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# On the edges of the law: sex workers' legal consciousness in England

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## Abstract

In England, sex workers are placed at the edges of the law. How the social and legal status of sex workers impacts on their perception of and interaction with the law in a semi-legal setting has not yet been explored. Drawing on fifty-two qualitative interviews with indoor and outdoor sex workers in England, this study investigates their disposition to the law, legality and the state. The commonalities and discrepancies between the experiences of indoor and outdoor sex workers reveal the influence of the combination of legal framework and social status on sex workers' legal consciousness. This study finds that, even in a setting of semi-legality, sex workers attempt to avoid contact with state authorities. However, this aversion to the current law does not prevent them from making claims for legal change. Surprisingly, indoor and outdoor sex workers hold opposing views on the appropriate level of regulation and state involvement in the sex industry. Remarkably, although outdoor sex workers have more negative experiences with arbitrators of the law, they desire the law's protection. In contrast, indoor sex workers' main grievance is for sex work to be a legitimate industry that can operate with only minimal state control. These differences in outdoor and indoor workers' legal claims are explicable by sharp cleavages in social status, vulnerability and degree of criminalisation. These findings demonstrate that intra-group differences in the legal consciousness of marginalised groups are key to understanding the role of social and legal status in shaping legal claims.

**Keywords:** legal consciousness; sex work; marginalisation; prostitution policy

## 1 Introduction

Sex workers in England are placed at the edges of the law. Selling sex is not illegal in England, yet street-based sex workers' activities are criminalised by laws targeting persistent<sup>1</sup> soliciting and loitering<sup>2</sup> and indoor sex workers can only work fully legally if they work indoors and alone from premises they own.<sup>3</sup> This study finds that every other way of working in the sex industry is criminalised or restricted. Furthermore, the laws are often not enforced, misused or enforced arbitrarily, leading to inconsistencies and gaps between the statutory law and the 'law in action' (Pound, 1910; Nelken, 1984). Many street-based sex workers are charged not only with soliciting, but with other offences, including anti-social behaviour (Sagar, 2009). Indoor sex workers are afraid of being charged with brothel-keeping laws intended against exploitative third parties. In the eyes of the law and the police, sex workers are not legitimate workers in England. This semi-legal state has a profound impact on sex workers' working practices and, as a result, their safety (Klambauer, 2017; Pitcher and Wijers, 2014; Sanders and Campbell, 2014). The complex legal framework in England, in which sex work is neither fully legal nor illegal, provides insights into how those at the margins of the law relate to legality.

<sup>1</sup>Conduct is persistent if it takes place on two or more occasions within three months.

<sup>2</sup>Policing and Crime Act 2009 and Anti-social Behaviour, Crime and Policing Act 2014.

<sup>3</sup>Sexual Offences Act 1956.

Sex workers in England move in and out of legal, illegal and legally ambiguous spaces. Hence, in order to understand how the law impacts on sex workers in England, it is necessary to go beyond the legal–illegal dichotomy (Scoular, 2010). The notion of semi-legality (He, 2005; Kubal, 2013; 2014) accurately describes the legal limbo of English sex workers. Semi-legality covers a wide spectrum of ‘interactions with law, demonstrating that the divide between legal and “illegal” is not a strict dichotomy, but rather a tiered and multifaceted relationship with degrees of membership’ (Kubal, 2013, p. 567). The law determines ‘who stands inside or outside the law (or in between)’ and whether subjects qualify as ‘full participants in society’ with ‘access to resources’ (Menjívar, 2006, p. 1002). Confinement within this spectrum of semi-legality marginalises and excludes sex workers from society and legal protections.

This paper presents the first study of the legal consciousness of sex workers who do not operate under complete criminalisation (cf. Boittin, 2013; Lutnick and Cohan, 2009; Majic, 2014). The study of legal consciousness elucidates the ways people experience the law and are subject to its power, and to what extent and how they are willing to engage with it and resist it (Ewick and Silbey, 1998). Legal consciousness refers not only to how people perceive the formal law, but also to their own ideas about and interpretations of law and legality (Nelken, 1984; 2008; Hertogh, 2004). Sex workers’ semi-legal status in England renders their disposition to the law particularly insightful for legal-consciousness studies. Sex workers are not a homogeneous group and instead occupy vastly different positions along a spectrum of legality. Street-based sex workers are frequently targeted by law enforcement. In contrast, indoor sex workers are largely ignored by the state and the police, though they still live in fear of legal repercussions. Sex workers’ semi-legal status exposes *within* group variation of legal consciousness based on differences in social and legal status between indoor and outdoor sex workers.

Thus far, no study has provided a comparative analysis of the legal consciousness of outdoor and indoor sex workers. The investigation of variation in claims-making *within* groups of marginalised subjects can advance the study of legal consciousness. Several studies have emphasised the relevance of class inequalities for the study of legal consciousness (Cowan, 2004; Hernández, 2010; Merry, 1990; Sarat, 1990; Seron and Munger, 1996). Thus far, comparative research of class differences within marginalised groups is scarce (Hull, 2016). As Hull states: ‘[w]e need more depth and breadth of understanding of the legal consciousness of marginalised actors, including greater elucidation of the links between social location and variation in legal consciousness *within* marginalised groups’ (Hull, 2016, p. 569, emphasis in original). This study finds that differences in respondents’ experiences of the law and their socio-economic background are key to understanding their sense of legal entitlement. While indoor sex workers call for minimal state involvement and legal legitimacy for sex work as an industry, street-based sex workers want the law to be involved in their safekeeping and protection.

## 2 The legal framework of sex work in England

In international comparison, different prostitution regimes – ‘sets of laws and practices governing prostitution that shape prostitution in their respective jurisdictions in distinct ways’ (Outshoorn, 2011, p. 6) – are commonly differentiated (Campbell and Sanders, 2014; Crowhurst *et al.*, 2012; Outshoorn, 2011). Prohibitionism criminalises all forms of sex work, as well as clients and third parties. Abolitionism describes the criminalisation of certain activities associated with sex work that are viewed as particularly undesirable. Under the abolitionist framework in England, street-based and brothel-based forms of sex work are criminalised, while independent indoor sex work is tolerated (Scoular and Carline, 2014; Levy and Jakobsson, 2014). In contrast, the model of legalisation seeks to regulate the sex industry by providing specific sets of rules for indoor as well as outdoor workers, commonly including toleration zones, licensed brothels or the mandatory registration of sex workers (Kotiswaran, 2014; Weitzer, 2011). Under decriminalisation, the sex industry is treated like a legitimate industry and regulated under existing general legislation, including occupational health and safety, planning and workers’ protection law (Crofts, 2010). While decriminalisation is the most permissive

legal framework of sex work, certain forms of sex work including street-based sex work (Crofts, 2010) or sex work provided by migrants (Abel *et al.*, 2010) might still be subject to restrictions.

In England, which follows an abolitionist model of regulating the sex industry, sex work is not illegal *per se*, yet there are many laws that restrict sex workers' options for selling sex legally (Hubbard *et al.*, 2008). At present, it is illegal to cause, incite and control prostitution for gain, keep a brothel, solicit and loiter persistently and place adverts relating to prostitution in telephone boxes and newspapers. Furthermore, it is illegal for a landlord to let rented-out premises be used for the purpose of a brothel or for a tenant to let premises be used for the purpose of prostitution.<sup>4</sup> When more than one sex worker works from a particular working premise, this is defined to be a brothel.<sup>5</sup>

Sex workers' legal status is complicated by the utilisation of brothel-keeping and anti-social-behaviour legislation against sex workers. While the prohibition of brothel-keeping clearly seeks to target exploitative third parties,<sup>6</sup> sex workers themselves are also impacted by this 'catch-all' ban. The Sexual Offences Act 2003 made it illegal 'to keep, or to manage, or act or assist in the management of, a brothel'. This means that sex workers who want to rent a working flat with other workers may be charged with brothel-keeping. The prohibition prevents sex workers from working together to increase their safety (Sanders and Campbell, 2007). In addition, street-based sex workers are controlled not only by the criminal law, but also by orders intended to target anti-social behaviour and public nuisance (Sagar, 2007; 2009). Civil orders give the police the power to criminalise street-based sex work beyond the intentions of the law (Kingston and Thomas, 2015). The Anti-social Behaviour, Crime and Policing Act 2014 established a series of new civil orders that were not intentionally designed to tackle street-based sex work (Kingston and Thomas, 2015). However, interviews with police officers in London conducted for this study found that, in certain boroughs of London, these civil orders are regularly used against sex workers.

### 3 Methodology: a qualitative study

In order to capture sex workers' experiences of and attitudes towards the law, fifty-two semi-structured were conducted with sexual service providers in England.<sup>7</sup> In addition, fifty hours of observation with social organisations on outreach were conducted in London.<sup>8</sup> Interview participants were recruited through the services of the National Health Service sex-worker project Open Doors. Sex workers were approached in sexual-health clinics, drop-in sessions for street-based sex workers and on indoor and outdoor outreach. To ensure not only sex workers who were in contact with a sex-work-specific support project are targeted, respondents were also recruited through an online forum for escorts. In addition, snowball sampling was used. Due to the combination of different recruitment strategies, the sample includes marginalised sex workers who have never considered the role of the law in their lives, as well as respondents who are very interested in sex workers' rights politics. The research project adopted a 'law first' (Levine and Mellema, 2001) perspective. Hence, respondents were explicitly asked about their experiences with and opinions of the laws and the police. The interviews were analysed using qualitative content analysis. Inductive coding led to the identification of general themes and categories. The software MAXQDA was used to code and analyse the material. In this paper, respondents are referred to by pseudonyms.

The sample of respondents interviewed for this study reflects the diversity of experiences within the English sex industry. In England, sex work predominately takes place in private flats. A small segment,

<sup>4</sup>The relevant legislation includes: Sexual Offences Act 1956, Criminal Justice and Police Act 2001, Sexual Offences Act 2003, Policing and Crime Act 2009.

<sup>5</sup>*Stevens v. Christy* [1987] Cr. App. R. 249, DC.

<sup>6</sup>Sexual Offences Act 1956.

<sup>7</sup>Ethics approval was granted from the King's College London Ethics Committee as well as the National Health Service Ethics Committee.

<sup>8</sup>Outreach was conducted in the following London boroughs: Newham, Hackney, Tower Hamlets and Brixton.

estimated at less than one-third (Kinnell, 2008), of sex workers in England are based outdoors. This research presents the narratives of a variety of sex workers, including street-based sex workers, independent indoor sex workers, sex workers who work collectively with others (and are thereby running or working in a brothel) and escorts working with agencies. The vast majority ( $n = 47$ ) of the interview partners were providers of direct sexual services, with the remaining five respondents defining themselves as strippers, phone sex workers or peep-show performers. Eight of the respondents had exited the sex industry when the interview was conducted. Four men, one transgender person and forty-eight women were interviewed. Out of the forty-seven respondents who were providers of direct sexual services, thirty-one were indoor workers, thirteen outdoor workers and the remaining three moved between different sectors. Street-based respondents were all White, British and drug users. Similarly, the vast majority of indoor-based respondents were White and British. Eleven interviewed indoor sex workers were migrants, seven of whom were from outside of the EU, including Latin America, Asia, North America and the Caribbean. The inclusion of the experiences of a diverse sample of respondents in this study allows an understanding of how different groups of sex workers understand, experience, avoid, contest and demand from the law.

Indoor and outdoor sex workers belong to very different socio-economic groups. Street-based sex workers interviewed for this study are very poor, and many are homeless and drug users. The majority of interviewed street-based sex workers are directly dependent on the state. Many street-based sex workers are financially dependent on welfare benefits and live in accommodation owned by local councils. In contrast, the majority of independent indoor workers are middle-class and some hold a university degree or are pursuing a tertiary education. The street-based respondents are largely at the margins of society, while many of the indoor sex workers lead ordinary lives in the midst of their communities. Additionally, the vast majority of indoor sex workers in this sample freely chose to work in the sex industry for economic benefit. Reasons for working in the sex industry may include anything from paying university fees to saving up for a mortgage to buy a house. In contrast, street-based sex workers reported abusive partners and drug habits that first introduced them to sex work. Furthermore, rates of pay vary tremendously by sector. Outdoor sex workers either get paid in drugs or earn £5 to £30 for providing a full service. Indoor workers interviewed for this study usually earn £75 to £200 per hour. Hence, by including the voices of indoor and outdoor sex workers, this study provides insights into the diversity of sex workers' backgrounds, experiences and attitudes.

While it would be of interest to compare groups of sex workers along other dividing characteristics, including gender, ethnicity or sexuality, this paper focuses on socio-demographic differences. Sex workers in England are a hidden and hard-to-reach population, which makes it challenging to include a sufficient number of interview partners from different subgroups. Due to these limitations, the data presented in this study are not sufficiently diverse to describe differences in the legal consciousness between male, female and transgender sex workers, nor between White sex workers and sex workers of colour. This study's strength lies in providing a comparison of indoor- and outdoor-based sex workers along the axes of class and legal status, which provides a comparative framework of analysis that should be expanded to other subgroups of sex workers by subsequent studies.

## 4 Tensions in the legal consciousness of indoor and outdoor sex workers in England

### 4.1 Understanding the law: legal literacy matters

A lack of legal literacy can contribute to sex workers' exclusion from recourse to the criminal justice system. The ways the 'law in action' (Pound, 1910) operates is determined not only by practices in policing and the criminal justice system, but also by subjects' awareness of the law. This study finds that the legal literacy (Hirsch, 2002) of sex workers varies enormously by sector. Even though street-based sex workers are most directly affected by the law, the vast majority are profoundly unaware of the specifics of the laws surrounding their work. For marginalised subjects, the law can be less salient compared to more pressing concerns of everyday survival (cf. Levine and Mellema, 2001). In contrast,

many indoor workers indicate that the law does not directly ‘affect’ them, yet they all express high levels of awareness of the ways in which sex work is regulated in England. Most indoor sex workers know relevant legislation and many indicate that this knowledge is empowering.

Street-based sex workers’ experiences with the police lead many to believe that all sex work is inherently illegal, rather than specific acts such as public soliciting. As Chloe explains: ‘I have no understanding of the law whatsoever, none whatsoever. All I know is it’s illegal. You’re not allowed to do it’ (Chloe, outdoors). Respondents seem to assume that their presence in public space constitutes sufficient grounds for the police to charge them with sex-work-related offences, regardless of whether an offence was actually committed. Respondents fear that any contact with the police, including calling the police to report a crime, could lead to their arrest ‘for prostitution’ or ‘for being a working girl’. When respondents recount their experiences of arrests, they rarely understand exactly what they were being arrested for (cf. Pettitway (1987) for similar findings regarding drug users). Street-based sex workers’ experiences with inconsistent and discretionary policing lead participants to perceive the law as alien, oppressive, unpredictable and unintelligible.

In contrast, knowledge about the legality of indoor sex work can be empowering for sex workers. For many migrant indoor sex workers, learning that sex work in its basic form is not illegal in England allows them to access the criminal justice system. Marissa, a migrant from Latin America, was under the impression that she could not seek help from the police after she was raped. Only after working collectively with other sex workers did Marissa learn that sex work is not inherently illegal in England:

‘To be honest I don’t know very well about the laws. I was afraid. I was thinking “Oh my god if they catch me, I will be straight to the jail”. But no! And a guy came and raped me and for three months I could not work. I didn’t know I have this opportunity to go to the police and tell them what has happened to me. I was quiet. I thought it was not legal and if I go to the police they can treat me badly. But after when I met other girls and they explained everything to me, so now I know my rights. If someone is coming and want to do something to me, I can call the police.’ (Marissa, indoors)

Sex workers make use of their knowledge of the legality of sex work as a form of leverage when managing conflicts with clients. Sydney explains that clients sometimes threaten to call the police in order to blackmail her, which she usually manages to prevent by correcting the client’s misconception: “They play all these different games. I have people going “Oh I am going to report you to the cops” ... and I am like for what? What I am doing is not illegal’ (Sydney, indoors). When Megan was working from a hotel, she countered the client’s threats to report her to the reception of a hotel if she refused to give all her money to him:

‘I said “Well if that is what you wanna do then fine, you do that. The only thing that would happen to me is that I get kicked out, we will call the police and you will be done for assault and robbery.”’ (Megan, indoors)

Even if indoor sex workers rarely invoke the law, the law significantly impacts on their bargaining position with clients.

Legally marginalised groups’ understanding and perception of the law fundamentally shape their engagement with it. A legal framework in which most activities associated with sex work are illegal impresses upon sex workers the idea that sex work itself is illegal. Fragmented and unintelligible legislation and isolating working conditions lead to misconceptions, which are harmful to sex workers’ safety and access to criminal justice. The misconceived notion that sex work is illegal is abused by clients to blackmail sex workers. This case-study of English sex workers shows the impact of the law is not confined to statute and its implementation, but also to people’s perception of it. In this sense, the legislative framework excludes and alienates marginalised groups beyond the intentions of the law. Understanding how to navigate this legal limbo can empower marginalised groups to resist abuse and seek aid from the police.

#### 4.2 Experiencing the law: legal marginalisation and stigma

Most outdoor sex workers describe their experiences of the law and its representatives as marginalising, oppressive and stigmatising. Street-based sex workers' main points of contact with the law are through the role of the police as law enforcement and during court appearances for sex-work or drugs-related offences. Many street-based respondents indicate that the police treat them in a derogatory and devaluing way. This is expressed in 'their attitude and body language', 'the way they look at each other' (Yelena, outdoors) and the way they 'talk down to you because of what you do' (Odette, outdoors). Several respondents feel that the police officers were not 'compassionate' (cf. Ewick and Silbey, 1998) and instead blamed the respondents for getting attacked. In addition, the experience of going to court, either as a defendant or plaintiff, is perceived as 'embarrassing' and 'degrading' by many sex workers. Isabelle remembers that having other people judge her life in court created intense feelings of shame for her, as she had 'left [her] kids to smoke drugs' (Isabelle, outdoors). Olivia recounts her experience of appearing in court for sex-work and drug-related offences:

'You are automatically branded. It's like you're scum. They look at you differently and they judge you differently. You can feel it, you can just really feel it. They don't actually see you as a person. All they know is that you have been picked up on the street and you are a prostitute and you take crack cocaine. Therefore, you are no good. They don't know the reasons that have brought you into it. I didn't just wake up one morning and decide to go out and sell myself. I didn't choose the life; the life chose me.' (Olivia, outdoors)

In this statement, Olivia distances herself from the judgment that may be passed on her by emphasising that she did not choose a life as a drug-using sex worker (a similar notion of distancing from illegality was found by Abrego (2011)).

Internalisation of stigma causes feelings of helplessness and legal alienation among street-based respondents. Legal alienation refers to the feeling that the law is acting against, rather than in favour of, your interests (Hertogh, 2014). Street-based sex workers feel that the violence they encounter from clients is simply 'their problem' to deal with. Several street-based sex workers recount their experiences of not receiving any support from the police. When Lilian reported being raped, the police 'weren't helpful at all' and made her feel 'dirty and nasty' (Lilian, outdoors). As a consequence of previous negative experiences, many outdoor sex workers believe that the police will not 'have any sympathy for [them]' (Miriam, outdoors) if they report crimes. Previous criminal convictions worsen many street-based sex workers' assessments of how seriously they would be taken by the police. Olivia, a street-based sex worker, assumes that 'you're just not going to be believed, especially if you have got a record as well. The client could say "she has been harassing me". It would be me getting arrested for harassment' (Olivia, outdoors). In one respondent's view, 'it's like the law is not there to protect us' (Lilian, outdoors). In this statement, Lilian implies not only that the law could be protecting sex workers, but that it should.

Street-based sex workers describe their experiences with the criminal justice system as a 'vicious circle'. When respondents are 'caught within the law', their 'own capacity either to maintain its distance from their everyday lives or to play by its rules' is restricted (Ewick and Silbey, 1998, p. 45). Yelena explains that 'every time [she]'s gone to court, [she]'s gone to prison'. In her view, the criminal justice system is ineffective in dealing with street-based and drug-using sex workers: 'Why can't they just put us in a program and get us help instead of putting us in prison, because we're only going to come back out and do it again if you don't give us the help' (Yelena, outdoors). Many of the street-based respondents state that, if they are fined for soliciting and loitering, they usually have to work more in order to try and pay the fine, resulting in additional fines:

'But basically, I said to the judge "Look, you arrest me, bring me here. The reason I'm out there is because I need money to pay off the fine, the court fine, and to keep myself alive. Now I'm here

and you're going to give me another fine on top of the other one." So, I mean the judges are like pimps as far as I'm concerned. I've never had a pimp, but I mean like these pimps at least give you some money and the judges just take all your money.' (Josephine, outdoors)

Either unwilling or unable to pay the fines, respondents continue receiving prison sentences of several weeks. Arrest and imprisonment do not deter respondents from engaging in illegal activities upon their release. Claudia has been incarcerated eight times. In her view: 'you keep getting arrested, they will keep fining you, but you don't pay the fine. You just end up going to jail for it. It's a vicious circle' (Claudia, outdoors).

In contrast, most indoor workers do not experience the law as directly as outdoor workers due to working indoors and alone and therefore within the law. Apart from occasional surges in brothel raids (Boff, 2012), the indoor sector in England generally operates out of the view of public authorities (Sanders, 2009). Depending on respondents' preference to either work alone or with others, their assessment of whether the laws on brothel-keeping personally affect them are mixed. Some indoor workers feel that they are not 'personally affected' by the law. Mary, a tantric masseuse, emphasises that 'the laws work great for [her]'. As she 'works independently, [she is] perfectly fine' (Mary, indoors). Similarly, current legislation allows Monica to carry out her work undisturbed:

'I can live with the legislation now. It does work for me. I mean also it works in my favour because I don't look like a sex worker, I am not your stereotype, so I can rent a flat ... and fly under the radar, but a lot of them can't.' (Monica, indoors)

Monica explains that, because she is 'educated', speaks in an 'articulate way' and appears very 'middle-class', she can rent a private apartment for the purpose of sex work without arousing suspicion. Bridget echoes other respondents' emphasis on remaining inconspicuous. She believes that 'there is an extent to which people are happy to operate outside of the law or feel like regulation of the industry might be problematic' (Bridget, indoors).

Brothel-keeping legislation prevents indoor workers from working safely. Many indoor sex workers desire to work with other workers and attribute negative experiences of violence and robberies to the legal restrictions. Despite the obvious advantages of working collectively, 'as soon as you take steps to protect yourself, you are criminalised' (Ariel, indoors). The fear of legal repercussions of working collectively is shared by many respondents. Some fear that a criminal record would prevent them from continuing degrees and diplomas, engaging in volunteering work or working in jobs outside of the sex industry. Paul, a male escort, believes any contact with the police would put him in danger of arrest for brothel-keeping because he shares a working flat with another sex worker:

'If I had a violent client or if I was threatened or if I was robbed, I would not be able to report this to the police and the person will be able to do that to other sex workers. So the law fails to protect sex workers and society.' (Paul, indoors)

For indoor sex workers who prioritise working safely over operating within the law, brothel-keeping legislation prevents them from voluntarily engaging with the police.

Experiencing legal marginalisation can cause feelings of internalised stigma and legal alienation. Disrespectful treatment by the police leads outdoor sex workers to perceive the law and its representatives as oppressive and degrading. Social class influences the impact of the law on the everyday lives of legally marginalised subjects. While outdoor sex workers are completely exposed to criminalisation and institutionalised stigmatisation, indoor sex workers operate from their own apartments and remain largely out of sight of public authorities. However, semi-legality forces even indoor sex workers to carefully balance lawfulness, financial considerations and their own personal safety.

Operating in a space of semi-legality can lead those who are vulnerable to abuse to feel simultaneously unable to escape the law's grasp and incapable of accessing its protection.

#### 4.3 Avoiding the law: stabilising exclusion

Both indoor and outdoor sex workers expressed their fear of the police. However, street-based sex workers were considerably less likely to trust the police. Only fifteen interview partners stated that they would seek the police's help, the majority of whom ( $n = 11$ ) were indoor sex workers. Only four street-based sex workers indicated that they would consider approaching the police. In addition, street-based sex workers' day-to-day interactions with the police tended to be negative, while some indoor workers perceived the police as helpful and caring. Despite this difference between sectors, both indoor and outdoor sex workers perceive their interactions with the police through the lens of their stigmatised status as sex workers and do not expect respectful treatment by the police. Participants' consciousness of stigmatisation was a dominant theme in the accounts of positive as well as negative interactions with the police. When respondents reported positive experiences, they often were surprised that the police officers would treat them with respect and offer their support, *despite* their being sex workers. Similarly, negative experiences were largely attributed to sex-work stigma (see Klambauer (2017) for a more detailed discussion of sex workers' interactions with the police).

Stigmatisation and criminalisation cause most street-based workers to view the law and its representatives as threats to be avoided. Street-based sex workers describe trying to 'dodge the police' or 'slip away' (Isabelle, outdoors). As Chloe stated: 'I just try to keep myself to myself and keep the law away from me' (Chloe, outdoors). Respondents explain that they often relocate to ensure they are not seen repeatedly at the same corner, or solicit close to public transport stations, pretending to wait for a bus (cf. Pettit, 1987). Some respondents state that, due to fears of arrest, they only arrange to meet clients they already know via their mobile phones. This allows them to meet clients in areas the police do not patrol. Other respondents, including Katherine, use their knowledge of sex-worker stereotypes to avoid detection by the police and remain inconspicuous (cf. Maher, 2000):

'I have never been arrested or stopped or anything, that's because I very rarely go on the road. So when I do go out on the road, the police don't know me. And I don't dress as a typical prostitute and stand on a corner. I walk up and down now.' (Katherine, outdoors)

Law avoidance has been interpreted as a form of 'everyday resistance' (Kubal, 2015). However, avoiding the law does not challenge police, the law or underlying power structures and seems primarily to constitute a rational choice, rather than a form of resistance. While it may temporarily mitigate the effect of the law's power over its subjects, it also represents a form of resignation to legal hegemony, which strengthens and stabilises sex workers' societal exclusion and legal marginalisation.

The fear of contact with the police also discourages street-based sex workers from accessing support services. Many respondents recruited through the NHS service Open Doors highlighted that, initially, they were concerned that the NHS service would pass on information to the police. Olivia avoided the NHS service staff for years, as she was afraid that they are associated with the police:

'I never knew about Open Doors and I've been on the street for years, for lots of years. I don't know. Because when they come approach you they are in a big NHS car, so you're like "Oh fucking hell." You don't really want to talk to them. Unless they get you and they get you when you are unsuspecting, then it's good. Thank god they did. But usually because they are out, you think they are police. You think they are undercover police sometimes.' (Olivia, outdoors)

As Lerman and Waver found, when the police are perceived as 'hostile, invasive, or untrustworthy, these less benign traits may become the dominant view about the state, breeding political alienation, distrust, and withdrawal' (Lerman and Weaver, 2014, p. 2). Hence, when sex workers experience their



interactions with the police as negative, they may be less likely to want to engage with health and drugs services, the local council or institutions of the social welfare state.

Even some legally working independent escorts avoid contact with public authorities. Indoor sex workers are far more likely to feel they could seek help from the police than street-based sex workers. However, 'the stigma and the laws that the police represent are very dangerous for all sex workers – even the most privileged, conventional looking, well-educated, white sex workers' (Ariel, indoors). For example, Vivienne, who works as a dominatrix, feels she cannot call the police and report a stalker due to her fear of 'becoming known to the police as a sex worker': 'I have not availed myself of those protections which I am entitled to use. I avoid the police because I'm frightened of them because I'm a sex worker' (Vivienne, dominatrix). Similarly, Susan explained that sex-work stigma would prevent her calling the police: 'I don't feel that I have their backup because I'm not supposed to be doing this anyway' (Susan, indoors).

Indoor sex workers' mistrust of public authorities also extends to health-care and emergency services. Ariel, who runs a sex workers' support group, believes that 'there is just no trust. There is no trust for GPs, there is no trust for counsellors, there is no trust for sex worker clinics, there is just no trust' (Ariel, indoors/telephone). Susan would even be very hesitant to call the ambulance. When she had previously called the ambulance because of a drugs-related emergency, the ambulance arrived together with the police and she was questioned about the incident. Hence, Susan would not call the ambulance again if a client needed emergency medical care and instead 'would roll him onto the pavement and just hope that he is not going to die' (Susan, IP 24, indoors). Despite vast differences in outdoor and indoor sex workers' encounters with and attitudes towards the law, the experience and fear of stigmatisation are shared by both groups.

The threat of eviction from rented properties creates additional barriers for indoor sex workers seeking to access police protection. In England, many tenancy agreements contain restrictions on 'immoral behaviour'. For instance, the UK government's 'model tenancy template' prohibits tenants from using the rented property for 'immoral, disorderly or anti-social purposes'. This clause has a profound impact on sex workers. After an independent escort called the police because she was threatened with a knife, she was evicted from her apartment without being able to retrieve her deposit:

'[The police] said loudly, outside the property that I had rented and paid a big deposit for, which I never got back because of this, so that half of the street knew, "Oh, she's a known prostitute in the area". So basically, I couldn't go back to my place because the neighbours heard. If it had been a fireman and he had been arrested, they wouldn't have said, "He's a known fireman from this area", or "she's a known office worker from this area". It was just terrible that that was said like that.' (Susan, indoors)

Another escort, Magdalene, also lost her apartment because her landlord discovered she works as a sex worker. In her view, 'if that morality clause didn't exist, he [the landlord] would have no rights to take away my income and take away my home' (Magdalene, indoors). Most independent workers indicate that the constant fear of eviction prevents them seeking help from the police, as they do not want to draw attention to themselves and make their neighbours aware of their work.

Additionally, sex workers avoid interacting with the law by choosing not to prosecute clients due to sex-work stigma: 'How am I going to take somebody to court as an escort, that isn't supposed to be an escort?' (Rebecca, indoors). Only one respondent, Sydney, pressed charges against a client who stalked and assaulted her. The defendant, a police officer, was found not guilty and Sydney believes the jury decided to believe the 'cop' rather than the 'prostitute', regardless of the, in her view, conclusive evidence presented: 'The evidence was not enough, it was not believable, because I am a sex worker.' Sydney explained that she was asked several questions, which she perceived as 'humiliating', 'degrading' and 'offensive'. She remembers being questioned about her appearance on the day she was assaulted and whether or not a revealing outfit may have provoked the assault (cf. Grubb and Turner, 2012). Furthermore, she was questioned about the services she offers:

‘It was implied the whole way through that I am a slut ... that is why they asked all these specific questions, like “do you really enjoy anal sex”? And I have on my website something about bondage and he [defence barrister] goes “you are into rough sex because you list that you do BDSM”. They said “he [the defendant] was only rough with you because you encouraged it and he was paying you and he could do what he wanted”. And the judge asked “how many clients have you seen in three years?” And he says “ok so you have seen 150 different men in three years”. You could just see the jury go “oh my god 150 men! Slut!”.’ (Sydney, indoors)

For the only indoor sex worker interviewed who was willing to press charges against a client, her experience in court led her to a clear conclusion: ‘There is no justice in the criminal justice system as a sex worker’ (Sydney, indoors).

Law avoidance stabilises the social and legal exclusion of already marginalised groups. When sex workers want to stay ‘outside of the law’, their access to the criminal justice system is restricted and perpetrators can feel that their victims can be abused with impunity. Fearing the police has a ‘spill-on effect’ to other public institutions, including health and social care, which further alienates and isolates an already marginalised population. Even indoor workers seek to avoid interactions with public officials and remain undetected. While many work legally, carefully navigating a space of semi-legality leads to the internalisation of stigma and social undesirability. Avoiding the law drives a population that the state believes requires protection further underground. However, law avoidance is clearly a rational choice for those who operate at the edges of the law. Under the current legal framework, sex workers fear that they have more to lose than to gain from engaging with the law and its representatives.

#### *4.4 Contesting the law: resisting dominant discourses*

Sex workers perceive the legal framework as oppressive, marginalising and stigmatising not only because of their day-to-day experiences or fear of legal repercussions, but also because of normative insinuations they interpret from it. Sex workers express a resistant consciousness by disputing negative discourses about sex work. Both indoor and outdoor workers stress that sex workers make an essential contribution to society by satisfying sexual desires, which, in their opinion, prevents sexual abuse, contributes to the stability of relationships and provides people with sexual encounters who might otherwise not be able to experience their sexuality (cf. Boittin, 2013; Kelly, 2008). While indoor sex workers are predominately concerned about the presumed immorality of sex work and their right to sexual self-determination, outdoor sex workers take issue with attributions of criminality.

Many street-based sex workers indicate they should not be penalised for street-level sex work because ‘people get very desperate when they are sick for drugs’. As Abby explains, she has no choice but to engage in sex work: ‘I am not ashamed of what I have done. I have done it because I’ve had to do it. I’ve had to survive’ (Abby, outdoors). Lauren states that earning an income as a street-based sex worker is less harmful to society than some of the other illegal activities she could engage in to purchase drugs:

‘I could never steal someone’s bag or go and rob someone’s house or do violence to get money or anything. I think if I want to use my body to make money then that should be my prerogative. It’s better than going out and snatching bags off old ladies, you know.’ (Lauren, outdoors)

Abby draws a clear distinction between criminal activities and sex work. ‘The police should do their job properly and pay attention to the real crime instead of us working girls, because we are not really doing anything wrong. We are satisfying people and getting paid for it’ (Abby, outdoors). Most street-based respondents declared that sex workers are not ‘causing any harm’ and should therefore not be targeted by law enforcement, but instead should be protected by the police.

Indoor sex workers' grievances relate to the idea that sex work is immoral and harmful to women and society. While many indoor sex workers suggest that the law does not affect them directly, they express outrage about the way criminalisation of some forms of sex work maintains negative discourses about sex work. Indoor workers claim the law contributes to upholding societal norms concerning the morality of commercial sex. For Vera, morality should not be enshrined in the law:

'We've still got this bizarre moral kind of caveat in the law, ... but the law should have nothing to do with anyone's morals. The idea that by taking money to give someone a nice time, make them feel a bit better about themselves, that that's immoral, that I'm being judged by the law of my own country for that – that's appalling. I'm embarrassed that we've still got this backwards law about what's moral and what isn't. And, you know, slavery used to be legal; apartheid was legal. You can't define morality by the law.' (Vera, indoors)

Most interviewed indoor sex workers feel that the law infringes on their sexual freedom and right to consent to sexual activities. Participants describe the state's interference with their sexual autonomy as 'very patriarchal and demeaning' (Mary, indoors). Sydney states that 'the state wants to control women's bodies and prevent women from having sexual agency' (Sydney, indoors). She suggests that sex workers who voluntarily choose to 'commercialise their bodies' are viewed as sexually deviant. Consequently, 'the state creates legislation to protect you from yourself' (Sydney, indoors). Many respondents observed that the law privileges 'marital, procreative and affective sex' (Kotiswaran, 2007, p. 15) over casual and commercial sexual exchanges.

Respondents contested stigmatising discourses during court appearances. Josephine, a street-based sex worker, resisted stigmatisation in her rape trial by attempting to restore her sense of worth and dignity as a human being (cf. Cowan (2004) on the notion of dignity):

'What I did say was no woman, whether a junkie, or working-class, or a mother, should ever be raped in their own home. No matter what her situation, no woman deserves in the safety of her home to be abused like that. No matter what I was. And the judge gave him eight years. I've got to give credit to the judge.' (Josephine, outdoors)

Sydney, an indoor escort who was the victim of stalking, states that she wanted to use her trial as a platform to address 'the inherent bias in the criminal justice system against sex workers, about feminism, whorephobia and stigma. If I was going to go down, I was going down with a fight' (Sydney, indoors). Moreover, Sydney insisted on being described as a 'sex worker' rather than a 'prostitute', as she refused to be referred to in a 'humiliating' and 'degrading' way.

Apart from experiencing or fearing criminalisation, groups at the margins of legality are also stigmatised by feeling judged, condemned and debased by society and the state. Experiencing stigma in such a profound way further excludes marginalised groups from full participation in society. Sex workers' internalised stigma is apparent in their understanding, experience and avoidance of the law. However, by denouncing negative attributions, sex workers demonstrate they have not fully internalised negative discourses about them and instead view the legal framework as unjustified and unfair. Sex workers put forward claims for legal change due to their view that the laws are based on inaccurate stereotypes about sex workers. While many respondents experience the current legal framework negatively, they place hope in the ability of legal reform to positively impact on their safety, working conditions and societal status.

#### **4.5 Demanding from the law: legitimacy vs. protection**

The extent to which sex workers seek government and police involvement in regulating the sex industry is split distinctively by sector. While most indoor sex workers called for the complete decriminalisation of sex work, outdoor sex workers predominantly prefer a model of legalisation and state

regulation. While decriminalisation is characterised by the absence of criminal law and the integration of the sex industry into standard planning and occupational health and safety regulations, legalisation is often based on specific laws and mechanisms to regulate the sex industry, such as zoning and licensing. Indoor workers are highly aware of the difference between decriminalisation and legalisation. Most indoor workers indicate that they do not want the state to interfere in the way they conduct their business and use their bodies. Mary pointedly states: 'I don't want the government to tell me what I can do with my pussy or who has access to my pussy' (Mary, indoors). In contrast, outdoor sex workers are concerned with the improvement of their personal safety by means of regulation and protective policing. Many believe that more regulation and support would positively impact on the street-based sex industry. Street-based sex workers suggest that the government should really 'keep an eye on it all' (Josephine, outdoors).

Interestingly, several street-based sex workers call for state regulation of the sex industry in ways decisively rejected by indoor sex workers. Indoor and outdoor sex workers hold opposing views on mandatory condom use and sexual-health checks. Many indoor workers view mandatory testing as an 'invasion of privacy' and 'infringement of basic rights' and state that it is unfair if sex workers are forced to get tested but not clients. Indoor sex workers advocate for sexual-health matters to be the individual sex worker's 'personal choice'. In contrast, several street-based sex workers call for the state's involvement in managing sexual health. Street-based sex workers interviewed for this research often exchange sex for drugs or money to buy drugs and work while intoxicated. Hence, they may not always be capable of freely making such a 'choice':

'I heard one girl, she was on heroin and she was sick. I heard her making a deal with a customer. She agreed to do anal sex without a condom for £7. I nearly hit her because it makes it harder for the rest of us girls to make money. But instead of hitting her because she was so ill I was giving her £10 to go and buy whatever she needed to get better, just to stop her doing that to herself, you know?' (Katherine, outdoors)

Many street-based sex workers have considerably less bargaining power than indoor sex workers due to poverty and drug use. Therefore, they are less able to negotiate terms of the service with clients and rely on regulation to encourage clients to use condoms.

Street-based sex workers express a strong desire to be able to provide sexual services indoors in a safe and regulated environment. Outdoor sex workers are exposed to higher levels of violence from clients and third parties than indoor sex workers (Deering *et al.*, 2014). Consequently, their immediate safety is the primary concern of most street-based sex workers. Olivia states that 'many girls get raped out there. I've been raped, I've been held up at gunpoint. Horrific things happen. They have to let us work somewhere where it is a bit safer' (Olivia, outdoors). Street-based sex workers call for increased state regulation of the street-based sex industry:

'You are not going to stop it, so you should make it safer. Every time you get in a car you don't know what's going to happen. You don't know if you are going to come out. If the government could monitor it, that would be better.' (Isabelle, outdoors)

Many outdoor workers expressed the wish to work from a legalised indoor location, in individually rented rooms in brothels or dedicated safe houses for street-based workers. Participants envisage panic buttons connecting them directly with the police, security cameras and freely available condoms. Additionally, 'everything would be above board' and the 'police would know what happens there' (Abby, outdoors).

Allowing sex work to freely take place indoors would substantially change the sex industry according to outdoor respondents. As Miriam explains: 'I don't think that really there would be that much street sex work if it was legalised' (Miriam, outdoors). Some also state that the prohibition of multiple sex workers working together motivated them to work on the street:

'I knew it was illegal to have more than one woman in a house. That's still dangerous, isn't it? So I would rather be in a public place where I can scream for help and somebody is going to hear me.'  
(Holly, outdoors)

Additionally, several street-based workers are concerned about the impact of street-based sex work on the local community:

'Condoms on staircases when your kids are having to walk down stairs and go to school and all that. It's not nice. I think it would be a lot cleaner, a lot safer if it was allowed to be done indoors.'  
(Yelena, outdoors)

Street-based respondents call for regulated toleration zones in which sex workers can legally solicit clients (cf. Van Doorninck and Campbell, 2006). Abby outlined how she imagines these toleration zones to work:

'It will be a lot safer for both parties involved if they legalised it. I think they should give us designated areas ... like give you some sort of pass, like a driving license to say that you are allowed to do this work.'  
(Abby, outdoors)

Several sex workers favour installing CCTV cameras to increase their safety. Surprisingly, despite serious maltreatment by the police, many street-based sex workers seek increased police involvement in managing their safety in dedicated zones: 'The police could do a lot more keeping us safe as far as I'm concerned. I think they should stop targeting us and work with us. Why can't they just make sure we're safe?' (Isabelle, outdoors). Street-based sex workers believe legalising street-based sex work will change police officers' attitudes towards them. Instead of treatment as criminals, street-based sex workers wish to be viewed as worthy of police protection (cf. Klambauer, 2017).

Indoor sex workers' narrative concerning legal reform pertains to the recognition of sex work as legitimate work. Respondents emphasise that they are already trying to comply with the law as much as possible. Indoor sex workers stress that they work legally by themselves, pay tax and regularly attend voluntary sexual-health checks. Regardless of whether they themselves wish to work collectively, all independent indoor workers clearly advocate legal reform. For many, 'it's really all about being legitimate' (Melissa, indoors). Sally echoes the desire for legitimacy:

'I mean, I'd like to be legitimate in what I do, but I can't fully. I pay tax, but on my tax return, I'm listed as a proof-reader. I'd really like to be legitimate and say I'm a sex worker, and claim my actual expenses, because my actual expenses are very different to being a proof-reader – I don't think you can claim leg waxing as a proof-reader.'  
(Sally, indoors)

As Sally indicates, indoor sex workers have a clear financial stake in the legitimisation of sex work. The inability to set up a company as a sex worker<sup>9</sup> in order to 'get the same tax reductions like a nail technician, hairdresser or even masseuse' (Natalie, indoors) frustrates Natalie.

Sex workers stress their work is a 'normal job' for them and should be treated like other professions by the state. Legal recognition is viewed as the first step towards societal recognition and destigmatisation of sex work. Kim, an independent escort, believes the law contributes to the stigmatisation faced by sex workers: 'I think we need decriminalisation. That's the only way to reduce stigma. Because the stigma is more damaging than anything that happens at work' (Kim, indoors). 'Is all about people recognising that sex work is work', as Vera believes:

'I've literally had someone say to me, "Just lying there opening your legs isn't a job". ... You know, like you, a researcher, you are just having conversations with people every so often,

<sup>9</sup>In England and Wales, sex workers can register as 'sole traders', but they cannot register a 'limited company' for the purpose of sex work.

that's not a proper job, is it? Yes of course it is a job. You can boil any job down to this ridiculous stereotype. I feel like we need more sex workers to come out and talk to people about sex work, and say, "I'm a sex worker; I'm not an alien; I'm not a scary junkie, not weird; I'm not money obsessed. It's just a job I do. It doesn't define me". (Vera, indoors)

In this statement, Vera refers to her conception of herself not only as a sex worker, but also as a human being with 'an existence separate from prostitution' (Boittin, 2013, p. 261). Vera compares the regulation of sex work and legally recognised professions. She explains that a legal framework in which 'being a plumber is a legal job, but if you have another plumber working with you, that's illegal' would be 'unacceptable'. Indoor participants feel entitled to be treated like other independent service providers who can manage their occupational health and safety without legal restrictions uniquely applied to the sex industry.

As with the articulation of legal claims, engagement with sex workers' rights activism is split by the socio-legal cleavage between outdoor and indoor workers. Many indoor workers actively engage with sex workers' rights groups on social media and a few participate in grassroots initiatives. The narratives and claims put forward by many indoor workers are similar to those of the main sex workers' organisations in the UK. Strikingly, street-based respondents are completely unaware of sex workers' rights activism. In addition, the legal claims of sex workers' rights groups and outdoor workers are divergent. The main workers' rights organisations in the UK all support the full decriminalisation of sex work and generally view state regulation of the sex industry critically. For instance, the English Collective of Prostitutes, the most vocal sex workers' rights lobby group, is not in favour of managed zones for street-based sex workers (Kirby, 2016), which many interviewed outdoor workers support.

Marginalised subjects who are grouped together based on a particular characteristic – in this case-study, the selling of sexual services – often comprise vastly diverse groups. Significant social and legal differences between indoor and outdoor workers impact on their potential to participate in society, bargaining power with clients and their relationship with the law and the state. Consequently, subjects belonging to the same legally marginalised groups may believe in vastly different and even conflicting measures to improve their lives. While sex workers are rarely listened to in policy debates in England and Wales (Kantola and Squires, 2004), their divergent experiences and life circumstances are even less acknowledged. Legal-consciousness studies need to strive to include the voices of differently positioned members of the population under investigations to adequately recognise how participants' understanding of and engagement with the law are not only shaped by common, but also dividing, features.

## 5 Conclusion

This study finds that sex workers' semi-legal status contributes to tensions and contradictions in their legal consciousness. Respondents' perception of the law matters greatly for their engagement with it. Sex workers perceive and experience the law as stigmatising and unintelligible and tend to avoid contact with the law and public authorities even in a semi-legal setting, in which certain forms of sex work are legal. However, despite seeking to remain outside of the law's reach, sex workers are longing for inclusion in the sphere of legality. This study reveals that sex workers differentiate between the current legal framework of sex work and the law as a social institution, which could contribute to destigmatisation, empowerment and improved safety. When sex workers put forward claims for the decriminalisation or legalisation of sex work, they contribute to the construction of legality as legitimating, destigmatising and protective force. As Silbey states, 'legality is actually strengthened by the oppositions that exist within and among the narratives' (Silbey, 2005, p. 349).

This study identifies three mechanisms by which sex workers cope with the legal marginalisation they experience: by avoiding the law, contesting the law and making legal claims. While some of these coping mechanisms can be understood as a form of resistance to the law, others stabilise the oppressive legal structures sex workers are subjected to. The experience or fear of stigmatisation, coercion and

legal repercussions leads sex workers to avoid interaction with public officials. Evading the law has been described as an act of resistance, including hiding from immigration officials (Kubal, 2014) or avoiding penalties the court imposes (Ewick and Silbey, 1992). However, sex workers' avoidance of and lack of engagement with the law strengthen their legal marginalisation and exclusion from the criminal justice system. This 'stabilising resistance' (Harding, 2011, emphasis in original) contributes to the reproduction of existing power relations.

Participants outlined how the law stigmatises them on a normative level and contested dominant discourses about them. Unlike previous findings on stigmatised groups (cf. Boittin, 2013; Musheno, 1995), respondents of this study did not express self-blame for the violence, abuse or stigmatisation they experience from the state. Their semi-legal status may contribute to an understanding of the law's negative impact on their lives. Respondents 'name and blame' (Felstiner *et al.*, 1980) the state, law, law enforcement, judges and juries rather than internalising blame. Additionally, sex workers resist the law by refusing to accept dominant discourses about themselves as immoral criminals. This rejection of negative attributions can be interpreted as 'moderating resistance' (Harding, 2011, emphasis), in which power structures are not necessarily transformed, but are challenged. This form of *moderating* resistance allows sex workers to defend their self-worth and dignity.

Sex workers' experience of exclusion within a setting of semi-legality spurs a longing for inclusion in the sphere of legality. Caught in a legal limbo, sex workers acquire an understanding of how legality could embetter their lives. While respondents are aware that the law denies them inclusion as fully legal and legitimate subjects, moving in and out of illegal activities make the benefits of legality clearly visible. Studies of sex workers in China (Boittin, 2013) and the US (Lutnick and Cohan, 2009; Majic, 2014), where sex work is largely criminalised, found that only some respondents support the legalisation and decriminalisation of sex workers, while many support its continued criminalisation. Contrary to previous studies, all but one of the respondents in this study supported either the legalisation or the decriminalisation of sex work. While respondents were vocal about their legal claims, most do not go beyond claims-making to engage in political activism. If respondents were to act on their legal claims, this could form part of Harding's last type of resistance – 'fracturing resistance' (Harding, 2011), in which power relations are at least temporarily weakened. However, for most respondents, the price of overt resistance is too high and immediate priorities of greater concern.

This study makes a unique contribution to the literature by analysing the differences in legal consciousness *within* a marginalised group. Focusing on the impact of social and legal status on legal consciousness, this study explores important, yet underexplored, distinctions (Hernández, 2010; Hull, 2016; Seron and Munger, 1996; Silbey, 2005). Strikingly, indoor and outdoor sex workers express almost contradictory dispositions to the state. Indoor sex workers view themselves as autonomous entrepreneurs capable of managing their own occupational health and safety, who want to commercialise their sexuality as they please, without paternalistic state control. In contrast, outdoor sex workers know that, regardless of the specific regulatory framework of sex work, they are deeply entangled in the law and state control as drug users and welfare applicants or recipients (cf. Sarat, 1990). Rather than autonomy, which seems unachievable in the first place, they value improved safety and protection. Outdoor workers acknowledge that their position of vulnerability might prevent them from independently ensuring their own safety and well-being. The differences between indoor and outdoor sex workers' claims for legal change address contested policy dichotomies between decriminalisation vs. regulation, and empowerment vs. protection.

Future research should further examine the similarities, discrepancies and conflicting interests between different stakeholders within marginalised groups. Understanding intergroup variations in legal consciousness sheds light on the relationship of power structures and degrees of exclusion from legality. This study demonstrates that sex workers occupy widely different spaces within social hierarchies, are differently affected by *de jure* and *de facto* criminalisation and seek inclusion in the sphere of legality in dissimilar ways. It is in these differences in legal demands that one can see

that a ‘one-size-fits-all’ approach to regulating sectors of the sex industry is not a feasible or sensible policy approach. Instead, an evidence-based legal approach to regulating the sex industry needs to acknowledge sex workers’ varying choices, social classes and vulnerabilities.

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