

New Prostitution Offence is 'Outrageous'

Francis Bennion interviewed by Neasa MacErlean for LNB News, 19 March 2010

From 1 April 2010 the client of a prostitute who is subject to 'exploitation' in the form of force, deception or threats faces a new strict liability offence under the Crime and Policing Act 2009. As the Home Office release explains: It is no longer an excuse to say 'I did not know' and men who ignore this face a fine of up to £1000 and a criminal record. So if a punter pays money for sex to a woman who, without his knowledge, is threatened by a pimp, the punter could be caught by this offence.

But Francis Bennion, author of *The Sex Code* and several other books on sex and the law, says:

'It's outrageous. Sex services have been needed by men since the beginning of humanity and it's about time the government recognised it. And if there are abuses, they should be treated separately.'

Bennion believes this approach violates one of the best traditions of British law: 'Strict liability is entirely wrong. It goes against the main principle of British criminal law, that you need to have a guilty mind as well as a guilty act.'

Some of the changes coming into effect on 1 April 2010 demonstrate again to Bennion what he has long seen in the present political administration:

'The government has a sex-negative attitude. What is required is a sex-positive attitude. A lot of sex-negativity comes from the Christian Church but the influence of the church has reduced enormously. We are living in a secular society, and a secular society should be sex-positive.'

Bennion feels that wrapping the subjects of trafficking, abuse and prostitution together, and punishing them together, clouds the issue. Another example where this is happening is the new penalty which is being introduced which gives judges another sentencing option for prostitutes. As the Home Office explains: 'The penalty will include a requirement for women to attend meetings to address the causes of their involvement and is designed to help them to leave street prostitution.' Bennion says:

'This is brain-washing. There are all kinds of sex workers. Some are very badly treated, are on drugs and have pimps controlling them. But there are some, like Dr Brooke Magnanti (recently revealed as *Belle de Jour*), who are perfectly happy in their work and are not in need of any protection.'

If those who were not being maltreated and who were content in their work were forced to go to these meetings, Bennion would be outraged. If, however, only those who were in trouble of some kind were sent to the meetings then he says that would be acceptable.

One change which Bennion does approve of is the move, as described by the Home Office, to change the law to amend the term 'common prostitute' as this term is outdated and offensive. Bennion, with his draftsman's knowledge of the language of law, has looked at the negative way in which the word 'common' has been used in the past. Women who were punished by being ducked for nagging their husbands were termed common scolds for instance, and those who revealed crimes for money were called common informers. Bennion is pleased at this latest move to change the terminology. Common prostitute is a terrible term for us to be using, he says. He thinks, moreover, a sex-positive government should drop the word prostitution and refer to something like sex service instead. These should be treated by the law in the same way as any other services, like going to the shops or to the doctor, Bennion says.