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'The Problem of Prostitution': Repressive policies in the name of migration control, public order, and women's rights in France

Charlène Calderaro and Calogero Giametta

Abstract

This article focuses on the political debates that led to the adoption of the sex purchase ban (commonly referred to as the Swedish or Nordic model) in France in April 2016. It examines the convergence of French mainstream feminists and traditional neo-abolitionist actors in the fight against prostitution, and its impact on sex workers' rights and wellbeing. We argue that there is continuity between the effects produced by the ban on soliciting enacted in 2003 and those created by the law penalising clients passed in 2016. In discussing the current repression of sex work in France, we highlight how the construction of the 'problem of prostitution' should be seen in light of broader political anxieties over sexism in poor neighbourhoods and immigration control, which justify the national priorities of security and public order.

Keywords: sex work, migration, Swedish model, France, women's rights, public order

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Contextualising France's 'Problem of Prostitution'

Since the end of the Second World War, France has engaged in combating human trafficking and prostitution, especially following the ratification of the UN *Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others* in 1960. In France, as in many other countries, political debates and policies have consistently conflated human trafficking with prostitution.[1] With the strengthening of Europe's borders in the 1990s, migrants have increasingly been forced to rely on third parties to access the Schengen area.[2] During this time, migrant sex workers became much more visible in French cities, smaller towns and villages, subjecting them to heightened state scrutiny.[3] In this sense, renewed political attention to the 'problem of prostitution'[4] was to be expected. As Lilian Mathieu points out, the time when the French political class deemed dealing with prostitution 'unworthy' of the National Assembly's concerns was over.[5] In the past two decades, in fact, there has been a steady increase in the number of parliamentary reports, legislative initiatives, and public debates on the topic.

The question of how to deal with prostitution emerged in the national political arena in 2003 through the implementation of a law on domestic security, *Loi pour la sécurité intérieure* (LSI), introduced by Nicolas Sarkozy, the then Minister of the Interior. This law was included in a broader series of measures concerning public order and security and it directly targeted sex workers. It extended the penalty for soliciting from a fine (*contravention*) to an offense (*délit*); it also broadened the acts that would be subject to penalties from 'active soliciting' to include 'passive soliciting'. As a result of

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1 R Andrijasevic and N Mai, 'Editorial: Trafficking (in) representations: Understanding the recurring appeal of victimhood and slavery in neoliberal times', *Anti-Trafficking Review*, issue 7, 2016, pp. 1—10, https://doi.org/10.14197/atr.20121771.

2 F Guillemaut, 'Femmes Africaines, migration et le travail du sexe', *Sociétés,* vol. 1, no. 99, 2008, pp. 91-106, https://doi.org/10.3917/soc.099.0091.

3 C Deschamps, 'La figure de l'étrangère dans la prostitution', *Autrepart,* vol. 2, no. 42, 2007, pp. 39-52, https://doi.org/10.3917/autr.042.0039.

4 The phrase 'problem of prostitution' here points to the process through which French public institutions have constructed prostitution as a social problem to be urgently addressed. The use of this terminology allows us to reference the sociology of social problems, which since the 1970s has analysed the factors and actors who decide that a particular social activity or phenomenon is to be understood and treated as a problem. See M Spector and J I Kitsuse, *Constructing Social Problems*, Cummings, Menlo Park, 1977; J Gusfield, *The Culture of Public Problems: Drinking-driving and the symbolic order*, University of Chicago Press, Chicago, 1981.

5 L Mathieu, 'Genèse et logiques des politiques de prostitution en France', *Actes de la recherche en sciences sociales*, vol. 3, no. 198, 2013, pp. 5-20.

these shifts, a new article in the Penal Code (art. 225-10-1) was introduced. It is noteworthy that the soliciting offense had been previously scrapped from the Penal Code in 1994.

The question of how to deal with prostitution re-emerged in 2011 when two MPs—Danielle Bousquet and Guy Geoffroy—produced a detailed report on prostitution in France and presented it to the National Assembly for parliamentary debate. This report was grounded in a repressive stance on sex work[6] that articulated the 'fight against the prostitution system' as a women's rights issue. What distinguished the Bousquet-Geoffroy report from previous reports was its women's rights angle, in that the authors suggested that sex workers should not be penalised but the onus should be placed on clients, as they must account for the fact that their demand for paid sexual services fostered exploitation and trafficking. Across the political spectrum, the vast majority of French politicians welcomed the proposal of creating an offense in the Penal Code that focused on individuals who paid for sexual services, which was finally approved in April 2016 (law n° 2016-444). Although one of the law's stated objectives was to give women in particular the opportunity to leave sex work, recent research shows that client penalisation has been even more detrimental to sex workers than the previous anti-soliciting measures,[7] which had already resulted in the deterioration of sex workers' living and working conditions.[8]

[6] For an analysis of the categories used in the literature to define sex work policy regimes, see: P Östergren, 'From Zero-tolerance to Full Integration. Rethinking prostitution policies', *Demand AT Working paper*, 2017b, p. 13, retrieved 5 November 2018, http://www.demandat.eu/publications/zero-tolerance-full-integration-rethinking-prostitution-policies.

[7] H Le Bail and C Giametta, *Que pensent les travailleur.ses.s du sexe de la loi prostitution?*, Médecins du Monde, Paris, 2018.

[8] These findings are consistent with research carried out in other countries. See, for example: Amnesty International, *Policy on State Obligations to Respect, Protect and Fulfil the Human Rights of Sex Workers,* AI, 2016; S K Chu and R Glass, 'Sex Work Law Reform in Canada: Considering problems with the Nordic Model', *Alberta Law Review*, vol. 51, no. 1, 2013, pp. 101-124, http://dx.doi.org/10.29173/alr59; C Holmström and M Skilbrei, 'The Swedish Sex Purchase Act: Where does it stand?', *Oslo Law Review*, vol. 4, no. 2, 2017, pp. 82-104, https://doi.org/10.18261/issn.2387-3299-2017-02-02; J Levy and P Jacobsson, 'Swedish Abolitionist Discourse and Law: Effects on the dynamics of Swedish sex work and on the lives of Sweden's sex workers', *Criminology and Criminal Justice*, vol. 5, no. 14, 2014, pp. 593-607, https://doi.org/10.1177/1748895814528926; P Östergren 'Sweden' in S Jahnsen, and H Wagenaar (eds.), *Assessing Prostitution Polices in Europe*, Routledge, London and New York, 2017; UNAIDS, *Guidance Note on HIV and Sex Work*, UNAIDS, 2009.

This article aims to shed light on the particular development of repressive policies on sex work in France. Whilst highlighting the specificities of the French context, it argues that the construction of prostitution as a social problem ought to be seen in light of broader political anxieties over sexism in poor neighbourhoods (*quartiers populaires*) and immigration control. The analysis draws on two main datasets: ongoing research on humanitarian interventions addressing migrant sex workers (Giametta) and interviews with institutional, mainstream feminists and other neo-abolitionist groups[9] (Calderaro) that supported the repressive prostitution policies in France. The former data came out of the *Sexual Humanitarianism* research project (2016-2020), which explores the relationship among migration, sex work, and trafficking in the global sex industry.[10] Focusing on the law and current political debates, Giametta provides an analysis of humanitarian discourses and securitisation practices targeting sex workers in France. This analysis is further supported by the ethnographic data emerging from interviews with 25 street- and internet-based migrant sex workers (trans-, cis-women, and men) and ten key informants, such as community health outreach workers, social workers, and immigration lawyers, in Paris and Marseille conducted between January 2016 and March 2018. The latter emerges from the fieldwork Calderaro conducted for a Master's thesis on the repressive sex work policies in France. In the winter of 2018, she conducted 15 interviews with the aim of understanding the role of different actors involved in the drafting of the 2016 law. Four different categories of actors were interviewed: two key MPs in charge of developing the law and members of the special committee to the National Assembly; members of public institutions, such as the office for gender equality at the Paris City Hall, the Parisian watchdog on violence against women (*Observatoire Parisien des Violences faites aux Femmes*), and two offices for gender equality in Saint-Denis and Bagnolet in the Seine-Saint-Denis area; neo-abolitionist activists, including two members of the *Mouvement du Nid* and the president of *Fondation Scelles*; and sex workers, activists, and staff of

[9] As H Wagenaar *et al.* describe, 'neo-abolitionism' is the term used 'to indicate the current dominant movement to eradicate or suppress prostitution in society by applying criminal law to clients and third parties…its expression in public policy–client criminalisation and use of law as a pedagogical tool–was designed in Sweden'. See: H Wagenaar *et al., Designing Prostitution Policy: Intention and reality in regulating the sex trade,* Policy Press, Bristol and Chicago, 2017, pp. 11-12. Generally speaking, neo-abolitionist actors view sex workers as victims of the patriarchal social order.

[10] The research project is titled 'Sexual Humanitarianism: Migration, Sex Work and Trafficking' SEXHUM (ERC CoG 682451). It is a four-year project (2016-2020) funded by the European Research Council. SEXHUM is directed by Nicola Mai and based at Kingston University, London (Department of Criminology and Sociology) and at Aix-Marseille University (LAMES – Mediterranean Laboratory of Sociology). See: https://sexualhumanitarianism.wordpress.com.

community health organisations that defend sex workers' rights. They were all asked about their involvement in the consultation and decision-making processes prior to the enactment of the 2016 law.

Sexual Politics, Public Order, and National Security

Although the end-demand model has not delivered the promised results of eliminating prostitution and trafficking in Sweden, it is still presented as *the* solution to the problems of prostitution and gender inequality. The elected official in charge of gender equality at Paris City Hall (*Mairie de Paris*), Hélène Bidard, told us that: 'in hindsight, its success was really to do with the organisations stressing the link between violence against women and prostitution'. According to the neo-abolitionist paradigm, sex workers are no longer delinquents, but rather victims. In the Swedish context, the law was promoted as part of a wider set of laws called *Kvinnofrid*, or Violence Against Women Act (*Kvinnofrid* is translated as 'peace or serenity for women').[11]

Alongside the gendered dimension of the debate on prostitution emanating from Swedish institutions, anthropologist Don Kulick examined how the discourse of sexuality, or how one deals with sexuality in one's private life, tells us something about the values of the larger society. In the 1994 EU referendum, Sweden voted to join the European Union by a narrow margin, as fears circulated in the country that, by accessing the EU, the country 'would be flooded by tens of thousands of foreign prostitutes clamoring at the gates, and it would be infected by a liberal view of prostitution that was said to be spreading throughout Europe'.[12] Since then, Swedish parliamentarians in Brussels have lobbied for what came to be known as the 'Swedish model' for the abolition of prostitution, with the goal of exporting the distinctive image of Sweden as gender-equality-paradise to other member states. Today, at the EU level, it is worth mentioning the strengthened links that have emerged between Swedish and French mainstream feminists as a result of the activities of the European Women's Lobby.[13] Yet, in order to understand

[11] D Kulick, 'Sex in the New Europe: The criminalization of clients and Swedish fear of penetration', *Anthropological Theory*, vol. 3, no. 2, 2003, pp. 199-218, https://doi.org/10.1177/1463499603003002005.

[12] D Kulick, 'Four Hundred Thousand Swedish Perverts', *GLQ*, vol. 11, no. 2, 2005, pp. 205-235, p. 221.

[13] The European Women's Lobby, founded in 1990, is an umbrella organisation of women's NGOs across the European Union with a secretariat based in Brussels. It includes the French Coordination for the European Women's Lobby (CLEF) and the Swedish Women's Lobby. This NGO takes a neo-abolitionist approach to prostitution.

France's particular road to the adoption of the end-demand approach, we need to analyse other factors that go beyond politicians' moral concerns about gender inequality and trafficking.

Sexuality, national values and racial issues

In the early 2000s, there was a shift in how gender and sexuality were discussed in the French political sphere, as they started to be explicitly linked to racial questions.[14] At that time, the media focused its attention on acts of sexual violence in the Parisian *banlieues* (suburbs) committed by young men of North African origin[15]—the number of newspaper articles on this subject increased tenfold from 2000 to 2001.[16] This view of sexual violence as endemic to certain geographical areas cannot be understood, Myriam Ticktin argues, without considering the debates about immigration and national security, and the intensifying Islamophobia in the country.[17]

Two noteworthy discourses co-existed in France in the early 2000s. The first focused on the fight against sexism *through* racism, mobilising 'the colonial archive that codes race/class through sexuality'[18] (i.e. the migrant or racial Other seen as a sexual deviant). The second was the institutionalised discourse of violence against women emanating from the UN since the 1990s that allowed for the increased visibility of issues related to gender and sexual violence (i.e. female genital mutilation, domestic violence, sati, honour killings, etc.). At that time, the bans on passive soliciting and the hijab, as well as the focus on sexual violence in the *banlieues*, 'turn[ed] in some important ways on a discourse about the protection of women from violence and oppression—whether or not this rhetoric actually holds in practice.'[19] The moral economy behind the debates and implementation of laws controlling sexuality created a panic that focused on migrants and racialised non-migrants living in France.

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[14] E Fassin, 'The Rise and Fall of Sexual Politics in the Public Sphere: A transatlantic contrast', *Public Culture,* vol. 18, no. 1, 2006, pp. 79–92, https://doi.org/10.1215/08992363-18-1-79; E Macé and N Guénif Souilamas, *Les Féministes et le Garçon Arabe*, Aubes, Paris, 2004.

[15] C Hamel, 'De la racialisation du sexisme au sexisme identitaire', *Migrations Société*, vol. 17, no. 99-100, 2005, pp. 91-104.

[16] L Mucchielli, *Le Scandale des 'Tournantes': Dérives médiatiques, contre-enquête sociologique,* La Découverte, Paris, 2005.

[17] M Ticktin, 'Sexual Violence as the Language of Border Control: Where French feminist and anti-immigrant rhetoric meet', *Signs,* vol. 33, no. 4, 2008, pp. 863-889, https://doi.org/10.1086/528851.

[18] A L Stoler, *Race and the Education of Desire: Foucault's history of sexuality and the colonial order of things*, Duke University Press, Durham, 1995.

[19] Ticktin, p. 873.

This context created significant animosity and division among feminists in France,[20] and resulted in the consolidation of what American sociologist Elisabeth Bernstein has termed 'carceral feminism', a type of feminism that relies heavily on state forms of power, such as law enforcement and legal institutions, to fight patriarchy.[21] The convergence of a certain type of hegemonic feminism with the state and its anti-immigration policies has created an anti-trafficking politics in France that can be termed 'femonationalist'.[22] This term, coined by Sara Farris, points to how prominent feminists and female bureaucrats—Farris names them 'femocrats'—have promoted laws and attitudes stigmatising the Muslim population in France, thus strengthening anti-Islam positions in the name of women's rights.

From a femonationalist standpoint, the problem of misogyny and patriarchal domination is all too often relegated to specific (poor) areas in French cities where many racialised people live. In the recent debates on the prohibition of sex work, poor and working-class clients of sex workers are pathologised as 'bad' sexual subjects who have no place in the civilised space of the Republic—this is the moral argument vis-à-vis French citizenship ideals. At the same time, clients are often racialised as 'regressive' sexual subjects who do not know how to treat a woman with respect and who are very likely to exploit (their) women by buying sex from them, pimping or trafficking them—this is the racist argument targeting minorities and migrants. In mainstream media, people who live in *quartiers populaires* (working class neighbourhoods) are stigmatised for their sexist attitudes towards women and gay men, with both groups construed as in need of rescue. This type of rescue discourse has impacted the way in which the government has simultaneously adopted repressive policies to both de-veil Muslim women and abolish prostitution—in the name of gender equality and women's empowerment. In one of our interviews, Yves Charpenel from the neo-abolitionist group *Fondation Scelles*, when discussing prostitution in the poorest Parisian neighbourhoods, said: 'these women are used by their own communities, generally these are ethnic minorities in the *banlieues*, they're often raped in gangbangs (*tournantes*), they're socially declassed, becoming completely silent and invisible, and they can be

[20] J W Scott, *The Politics of the Veil*, Princeton University Press, Princeton, 2007; N Dot-Pouillard, 'Les recompositions politiques du mouvement féministe français au regard du *hijab*', *SociologieS* (Online), 2017, available at http://journals.openedition.org/sociologies/246.

[21] E Bernstein, 'The Sexual Politics of the New Abolitionism', *Differences,* vol. 18, no. 3, 2007, pp. 128–143, https://doi.org/10.1215/10407391-2007-013.

[22] S Farris, 'Femonationalism and the "Regular" Army of Labor Called Migrant Women', *History of the Present,* vol. 2, no. 2, 2012, pp. 184–199, https://doi.org/10.5406/historypresent.2.2.0184.

sold to the gangs in the nearby *banlieues*' (interview, February 2018). The convergence of political anxieties over public order, security, and women's freedom has had the effect of radicalising French mainstream feminists' stance on the abolition of prostitution and, with it, the phenomenon of trafficking. The heightened visibility of migrants in the sex work sector—particularly in the streets and public spaces—has exacerbated these concerns.

Migration control: public order and national security

The presence of migrant sex workers throughout France has been seen as a public nuisance. Some cities, such as Lyon, started to apply anti-soliciting laws in the city centre even before LSI, the 2003 law on domestic security. As elsewhere in Europe, city centres and gentrified areas had to be 'safeguarded' and anti-soliciting ordinances started to be enacted throughout the country at a municipal level as early as 2002.[23] Maintaining public order via the penalisation of soliciting became a matter of national security under then-interior minister Nicolas Sarkozy. This occurred because migrant sex workers were seen as connected to trafficking networks; they embodied a form of transnational criminality taking root in France. Under the LSI (and the implementation of the UN Trafficking Protocol), migrant sex workers who were arrested for soliciting were given the opportunity to access anti-trafficking mechanisms and receive temporary residence permits on the condition that they reported their pimps and/or traffickers.

The control of migrant numbers is central to securitisation in France. Europe's so-called 'refugee crisis', the terrorist attacks of 2015 in France and Belgium and the two-year state of emergency that followed, and the subsequent anti-terrorist law implemented in 2017 by President Macron's government, triggered an increase in identity checks, raids, and further stigmatisation of Islam, all of which target racialised people and migrants in the country. These extraordinary police and administrative measures have been justified as part of the conventional *modus operandi* under the *état d'urgence*.[24] Migrants have been increasingly depicted as predators and subjected to shockingly high levels of police control. As our ethnographic research indicated, the government's gender equality agenda emanating from institutional feminists has not challenged the racist logics of its security measures; on the contrary, it has legitimated carceral practices as a way of advancing the abolition of prostitution.

[23] Mathieu, 2013.

[24] D Fassin, 'Short Cuts', *London Review of Books*, vol. 38, no. 5, 2016, p. 23.

New Alliances and the Redefinition of the 'Problem of Prostitution'

Emerging alliances among diverse actors have influenced the politicisation of the 'problem of prostitution', as well as its place on the institutional agenda in France.[25] The alliance of neo-abolitionist organisations, institutional feminists, and mainstream feminist movements has redefined prostitution through the neo-abolitionist paradigm, conflating it with violence against women.[26] Further, anti-neoliberal and anti-globalisation discourses have been widely mobilised to redefine prostitution as a political issue at both national and international levels.[27]

The convergence of neo-abolitionists, feminists, and public institutions

The first alliance we want to point to is the one among neo-abolitionist actors themselves, that is, feminist advocacy groups and traditional neo-abolitionist organisations. The neo-abolitionists we refer to include organisations that fall under the legal category of 'public benefit organisations' (*associations reconnues d'utilité publique*), i.e. organisations with a public interest objective that can benefit from public funds, gifts, and bequests. We refer to these actors as 'moral entrepreneurs',[28] thereby emphasising their moral stance and the Catholic tradition from which their politics emanate.[29] Among these organisations, the *Mouvement du Nid* and *Fondation Scelles* have played a central role. In fact, together with feminist organisations, they established *Abolition 2012*, a collective of all neo-abolitionists who favour the eradication of prostitution in France. When asked about the links between the *Mouvement du Nid* and *Fondation Scelles*, Yves Charpenel, president of the latter, stated:

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[25] For more on the placing of social problems on the agenda and on the distinction between institutional and political agendas, see: R Cobb and C Elder, *Participation in American Politics: The Dynamics of Agenda-Building*, Johns Hopkins University Press, Baltimore, 1972.

[26] D Bousquet, 'Prostitution: des violences du corps à l'esprit', *Après-demain*, vol. 2, no. 26, 2013.

[27] Mathieu.

[28] H Becker, *Outsiders: Studies in the sociology of deviance,* Free Press, New York, 1973.

[29] The *Mouvement du Nid* was created in 1946 by a preacher, Jean-Marie Talvas, and sits within the left Catholic movement *Action Catholique Ouvrière*. *Fondation Scelles* was registered as a public benefit organisation in 1994 and is less established than the *Mouvement du Nid*. Its members come from bourgeois social backgrounds with senior civil servants and magistrates being part of the foundation. They publish materials and organise seminars to sensitise the public about the dangers of prostitution.

> Y. Charpenel: We created *Abolition 2012* together and we created the CAP [Coalition for the Abolition of Prostitution], which gathers 23 organisations from 23 different countries, and we exchange knowledge about different national laws, and we also work with survivors' organisations ['survivors' here refers to former sex workers—authors' note].
>
> C: So *Abolition 2012* was at its beginning created by…?
>
> Y. Charpenel: The *Fondation* [Scelles] and the *Mouvement du Nid*, yes. And then feminists joined in.

Abolition 2012 was the result of the alliance of about 80 neo-abolitionists and feminists coming both from advocacy groups and public institutions. They gathered to organise meetings and demonstrations to support the end-demand law. The interviewed MPs mentioned the indispensable support of feminist organisations. Catherine Coutelle, former MP and vice-president of the special committee charged with the development of the law, stated that: '*Abolition 2012* has been a very useful movement, we regularly engaged with them when we felt that public opinion and the press were not enough in favour, then they wrote editorials in newspapers etc…' (interview, January 2018). *Abolition 2012* is not just an advocacy group composed of organisations trying to put pressure on public institutions; officials and institutions are a *central part* of the collective. During an interview with Hélène Bidard, the official in charge of gender equality in Paris, she confirmed the importance of this collective and the role of the *Mairie de Paris* and other public institutions in the development of the end-demand law, stating that: 'they repeatedly gathered and organised demonstrations in front of the Assembly and the Senate for it to be placed on the agenda' (interview, April 2018).

In this process, the *Mouvement du Nid* became what Kingdon calls a 'hidden participant'[30] as it played a leading role behind the scenes through persistent lobbying. In our interview, Catherine Coutelle pointed out the *Mouvement*'s relentless engagement:

> I'm going to explain it to you from the very beginning, as no one knows [laughs]. The *Mouvement du Nid* organised a lunch at the summer university of La Rochelle in 2012, with Najat Vallaud-Belkacem [then Minister of Women's Affairs]. Grégoire Théry [the *Mouvement* president] wanted me to come, as I had just become president of the women's rights delegation, so they knew I could be

[30] J Kingdon, *Agendas, Alternatives and Public Policies*, Little, Brown, 1984.

> a strategic actor. And I felt this lunch was like a trap [laughs], I mean, he [Théry] was next to Najat, saying: 'Najat, this law must absolutely pass, you have to adopt it, it must be put on the agenda, when does parliament start discussing it?' I was astonished, thinking 'but what's this organisation doing, dictating our agenda to us? …'.

The *Mouvement* managed to put pressure on MPs and officials during formal and informal meetings by continually stressing both the relevance and the urgency of the law. When describing the *Mouvement*'s lobbying practice, Lorraine Questiaux, a lawyer at the *Mouvement,* used the expression 'harassing politicians' (interview, April 2018). At all levels, the *Mouvement* played a key role in redefining the problem and placing it onto the institutional agenda.

The ideological redefinition of the 'problem of prostitution': the use of anti-capitalist rhetoric

It is worth noting that the French government's repressive policy on sex work is the result of the convictions and efforts of socialist politicians, as opposed to other countries where the end-demand model was implemented under conservative governments, as in the cases of Canada and Northern Ireland. In fact, the political redefinition of the 'problem of prostitution' from a leftist standpoint has been essential to the success of the feminist, neo-abolitionist vision in France. The use of the anti-globalisation argument,[31] as well as other Marxist ideas about the commodification of the labour force, has served as a way of claiming that the law is not only progressive but even anti-capitalistic at its core.

Feminists on the radical left contributed to the consolidation of support for the end-demand model. For instance, the gender committee of the anti-globalisation group *Attac* has argued that prostitution fosters the commodification of women's bodies, and that it represents the best example of globalised forced labour, thereby fitting into a neoliberal ideology.[32] Sociologist Marie-Victoire Louis, president of the AVFT (*Association européenne contre les violences faites aux femmes au travail*), was the first to link anti-capitalism and neo-abolitionism in the 1990s. She defined prostitution as the fruit of patriarchal violence, leading to the commodification of women's bodies for the benefit of clients, pimps, and the state.[33] Following this logic, repression becomes the necessary position to adopt in order to reaffirm the 'non-ownership' of the human body, which is linked to the legal notion of human

[31] Mathieu.

[32] Attac, *Mondialisation de la Prostitution, Atteinte Globale à la Dignité Humaine,* Mille et une nuits, Paris, 2008.

[33] Mathieu.

dignity, as exemplified by the title of the 2008 *Attac* report: 'The globalisation of prostitution, a global violation to human dignity'.

Some among the neo-abolitionist actors who supported or mobilised around the 2016 law had careers and public roles in neo-abolitionist groups, feminist organisations, and radical left political parties. For example, in our interview, Lorraine Questiaux of the *Mouvement* argued that the 2016 law represented a 'real revolution':

> It is a revolution; it is to me the most revolutionary law of the past 40 years. It is the last social progress we earned: it is the first time that we affirm in such a clear way that labour cannot be a total exploitation of the individual. We affirm we cannot entirely exploit the individual, their body, and their *psyche*. It is an anti-capitalist law. A Marxist law, deeply Marxist.

When asked to explain how this law is 'deeply Marxist', she stated that 'the culmination of capitalism is prostitution', as it integrally exploits the person. She then inscribed abolitionism into the history of movements for social progress:

> Every labour law and reform had a single goal: preventing prostitution. From the beginning of the century, we demanded the protection of the body, that work accidents should be covered, flexible working hours so that people do not die in the workplace, so that the body cannot be damaged, consumed by the individual need of the capitalist exploiter.

Thus, neo-abolitionist actors use anti-capitalist rhetoric to defend their ideological position. The inscription of the neo-abolitionist law in the historical framework of social reforms is enhanced by the participation of actors from the French radical left in the debate on prostitution, but also by actors enjoying a multi-positionality—being involved simultaneously in feminist organisations, public institutions, and radical left parties.

The delegitimisation of sex workers: symbolic violence and collateral damage

Policy and lawmakers perpetuate sex workers' historical inaudibility and sex workers continue to speak through organisations, unions, individual representatives, but nobody listens.[34] In particular, migrants working in the

[34] G Pheterson, 'At long last, listen to the women!', *Open Democracy*, 2 March 2016, https://www.opendemocracy.net/beyondslavery/sws/gail-pheterson/at-long-last-listen-to-women.

sex work sector are subject to institutional silencing strategies in specific ways. First, this is accomplished through the victim of trafficking category, as it is systematically applied to them. The case of Chinese sex workers in Paris is significant in that it challenges this categorisation. Florence Lévy and Marylène Lieber show that Chinese women selling sex in Paris work, in large part, independently and that they start sex work after assessing the possibilities of countering poverty and accessing resources, that is, their ability to make plans, to have strategies, and to act within a limiting structure.[35] Yet, during our interview, the neo-abolitionist politician Maud Olivier categorically stated that Chinese sex workers depend on 'very violent Chinese mafias, they are violated and brutalised', thus entirely erasing any form of agency this group of migrant women may have. Second, when migrant sex workers mobilise to claim their rights and fight for improvements in their working conditions through public demonstrations, they are exposed to more policing, and their migration statuses can readily make them subject to detention and deportation. For instance, even after the mobilisation of Chinese sex workers through the Lotus Bus—a support programme that the NGO Médecins du Monde launched in 2002—the police repression they experienced remained high.[36] Further, during our fieldwork, we also learnt that both the sex workers and Médecins du Monde stopped receiving public subsidies from the *Marie de Paris*. Thus, in the name of protection, migrant sex workers are often the targets of repressive and punitive policies. These mechanisms are part and parcel of a 'sexual humanitarian' logic, a concept that Nicola Mai uses to describe the specific interplay between protection and control that migrants experience when they are seen as vulnerable by humanitarian discourse and interventions because of their sexual behaviours, orientations, and labour.[37]

More generally, the delegitimisation of sex workers' arguments and work, be they migrants or non-migrants, relies on the notion of 'symbolic violence', which refers to 'the violence exercised upon a social agent with their complicity'.[38] In France, this concept was used extensively in both the hijab ban and the sex work debates, allowing policymakers to claim that dominated people—here veiled women and sex workers—unconsciously accept being dominated and even claim the right to be so. A prominent example of this was when, in 2016,

[35] F Levy and L Marylene, 'Sex and Emotion-Based Relations as a Resource in Migration: Northern Chinese women in Paris', *Revue française de sociologie*, vol. 52, no. 5, 2011, pp. 3-29, https://doi.org/10.3917/rfs.525.0003.

[36] H Le Bail, 'Mobilisation de Femmes Chinoises Migrantes se Prostituant à Paris. De l'invisibilité à l'action collective', *Genre, sexualité & société*, no. 14, 2015, https://doi.org/10.4000/gss.3679.

[37] N Mai, 'Assembling Samira: Understanding sexual humanitarianism through experimental filmmaking', *antiAtlas Journal*, vol. 1, 2016.

[38] P Bourdieu and L Wacquant, *An Invitation to Reflexive Sociology*, University of Chicago Press, Chicago, 1992, p. 167.

the then minister of women's rights, Laurence Rossignol, compared Muslim women wearing the hijab to the '[African slaves in the US] who were in favour of slavery' on a French radio programme.[39] Further, the repressive sex work paradigm cannot conceive that sex workers can speak for themselves. Thierry Schaffauser, a member of STRASS, the French union of sex workers, told us that: 'because I'm a man, because I can challenge their arguments, the abolitionists do not see me as a sex worker; they say that I choose it or that I am a pimp'. Since its inception in 2009, STRASS has been the target of neo-abolitionist arguments in the press and the national media that sex worker activists are pimps, liars, or 'enablers of exploiters and traffickers'.[40]

Important similarities can be observed in the drafting process leading to the 2004 law banning the headscarf in schools and the 2016 law criminalising clients of sex workers, notably through the delegitimisation of both veiled women and sex workers and their alleged inability to speak for themselves.[41] In both cases, special committees at the National Assembly were in charge of conducting hearings with selected groups and individuals, which were understood to be 'experts' on the respective matter. As for the 2004 ban, veiled women were not present at the special committee,[42] and neither were the anti-ban spokespersons, social scientists, and teachers.[43]

In 2013, the special committee convened the opponents of the end-demand law all at the same time and on a single day (30 April), allowing them only a few hours to debate with MPs. Yet, organisations and individuals supporting the law were involved throughout the entire drafting process. Maud Olivier, the then MP rapporteuse of the law, said that the MPs 'had to also listen to them [the sex worker organisations] not to appear sectarian, partisan, or not

[39] *RMC* radio programme on 30 March 2016 (see the press article: K Lewis, 'French minister Laurence Rossignol compares Muslim women who wear veils to "negroes in favour of slavery"', *The Independent*, 31 March 2016, https://www.independent.co.uk/news/world/europe/french-minister-laurence-rossignol-compares-muslim-women-who-wear-veils-to-negroes-in-favour-of-a6961121.html).

[40] See, for example, a TV interview with Lorraine Questiaux: '"Vous mentez!": vif échange entre une avocate des travailleuses du sexe et l'une d'entre elles', *LCI*, 13 April 2016, retrieved 14 November 2018, https://www.lci.fr/france/vous-mentez-vif-echange-entre-une-avocate-des-travailleuses-du-sexe-et-lune-dentre-elles-1255046.html.

[41] C Calderaro, *La 'Problématique du Voile' et son Entrée dans le Cadre Juridique Français: Genèse et évolution*, Master dissertation, Presses Universitaires de Strasbourg, Strasbourg, 2017.

[42] A Gresh, *L'Islam, la République et le Monde*, Fayard, Paris, 2004; I Chouder, M Latrèche, P Tevanian, *Les Filles Voilées Parlent*, La Fabrique, Paris, 2004.

[43] P Tevanian, *Le Voile Médiatique. Un faux débat : "L'affaire du foulard islamique"*, Raisons d'agir, Paris, 2005, pp. 44-46.

objective', and that 'the MPs already knew they would not be convincing'. At the same time, the sex worker organisations were aware that their invitation into the discussion was merely a form of tokenism. The then secretary of STRASS, Morgane Merteuil, told us that: 'the MPs' objective was to set up a situation where words could be used against us; they needed our arguments to finish their report and to legitimise what they've been saying since the beginning' (interview, April 2018). This meant that the decision had already been made.

The makeup of the special government committees on these two issues (the headscarf and prostitution) reflected their members' ideological positions; these committees effectively became the strategic site for 'the construction of a narrative planned in advance to justify the necessity of the ban'.[44] Here, the veil is readily cast as a symbol of women's oppression and prostitution is seen as inherently gendered violence. This is the logic that excluded veiled women from the political and parliamentary debate in 2004, and later on, sex workers from the debates in 2013-2016.

The neo-abolitionist framework has inevitably produced collateral damage, that is, the negative impact of these policies is not accounted for. In this context, the figure of the sex worker is construed as worthy of rescuing and, at the same time, accepted as collateral damage given her situatedness in a criminalised politico-economic space. Among policymakers, the sexual humanitarian discourse of intervening to end symbolic violence and the awareness of the damage brought to the targeted populations co-exist. Acting on 'symbolic violence' functions at a discursive level, and its resulting corollary is the detrimental impact on the livelihood of sex workers who remain the ones hit hardest by penalising measures. In the process, sex workers' lives become 'disposable',[45] in that they can be sacrificed for the greater good of attempting to create a world without prostitution. At the governmental level, this damage caused to sex workers is justified by border control, national security, public order, and women's rights.

[44] P Portier, 'La Politique du Voile en France: Droits et valeurs dans la fabrique de la laïcité', *Revue du droit des religions*, Presses Universitaires de Strasbourg, no. 2, 2016.

[45] J Butler, *Frames of War: When is life grievable?*, Verso, New York, 2009.

Conclusion

The moral panic over trafficking leads to the perpetuation of myths about its scale and the circumstances under which it occurs.[46] In a study conducted in France in 2015, prior to the implementation of the April 2016 law, Mai and Giametta conducted a survey with 500 sex workers based in the main French cities,[47] which showed that 98 per cent of respondents were against the adoption of the law and that around 7 per cent could be identified as potential victims of trafficking.

The way in which France has decided to address the 'problem of prostitution' resonates with broader ideological positions on the war on drugs and prostitution elsewhere in the world. First, it rejects empirical knowledge produced by social scientists studying the phenomena.[48] Second, it uses racialised imagery to stir affective and humanitarian forms of governance based on loathing (of traffickers and other 'exploiters') and pity (toward sex workers/victims). Finally, it produces policies that are highly detrimental to the livelihood of the very people it purports to protect, as it makes the work much more hidden and dangerous. Scholarly research on the 'Swedish model' and its impact in Sweden has shown that this framework has been detrimental to sex workers' livelihood, increasing their isolation and stigmatisation as well as their exposure to violence.[49] Activists and academics have also repeatedly called into question the anti-trafficking dimension intrinsic to the end-demand approach. Sex workers, both migrants and non-migrants, end up more vulnerable to exploitation, abuse, and coercion as a consequence of 'anti-trafficking'.[50] Furthermore, as Anderson and O'Connell Davidson argue, criminalising the demand does not address the structural socio-economic issues that produce and sustain human trafficking and exploitation.[51]

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[46] N Mai, 'Between Embodied Cosmopolitanism and Sexual Humanitarianism: The fractal mobilities and subjectivities of migrants working in the sex industry' in V Baby-Collins and L Anteby (eds.), *Borders, Mobilities and Migrations: Perspectives from the Mediterranean in the 21st century*, Peter Lang, Brussels, 2014, pp. 175–192.

[47] N Mai, *Sondage sur la Pénalisation de Clients en France*, Marseille, 2015, http://www.lames.cnrs.fr/IMG/pdf/RESUME_ETUDE_PENALISATION-2.pdf.

[48] N Mai, C Giametta and H Le Bail, 'The Impact of the Swedish Model in France: Chronicle of a disaster foretold', *Open Democracy,* 25 April 2018, https://www.opendemocracy.net/beyondslavery/nicola-mai-calogero-giametta-h-l-ne-le-bail/impact-of-swedish-model-in-france-chronicl.

[49] Levy and Jacobsson; Östergren.

[50] P G Macioti and G Garofalo Geymonat, 'Sex Workers Speak: Who listens?', *Open Democracy*, 29 February 2016, https://www.opendemocracy.net/beyondslavery/sws/giulia-garofalo-geymonat-pg-macioti/sex-workers-speak-who-listens.

[51] B Anderson and J O'Connell Davidson, *Is Trafficking in Human Beings Demand Driven? A multi-country pilot study*, IOM, Geneva, 2003.

Sex workers' exclusion from the political debates that concern them results from them being construed as 'socially deviant' through the prism of gender and race[52] and is situated within the framework of larger national anxieties about public order, security, and immigration control. As we have shown, veiled Muslim women share a similar predicament in France: the ban on the veil cannot be detached from racist and anti-immigration policies depicting Muslim men as 'oppressors' and Muslim women as 'victims' to save.[53] Similarly, the repressive sex work policies cannot be isolated from national concerns about immigration and security.[54] Legal taxonomy avails itself of social categories of deviancy that circulate through socio-political and cultural discourses in the larger society.[55] Repressive laws on prostitution not only consolidate 'deviant categories', but they also put them in the service of broader strategies of state control.

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[52] N Heitzeg, 'Differentials in Deviance: Race, class, gender and age' in B D Clifton (ed.), *Routledge Handbook of Deviant Behavior*, Routledge, London and New York, 2011, pp. 53-60.

[53] S Farris, *In the Name of Women's Rights: The rise of femonationalism*, Duke University Press, Durham, 2017.

[54] G Pheterson, *The Prostitution Prism*, Amsterdam University Press, Amsterdam, 1996; L Oso Casas, 'Prostitution et immigration des femmes latino-américaines en Espagne', *Cahiers du genre*, no. 40, pp. 91-113, https://doi.org/10.3917/cdge.040.0091.

[55] C Rinaldi, *Diventare normali. Teorie, analisi e applicazioni interazioniste della devianza e del crimine*, McGraw-Hill Education, New York, 2016.