

# Challenging the Kerb Crawler Rehabilitation Programme

Rosie Campbell and Merl Storr

## Abstract

During recent years in North America and Europe many feminists have become increasingly critical of responses to street prostitution that concentrate solely on punishing women who sell sex while ignoring their male clients. In order to address this gender imbalance some feminists have advocated the enforcement and/or strengthening of kerb crawling legislation and other schemes that target men who pay for sex. During 1998–9 one initiative, which aimed to target men who pay for sex in the UK, the Kerb Crawler Rehabilitation Programme (KCRP), was piloted in Leeds, West Yorkshire. Although the KCRP received considerable media coverage there has been relatively little critical debate among feminists about this approach to working with clients of sex workers. This article draws attention to some of the opposition to the Leeds KCRP.

## Keywords

sex work; prostitution; kerb crawling; clients; rehabilitation

During recent years in the United States, Canada and some European countries many feminists have become increasingly critical of responses to street prostitution that concentrate solely on punishing women who sell sex while ignoring their male clients. In order to address this gender imbalance some feminists have advocated the enforcement and/or strengthening of kerb crawling legislation and other schemes that target men who pay for sex. During 1998–9 one initiative which aimed to target men who pay for sex in the UK, the Kerb Crawler Rehabilitation Programme (KCRP), was piloted in Leeds, West Yorkshire. The KCRP was established as a pilot project set up by the Research Centre for Violence, Abuse and Gender Relations at Leeds Metropolitan University in conjunction with West Yorkshire Police. This programme intended to shift the focus from the women who sell sex – specifically, in this case, street-working women – to the men who pay. The programme aimed ‘to create safety in communities by adopting a more pro-active approach to kerb crawlers through shifting

the focus from street prostitutes to the users' (Research Centre for Violence, Abuse and Gender Relations, 1998). It was described by the organizers as '... a hard hitting educational day school designed to break the silence, secrecy and collusion surrounding men's involvement as users of adult and child prostitutes' (Research Centre for Violence, Abuse and Gender Relations, 1998). Based on a North American 'Johns School' model, the content and ethos of the school was informed by a radical feminist analysis which identified all prostitution as abuse of and violence against women.

The operation of the school required police officers proactively to police street prostitution in order to identify and gather evidence.<sup>1</sup> Men charged with kerb crawling offences were offered a choice between a court summons or attendance at the KCRP. If they chose the latter they were required to pay an administrative fee of £85 that would 'cover the costs of their education'. The programme content on the whole reflected that of the US model, consisting of a number of presentations delivered by a range of individuals. Programme content included: information from a police officer about current legislation; information from a health worker about sexually transmitted diseases; a presentation by a local resident about the effects of kerb crawling on residential communities; an account of the impact on parents of children's involvement in prostitution, given by a woman whose daughter was murdered by a client; and a talk on the 'realities of prostitution' given by a former prostitute whose experiences had involved coercion and violence (Olden, 1999).

Although the piloting of the KCRP received considerable media coverage, there was relatively little critical debate among feminists about this approach to working with clients of sex workers. This was despite considerable concerns about this initiative raised both by a number of agencies working with sex workers and by sex workers themselves. Some organizations promoting the health and safety of sex workers expressed surprise at feminist support for the programme: 'Its appeal to feminists, police, and government is a mystery to those of us who have worked for many years to promote the health, safety and civil rights of sex workers' (Kinnell, 1999). This article draws attention to some of the opposition to the Leeds KCRP.

Taking its name from a presentation given at the *Sex Work Reassessed* conference (Wilcock, 1998b), Cause for Concern was formed in early 1999. It was an informal network of organizations and individuals who shared some reservations about the Leeds KCRP and came together to raise their concerns with policy makers and service providers. Rosie Campbell was an active member of Cause for Concern, and we want to stress that

although we are responsible for the arguments developed in this article many of the concerns outlined here were first identified by Cause for Concern.

### **Shifting the balance? Targeting clients**

Many policy makers, feminists, sex worker activists and resident communities affected by street prostitution have become frustrated with the existing 'traditional' legal management of street prostitution in the UK. Crudely summarized, this has involved responding to residential complaints by enforcing the soliciting legislation that relies upon arresting, prosecuting, fining and hence ultimately criminalizing street sex workers (Sharpe, 1998). This triggers a 'revolving door scenario' whereby sex workers are then under greater financial pressure to work in order to pay fines. Clearly, then, this approach punishes street prostitution but does nothing to prevent it. It can also have the effect of displacing street work elsewhere, or of dispersing it across a wider geographical area. There is dissatisfaction on all sides of the prostitution debate with this state of affairs, which serves neither to eradicate street prostitution nor to improve the lot of street workers.

However, a significant shift in focus, to include men who pay for sex as well as women who sell sex, has recently begun. This shift has been discernible in both North America and Europe. Perhaps most indicative of this approach are the recent changes in legislation in Sweden, where in 1998 buying sex entered the penal code and the purchasing of sexual services was criminalized. McElroy (1998) refers to a 'sea change' in the way police authorities in the United States and Canada address street prostitution: this has entailed a shift towards a greater emphasis on arresting clients than was previously the case. She points to the Canadian example of Edmonton Police Service which 'declared 1992 the Year of the John and concentrated on charging clients' (1998: 38). She argues that this change was supported by anti-prostitution feminists, who argue for a particular model of decriminalization different from that advocated by many prostitute activists. This model has been described as 'decriminalization with the goal of abolition', and advocates that the legal authorities should not arrest and criminalize the women working in prostitution but only the men involved as clients and pimps.

In the UK some police forces have also adopted a policy of policing clients as well as sex workers to present a more gender-balanced approach and to deal with the 'demand' side of prostitution (Benson and Matthews, 1995). There is no doubt that the policing of prostitution in the UK has on the whole provided a graphic illustration of the double standard enshrined in

English law: female sex workers are criminalized whereas their male clients are not.<sup>2</sup> Hence one might think that for feminists concerned with gender equality the path forward would be clear: to equalize both the law itself and its enforcement. However this issue is not as clear-cut as it may seem. While there is no doubt that an enforcement approach that targets clients as well as sex workers is more even-handed, it does not deliver a radically different approach but rather works within and reinforces the criminalization of prostitution. It is doubtful whether such an approach would see any fundamental benefits for sex workers; indeed, as we argue below, it could exacerbate conditions for sex workers. Fundamentally equalization does not address a legal framework that criminalizes sex workers, and addresses neither the issues faced by sex workers nor those of local residential communities affected by street prostitution.

### **Invisible men: research, interventions and clients of sex workers**

It is clear, then, as proponents of the KCRP themselves pointed out, that ‘traditionally everyone with an interest in prostitution – health workers, researchers, police officers – have focused on women’ (Bindel, 1998/99). Although the research base regarding clients of sex workers is growing (Kinnell and Griffiths, 1989; McKeganey, 1994; Faugier and Cranfield, 1995; Plumridge *et al.*, 1997; O’Connell Davidson, 1998; Campbell, 1999), it is still under-developed. There is great scope for feminist researchers to learn more about clients and to develop evidence-based proposals for positive policy interventions with this group. There is certainly a need to make the ‘invisible men’ (Campbell, 1997) involved in purchasing sex more visible within research, academic debates and policy consideration. So perhaps one beneficial outcome of the piloting of the KCRP was the high-profile publicity and public debate about clients it stimulated.

Yet it is questionable whether the language used to describe clients in reportage associated with the KCRP was helpful in enabling the discussion about clients to move beyond mythology and stereotypes. For example, an article written by one of the KCRP’s organizers appeared in the *Independent* newspaper under the title ‘Out of the gutter’; it was reprinted in *Trouble and Strife* with the title ‘Flushing the Johns’. This article described the KCRP participants as ‘like that scene from Hitchcock’s movie *The Birds* where all the crows are silently perched in a row, looking ahead’ (Bindel, 1998a). The KCRP was also covered in a number of other articles in local and national papers. For example the *Evening Gazette* (Curtis, 1999), a local daily paper based in the north-east of England, ran its story

under the headline ‘Kerb-crawlers are like alley rats, they satisfy their appetites under cover of night and prey on the vulnerable . . . and Julie is out to get them!’

A discourse that constructs clients as dehumanized, dirty and animalistic gets us no nearer to an informed debate about clients, and perpetuates stereotypes that obscure the complex social, economic and cultural relationships in which commercial sex takes place. Atkinson *et al.* (1998) describe how research on clients has shifted from early work that treated the client as an abnormal deviant, through to more recent research that locates the client within cultural, gendered and economic relations. Much of the media discourse surrounding the KCRP appears to take us back to the construction of the client as an abnormal deviant.

In the light of research indicating enduring pressures from clients for unsafe sex and enduring violence against street workers, a number of researchers have suggested interventions with clients which address issues of respect for prostitutes and prostitutes’ rights (e.g. McCullagh *et al.*, 1998). Sex workers may welcome interventions with clients that attempt to address issues of importance to them. Certainly the views of one Leeds street sex worker opposed to the KCRP indicates that this is the case:

It is not the concept of the programme that appals me as I would wave my arms in the air and cheer if they came up with a programme that taught men to respect working women. A programme that dealt with problems in prostitution like rape and murder, violent assaults, pimps and negative attitudes towards women who work in prostitution would be welcomed, I am sure, by other working women. A programme that taught clients about the problems women face and a true picture of sexual health is what is really needed.

(Julia, cited in Taylor, 1999)

These are the views of one sex worker: Julia’s position may or may not be representative of street sex workers. What *is* clear is that feminist researchers need to consult sex workers widely about the types of interventions *they* feel would be useful.

O’Neill *et al.* (1994) stress the importance of including sex workers in debates about policy development. They emphasize the need to listen to and include women’s experiences and voices, and they advocate woman-centred, multi-agency responses that include sex workers in developing policy and services. But in the development of the KCRP there appeared to have been only limited consultation with women who sell sex on the streets, or with the projects working with them. A crucial lesson for feminists to consider when involving themselves in policy development is the potential impact of policy on sex workers and the need to consult sex workers about their own needs and views. Initiatives which treat sex

workers as *objects* of concern rather than as subjects – no matter how well intentioned – sit uneasily with feminist politics.

### **Policing and sex worker safety**

Projects such as the KCRP rely on the allocation of significant policing resources to the ongoing targeting of clients in order to ‘recruit’ clients into the school.<sup>3</sup> Even if the focus is shifted to clients, the active policing of street prostitution has a number of implications for the safety and welfare of street workers themselves.

First, it is crucial to point out that although a police force may decide to have a police operation that primarily targets clients, this does not give an amnesty to sex workers themselves. Hence police operations that proactively target clients usually involve the ongoing policing of female soliciting. More intensive policing operations mean that women are more likely to work in more isolated, unfamiliar and unsafe areas to avoid police surveillance and arrest. There may even be increased migration between ‘beats’ in different cities and towns where women are less familiar with the scene and with the ‘dodgy punters’ in that area. Such patterns have been found in other cities where intensive police actions are enacted (Campbell and Hancock, 1998).

If there is an awareness that the police are looking for evidence of kerb crawling, the client and sex worker will be under pressure to ensure that the solicitation negotiation is as short as possible. Indeed numerous researchers have commented on this effect of contemporary legislation (e.g. Barnard, 1993): that the limited time sex workers have to ‘suss’ out clients and put in place safety strategies is further eroded.

One objective of the KCRP was to reduce the client base: the argument was that without demand there would be no supply. So what does a reduced client base mean for street sex workers? Fewer clients means women have to work extended hours to earn the sums of money they require for their subsistence (which may include drug-use). Increased competition for clients between sex workers means prices are depressed. There is likely to be a shift to later hours of working, to avoid police and to make contact with clients. This may also be combined with earlier hours of working in order to tap into a broader market of clients; earlier working in daytime hours can create more conflict with residents. This Leeds street-worker describes what she sees as the direct negative impact of the policing attached to the KCRP initiative on the context in which she sells sex:

It used to be £20 for straight sex in a car but now the going rate is £10. I used to be out from 7–10.30 p.m. and could earn £130. Now I can be out from 5

p.m. until midnight and I might go home with just £40. It's too easy for men to get caught on the well-lit main roads now, so we're forced into dark side streets where we can't take number plates or get a good look at a client before we decide whether or not he is safe to get in the car with. And there's a lot of tension and hostility between the women that just wasn't there before.

(Julia, quoted in Taylor, 1999)

In any case it is debatable whether supply would actually cease. The KCRP did not address the socio-economic factors that shape the entry of many women into street prostitution. The introduction of the programme was not accompanied by a parallel investment in services for women who are involved in and/or wish to leave prostitution. As Cause for Concern argued:

If the KCRP does as it aims reduce the number of clients, then the women who serviced these clients do not go away, they remain with the motivations they had before for selling sex. Such reasons may include amongst other things: poverty, debt, drug use and coercive pimps. With a reduced client base and no alternative income we would expect to see an increase in women earning money from other illegal activities such as shoplifting, and other activities which have greater penalties attached, including imprisonment.

(Cause for Concern, 1999)

Street working prostitutes are often those with fewest options in terms of employment in other areas of the sex industry or in other jobs or education. Cause for Concern felt that: 'Targeting their clients further erodes their livelihood and further serves to marginalise them', and that a potential impact of the KCRP was therefore 'to contribute further to their hardship' (Cause for Concern, 1999).

### **Impact on sexual health: a risky business**

A growing body of UK research examining safer sexual practices among sex workers indicates that in commercial sex encounters rates of condom use are high (Morgan Thomas *et al.*, 1989; Faugier *et al.*, 1992; McKeganey and Barnard, 1992; Ward *et al.*, 1993; Blakey and Frankland, 1995; McCullagh *et al.*, 1998). Yet research shows that with greater competition for clients and no alternative income, women are more likely to accept less money and take greater risks in terms of their personal safety and sexual health. McCullagh *et al.* (1998) note the socio-economic context in which street prostitution takes place and the factors that shape sex workers' power to insist on safe sex:

For most street prostitutes, payment is based on the number of sexual acts provided and consequently earnings depend upon how quickly clients can be found and services given. Drug withdrawal, poor weather conditions, the level of

policing, and violence on the street may all create pressures to finish work quickly and accept greater financial inducement to provide unprotected sex.

(McCullagh *et al.*, 1998)

The pressures reduce women's power to negotiate safer sex and hence they are more likely to sell unprotected sex. Initiatives targeting clients add another factor into this already difficult environment and create conditions where the pressures to take risks are heightened. Fewer clients mean greater competition between sex workers: this undermines sex worker power in negotiations with clients. In such a climate women may be more likely to 'take risks' in terms of condom use and other safe sex practices. Wilcock (1998) found that among those sex workers who disclosed that they had not used condoms, 'desperation for money and lack of clients were cited as the main reasons for not using condoms' (Wilcock, 1998: 63). This would suggest that 'initiatives which aim to reduce client numbers by intensive policing and client arrest, and which do not make any other provision to meet sex workers' needs, carry serious health and safety implications' (Wilcock, 1998: 63–4).

### **Challenging violent clients?**

The high levels of violence faced by street sex workers have been widely noted (O'Neill, 1995; McKeganey and Barnard, 1996; Pearce, 1997). Such research indicates that only a minority of violent offences experienced by sex workers are reported to the police (Barnard, 1993; Kinnell, 1993; McKeganey and Barnard, 1995). Developing a policing approach and other policies that address the safety of sex workers is clearly a pressing priority. There has been considerable interest in the KCRP from the Home Office in this respect. The initiative is identified in *Living without Fear* (1999), the first UK national strategy document on violence against women, as an example of good practice in relation to sex offender programmes which aim to reduce sexual reoffending.

However, there is no clear evidence that the programme reduced violence against sex workers or had any impact on violent clients. Men who came to the KCRP had committed kerb crawling offences: they were not necessarily perpetrators of violence against sex workers. Whether the men who attended the school had been or would be violent towards sex workers was not known (Wilcock, 1998). Indeed the programme made it clear that it would not deal with men who were known to have committed violent offences. There is no evidence that all men who pay for sex will all be or will become violent and abusive towards sex workers. Such a 'scatter gun' approach only makes sense in an ideological framework in which all clients

are treated as abusers. It does not allow for differences between clients in terms of their attitude towards and interaction with sex workers.

The KCRP pilot programme did not appear to be part of a broader coordinated strategy to tackle violence against street sex workers, to improve liaison between sex workers, the police and projects working with them, or actively to encourage the reporting of violent incidents. Nor did it appear to be tied in with any other practical initiatives to improve the safety of street workers. The diversion of police and other resources to initiatives aimed at preventing violence against sex workers and to prosecuting those who commit violent offences should clearly be a priority. For example the development of sensitive and constructive prostitute police liaison which aims to encourage and support women to report violent assaults against them has been advocated as a potential way of demonstrating that women's reports will be taken seriously and proactively encouraging reporting (Campbell *et al.*, 1996; May *et al.*, 1999). At present in the UK there is no national 'ugly mugs scheme' listing 'dodgy punters' that sex workers or projects can access, nor is there a national police database of violent clients and incidents against sex workers. Projects that target clients indiscriminately do not address these issues, nor do they necessarily move us any further towards better and safer working conditions for sex workers.

Indeed Wilcock (1998) and Cause for Concern (1999) raised the possibility that the programme may actually have deterred those clients who were *least* likely to be violent. The men who had less to lose through exposure and who made possibly the most dangerous and erratic clients were precisely those with whom the KCRP refused to work. Similar concerns have been raised by women involved in prostitution in North America. In the context of the Johns Schools in the USA McElroy notes:

The dozens of prostitutes I've spoken with are appalled by the development. One of their arguments is that the Johns School is making the streets less safe for prostitutes. The force of such laws will not determine, and historically has never determined, how many women have turned to the streets. But, prostitute activists argue, the laws will discourage a certain class of men from seeking out streetwalkers. Men who are married, with respectable careers and a reputation to protect, will not risk being publicly exposed as a john. On the other hand men who are criminally inclined towards prostitution will not be discouraged by the prospect of a police fine. Thus police/feminist policy keeps peaceful johns off the streets and leaves women to compete more vigorously for johns and screen less rigorously those who approach them. Is it any wonder that violence against street walkers is rising in many North American cities?

(McElroy, 1998: 338)

## Conclusion: short-circuited thinking

The following comment from a Japanese feminist raises a dilemma that many feminists face when their attention is turned to men who pay for sex:

Japan's Prostitution Prevention Law says that, in principle, selling sex is illegal, but the seller doesn't get punished unless she promotes it publicly. I wonder if it's possible to punish the buyer but not the seller. True, it is a big problem that the buying side hasn't been questioned, and it makes me angry too. Still, won't it be kind of short-circuited thinking to propose to punish the buying side to correct that omission?

(Group Sisterhood, 1998: 94)

This reflects some of the ambivalence towards clients and towards policies that focus on the 'demand' side of prostitution that many feminists confronting male clients may experience. It also raises the issue that policies and initiatives that further 'punish' the buying side of commercial sex do not necessarily improve things for women involved in prostitution. They are indeed examples of 'short-circuited thinking'.

Such dilemmas have been raised by the piloting of the Kerb Crawler Rehabilitation Programme. In the light of the appearance of this initiative in the UK and of a broader policy shift throughout Europe to consider punishing male clients, it is important that there should be discussion among feminists about the implications of such an approach and that this debate does not take place in a vacuum devoid of the views and perspectives of sex workers themselves. Existing research has demonstrated a need to develop specific interventions with male clients in the UK that address respect for sex workers and their rights. More broadly strategies and legislative changes are needed which respond more effectively to the violence experienced by street workers from clients and others.

Legislation which aims to further criminalize men who pay for sex with adult sex workers and other interventions which aim to 'punish' male clients do not present, as they might at first appear to do, a progressive way forward for feminists and others concerned about improving the rights of women involved in prostitution.<sup>4</sup> In the UK context such policies leave untouched an unsatisfactory legislative framework that undermines the safety and welfare of street sex workers and serves to reinforce the criminal status and hence social stigma associated with sex work. Indeed initiatives such as the KCRP and the associated active policing of street prostitution have the potential to worsen the safety and welfare of women involved in street prostitution, and the most vulnerable women will bear the brunt:

Indeed, kerb crawling legislation . . . can actually make the most vulnerable prostitutes even more vulnerable. It increases the pressure on prostitutes to

negotiate quickly, for example, or to get into clients' cars and so off the street before they have negotiated a deal, both of which reduce the prostitute's control over the situation.

(O'Connell Davidson, 1998: 199)

In direct response to criticism of the programme organizers of the school have clarified their aims:

The KCRP never 'promised to help sex workers' by taking punters off the street, but to offer the men an opportunity to become more enlightened about the realities of prostitution. The aim is to get men off the streets and shift the focus from the women as the problem.

(Bindel, 1999)

Of course the appeal to some feminists of initiatives such as the KCRP can be understood, particularly in the light of feminist analyses that identify prostitution as a form of violence against women. Certainly, as O'Connell Davidson writes:

To the extent that such moves reflect a growing discomfort with the legal harassment of prostitutes and the hypocrisy and sexism inherent in traditional prostitution law and law-enforcement practice, they are to be welcomed. But, unless meaningful steps to address the structures that drive people into prostitution are simultaneously taken, legal and other measures aimed at preventing prostitute use will do little to improve the lot of those who are exploited by prostitute users.

(O'Connell Davidson, 1998: 199)

Whatever particular analysis of prostitution feminists favour, feminism is fundamentally about improving social and economic conditions for women. This includes raising issues of violence against women and shaping effective policies to address such violence. Priorities for feminists involved in informing prostitution policy should therefore include: challenging negative attitudes towards sex workers; enabling the views, experiences and voices of sex workers to be heard *in all their diversity*; challenging violence against sex workers; and ensuring that policy development grows out of an inclusive process which consults all groups involved and affected by prostitution – including sex workers themselves, who are too often marginalized in the policy arena (Campbell and Hancock, 1998). There should be no place in feminist politics for interventions that merely increase the daily risks and pressures faced by street-working women.

## Notes

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Rosie Campbell is a Senior Researcher in the Applied Research Centre at Liverpool Hope University College. She has been involved in carrying out action

research on sex work in Merseyside and the West Midlands since 1995. She is presently Co-ordinator of the EUROPAP Safety, Violence and Policing Working Group.

Merl Storr is Senior Lecturer in Sociology at the University of East London and was one of the co-organizers of the conference *Sex Work Reassessed*. Her current research interests are in the retail sector of the sex industry.

- 1 In the UK it is not an offence to buy sexual services. Section 1 of the Sexual Offences Act 1985 makes it an offence for a man to solicit 'a woman (or different women) for the purposes of prostitution:
  - (a) from a motor vehicle while it is in a street or public place, or
  - (b) in a street or public place while in the immediate vicinity of a motor vehicle that he has just got out of or off, . . . persistently or in such a manner or in such circumstances as to be likely to cause annoyance to the woman (or any of the women) solicited, or nuisance to other persons in the neighbourhood'. There is no power of arrest for this offence: the act requires summary conviction only.
- 2 Almost all prostitution laws in England and Wales apply to female prostitutes only. Male prostitution is regarded by the law as a matter of homosexuality rather than of prostitution, and is dealt with separately. The highly gendered nature of this legislation has been the target of considerable feminist criticism: see, for example, Edwards (1997).
- 3 Indeed at the time of writing (July 2000) the Kerb Crawling Rehabilitation Programme was not being run in the UK. In West Yorkshire the police had ceased to support the initiative, their key reason being that they could not sustain the level of resource input required.
- 4 This dialogue is focusing on debates about clients of adult sex workers and not debates about men involved in the commercial sexual exploitation of children.

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