells, 1981) show that adults who have been unable to deal with adult sexuality or have been unable to find sexual satisfaction in an adult relationship resort to "*safer and developmentally more primitive forms of sexual expression*" (Howells, 1981:57,59, emphasis added).

In this respect, as Storr mentioned, the reason why adults show sexual interest in children does not arise from men's overwhelming sexual desires, on the contrary, it arises from "*a timid inability to make contact with contemporaries*" (Storr, 1964:102, cited in Howells, 1981:59, emphasis added). This group of people, who show sexual interest in children, might experience social difficulty due to an inability to meet the expectations of the male role, or feel unable to compete with other men in efforts to attract adult women because of felt inferiority (Peters, 1976: 409, cited in Howells, 1981:72). For this group of people relationships with adult prostitutes seems *complex and domineering*, whereas the relationship with children is perceived as *simple, not domineering and easy to get on with* (Howells, 1981:74, emphasis added).

Similarly, adults who prefer child prostitutes to adults prostitutes for a sexual activity, "feel inadequate and unable to meaningfully relate to peer sexual partners. They see sex as

something one person does to another, not as a mutually reciprocal relationship” (Ennew, 1986:77).

Clearly seen, in most, though not all situations, since the motives that prompt adults to show sexual interest in and have sexual intercourse with child prostitutes are different from the motives that prompt them to have sexual intercourse with adult prostitutes, the assumption on which the male incontinence theory is built spontaneously disappears and collapses. Therefore, the concept of child prostitution can not be identified with the male incontinence theory.

There are also other reasons and factors that explain why adults have sexual interest in children. Firstly, there has been a widespread and false belief that having sex with a virgin can cure venereal disease (Bhalerao, 1984:202,203 cited in Ennew, 1986:82). In addition to this false belief, there has been another widespread and western oriented belief or tendency that associates the concept of beauty with youth in popular culture. “Even mature women who are described as beautiful are only thought of in this way because they appear to be younger than they are” (Ennew, 1986:82).

A further factor that explains why adults have sexual interest in children can be found by further exploring the general characteristics of adult clients of child prostitutes. In addition to the reasons mentioned above, the adult clients of child prostitutes are generally the sort of people who have a fear of losing their sexual excitement, energies and abilities that they have or people who desire to regain their sexual excitement and energies that they used to have (Ennew, 1986, Peters, 1976, Howells, 1981). In this respect, the child prostitute is regarded as *the absolute or final arbiter* (Ennew, 1986:77, *emphasis added*) who settles hesitation or allays the concern of adult clients who wonder whether or not they have a problem with their sexual abilities, energies, and excitement. If an adult client can satisfy a child prostitute or have sexual intercourse with a child prostitute in a manner that can persuade him that he does not have any problem with his sexual feelings and abilities, it means that he is still physically and

psychologically a healthy man, and that the problem is not with him, but, with someone or somewhere else.

In this context, there is one final point or factor that I should mention in order to explain adult's sexual interest in child prostitutes. Many adult clients believe that the younger a prostitute is the lower the risk of contracting the HIV virus and other sexually transmitted diseases (Joiner and Badger, 1995: 7). However, exactly the opposite of this myth is the reality in many parts of the world. For example, “ the number of young people and others in Asia infected with HIV is rising at an alarming rate. In several documented incidents, the rate of children rescued from Asian brothels who tested positive for the HIV virus has exceeded 80 %” (Joiner and Badger, 1995:7).

In summary, because of the motives and factors mentioned above that prompt adults to show sexual interest in, and have sexual intercourse with, child prostitutes are different from the motives and factors that prompt them to have sexual intercourse with adult prostitutes, the concept of child prostitution can not be identified with the male incontinence theory. Indeed, such different motives, desires and factors provide the foundations to describe child prostitution as a specific market activity in which special demands, desires and motives of adult clients that can not be satisfied by adult prostitutes, are satisfied by child prostitutes.

2. 2 The Industrial Perspective – Market Activity

If we leave aside general worries as to whether there is a conscious decision or coercion to enter into prostitution, child prostitution can be described as a specific market activity, in which the special demands, desires and needs of adult clients that can not be satisfied by adult prostitutes, are satisfied.

In this context, child prostitution is regarded as a market activity basically based on supply and demand (Dodsworth, 2000:11,12, Edgington, 1997:26, Ennew, 1986:65, 77, Lee and O'Brien, 1995:15, Kelly, et al. 1995:45). It typically involves a contract worked out on

market principles, for finite agreed sexual acts, whether the bargain is sealed in cash or in kind such as shelter, food, companionship, drink, drugs, or a roof over one's head for a night (Green, 1992:5, Kelly, et al. 1995:17). It involves a buyer, adult client, (demand side) a seller, child prostitute, (supply side) and sometimes a pimp, intermediary, who determines and fixes the terms of sexual acts between child and adult clients who mostly “ feel inadequate and unable to meaningfully relate to peer sexual partners, and see sex as something one person does to another, not as a mutually reciprocal relationship” (Ennew, 1986:77).

Although there are many factors that may leave young people vulnerable to involvement in prostitution, prostitution only exists because there are people willing to pay (Hayes and Trafford 1997:61, Kelly, et al. 1995:45, Jesson, 1993:526). The scope of this persistent demand is so great that it can even create an international market and industry in developing countries where such form of trade is organised under the guise of tourism and perceived as necessary for the economic development of the country. This perception and tourist industry undoubtedly exacerbated the problem of child prostitution. UNICEF estimates that there are approximately one million children involved in prostitution in Asia alone (Joiner and Badger, 1995: 6).

Similarly, according to ECPAT (End Child Prostitution in Asian Tourism), Thailand, together with the Philippines and Sri Lanka, is the biggest provider of child prostitutes. In these countries, thanks to the “tourist” label, adult clients, who are believed to deserve hospitality and best service, run away from their own moral codes and adopt different ones. They believe that they have a right to do anything, and there is no social constraint on their freedoms. All social constraints imposed on them by their former moral codes are in abeyance as long as they are far from their countries (Seabrook, 1996:151,153).

According to Sudarant Srisang, one of the pioneers in the movements against child prostitution in Thailand and former member of ECPAT, there are many people who benefit from child prostitution organised under the guise of tourism. She asserts that:

“Even teachers here [*Thailand*] sometimes deceive and recruit children as has also happened in Taiwan. Doctors are sometimes implicated as well, those who repair the vagina of an abused girl or attend to other injuries. There are lawyers, too, who help the brothel owners, so a whole network of professionals have a vested interest in it, together with the customers who, naturally, are going to remain silent” (Quoted in Seabrook, 1996:152).

Although, the demand is the main or predominant factor in this sex industry, the legislation that sets the legal framework to control prostitution has been focused on the supply side for a long time. Until the Sexual Offences Act 1985, there was little or no reference to the demand side. The Sexual Offences Act 1985 is the first attempt that tries to control prostitution by focusing on the demand side (Edgington, 1997:26). Under section 1 of the Sexual Offences Act 1985, a man commits an offence if he persistently solicits a woman for the purposes of prostitution if he is either in, or has just got out of, a vehicle (Kerb Crawling). It is also an offence under section 2 of the Act to persistently solicit by foot a woman or women for the purpose of prostitution.

However, for practical reasons the measures brought by the Sexual Offences Act 1985 could not be applied properly and the demand side of the activity remained intact. As long as adult clients or the demand side remain an unknown or intact factor of the activity, the issue of child prostitution and market transaction of the activity can never be understood properly (Ennew, 1986:77, Kelly, et al. 1995:73). As Ennew mentioned, “ We need to know what are the social factors which make men feel ‘inadequate’ and ‘unable’ to meaningfully relate to peer

sexual partners” (Ennew, 1986:77). Therefore, all legislation and preventative framework should focus on both supply and demand side of the market activity in order to understand and address it properly.

From this account of prostitution, it is clear that there is a market which operates according to the laws of supply and demand, then it follows that there is a pricing mechanism which differently values different forms of sexual practice such as intercourse, masturbation, sado-masochism, perhaps just a look at one’s breasts (Ennew, 1986:77, O’Neill, 1997:10).

There are lots of factors that have an impact on the function of price mechanisms. The prices paid to child prostitutes differ in accordance to the age of the prostitute and client, the number of partners involved, the nature of the act for which the price is paid, the place where the transaction takes place, and finally the cultural attitudes of the country in which prostitution operates (Ennew, 1986:77,84).

“Higher prices may be paid according to the act, the partner or the circumstances. Thus masturbation is paid less than coitus, which is cheaper than anal intercourse, whether this is heterosexual or homosexual. Different prices are paid for the age, sex or number of partners involved, and real or apparent virginity can be included in this” (Ennew, 1986:84).

In this price mechanism, the underlying assumption is that the younger the prostitute, the more money is earned. Because of the wrongful implementation of the unit fine system, the echo of this assumption, to a large extent, can be found in the decision of some Magistrates’ Courts that provoked strong criticisms from the prostitutes’ organisations (ECP, The English Collective of Prostitutes 1997a: 85,86, 1997b: 125,126) and authors (Lee and O’Brien, 1995:35,48, Green, 1992:14,15). According to the unit fine system, everyone is fined in accordance with his/her current means, and the fine should be proportionate to the defendant’s current income. However, some magistrates take future possible earning from the prostitution

into account, when they set the fine by assuming that the young and pretty defendant can make more money, so, they fine him/her more. Such implementation of the unit fine system constitutes a clear breach of the letter and spirit of the system that is supposed to serve to deter children and young people from further involvement in prostitution. On the contrary, since child prostitutes have no other sources of income besides prostitution, such wrongful implementations and interpretations serve to keep them on the streets to find money to pay their fines. “The higher the fine, the more punters the young prostitutes will have to service in order to pay their fines” (English Collective of Prostitutes, 1997b: 126, emphasis added).

As clearly seen, the industrial perspective strongly puts forward and reflects the scope and size of the child prostitution. However, this perspective bases its construction on just the last scene or the last stage of the transaction in the market without interrogating and examining psychological and sociological factors that set this last scene. Therefore, it would be too simplistic to assume or claim that it is possible to address that complex phenomenon just with emphasis on demand and supply side of the relationship without interrogating psychological and sociological factors that leave young people vulnerable to involvement in prostitution and that make adults clients “feel ‘inadequate’ and ‘unable’ to meaningfully relate to peer sexual partners” (Ennew, 1986:77).

2.3 The Psycho- or socio-pathological Perspectives & The Causes of Child Prostitution

These perspectives seek a rationale for the involvement of children in prostitution by deeply interrogating whether there has been any abnormality in the psyches and pathology of children, which lead them to an involvement in prostitution, or examining whether there has been any abnormality in the social milieu of children in which they were raised or interact (Scambler and Scambler, 1997a:XII).

Evidence suggests that certain key factors play a significant role in increasing the likelihood of both male and female children and young people becoming involved in prostitution. In this context, a distinction is generally drawn between “*negative push factors*” that push children onto the streets and into prostitution (Hayes and Trafford, 1997:62, Doodsworth, 2000:1) and “*positive pull factors*” that lead children to remain on the streets and involved in prostitution (Hayes and Trafford, 1997:63, Doodsworth, 2000:2).

The evidence and research show that sexual abuse, poverty, homelessness, running away, home environment, family breakdown, bad experience of the care system, inadequate after-care services, school problems, and unemployment, are particularly associated with child prostitution as *negative push factors*. In this dissertation, I will especially discuss the impact of sexual abuse, running away, home environment, poverty, and bad experience of care system on the entry into prostitution.

In attempting to explain the nature of the relationship between sexual abuse and prostitution, in the context of entry into prostitution, two basic explanations have been suggested. The first is “*the direct model*” which considers that the experience of abuse produces a loss of self-worth leading to an indifference to adult treatment, and in which childhood abuse, incest or previous abuse is *a rehearsal for prostitution* (Lee and O’Brien, 1995:12, Shaw and Butler, 1998:185). This explanation is confirmed by the responses of young prostitutes in the Lowman (Lowman, 1987) and Mimi H. Silbert and Ayala M.Pines’ studies. In Lowman’s study, a young prostitute explained “ If I was going to stay at home I was going to get screwed, so why not leave home and get paid for it?” (Lowman, 1987:104, cited in Shaw and Butler, 1998:185).

Similarly in Silbert and Pines’ studies, young prostitutes gave the same explanation; for example, one of the young prostitutes said “ my brother could do it; why not everybody else?

Might as well make them pay for it". In another case one girl said, "my father bought me, so who cares who else does?" (Silbert and Pines, 1981:410).

The second explanation with respect to the relationship between sexual abuse and child prostitution is described as "*the indirect model*" in which "the experience of abuse can set in motion a series of other events, such as running away from home and entry into the care system which lead to a lifestyle based on involvement in risky activities, one of which is prostitution" (Shaw and Butler, 1998:185, Lee and O'Brien, 1995:12).

This kind of explanation concludes that early child sexual abuse is at least a strong predisposing factor towards subsequent prostitution. Thus, Silbert and Pines' research with two hundred juvenile and adult, current and former women prostitutes in the San Francisco Bay Area, confirms this conclusion. They concluded that although seventy eight percent of all the women that they interviewed reported that they started prostitution as juveniles, (Silbert and Pines, 1981:408), and seventy percent of all the women reported that the sexual exploitation affected their eventual entrance into prostitution (Silbert and Pines, 1981:410), the results of their study should not be interpreted as implying that "the majority of sexually abused women end up as prostitutes, it is generally believed that 10 to 20 % of all girls and adolescents are abused, yet most of them probably do not become prostitutes" (Silbert and Pines, 1981:410). Additionally, as mentioned by Ennew and by Silbert and Pines, since there was no control group in such studies (that is, children who may have been abused but did not become prostitutes), the study could not show that sexual abuse leads to prostitution (Silbert and Pines, 1983:288, Ennew, 1986:88).

Running away is another push factor that leaves children vulnerable to involvement in prostitution. Running away has often been regarded as one of the sequelae or a reaction to sexual abuse. However, the high rate of sexual abuse in the runaway population, particularly the higher rate in the female runaway population raised the question whether the high rate of

sexual abuse in the runaway population might be explained with another possibility that sexual abuse might occur subsequent to leaving home (McCormack, et al.1986).

Therefore, it is possible that runaway youths who had not been the victim of the sexual abuse in their home might be the victim of the sexual abuse subsequent to leaving home, and this victimisation might predispose their involvement in prostitution, or lead to a lifestyle conducive to prostitution. “Given the particular vulnerability of females trying to survive in an unprotected environment, we would expect the rate of abuse to be higher for females than for males” (McCormack, et al, 1986:388) and consequently the higher rate of involvement in prostitution for females rather than for males.

Thus, McCormack and her colleagues’ study with 55 females and 89 males, a total of 144 runaways who entered a shelter in Toronto in Canada, and responded to study questions showed that 73 % of female runaways who responded to study reported sexual abuse compared to 38 % of the male runaways (McCormack, et al, 1986:389, 390). Similarly, Running-the Risk, a research study carried out by the Children’s Society (Stein et al.1994) established that one in seven of the young people involved in the research had been involved in prostitution since running away (cited in Lee and O’Brien, 1995: 11, Faugier and Sargeant, 1997:108).

With respect to the causes of child prostitution, poverty and homelessness are described as another push factor. Many children enter into prostitution because of poverty and homelessness. For many young people, prostitution is the last resort, and the body is their last commodity to sell in order to overcome poverty in the absence of any other legitimate income (O’Neill, 1997:12). In this context, the legislative changes in the benefit system brought by the Housing Act 1988, and Social Security Act 1988, which removed 16 and 17 years old children’s right to benefits unless they join a compulsory training programme, increased the likelihood of using this last resort and consequently the numbers of young people selling sex in order to survive (Lee and O’Brien, 1995:24,55, Green, 1992:10,35).

However, children coming from a home environment in which poverty exists do not necessarily end up as prostitutes, and vice versa a home environment which ensures that children are well-fed, adequately clothed and in good health does not necessarily prevent a child from becoming involved in prostitution. Some children prostitute themselves in order to supplement pocket money. Others leave materially wealthy homes because of disputes or emotional problems (Ennew1986: 86). This type of prostitution, where prostitution does not arise out of poverty or the income and wealth of the family, is called “*casual prostitution*”(Ennew, 1986:86).

“Casual prostitution applies to cases of children whose livelihood is not primarily connected to prostitution...This type of casual prostitution is most likely to be prevalent in developed societies, and is a result of the relative wealth rather than relative poverty (although it has been noted among upper-class girls in developing nations)”

(Ennew, 1986:86,87).

With respect to push factors, the final point that should be discussed is bad experience of the care system and the lack of after-care services. The relationship between bad experience of the care system and the lack of after-care services and prostitution have been emphasised by a number of authors (Green, 1992, Lee and O’Brien 1995, Kelly et al, 1995, O’Neill, 1997, Pitts, 1997).

Young care leavers have far fewer sources of emotional support and far fewer skills and educational qualifications. They have been given little or no preparation for leaving care. Thus, Streetwise Youth, a project offering a holistic response to the complex needs of young men selling sex to survive, showed that sixty- five percent of young men involved in the project had been in care and it did not appear that they had been equipped for leaving care (cited in Green, 1992:39). Similarly, Linehan (1994) estimates that 80% of ‘rent boys’ and 50% of young women working as prostitutes in London have been in local authority care, emphasising the

failure of Children Act provisions in relation to care leavers (Linehan, 1994 cited in Kelly, et al, 1995:61).

In addition to those negative push factors discussed above, the existence of *positive pull factors* that lead children to remain on the streets and involved in prostitution, have also been highlighted by many authors. In this context, it is emphasised that while young people on the streets may face a variety of risks, they also identify a number of positive aspects to being on the streets including excitement, freedom (Edgington, 1997:24, Hayes and Trafford, 1997:62), lucrative and independent life styles without rules (Edgington, 1997:24, O'Neill 1997:15, Hayes and Trafford, 1997:62), a sense of belonging to the prostitute community and having mutual support from others in the same position (O'Neill, 1997:14, Hayes and Trafford, 1997:63), being away from the problems at home or in care and access to money (O'Neill, 1997:15, Hayes and Trafford, 1997 :62), peer pressure (O'Neill, 1997:15,Edgington,1997:24) and finally the sense of power and control in a sexual encounter with adult clients (Hayes and Trafford,1997:63, Lee and O'Brien,1995:12, Kelly et al, 1995:62, McMullen,1987).

Among these positive pull factors, the sense of power and control in a sexual encounter with adult clients, which may differ from previous experiences of sexual abuse that is generally regarded as a main reason or rehearsal for prostitution, needs to be discussed in more detail.

Young people who have never been in control or in a position of influence, can potentially find satisfaction in achieving a perceived position of power over an adult client, if power can be described as the ability to influence and control one's environment (Lee and O'Brien, 1995:12). Needless to say, as with all other pull factors, this sense of power causes a paradox that "the more some young people feel in control, the more likely they are to continue with the activity and so the more vulnerable and at risk they become" (Lee and O'Brien, 1995:12).

The existence of such paradox and the impact of positive pull factors on the young people's continuing involvement in prostitution were powerfully described in a series of articles in *the Guardian* by Nick Davies (The Guardian 29 August 1994, 'Children of the Night', cited in Lee and O'Brien, 1995; 12,13, Kelly et al, 1995:61-2). He wrote that:

“The miserable truth is that the pavement gives children everything that has been denied them. They were poor now they have money. They were bored and this is a buzz. They were victims, but now they have power. They were worthless, but now there are queues of adults who will pay handfuls of cash for their company. They grew up in a family that made painfully clear that it did not want them, but these punters love them. It is a caricature of the life they were promised, a grotesque parody. It is child abuse, blessed by the authority of commercial contract” (Nick Davies, The Guardian, 29 August 1994, 'Children of the Night').

After discussing negative push and positive pull factors, it is obvious that psycho- or socio-pathological perspectives endeavour to establish that child prostitution is a phenomenon that consists solely of an entity of behaviours and that psychological and sociological factors are behind it. Therefore, bearing in mind the fact that “prostitution is a behaviour – not a person – and prostitution merely a term which describes a person's behaviour” (McMullen, 1987:35), we should improve policies and child protection responses in which the issue of prostitution is regarded as the problem of the society rather than the problem of problematic individuals of the society.

2.4 The Feminist Perspective

Prostitution raises difficult issues for feminists. On the one hand, many feminists want to abolish discriminatory criminal statutes that are mostly used to harass and penalise prostitutes. On the other hand, most feminists find the prostitute's work morally and politically objectionable (Shrage, 1989:347).

In this context, there are two major feminist approaches. The first, radical feminism, views prostitutes as victims of male sexuality (Jaggar, 1991:270). The second, liberal feminism, views prostitution as a legitimate form of labour freely chosen by thousands of women (Jaggar, 1991:261, Boutellier, 1991:207 O'Neill, 1997:23, Jesson, 1993:521, Fogarty, 1982).

Radical feminism, with its emphasis on inequality, coercion, exploitation, and patriarchy, regards prostitution as a phenomenon created by a patriarchal society to control female sexuality (Jesson, 1993:520). In this patriarchal society, it is men's privilege to access money for the purchase of commodities: the same privilege is not vested in women. This privilege allows men to have unconditional sexual access to women and children, and it also explains both men's control over women and adult dominance over children (Edwards, 1997:71, Ennew, 1986:37, Scambler and Scambler, 1997a:XIII, XIV). Therefore, it was patriarchy rather than capitalism that prompted a gender-based differentiation of roles and tasks in the capitalist era. In the patriarchal society female sexuality is used and abused by men. When men purchase sex from females, female sexuality turns into a sexual commodity to be brought, sold and abused. In this context, prostitution is part of a wider systematic objectification of women (Edwards, 1997:69, Scambler and Scambler 1997a:XIII, XIV).

The radical feminists see prostitution as an institution that asserts the dominance and power of men over women. In this account, it is clear that radical feminists do not regard

prostitution as a morally neutral institution. However, unlike the religious reformists of the past, radical feminists do not base their opposition to prostitution on anti - sex values that condemn all forms of sexual relationship outside the marriage. Radical feminists are not against sexual relationships outside of marriage, as long as it is the free choice of the individuals involved, and free of economic coercion. So, it is the economic coercion underlying prostitution, that requires a woman's sexuality be expressed only in a manner pleasing to men, that provides the basic feminist objection to prostitution (Jaggar, 1991:271,272).

Radical feminism maintains that prostitution is not simply the selling of sexual services; rather, when sex becomes a commodity in the capitalist market, needless to say bodies become commodities as well. Because of the nature of this inseparable relationship between a commodity being marketed and a body, when a commodity is being marketed it is also the body that is up for sale. Therefore, when prostitutes sell sex they do not sell their services or sexuality, indeed they sell themselves (Pateman, 1983:562 cited in Scambler and Scambler 1997b: 184).

Finally, unlike liberal feminists, radical feminists deny the liberal contention that prostitution is a victimless crime. The victims are all women but particularly the prostitutes themselves, outcast, degraded and exploited by all the men who directly or indirectly enjoy the benefits of prostitution.

From this account of prostitution, it is clear that radical feminists believe that “ the eradication of prostitution requires the abolition of the male monopoly of economic power together with an abandonment of the view that women are primarily sexual objects” (Jaggar, 1991:272).

In liberal feminism, with the emphasis on privacy, freedom and sexual autonomy, it is acknowledged that prostitution may have been freely chosen as a form of work by women in a society that has little to offer many women (Fogarty, 1982, Jesson, 1993).

This conceptualisation of prostitution has its roots in the conclusion of the 1957 British Wolfenden Report of the Committee on Homosexual Offences and Prostitution. The Wolfenden Committee argued that “private immorality should not be the concern of the criminal law” (The Wolfenden Report: Report of the Committee on Homosexual Offences and Prostitution, Authorised American Edition 1963:132).

In this liberal perspective, a distinction has been drawn between forced prostitution and free prostitution, whereby forced prostitution, which involves the exploitation of women in under-developed economies, is to be regulated, and free prostitution, which involves women who make a conscious decision to enter into prostitution without coercion should be left unregulated. However, this decriminalisation does not necessarily mean that liberal feminists see prostitution as moral, on the contrary, it is still degrading women, and it should not receive any encouragement (Jaggar, 1991:261,262). But as long as there is a conscious decision to enter into prostitution, prostitution should be seen as a private arrangement or contract between a buyer and a seller (Edwards, 1997:68, 69). Some liberal feminists even go beyond the Wolfenden report by arguing that not only prostitution itself but also solicitation for prostitution should be decriminalised. For example, Haft (1974) claims that “to legalise prostitution while prohibiting solicitation for prostitution makes as much sense as encouraging free elections but prohibiting campaigning” (quoted from Jaggar, 1991:261).

However, since the view of liberal feminists is built on an assumption that prostitution is a contract whose legitimacy is equal to that of other business contracts, and that prostitutes enter into transactions voluntarily, there are some ambiguous points to be clarified. First of all, in order to establish that prostitution is simply an ordinary business contract, liberal feminists need a clear theory of what kinds of contracts are legitimate (Jaggar, 1991). Similarly, ‘ what is the difference between prostitution and a lifelong marriage contract where the divorce is not an option and the involuntary sexual intercourse is not regarded as illegitimate?’ or ‘what is the

difference between a voluntary slavery contract and prostitution?’(Jaggar, 1991). If it is inherently immoral to own another person and such immorality should be forbidden by law, then ‘is there different degree of immorality between prostitution, which requires to be permitted, and a lifelong marriage or a slavery contract that requires to be prohibited?’ (Jaggar, 1991). Secondly, the view of liberal feminism denies the possibility of coercion by assuming that prostitutes enter into transactions voluntarily. “It has often been pointed out in other contexts that the liberal concept of coercion is very weak. It may well turn out that the sorts of economic considerations that impel some persons into a prostitution contract may therefore be invalidated on those grounds” (Jaggar, 1991:264).

However, those who criticise the view of liberal feminism by ruling out the possibility that child and adult prostitutes might enter into prostitution voluntarily or as a conscious decision, should more or less, base their view on the assumption that child and adult prostitutes never choose or enjoy a life of prostitution and they enter into prostitution just because of economic necessity (Connelly, 1980:34).

But, this approach that attempts to explain child prostitution by confining it to the economic sphere, neglects other factors that might explain why some children enter into prostitution and others do not. The details of this approach and its impact on responses to child prostitution will be discussed in more detail, when I discuss “the economic responses to child prostitution”.

2.5 The Prostitutes’ Perspective

From this conceptualisation of prostitution, “prostitution is primarily a matter of sex and of sexual liberation and of freedom” (Pheterson, 1989,cited in Edwards, 1997:74). Prostitution is about providing a sexual service. It is a contract freely entered into, and it should be recognised as just another form of paid work (Edwards, 1997:74,75)

This conceptualisation of prostitution has been supported by liberals and those who own and control the sex industry, and by prostitute organisations such as the ECP (The English Collective of Prostitutes) and the US PROStitutes Collective. According to the ECP “Prostitution is sex work, whatever the differences when adults or children do it. It may not be a great job, especially for children who should not have to work for survival and who are less protected by the state and society generally, and less experienced in protecting themselves. But prostitution can be the best of a set of bad choices.” (ECP, 1997b: 128).

The ECP also asserts that the choices open to children are limited. They often do house work and child care for women, or housework and sex work for men. If they can find a job where the accommodation is provided, such as au pairing, nannying, nursing, working in holiday camps or pub work, they are often expected to provide a sexual service for the employers or the customers, but this sex work is not part of the job description. In many of these jobs, sometimes their entire life is taken up with the work and controlled by someone else (ECP, 1997b: 128). However, “ in prostitution the pay is better and once the sex is done you can be detached and independent, your life can be more your own” (ECP, 1997b: 129).

In this context, it is important to realise that people who hold the view that prostitution is sex work are adults and already sexually experienced. Consequently, “ when they take up sex work, they are sure of their own sexuality, and they understand the distinction between physical sex and love” (Jesson, 1993:520).

Therefore, when making an attempt to avoid stigmatising children involved in prostitution, the differential power relations between adults and children must be considered to be the central difference between the adult and child prostitution. Because of “the inverse power relationships between adults and children” (Barrett, 1997:6), describing child prostitution as sex work and child prostitutes as sex workers might serve to obscure “*the*

enormity of violation” (Pitts, 1997:152, emphasis added) and dismiss “*the exploitative nature of child prostitution*” (Barrett, 1997:6, Dodsworth, 2000:6, emphasis added).

As Pitts mentioned, by attempting to describe child prostitution as sex work, it becomes irrelevant to concern ourselves with legalistic arguments about “ the age of consent, the precise moment at which a young person should be free to assume full responsibility for, and exercise a choice about, their sexual behaviour. Such concerns divert us from the far more complex and important questions of the ‘conditions of assent’, the circumstances under which such consent is given” (Pitts, 1997:152).

Additionally, regarding child prostitution as a contract freely entered into and a work freely chosen inevitably links the issue of child prostitution with child labour provisions that also reduce the exploitative nature of child prostitution to a particular form of child labour by limiting the scope of the definition before we understand the parameters of the issue (Kelly, et al, 1995:14,15).

Furthermore, when considered, the child labour provisions of the UN convention and other international conventions, especially ILO Worst Forms of Child Labour Convention, 1999 (No.182) that was adopted by the General Conference of the International Labour Organisation on 1 June 1999, and that identify child prostitution as one of the worst forms of child labour, in my opinion, it seems highly improbable that redefining or any attempts to redefining child prostitution as sex work might have any legal foundations. Because Article 3 of the ILO Worst Forms of Child Labour Convention 1999 provides that:

“For the purposes of this convention, the term the worst forms of child labour comprises:

(b) the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances;

(d) work which, by its nature or the circumstances in which it is carried out, is likely to harm the health, safety or morals of children” (Article 3 of ILO 1999 Convention, No. 182)

In this context, one might expect to challenge my opinion by arguably claiming that the United Nations 1989 Convention on the Rights of the Child highlights the importance of listening to children and taking their views seriously in all matters affecting them (The United Nations 1989 Convention on the Rights of the Child, article 12). Additionally “the convention is not prescriptive about the age at which the child is to be given the right to consent to sexual activity” (UNICEF, 2002:513), therefore, specifying any age that limit the right of the child to consent sexual activity and make an informed decision about his/her sexual choice would be inconsistent with the principle of respecting the evolving capacities of the child set out by Article 5 of the UN Convention on the Rights of the Child. But, such a challenge must inevitably base its theory on an assumption that the nature and circumstances of prostitution is unlikely to harm the health, safety or morals of children, therefore, it is outside the scope of Article 3 of the ILO 1999 Convention.

However, my legal conclusion mentioned above compels me not to accept the view that child prostitution can be described as just another form of child labour or paid work.

Chapter 3

RESPONSES TO CHILD PROSTITUTION

3.1 Responses to child prostitution

How to respond to child prostitution is a complex issue that is closely associated with the conceptualisation of childhood, differences in the perception of prostitution and cultural attitudes towards prostitution.

Thus, various attitudes of modern governments towards prostitution reveal the wide differences in cultural attitudes towards prostitution. In some countries, such as the Philippines, governments are not willing to face the reality or do not believe that child prostitution is an important or relevant issue. Therefore, the existence of such a problem is denied. In these countries, it is believed that mere criminalization of prostitution is the most proper and meaningful response to it (Ennew, 1986).

Some other countries rely on their traditional heritage and the morality of their people. For example, the government of Qatar replied to a questionnaire sent by the United Nations Commission of Human Rights Sub-Commission on the Prevention of Discrimination and Protection of Minorities by asserting that:

‘We have the honour to report that such a problem ...does not exist in our State. Our religion and our traditional heritage forbids such vices to take place anywhere in our State’ ” (cited in Ennew, 1986:71).

In contrast, some States not only recognise the problem but also regulate it. In this context the main response to child and adult prostitution can be vaguely described as regulation with protection, and repression with criminalization. Both are seemingly constructed and shaped in accordance with the sociological construction of the phenomenon that is strongly

influenced by the cultural norms of the society. These two opposing responses are voiced by two main groups: the regulationists, and the antiregulationists (Connelly, 1980:81).

Despite the fact that both the regulationists and the antiregulationists, especially in the progressive era in the United States, often used the same studies and statistics to support their opposite conclusions (Connelly, 1980:86), in my opinion, two different sociological perceptions of the phenomenon of prostitution: on the one hand, the social evil characteristic of the phenomenon emphasised by the antiregulationists, on the other hand, sexual safety valve and necessity characteristics of the phenomenon emphasised by the regulationists, was responsible for these opposite conclusions.

In both opposing positions, the controversy stemmed from the medical profession's belief that the prostitution was the main and to some the only source of venereal disease (Connelly: 1980:81). "Given this assumption, there was a certain logic to medical inspection: if prostitution was the principal agent in the spread of venereal disease, one could propose that controlling that agent was a practical objective" (Connelly, 1980:81).

However, each opposing position produced its own responses in accordance with its own conclusion, emphasis and value in order to accomplish this practical objective and consequently control prostitution.

3.2 The regulationists v. The antiregulationists

As mentioned above, the main emphasis at the heart of the regulationists' position was the assumption that prostitution was necessary for overwhelming male sexual desires. But, prostitution was also the main source of venereal disease and therefore, the only way to cope with the problem of venereal disease was to confine the practice of prostitution to a certain section of a city and to subject it to rigorous medical supervision. The regulationists also held that as prostitution would no longer be illegal, the widespread network of corruption involving police and public officials would disappear (Connelly, 1980:82).

This approach adopted by the regulationists as to the regulation of prostitution led to a series of principles (Corbin, 1990, O'Neill, 1997) which still appears predominant in the regulation of many countries concerning prostitution. Corbin (1990) describes these principles as the principle of tolerances, the principle of containment and the principle of surveillance.

“The principle of tolerances: as with all bodily functions we keep hidden but which are necessary for survival, prostitution is a necessary evil. The principle of containment: prostitutes should be isolated and contained away from purified public spaces. The principle of surveillance: contain and conceal, but keep under continual surveillance” (Corbin, 1990:215 cited in O'Neill, 1997:6).

As a result of these principles, how the regulationists respond to prostitution and how these principles are implemented will be discussed in more detail after discussing the views of the antiregulationists.

The antiregulationists agreed with the regulationists that prostitution was the main source of the venereal disease. However, they opposed all principles and approaches adopted by the regulationists to regulate prostitution. Instead, the antiregulationists claimed that the remedy was, not the regulation of prostitution, but rather its repression. They also argued that although a system of regulation might control prostitution, it would also centralise and advertise it (Connelly, 1980:83). Additionally, a segregated red-light district or tolerance zone would inevitably provide a conducive environment for an increase in the commitment of other crimes associated with prostitution such as drug taking, robbery, assault of clients and prostitutes. Moreover, the idea of the regulation and medical inspection of prostitutes would not solve the problem (Connelly, 1980:83).

“ [The] system of medical inspection had not reduced the incidence of venereal disease in the past and would not do so in the future, not because of any medical technique that was or was not used, but because of a basic flaw in the philosophy of regulation itself, namely, that

only the prostitute would be treated, and the ‘masculine spreader of disease’ (Morrow, 1905:675) would be ignored” (Connelly, 1980:83).

According to the antiregulationists, if the medical inspection of prostitutes was accepted as a remedy to prostitution, the correctness of the assumption of the regulationists which asserts that prostitution is necessary for overwhelming male sexual desires would publicly and symbolically be declared (Connelly, 1980:88). Additionally, such declaration publicly contravened the basic principles of the civilised morality especially those decreeing that sex should be used only for the reproduction of the next generation, and that all sexual activities must take place within the context of marriage which facilitates the task of reproduction (Davis, 1937:747, Connelly, 1980).

“Therefore, those who were fully committed to the ideals of civilised morality had to oppose regulation, for to do otherwise would be tantamount to an admission that civilised morality was not working” (Connelly, 1980:88).

As clearly seen, the antiregulationists intend to fight against prostitution by maintaining the traditional roles of the child, woman and family in society that conceptualises and constructs a non-sexual or sexually innocent ideal child who needs protection and supervision (Monk, 2002, Ennew, 1986), and that construct an ideal woman who is reticent, shy, delicate, devoid of sexual experience, and whose sphere is the home as a wife and mother (Connelly, 1980:46).

In order to maintain these traditional roles and consequently to fight against prostitution, the antiregulationists resort to two main means: criminalization and moral responses. Because, the antiregulationists believe that if the aim is to totally eradicate prostitution, the criminalisation of prostitution will not be enough to solve the issue of prostitution. Therefore, it is a must to change the assumption that the institution of prostitution is necessary for overwhelming male sexual desires. The only way to do this is to organise

educational campaigns, which establish the scope, extent and consequence of this immoral institution (Connelly, 1980:15).

After discussing both views of the regulationists and antiregulationists, now I can discuss the details of methods adopted by these two opposing groups.

3.3 The Medical Inspection, Licensing & Tolerance Zones

As mentioned earlier, since the underlying assumption of the regulationists was that prostitution was the main, and to some the only, source of the sexually transmitted diseases, the only way to cope with the problem of sexually transmitted diseases and consequently the issue of prostitution was to confine the practice of prostitution to a certain section of a city (red-light districts, tolerance zones, licensed brothels) and subject it to medical inspection and licensing (Connelly, 1980, Corbin, 1990).

However, whether the spread of sexually transmitted diseases could be effectively and sufficiently prevented by the medical inspection, licensing and the regulation of segregated prostitution districts is a controversial issue. The prostitutes' organisations such as ECP (the English Collective of Prostitutes) oppose the idea of regulation of segregated prostitution districts and legalised prostitution in the form of tolerance zones (ECP, 1997a: 91).

The view of the ECP and other prostitutes' organisations is that "prostitution is sex work, whatever the differences when adults or children do it" (ECP, 1997b: 128) and private immorality should not be the concern of the criminal law (ECP, 1997a, ECP, 1997b), they campaign for the abolition of the prostitution laws that punish women and increase the powers of police and State. They claim that legalised brothels make harder for women keep their earnings or to bargain to determine working conditions. For example, "in Germany's Eros centres, competition is fierce; the rents are high and women have to work longer shifts to keep their rooms and pay the middlemen who run them...Prostitutes pay 56 percent of their earnings

in taxes but, unlike other taxpayers, [they] are not eligible for any social benefits” (ECP, 1997a: 91).

Similarly in Nevada, women are segregated, forced to work away from their families for six weeks at a time, and denied the right to refuse clients (ECP, 1997a: 92). The ECP strongly believes that licensed brothels are not intended to serve the interests of prostitute women, and that they involve a transfer of power and control from the women to the police and government (ECP, cited in Green, 1992:35). Therefore, prostitute women refuse firmly to be *civil servants of sex* completely without freedom, and prefer to work illegally rather than submit to the exploitation of *state-run sex factories* (ECP, 1997a: 91, emphasis added).

The ECP also argues that licensed brothels and *sex ghettos* (emphasis added) never safeguard the reputation of clients, as they could not remove the stigma attached to prostitution. Such sex ghettos just increase the control of government on prostitutes, and by taxing earnings from prostitution just the State benefits from prostitution (ECP, 1997a: 92).

Although, there are no states which license child prostitutes, prostitutes with false papers may work in licensed brothels and this may account for some young women who work there under the age of majority or the legal age for licensing (Ennew, 1986:72). For example in Turkey, according to regulations in force, the age of majority is 18, but no girl is allowed to work in a legal brothel before the age of 21. Girls who enter prostitution before this age work in clandestine brothels, in the streets or as a call girl.

Despite the fact that prostitution is not licensed in Britain, it is reported that there are some areas of the country, for example, in Edinburgh, Bristol (Lee and O’Brien, 1995: 46), and Glasgow (McKeganey and Barnard, 1996:19), where police turn a blind eye to prostitution and have unofficially accepted tolerance zones in which child prostitution takes place (Lee and O’Brien, 1995:46). As Lee and O’Brien mentioned, the problem with tolerance zones is that the issue of protection for young people is not specifically recognised. However, in many cases, the

police are the first contact for young prostitutes in need of protection and welfare services. Under such a policy, it is obvious that police authorities do not fulfil their duty to protect children and young people (Lee and O'Brien, 1995:46). Moreover, as the police authorities are often under pressure from local residents of the tolerance zones, they launch operations to reduce prostitution activity, when they feel that prostitution activity exceeded the tolerable limit or became more visible. Such operations lead young people to move from one area to another. When young prostitutes move to an area, town or city with which they are unfamiliar, there is an increased risk to their personal safety. Their vulnerability to violence and abuse is increased, as they may have lost regular clients who are known to be 'safe'. The informal support networks that develop between young prostitutes are also broken, and again this isolation brings increased vulnerability and greater risks of coercion (Lee and O'Brien, 1995:47, 48, Green, 1992: 13). Additionally, displacement that occurs as a result of such operations hinders the efforts of outreach workers. As young prostitutes move from their usual zones, access to young prostitutes by outreach workers delivering front-line health care, health education, counselling, condoms and needle exchange, is reduced (Green, 1992:13).

3.4 The Economic Responses

As mentioned earlier, the industrial perspective attempts to describe child prostitution as a specific market activity that involves a contract worked out on market principles, for finite agreed sexual acts. Likewise, from the prostitutes' perspective child prostitution is described as another form of paid work and "the best of a set of bad choices" (ECP, 1997b: 128). Clearly, in both perspectives child prostitution is constructed and placed in an economic context, and by a logical deduction, it is assumed that child prostitution has economic causes. Therefore, by removing these economic causes, it might be possible to totally solve the issue of child prostitution.

This logical deduction combined with the traditional perception of the ideal woman as an asexual creature (Connelly, 1980:34), who is devoid of sexual experience and whose sphere is the home, and the perception of the ideal child who is non sexual or sexually innocent and needs protection and supervision (Monk, 2002, Ennew, 1986) brings a broader context which asserts that child and adult prostitutes never choose or enjoy a life of prostitution and they enter into prostitution just because of economic necessity (Connelly,1980:34). To accept or assume otherwise is against the moral values of the society on which the society is based. Therefore, child and adult prostitutes who enter into prostitution because of reasons other than economic ones, are non-ideal, abnormal, or problematic individuals of the society. This approach also puts forward the logic behind the attempts that try to explain prostitution with the problematic nature of women or some degrading antiwoman theories, such as the feeblemindedness theory which asserted that many women became prostitutes because they were feebleminded or mentally deficient (Connelly, 1980:39,41).

Since this broader context rules out the possibility that prostitutes might enter into prostitution as a conscious and considered decision, its response to prostitution is simple. It proposes that the issue of prostitution can be solved by establishing a minimum wage for women and raising the salaries of working girls (Connelly, 1980:35, Davis, 1937:750).

However, as Davis powerfully described and well argued, the proposal to eliminate prostitution by raising salaries or establishing a minimum wage does not work either in a capitalist or a non capitalist system (Davis, 1937:751-2). “The conclusion that prostitution can be abolished by eliminating its economic causes is erroneous. Economic causes seldom act alone, and hence their removal is seldom a panacea” (Davis, 1937:749).

Although child prostitution has economic causes, attempting to explain child prostitution by confining it to the economic sphere, neglects other factors that might explain why some children enter into prostitution and others do not. Moreover, such an approach can

not explain why many children from disadvantaged family backgrounds do not become prostitutes, and, vice versa, why some children from a home environment, in which poverty or economic problems do not exist, end up as prostitutes (Ennew, 1986, Connelly, 1980).

Similarly, since this approach compels us to accept the view that children enter into prostitution just because of economic reasons, it fails to explain the phenomenon of ‘casual prostitution’ that “applies to cases of children whose livelihood is not primarily connected to prostitution and that there is some element of choice involved” (Ennew, 1986:86). It also fails to explain the existence of positive pull factors (Hayes and Trafford, 1997:63, Doodsworth, 2000:2) that lead children to remain on the streets and involved in prostitution.

What is obvious is that such explanations and constructions with a limited perspective, neither produce a meaningful response nor identify the problem properly.

3.5 Criminalisation

As mentioned before, the antiregulationists intended to fight against prostitution by maintaining and supporting the traditional roles of the child, woman and family in the society. The antiregulationists also believed that child and adult prostitutes were undermining the society’s perception of ideal child and woman, and violating the moral values of the society, especially those requiring that “sex was meant to serve only the purposes of reproduction, that all sexual activity must take place within the context of marriage, and that male continence prior to marriage was the truest sign of manhood”(Connelly, 1980:88). Therefore, it was justifiable to take all necessary precautions to prevent prostitution. In this context, criminalisation was regarded as the most proper and meaningful response to prostitution.

Besides this immorality argument, there are seven common charges or arguments that have been made to justify criminalisation (Ericsson 1980, Corbin, 1990, Nussbaum, 1999:288-297). Some of these seven arguments such as “prostitution involves the health risk and risk of violence, prostitution makes it harder for people to form relationships of intimacy and

commitment, the prostitute alienates her sexuality on the market by turning her sexual organs and acts into commodities, and finally the prostitute's activity is shaped by male dominance of women" (Nussbaum, 1999:288-297) have been discussed or mentioned in this dissertation.

However, as Nussbaum suggested, some of those arguments that have been made to criminalise prostitution, and some of our beliefs about prostitution are irrational. Indeed, they are the result of either the aristocratic class prejudice, which is against all forms of earning wages, or the fear of the body and its passions (Nussbaum, 1999:278). If we reconsider our beliefs about prostitution and arguments against prostitution, by eliminating aristocratic class prejudices and the fear of the body and its passions, we see that most, though not all, of the elements of the prostitution that previously seem problematic turn out to be common to a wide range of activities engaged by poor working women (Nussbaum, 1999:278) such as factory workers (Nussbaum, 1999:281) and domestic servants (Nussbaum, 1999:282). As clearly seen, Nussbaum's analysis established that many of our reasons that have been made to justify to the criminalisation of children involved in prostitution without offering them a real solution, seem again irrational and arise out of the cultural norms of the society and our prejudices.

The criminalisation of young people has profound implications for a young person's future and his/her ability to ask for and be offered help (Lee and O'Brien, 1995:48). "If young people involved in prostitution perceive themselves as offenders they may be less likely to identify themselves as victims even though they are in need of police protection or other professional assistance. Far from acting as a deterrent, the criminalisation of young people serves to marginalise them further and to keep them on the street" (Lee and O'Brien, 1995:49).

Furthermore, viewing child prostitution as a crime and consequently child prostitutes as criminals who have to pay the price of their actions, neglects the nature of child prostitution, which "is a behaviour - not a person" (McMullen, 1987:35), and redefines it by implying that it has an inseparable nature from the persons involved, or it can not be separately perceived.

Additionally, punishments often imposed in the form of a fine, as previously mentioned, serve to keep child prostitutes on the streets to find money to pay their fines and lead them to return the streets and sell their bodies (ECP, 1997b: 126, Lee and O'Brien, 1995:48).

Criminalisation also hinders the efforts of outreach workers to deploy other policies such as harm reduction, rehabilitation, training, sex and peer education. Therefore, it is necessary to redefine children involved in prostitution as victims of the crime, and emphasis should be placed on protecting children (Aitchison and O'Brien, 1997). "Practically, this has meant an increasing recognition that children involved in prostitution should be dealt with by police juvenile protection teams rather than vice squads" (Aitchison and O'Brien, 1997:35).

With respect to the situation in the United Kingdom, it can be said that until recently the criminalisation has been regarded as one of the main responses to child prostitution. Despite the fact that prostitution itself, is not a crime in the UK and case law [*R v Tyrrell* 1QB. 710 1894.] states that a girl under the age of sixteen is not responsible for aiding or abetting a sexual offence against her however willing her participation or whatever the circumstances (cited in *Setting The Boundaries*, 2000:35). Child prostitutes including those under 16s have been cautioned and charged with loitering and soliciting by police authorities for a long time.

This mistaken approach led to government to publish a guidance "Safeguarding Children Involved in Prostitution"(Department of Health, 2000) which require that children involved in prostitution should be regarded as "victims of others" (*Setting The Boundaries*, 2000, para, 7.6.1:114). The Labour Government also started to recognise the problem and seek to tackle it by creating a set of specific offences relating to the sexual exploitation of children rather than relying on the general offences of sexual exploitation (*Setting The Boundaries*, 2000, para, 7.6.2:114). The Sexual Offences Act 2003 put these specific offences relating to the sexual exploitation of children into effect. Therefore, it is only a matter of time to see how these regulations will be implemented and applied to cases concerning child prostitution.

3.6 The Moral and Educational Responses

As previously mentioned, in addition to the criminalisation of prostitution, the antiregulationists resort to moral responses in order to fight against prostitution, as they believe that if the aim is to totally eradicate prostitution, the criminalisation of prostitution would not be enough to solve the issue. Therefore, it was a must to change the assumption that the institution of prostitution was necessary for overwhelming male sexual desires. The only way to do this was to organise educational campaigns, which establish the scope, extent and consequence of this immoral institution (Connelly, 1980:15).

These educational campaigns and moral responses with the support of publicity, which indicate the scope, extent and consequence of prostitution, were based on an assumption that once an evil was made public and exposed, “society” would spring to eliminate it (Connelly, 1980:23).

These responses were also based on “an interpretation of man and society rooted in eighteenth-century rationalism and nineteenth-century liberalism: the individual was a potentially rational, reasonable, and calculating being, who, when made aware of correct and reasonable modes of behaviour, would then intelligently conform his conduct to them” (Connelly, 1980:23).

However, as Lippmann argued “the belief in the power of publicity and education to change human behaviour-especially sexual behaviour-was naive and simplistic” (Lippmann, 1913:98-105, cited in Connelly, 1980:24). The mere publicising of the extent of immorality could rarely lead to a direct change in sexual behaviour and instinct, as sexual instinct that has profound impacts on demand for prostitution is not an “acquired habit” (Connelly, 1980:25) that might be broken if not practised and vice versa might be developed by practising. Therefore, the belief that it would be possible to address the issue of prostitution with such

moral and educational responses was optimistic and one of the weakest aspects of the antiregulationists (Connelly, 1980:23).

Furthermore, all of those moral and educational responses mentioned above just took the demand side of the relationship into consideration and disregarded prostitutes by focusing primarily on sex and sexuality. Such moral responses that do not gain consensual involvement of children and do not take their real needs into account might be perceived as punitive and restrictive by children involved in prostitution (Lee and O'Brien, 1995:11). Therefore, the educational and moral responses to child prostitution should aim to empower young people and address their real needs through educative and participative styles and methods of youth work (Green, 1992:3).

By identifying the real needs of young people, designing educational and training programs that enable young people to gain skills and rebuild their self-esteem, it may be possible to present an alternative or offer a real choice that might serve to keep them away from the streets. "Children who believe that they are, as individuals, important and have something to contribute to the general good are more likely to be able to avoid some of the dramatic dangers of life" (Bowen, 1997:85).

Otherwise, "services that do not have at their hearth a recognition of the conditions of exploitation and the need to gain the consensual involvement of children and young people" (Lee and O'Brien, 1995:11) will be far beyond addressing the real needs of children that require a recognition of their special vulnerability, adopting or strengthening administrative measures, and social and legal policies in which child prostitutes are regarded as "*active subjects of the rights*" (UNICEF, 2002:85, emphasis added).

Chapter 4

4.1 The Youth Services Perspective & Multi Agency Response

Although, there are many theories and perspectives that have linked the involvement of children in prostitution with abnormality in the psyches and pathology of children, young people involved in prostitution are in many ways no different from other young people. They share much in common with other young people living on the streets in terms of the factors that leave them vulnerable to involvement in prostitution, the risks they face, the needs they have, and the blocks they face to moving on. However, young people involved in prostitution face particular risks and are often especially isolated from potential sources of help and support (Hayes and Trafford, 1997:74).

A range of responses is required to meet the needs of young people involved in prostitution. Their needs will vary depending on the factors that led them into prostitution and on their backgrounds, home environment, and experience of prostitution. It is clear that no single agency has the power, resources or ability to respond effectively to the various needs of these young people (Hayes and Trafford, 1997:75). There is also a gap in the provision of services set up specifically to meet the needs of young people involved in prostitution, or perceived to be at risk of becoming involved in prostitution (Green et al, 1997:90, Green, 1992:3).

In this context, it is argued that youth work, especially street/detached (or outreach) youth/support work, is the best way to work with young people involved in prostitution and respond to their needs requiring a variety of methods and approaches, and developing a multi-agency response (Hayes and Trafford, 1997, Green, 1992, Green et al, 1997, Kelly et al, 1995, Show et al, 1996, Lee and O'Brien, 1995).

“The purpose of youth work is to redress all forms of inequality and to ensure equality of opportunity for all young people to fulfil their potential as empowered individuals and members of groups and communities and to support young people during the transition from childhood to adulthood”(Green, 1992:16).

Because of the diversity of the service, it is able to respond to young people’s needs with a variety of methods and approaches. There are several key methods of working, such as detached or outreach work, centre-based work, specialist project work, and counselling and advisory work (Green, 1992:16). Among these methods, ‘street work’ and ‘detached work’ have become increasingly significant within youth work.

There are many parallels between ‘street work’ and ‘detached work’. Central to both is the idea of establishing contact with and working with young people on their own territory and on their own terms (Hayes and Trafford, 1997:65). In such youth services, youth workers can be much more flexible and responsive to the needs of young people involved in prostitution. Young people, who may have had negative experience of statutory services such as social services, health and education services, are unlikely to use those services. Therefore, using detached or outreach work as a means of establishing contact with young people who are not in contact with mainstream centre-based services, youth workers can support young people more effectively than other workers from the statutory services (Hayes and Trafford, 1997:65, Green, 1992:18, Green et al, 1997:96, Shaw et al, 1996).

Thus, “much HIV prevention work with the prostitute community is carried out by means of detached (or outreach) work, with projects providing advice and information, condoms, clean injecting equipment and even medical services to people in the areas in which they are working” (Hayes and Trafford, 1997:65).

As mentioned before, meeting the needs of young people involved in prostitution requires devising a variety of methods and developing a multi – agency response. In this context, it is argued that in order to meet young people’s various needs, youth services and work should adopt and foster such key approaches as, a holistic approach, peer education, harm minimisation, preventative work, crisis intervention and confidentiality (Green et al, 1997:94, 95, Green, 1992:17, Hayes and Trafford, 1997:68-72). In this chapter, I will endeavour to discuss each of these approaches.

A holistic approach means working with the ‘whole’ person by recognising that the issues which affect young people’s lives are not separate but necessarily interrelated (Green, et al, 1997:94, Green, 1992:17). Many people see young prostitutes in terms of their sexual health needs and high-risk behaviour and therefore respond with a single issue-approach by devaluing other aspects of their lives and neglecting their other needs. However, young people involved in prostitution deserve to be seen as more than just vectors of disease. The health needs of young people involved in prostitution, including HIV/AIDS, are no different from those of any other sexually active youth, and it should be addressed within the overall context of the young person’s life (Green, 1992:38, Green et al, 1997:95).

In this context, Streetwise Youth, a project offering a holistic approach to the complex needs of young men selling sex to survive was one of the best examples (cited in Green, 1992:37-38). By recognising the HIV/AIDS needs of their client group, Streetwise Youth offered a positive working model which could also be applied in work with young women. By deploying a holistic approach, the Streetwise Youth project offered a daytime drop-in centre in which they offered free food, a laundry and washing facilities, use of a telephone, housing and welfare resources, visiting medical services, and a safe environment where young men are able to discuss their lives and associated problems and needs with workers (cited in Green, 1992:37,38).

Peer education is another key approach adopted by youth services. “Peer education is about training and supporting young people to work with other young people around specific issues of concern to them. It is a working process which aims to develop knowledge, attitudes and skills as well as confidence and self-esteem in order for young people to make informed choices about their own behaviour, beliefs and attitudes” (Green et al, 1997:95).

There has been an increasing number of peer education projects established in order to break the communication barrier between young prostitutes and those struggling to meet their needs. Some peer education projects such as the Safe HIV, initiated by the Central Birmingham Health Authority’s Department of Community Medicine, employ former prostitutes, whose life experience enables them to understand the subculture and condition of young prostitutes (cited in Green, 1992:30). Some other peer education projects such as the Leicestershire Health Promotion Centre, “employ health promotion officers who are trained youth workers to coordinate, deliver and support a peer education project which trains young women to become sexual health peer educators and then work with young people in informal and formal settings” (Green, et al, 1997:95).

Harm minimisation or risk reduction is another key youth work approach. “Harm minimisation is a working method which acknowledges young people’s lifestyles and the risks they face. Rather than trying to stop young people engaging in risk taking activities (because it is recognised that this may be impossible), workers attempt to ensure that risks are reduced” (Green, 1992:17) by providing and distributing free condoms/femidoms, spermicides to young people in order to encourage safer sex, or by providing free injection equipment to encourage safer drug use. It also involves providing information about contraception and other appropriate advice and information.

However, in my opinion, harm minimisation or risk reduction policy adopted by youth service remained one of the controversial and concerning policies of youth work until the

Sexual Offences Act 2003. We can give two reasons for this. First of all, in many areas in the UK, the possession of condoms was used and regarded as evidence to arrest and convict young prostitutes on charges of loitering and soliciting (Green, 1992:13,14, Lee and O'Brien, 1995:48, ECP, 1997a: 97). This policy adopted by the police, in which the mere possession of condoms was regarded as evidence to arrest and convict young people and prostitute women, provoked strong criticisms from the ECP (The English Collective of Prostitutes) and the National Youth Agency.

The ECP asserted that: “the use of the possession of condoms to prosecute prostitute women undermines women’s efforts to protect their health and the health of others, as well as the efforts of health authorities and AIDS organisations working to stop the spread of HIV” (cited in Green, 1992:14). The National Youth Agency in September 1991 wrote to the Home Secretary, Kenneth Baker MP, expressing concern over this issue and asking for clarification as regards the use of possession of condoms as evidence. The reply, dated 2 January 1992, explained that “mere possession of condoms would not in itself be regarded as constituting prima facie evidence that an offence of soliciting had been committed...Possession of condoms, whether by a prostitute or anyone else, is not a crime and the Home Secretary shares your concern that some people might think that legal procedures might make it so” (cited in Green, 1992:14).

With respect to harm minimisation or risk reduction policy, the second reason which caused controversy and concern was that as youth workers distributed condoms to young prostitutes and provided relevant advice and information about contraception and safer sexual practice, it was highly probable that they might be charged with promoting, encouraging or facilitating unlawful acts of sexual intercourse between a man and a girl under the age of sixteen. Because, under the s.6 (1) and s.28 (1) of the Sexual Offences Act 1956, it was an offence for a man to have unlawful sexual intercourse with a girl under the age of sixteen.

Although, the House of Lords in *Gillick* case (*Gillick v. West Norfolk Area Health Authority* [1985] 3 All ER 402) made it clear that “a doctor who in the exercise of his clinical judgement gave contraceptive advice and treatment to a girl under 16 without her parents’ consent did not commit an offence”, this decision was not a unanimous decision. Additionally, the decision of the House of Lords, in my opinion, made no reference to the same exercise done by other workers rather than doctors such as youth and social workers. On the contrary, there was a clear reference in the dissenting opinion of Lord Brandon of Oakbrook, which asserts that, giving a girl under 16 advice about contraception and prescribing contraceptive treatment may itself be a criminal offence. In his dissenting opinion, Lord Brandon of Oakbrook ruled that: “Sexual intercourse between a man and a girl under 16 is a serious criminal offence so far as the man who has such intercourse is concerned ... On the footing that the having of sexual intercourse by a man with a girl under 16 is an unlawful act, it follows necessarily that for any person to promote, encourage or facilitate the commission of such an act may itself be a criminal offence, and must, in any event, be contrary to public policy. Nor can it make any difference that the person who promotes, encourages or facilitates the commission of such an act is a parent or a doctor or a social worker” (Lord Brandon of Oakbrook, in *Gillick* [1985] 3 All ER 402 at 429).

Needless to say, such a judicial reasoning and prosecution policy contradicted the harm minimisation policy adopted by the youth services and other services. Therefore, in order to promote harm minimisation policy and safer sexual practices, the Sexual Offences Act 2003 addressed and regulated the issue by granting youth workers immunity from prosecution.

According to the section 14 of the Sexual Offences Act 2003, a person does not commit an offence, if he acts for the protection of a child or if he acts for the purpose of –

- (a) protecting the child from sexually transmitted infection,
- (b) protecting the physical safety of the child,

(c) preventing the child from becoming pregnant, or

(d) promoting the child's emotional well-being by the giving of advice without obtaining sexual gratification (the Sexual Offences Act 2003, s.14).

Clearly, this provision will promote harm minimisation policy and initiatives that encourage safer sexual practices by allaying youth workers' concern and encouraging their efforts.

Preventative work and crisis intervention is another key youth work approach. Preventative work involves adopting and implementing strategies for prevention and attempts to discourage young people from taking risks (Green, 1992:17, Green et al, 1997:95). "Youth workers and other educationalists act as role models/mentors and, given trusting relationships, they are in positions to address some of the issues associated with risk-taking and the negative outcomes, for example, aspects connected with birth control" (Green et al, 1997:95).

Crisis intervention work involves intervening and working with young prostitutes who reached a critical point in their lives. It might include work with young prostitutes at risk of HIV/AIDS or experiencing violence, and dealing with their immediate problems (Green,1992:17, Green et al,1997:96).

Being able to offer a high level of confidentiality is one of the main advantages of the youth service. Providing a high level of confidentiality is more difficult for the statutory agencies, since they have specific duties to investigate reports of child abuse. "In the absence of being able to provide a confidential service, it is unlikely that young people would engage with workers to the extent that they do. Very often the first thing that a young person will ask when they meet workers is, 'you're not going to tell anyone where I am are you?'" (Hayes and Trafford, 1997:70).

Thus, in the UK some projects offered 100% confidentiality and others undertook to breach confidentiality only in life threatening situations or in other defined circumstances

(Shaw, et al, 1996:19). For example, Safe in the City, a project based in Manchester and set up by the Children's Society in 1990, did not offer complete confidentiality. There were exceptional circumstances in which the project would consider breaching confidentiality, such as when a young person is clearly not in control of his/her own safety, for example, involved in an accident, suffering from a drug overdose, being held against his/her will etc. (Hayes and Trafford, 1997:71).

After discussing key youth work approaches, it is obvious that a range of responses is required to meet the needs of young people involved in prostitution. Additionally, no single agency has the power, resources or ability to meet effectively their various needs which might include safe accommodation, a regular income, access to health services, independent advocacy etc. (Hayes and Trafford, 1997:73). Responding to needs of young people involved in prostitution requires devising and developing a multi-agency response.

“Lone initiatives by individual agencies are unlikely to offer an optimum way forward. Local agencies should be working together to devise effective services to meet the range of needs presented by young people involved or at risk of being involved, in prostitution” (Shaw, et al, 1996:28).

Clearly seen, the responses and policies adopted and fostered by the youth services might, to some extent, respond to the real needs of children and strengthen social policies that are consistent with the actual sexuality, sexual autonomy and evolving decision-making capacity of children. However, as I will discuss in the next chapter, as long as the age-specific construction of childhood in various pieces of legislation, such as legislation concerning the age of majority, the age of consent to sexual activities and the age of marriage remains intact, the theoretical construction of child prostitution and consequently responses to child prostitution will be continually understood and constructed in accordance with the idea of the sexually innocent child. Additionally, responses constructed under the influence of the idea of the

sexually innocent child and childhood will be far beyond addressing the real needs of children, as they arise out of the cultural norms of the society, and reflect adult 'moral panics' and prejudice about child sexuality.



Chapter 5

5.1 Overview and Conclusion

Up to now, I have discussed many theories and perspectives that have offered an explanation of the involvement of children in prostitution. I have also analysed how each theory or perspective produces its own responses to child prostitution. In the light of all of these discussions, it is obvious that the idealised construction of what adults want to believe is 'childhood' and understanding of young people's involvement in prostitution arrived by welfare agencies and the society (Shaw et al, 1996) have a major impact on responses to child prostitution.

For instance, if it is concluded that child prostitution has economic causes - as a response to child prostitution - it can be claimed that the issue of child prostitution can be solved by establishing a minimum wage for children and raising the salaries of working girls (Connelly, 1980:35, Davis, 1937:750). Likewise, if we are persuaded that child prostitutes - as non-ideal or problematic individuals - undermine the society's perception of ideal child and also violate the moral values of the society, it can be concluded that it is justifiable to take all necessary precautions to prevent child prostitution, including criminalisation and punishment.

However, in my opinion, most of the responses that have been suggested to address the issue of child prostitution, and that have been discussed in this dissertation, are constructed in accordance with the idea of the sexually innocent child by neglecting the actual sexuality, sexual autonomy and evolving decision-making capacity of all children.

Though, youth work - particularly detached (or outreach) youth/support work, which adopt and foster such key approaches as, a holistic approach, peer education and harm minimisation policy - might, to some extent, devise a method and strengthen social policies that are consistent with the actual sexuality, sexual autonomy and evolving decision-making capacity of children, it seems that the statutory agencies' current responses to child prostitution

are still being constructed under the influence of the idea of the sexually innocent child in which, all child prostitutes are regarded as ‘victims of others’(Setting The Boundaries, 2000:114) or victims of sexual exploitation and in need of rescuing , discipline, correction and rehabilitation (Hayes and Trafford, 1997:61).

In my opinion, as long as *the age-specific construction of childhood in various pieces of legislation* (Ennew, 1986:32, emphasis added) that defines childhood in accordance with a chronological criteria by proposing and fixing ages for specific purposes such as the age of majority, the age of consent to sexual activities and the age of marriage (Ennew, 1986:33), remains intact, the theoretical construction of child prostitution and consequently responses to child prostitution will be continually understood and constructed in accordance with the idea of the sexually innocent child.

Needless to say, as a result of this understanding and construction, the possibility, which asserts that child prostitutes might enter into prostitution as a conscious decision before reaching the specific age defined by law, will be continually ruled out.

In this context, as long as a child meets the specific age criteria defined by legislation concerning the age of consent to sexual activities, it will not be necessary to regard or consider other factors in order to decide as to whether a particular child is mature enough to understand the nature and consequences of his/her sexual choice or decision. In other words, all children who meet the specific age criteria defined by legislation concerning the age of consent, will be regarded as individuals who have sufficient capacity to make informed decisions about their own sexual choice and fully understand the social, emotional, physical and psychological consequences of that choice.

However, it would be unrealistic and absurd to claim that a young person or a child remains dependent, invisible and a passive member of the society, until s/he meets the specific age criteria defined by various pieces of legislation discussed in this dissertation, and that “on

attaining that age *s/he* suddenly acquires independence” (Gillick v. West Norfolk Area Health Authority [1985] 3 All ER 402 at 411, Lord Fraser of Tullybelton, emphasis added). Additionally, viewing children as dependent objects until they meet the specific age criteria defined by law, conceptualises and constructs childhood as “*life’s waiting room*” (UNICEF, 2002:89, emphasis added), in which children are compelled to wait until they meet the specific age criteria in order to be regarded as “*active subjects of the rights*” (UNICEF, 2002:85, emphasis added), and independent, mature, visible and active members of the society.

Thus, “at the international level it has been repeatedly emphasised that childhood should not be ‘life’s waiting room’ but it should be ‘life itself’. That is why the legal situation, in which the child on the eve of his or her eighteenth birthday is almost ‘rightless’ and the next day with full rights, can not be accepted any longer. It is therefore necessary to create conditions for differentiated and gradual emancipation of children in all areas of the day- to- day life” (Initial Report of Slovakia submitted to the United Nations Committee on the Rights of the Child, para. 240, cited in UNICEF, 2002:89).

In this context, in my opinion, the decision of the House of Lords in the Gillick case (Gillick v. West Norfolk Area Health Authority [1985] 3 All ER 402) and the United Nations 1989 Convention on the Rights of the Child - especially Article 5 of the Convention that requires respecting the evolving decision making capacities of the child, and Article 12 of the Convention that highlights the importance of listening to children and taking their views seriously in all matters affecting them - provide a sufficient legal framework to challenge the age specific construction of childhood in various pieces of legislation.

Additionally, this legal framework might be effectively used for responding to the needs of child prostitutes without ruling out the possibility that child prostitutes might enter into prostitution as a conscious decision.

By using this legal framework, children might be perceived as “active subjects of their rights” (UNICEF, 2002:85, 90, emphasis added) and competent social actors who can make informed decisions about their own sexual choice, as long as they have sufficient capacity, understanding and intelligence to enable them to understand the nature of their sexual choice and all consequences of that choice.

However, being able to use this framework effectively requires meeting two prerequisites. Firstly, it requires breaking the adults’ perception of children in which children are regarded as weak, helpless, ideally non-sexual or sexually innocent (Ennew, 1986:13, Monk, 2002:51). Secondly, it requires breaking the society’s widely held belief that “taking money or entering into contracts in connection with the use of one’s sexual and/or reproductive capacities is genuinely bad” (Nussbaum, 1999:277).

With respect to the second prerequisite, as previously mentioned, since some of our beliefs about prostitution are the result of prejudice rather than reason (Nussbaum, 1999:277), the society will probably keep holding its belief about prostitution by showing its double standard and prejudice.

Therefore, by using Nussbaum’s analysis and her “colonoscopy artist” example, I claim that since society is not “morally and mentally” ready to accept and face facts about the actual sexuality of children, it will not perceive them as competent social actors who can make informed decisions about their own sexual choices. For instance, supposing that a fourteen – year old girl who has sufficient understanding and intelligence to enable her to understand fully what is proposed, decided to be a “colonoscopy artist who gets paid for having her colon examined with the latest instruments, in order to test out their range and capability” (Nussbaum, 1999:281).

In this context, “[t]he colonoscopy artist uses her skill at tolerating the fiber-optic probe without anaesthesia to make a living. In the process, she permits an aperture of her body to be

penetrated by another person's activity-and, we might add, far more deeply penetrated than is generally the case in sex. [*It involves*] some bodily risk, ...it may also involve some stigma given that people are inclined to be disgusted by the thought of intestines" (Nussbaum, 1999:285, emphasis added).

In this particular case, by labelling and assessing this process as a medical process, examination or research, the society and law might reach a consensus that this particular fourteen-year old girl can give a valid and legal consent to participate in this process, and consequently make such an informed decision before reaching the specific age defined by the legislation, as long as she has sufficient understanding and intelligence to enable her to understand fully what is proposed (*Gillick v. West Norfolk Area Health Authority* [1985] 3 All ER 402). In other words, as long as she satisfies the test of maturity set out in the *Gillick* case, she can be regarded as a mature minor for participation in this process in which her anus will be penetrated in the presence of many people. This is because, it is generally accepted that the test of maturity set out in the *Gillick* case might be extended beyond the context of treatment, and consequently children who satisfy this test for competence can give a valid and legal consent to participate in other medical processes such as medical research and examination (Montgomery, 1993, Montgomery, 2001).

However, this logical and legal deduction does not work when the same girl wishes to enter into prostitution with free will and without any coercion. Because, in the eyes of society, when a fourteen-year old girl acts as a colonoscopy artist, there is a moral or virtuous purpose like health (Smart, 1989) that might cover or justify the immorality of anal penetration of that girl, even though it might take place in the presence of many people.

But, where the same girl acts as a prostitute, in the eyes of society, there is no moral or virtuous purpose that might cover or justify the immorality of the anal or vaginal penetration of that girl, despite the fact that the activity in prostitution usually involves less penetration and

takes place in a more private environment. Clearly seen, though both occupations involve the same elements and the same range of activities, they are differently evaluated by the society without any logical reason, and these two different evaluations confirm again the view, which asserts that some of our beliefs about prostitution are the result of prejudice rather than reason (Nussbaum, 1999:277). When society differently evaluates these two occupations by seeking a moral or virtuous purpose, it indeed seeks a way out that might remove obstacles arising out of its prejudice, whereas it is supposed to seek a rationale that might explain the degree of immorality between these two occupations and establish a reason for different evaluations. Needless to say, since the society could not find a way out that might remove obstacles arising out of its prejudice, it will continue to view prostitution as an immoral activity and see child prostitutes as deviant, in need of rescuing, discipline, correction and rehabilitation (Hayes and Trafford, 1997:61). Consequently, it will not be possible to perceive children as competent social actors who can make informed decisions about their own sexual choices before reaching the specific age defined by the legislation and address the issue in accordance with the actual sexuality, sexual autonomy and evolving decision-making capacity of children.

In the final analysis, in my opinion, it is obvious that the idea of a sexually innocent childhood which is based on the age-specific construction of childhood in various pieces of legislation, is in itself ill-equipped to deal with the complexities of child prostitution, offer a meaningful response to child prostitution, and construct the problem properly, especially when there is a conscious decision to enter into prostitution before reaching the specific age defined by the legislation. Moreover, most of the statutory agencies' current responses to child prostitution which are still being constructed under the influence of the idea of a sexually innocent childhood and child, are far beyond addressing the real needs of children, instead arising out of the cultural norms of the society, adult 'moral panics' prejudice and repressive morality of the society.

Therefore, it is necessary to construct the problem and offer meaningful responses in a manner that acknowledges the actual sexuality, sexual autonomy and evolving decision-making capacity of children. It is also necessary to reconstruct the problem by regarding children as competent social actors who can make informed decisions about their own sexual choice, as long as they have sufficient capacity, understanding and intelligence to enable them to understand the nature of their sexual choice and the social, emotional, physical and psychological consequences of that choice. In this context, for the purpose of this dissertation, the concept of a competent child – who has sufficient capacity, understanding and intelligence to make informed decisions about his/her own sexual choice before reaching the specific age defined by the legislation – should be understood to mean a post-pubertal individual who has reached neither the age of majority nor the age of consent to sexual activities, but also an individual who “is physically able to produce, intellectually and linguistically sexually mature.” (Ennew,1986:32). Many teenagers under 16 may perfectly meet the necessary criteria to regard them as competent social actors. But, when I argue this concept, I do not claim that all post-pubertal children meet the necessary criteria to regard them as competent social actors. It would be a wrongful and mistaken approach to regard all post-pubertal children as a group of competent homogenous individuals of the society.

However, with the caveat that all post-pubertal children may not have sufficient capacity, understanding and intelligence to enable them to make informed decisions about their own sexual choices, and all children are not sexually innocent, it is possible to reconstruct society’s perception of children, understanding of childhood and consequently child prostitution in a manner that acknowledges the actual sexuality, sexual autonomy and evolving decision-making capacity of children. In my opinion, this reconstruction will prevent the stigmatisation and victimisation of child prostitutes and consequently will be to the benefit of child prostitutes.

If we reconstruct the problem in accordance with the actual sexuality, sexual autonomy and evolving decision-making capacity of children, it will be easier to adopt a non-punitive approach to child prostitutes. In this context, if the problem is reconstructed by acknowledging the actual sexuality, sexual autonomy and evolving decision-making capacity of children, it is seen that most, though not all, of the elements of the child prostitution, which previously seem problematic and immoral, are either similar to a wide range of activities engaged by poor working girls such as factory workers, domestic servants, or exactly the same as the activity engaged by a fourteen- year old girl colonoscopy artist (Nussbaum, 1999). Consequently, it will be concluded that there is no need for the society to seek a moral or virtuous purpose that might cover or justify the activity in prostitution. Similarly, since the activity in prostitution will not be seen as an immoral activity any more, there will not be any reason to criminalise prostitution and as a consequence child prostitutes.

Secondly, this reconstruction will enable us to disrupt society's perception of children as a group of homogeneous and non-sexual individuals of the society, in which children who are sexually active, are stereotypically regarded as non-ideal or problematic individuals that violate the moral values of the society.

Thirdly, this reconstruction will enable us to address the real needs of child prostitutes that require adopting or strengthening administrative measures, and social and legal policies in which child prostitutes are regarded as "*active subjects of the rights*" (UNICEF, 2002:85, emphasis added) and competent social actors rather than "victims of others" (Setting The Boundaries, 2000, para, 7.6.1:114) or victims of sexual exploitation.

Finally, since this reconstruction does not rule out the possibility which asserts that child prostitutes might enter into prostitution as a conscious decision before reaching the specific age defined by law, it will enable us to break the age specific construction of childhood

in law down into different stages of development in accordance with evolving decision-making capacity of children.

Therefore, in order to construct the issue of child prostitution properly and offer meaningful responses to child prostitution, it is necessary to take a balanced approach that both acknowledges the actual sexuality and sexual autonomy of children in accordance with their evolving decision-making capacity *and* protects children against sexual exploitation. It is also necessary to adopt or strengthen administrative measures and produce responses, in which child prostitutes are regarded as “active subjects of their own rights” (UNICEF, 2002:85,90 emphasis added) and competent social actors who can make informed decisions about their own sexual choice, as long as they have sufficient capacity, understanding and intelligence to enable them to understand the nature of their sexual choice and all consequences of that choice.

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