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## **“Buying Sex Is Not a Sport” – a Campaign against Trafficking in Women**

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### **Abstract**

In this article I present the use of the broad concept of trafficking in the “Buying Sex Is Not a Sport” campaign, launched by the Coalition Against Trafficking in Women (CATW) against German regulation of prostitution configuring prostitution as sex work. I trace the development of this 2006 campaign in which conservative and social-democratic parties, churches and anti-globalization organizations joined together at the international level. Finally, I trace the ideological and political reasons for the convergence of left-wing and right-wing forces, along with the analysis of some leftist theoretical texts on prostitution.

### **“Comprar sexo no es un deporte” – la coalición contra el tráfico de mujeres**

En este artículo analizo el concepto amplio de tráfico en la campaña “Comprar sexo no es un deporte”, lanzada por la Coalición Contra el Tráfico de Mujeres en contra de la regulación alemana de la prostitución, que equipara ésta al trabajo. Analizo la evolución de la campaña del 2006 en la que partidos conservadores y socialdemócratas, iglesias y organizaciones anti-globalización se juntaron al nivel internacional. Doy cuenta de las razones ideológicas y políticas para la convergencia de fuerzas de derecha e izquierda y analizo algunos textos teóricos de la izquierda acerca de la prostitución.

### **“Acheter du sexe n’est pas un sport” – la Coalition Contre le Trafic de Femmes**

Je présente le concept du trafic de sexe qui a été lancée par la Coalition Contre le Trafic de Femmes contre la régulation allemande de la prostitution comme travail de sexe. Je retrace le développement de cette campagne 2006 dans laquelle les partis conservateurs et sociales-démocratiques, les églises et les organisations anti-globalisation se sont rejoints au niveau international. En conclusion, je retrace les raisons idéologiques et politiques de la convergence des forces de gauche et de droite, en incluant l’analyse de quelques textes théoriques de gauche sur la prostitution.

### **Keywords**

trafficking, prostitution, abolitionism

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## Introduction

A century after the first international campaigns against the ‘white slave trade’ in the 1880s, the debate around trafficking for prostitution resumed in the 1990s, accompanying another wave of international migration. What is common to both periods is that new technology had lowered the cost of travel. Another common feature is impoverishment and lack of social protection, in Europe, China and India at the end of the nineteenth century, and in the former Soviet block at the end of the twentieth. Citizens of the former Soviet block and of impoverished underdeveloped countries can now travel across borders that were previously sealed. The 1880s and the 1990s thus have been called the first and the second globalization – that is a boom in the movements of goods, capital, people, and culture across borders on a worldwide scale. The media also played a role in the two periods.<sup>1</sup> In the first period, this is evident in a series of articles in the *Pall Mall Gazette*, ‘The maiden tribute to modern Babylon.’<sup>2</sup> In the second case the media generalizes about the women as victims, whereas, in fact, most migrants who end up in prostitution are aware of what awaits them, and consider prostitution a way to improve their situation.<sup>3</sup>

The campaigns about the ‘white slave trade’ culminated in international agreements on its suppression, signed by many states in 1902, 1904, and 1910. In 1933, a new convention against trafficking was signed in Geneva, and for the first time the definition of the crime of trafficking did not recognize the possibility of consent of the (presumed) victim.<sup>4</sup> Again in the 1949 agreement, Convention for the Suppression of Trafficking in Persons and the Exploitation of Prostitution of Others, the possibility of consent was ignored. The exploiter was defined as someone who profits from the prostitution of someone else. It did not matter whether the exploited person agrees or not. The 1949 agreement enabled states to criminalize people who rented rooms and homes to be used for prostitution, as well as employees of prostitutes or even partners and adult sons.

In 2000, after decades of silence on these issues in international conventions, the Palermo Protocol was signed, and it included the clause “consent of the victim does not matter.” Neo-abolitionist propaganda and lobbying were surely a substantial force behind this choice of words: the main goal of

<sup>1</sup>) Doezema 2000.

<sup>2</sup>) Sweet 2001, p. 65.

<sup>3</sup>) Agustin 2005.

<sup>4</sup>) Farrior 1997.

neo-abolitionism is the criminalization of clients of prostitution. The prefix 'neo' is used here to distinguish this form of abolitionism from earlier abolitionism, where the client was not targeted and the act of prostitution itself was permitted. Activists today, like the Coalition Against Trafficking in Women (CATW), call themselves just "abolitionists," although criticizing the early abolitionist movement for its toleration of prostitution. The large public interest that accompanied recent campaigns is certainly due to anxiety about migration, and particularly about the 'moral peril' of young women on the move. The easy solution of considering every woman in prostitution not a 'real prostitute' (a bad woman) but a victim (therefore to be saved) enables politicians – loyal to a constituency concerned with the influx of foreigners – to erect barriers to migration that can be morally justified. In fact, the legal position of a migrant without documents allows for just two possibilities: s/he is either a criminal or a victim. The position of the "victim of trafficking" spares the women from legal consequences, other than repatriation, which is the fate of the vast majority. Aside from what is merely empty rhetoric, there is no real political will to let the true victims stay in the country. In Italy, notwithstanding the protection accorded by the law on foreigners, a large proportion of the women are just sent back to their countries.

### **Definition of Trafficking**

The crime of trafficking is now on the books in many countries, and other countries are planning to introduce it. Let us take a closer look at the legal meaning of "trafficking of human beings." It is a controversial concept since its semantic value is negatively charged, but legally it does not necessarily require other acts than the simple "aiding and abetting" someone in entering a foreign country without valid papers. Nowadays, experts make a distinction between "trafficking" and "smuggling," where the second term indicates acts and services performed in exchange for payment and involving people who voluntarily wish to migrate.<sup>5</sup> Whether written laws explicitly use the term "smuggling" or not, some countries (for example, Sweden) accept the distinction between "trafficking" and "smuggling" by not punishing people if they are not committing (other) crimes against the

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<sup>5</sup> Pastore, Romani, and Sciortino 1999; Wijers 1999; Kempadoo 2005; Kligman and Limoncelli 2005.

migrants. Other countries, like Italy, do not make any such distinction and consider every act of aid to undocumented migrants to fall within the crime of “trafficking.”

At the international level, we must turn our attention to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which supplements the UN Convention Against Transnational Organized Crime of 2000 (known for short as “the Palermo Protocol” and “the Palermo Convention”). This is the newest international legal instrument dealing with trafficking, and it has been in force since 2003. Here trafficking is defined quite strictly in relation to the intent of “exploitation,” but without defining exactly what exploitation is.

“Trafficking” is defined in *art. 3, subparagraph a*, as:

the recruitment, transportation, transfer, harboring or receipt of persons, by means of fraud, of deception, of the abuse of power or of a position of vulnerability<sup>6</sup> or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of prostitution of others or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude or the removal of organs.

### Trafficking and Prostitution

The UN convention is aimed at repressing unacceptable types of exploitation: not just economic exploitation, but forced labor, servitude, slavery. What remains vague is the reference to “the exploitation of prostitution of others or other forms of sexual exploitation” – since most countries in the EU have abolitionist laws on prostitution, and laws that define an “exploiter” as any person that receives money from a prostitute in exchange for services and even goods, including live-in partners or adult sons.<sup>7</sup> On the other hand, regulationist countries apply a much stricter (and more sensible) definition of “exploitation,” aimed at repressing fraud, violence, and deceit, and sometimes also, like Belgium, excessive economic gain.

The ambiguity of the concept is that it uses the adjective “sexual” to refer to economic exploitation, too. While the term is (mis)used by most

<sup>6</sup> “Position of vulnerability” is introduced as the first vague and ambiguous concept. I will come back to it later.

<sup>7</sup> Danna 2004b.

people to condemn pimps and traffickers, literally it applies only to clients: it is they who have a sexual interest in prostitution, while the pimps' and the traffickers' interest is economic. "Sexual exploitation" is a term that conveys the idea of targeting clients, and this is appropriate, because according to CATW and a part of the feminist movement, the sexual act in prostitution is a form of sexual exploitation. It is in fact rape: an act with grave consequences on the emotional well-being of the woman involved in selling sex.<sup>8</sup>

The position taken by CATW and feminists is not confirmed by empirical research, since although many – a very substantial percentage according to some sources – of the women who have experience prostitution relate a history of violence connected with their participation in commercial sex, this is by no means everybody's experience.<sup>9</sup> So, what to make of the rest of these women? The neo-abolitionist position, advocating laws that make prostitution illegal by criminalizing the clients, simply erases them. From this perspective it is obvious that all acts of 'trafficking-smuggling' with the purpose of prostitution must be punishable acts, and there should be no legal possibility of entering a country to take part in prostitution, and according to the neo-abolitionists this is equivalent to asking for a license to be raped. There cannot be any consent in prostitution, and therefore in all cases of trafficking for the purpose of prostitution the women are all victims.

The question of consent was also explicitly addressed in the Palermo Protocol in the same *article 3, subparagraph b*, which states that "the consent of the victim of trafficking in persons to the intended exploitation set forth in subparagraph a) of this article shall be irrelevant..." This vague provision voids the consent of all smuggled migrants, making them (passive) "trafficked persons." The Belgian law and practice shows the consequences of ignoring the consent of the migrant: the wording that defines the crime of trafficking is the same in Belgian law and in the Palermo Protocol, and the lack of a legal title to stay in the country is considered proof of trafficking. The Swedish practice, instead, has not been used to prosecute in situations in which the 'trafficked' woman is an adult, since it is very unlikely that she has really been trafficked and not smuggled, and so it is unlikely that she would decide to press charge against the 'traffickers.' Only the cases where underage foreigners are in prostitution are prosecuted

<sup>8</sup>) Barry 1995; Jeffreys 1998.

<sup>9</sup>) Farley et al. 2003.

as cases of trafficking since the lack of legal consent comes precisely from their underage status.

Although in the Palermo Protocol this broad concept of trafficking is used only with respect to prostitution, it configures a powerful tool not only against migration for purposes of prostitution, but against migration of women *tout court* whenever the suspicion of prostitution arises. Some national legislations, even before the Palermo Protocol, limited the movement of foreign women looking for jobs (prostitution included): Finnish and Swedish police can stop women from entering the country if they suspect that the women will engage in prostitution.

Criminal statistics about trafficking (even though they highlight only part of the crimes committed) show 2,598 prosecutions and 1,984 convictions in the year 2005 in Europe and Eurasia.<sup>10</sup> Examples of the scope of the problem within states are as follows: Germany investigated 431 cases in 2003; 44 charges were pressed in Sweden in 2005; 208 persons were denounced in Italy in 2004 for trafficking in slaves in general, plus 76 for trafficking in minors for the purpose of prostitution; there were 11 and 13 charges of trafficking for sexual purposes in 2004 and 2005 in Spain;<sup>11</sup> and 405 charges in the Netherlands in 2004. This provides a background for the campaign launched by CATW against the “trafficking of 40,000 women” into Germany on occasion of the soccer World Cup in 2006.<sup>12</sup>

### The Campaign “Buying Sex Is Not a Sport”

CATW’s main tenet is that prostitution is violence against women. Its target are the laws that allow for legal forms of prostitution: CATW advocates outlawing the exchange of sex for money, targeting clients (“johns”) with fines, prison, attendance of “johns’ schools” where they learn about the evils of prostitution.

CATW’s campaign “Buying Sex Is Not a Sport” was launched in January 2006 after news spread of investments being made in new brothels,

<sup>10</sup> US Department of State 2006.

<sup>11</sup> See the explanation by the Guardia Civil regarding the small number of charges against traffickers in Spain (Unidad Tecnica Policia Judicial Guardia Civil 2006, p. 21).

<sup>12</sup> Germany does not allow immigration for the purpose of prostitution. The relevant legal reference is §10 of the AuslG 2000, regulating the conditions of immigrants from outside the EU, which provides for the deportation of those who prostitute themselves without a work permit.

such as the opening of a 3,000 square meter brothel in Berlin, called Artemis. It was a 4-storey building with a swimming pool, sauna, massage rooms, a restaurant, and a movie theater, and was less than a kilometer from Olympiastadion. The manager expected a rise in the demand of sexual services by the soccer fans who would come to follow the World Cup matches from 9 June to 9 July.

Petitions were signed internationally to support a statement claiming that 40,000 Eastern and Central European women would be 'imported' to cater for the sexual needs of the 3 million fans expected to attend the matches. No source was given, and of course this number amounts to pure speculation. The petition included a request to soccer fans asking them not to visit German brothels and was sent to Fédération Internationale de Football Association (FIFA) and politicians for their approval. The real target of the petition, however, was to change the German legislation on prostitution, approved by the government in 2001. This legislation gives equal citizenship to sex workers, giving them the same rights and duties as other workers. This was a departure from prevailing European law which treated prostitutes as second-class citizens.

CATW described this change in German policy as follows: "Germany legalized pimping and the sex industry." Germany is personified as a pimp, and the reader is urged to: "Say no to Germany's prostitution of women during the World Cup games in 2006" because of violent clients and pimps, commodification of women, and the violation of equality, mutual respect, and non-discrimination. Between 23 January and 30 June, the web site ([www.catwinternational.org](http://www.catwinternational.org)) received 77,583 signatures, and 60,469 signatures were collected on paper. The vast majority of the names are French. While the number of signatures gathered is surely not negligible, the appeal to the 32 countries participating and to every soccer team member to condemn the organization of prostitution for the World Cup (and in general) failed.

### **The Debate on the CATW Campaign**

Support for the CATW campaign came both from the Right and the Left, from feminist groups, antiglobalization associations, and churches. The associations involved in promoting the CATW petition were CATW-Europe and the European Women's Lobby, an umbrella organization founded and funded by the EU, consisting of 3,000 associations. This

collaboration was funded by the Swedish government and the US State Department's Office to Monitor and Combat Trafficking in Persons.<sup>13</sup>

Support for the campaign also came from social services dealing with prostitution in Sweden (Prostitutionsenhet), NGOs such as APRAMP in Spain, the Mouvement du Nid in France; women's organizations, the National Women's Council of Ireland (representing 300,000 women in 160 organizations), the more militant Kvinnefronten of Norway, a variety of religious organizations (the United Reformed Church of Scotland, the Cumbria District Methodist Women's Network), "Giovani e missione" of the Comboni Missionaries, and "Mosaico di pace" directed by Comboni missionary Alex Zanotelli.

France was truly taken by storm: thanks to the efforts of Mouvement pour l'Abolition de la Prostitution et de la Pornographie (MAPP), chaired by Malka Marcovich. The five biggest parties (PCF, PS, Verts, UDF, UMP) officially demanded the end of German regulation of prostitution, and minor leftist political groups (LCR, Alternative libertaire and Femmes Libres de Radio Libertaire) supported CATW. Attac France also signed, as well as a vegan group.<sup>14</sup> The feminist group Choisir la Cause des Femmes joined, while the Coordination Française Marche Mondiale des Femmes and the Collectif National Droits des Femmes organized a demonstration on 30 May in front of the German embassy. The Mouvement du Nid, founded in 1937 by Père Talvas for the purpose of outreach to prostitutes, took up and spread the campaign, as did Séjours catholique (the French branch of Caritas).

Sweden even adhered at the highest political level: the Equal Opportunities Ombudsman, Claes Borgström, launched an appeal to Swedish soccer players to boycott the World Cup, while Sweden, represented by the ministers of Justice, Equal Opportunities, and Sport (Thomas Bodström, Jens Orback, and Bosse Ringholm) raised the issue in UN and EU meetings. The Socialdemocratic government of Sweden also called for the legalization of prostitution to be suspended for the duration of the World Cup. Parallel to the CATW initiative, there was a press release by Archbishop Agostino Marchetto, Secretary of the Pontifical Council for the Pastoral Care of Migrants and Itinerant People, lamenting a possible flood of prostitutes into Germany for the World Cup, affronting the dignity of women.<sup>15</sup>

<sup>13</sup>) Press announcement by the Swedish Justitiedepartementet, 4 April 2005.

<sup>14</sup>) [http://www.veganimal.info/article.php3?id\\_article=503](http://www.veganimal.info/article.php3?id_article=503).

<sup>15</sup>) Mascellini 2006.

### The “Final Whistle” Campaign

A ‘rival,’ alternative campaign that distinguished between forced and free prostitution was launched at the same time, and this one was more successful in Germany itself. The Anti-Trafficking campaign “Final Whistle – Stop Forced Prostitution” was set up in January 2006 by the Frauenrat (Germany’s Women’s Council), an umbrella association of more than 50 national NGOs made up of women that organize employees, academics, doctors, secretaries, social workers, trade-unions, housewives, athletes, Evangelicals, Catholic Youth, Caritas members, Social Democrats, Greens, Liberals.

The Frauenrat also had a more successful international turnout with its campaign that called for increased vigilance and respect of existing laws. On 16 March, the European Parliament issued a statement supporting the campaign, as did the CEC (Conference of European Churches), a fellowship of 125 Orthodox, Protestant, Anglican, and Old Catholic Churches from all countries of Europe. At the national level, the German Evangelical Church and the President of the German Soccer Federation, Theo Zwanziger, subscribed to the Frauenrat campaign. The number of signatures gathered under its statement against forced prostitution was 63,370. Amnesty International released a public statement entitled “Red card to trafficking during World Cup,” which is very close to the Frauenrat petition text.

### Policy Changes in the EU and the US

However, in this year of campaigning the Council of Europe and the European Parliament adopted texts with partial victories for the neo-abolitionist position prohibiting prostitution by criminalizing clients. The EU Parliament adopted two resolutions on trafficking and violence. The first, “On strategies to prevent the trafficking of women and children who are vulnerable to sexual exploitation,”<sup>16</sup> distinguishes adults and minors (and underlines the distinction between adolescents and children) and describes “trafficking” as something that “involves serious violations of fundamental human rights and cruel practices such as coercion, force, threats, humiliation, abduction, violence, sexual exploitation, deceit or fraud.” The resolution is open to client criminalization, without specifying whether the

<sup>16</sup> <http://www.europarl.eu.int/oeil/FindByProcnum.do?lang=2&procnum=INI/2004/2216> (17 January 2006).

clients to be criminalized are only those of forced prostitutes or clients in general, especially since the resolution uses the ambiguous term “sexual exploitation.”<sup>17</sup>

The second resolution of the EU Parliament is called: “Combating violence against women”<sup>18</sup> and “Urges the Member States to take appropriate measures concerning men’s violence against women in their national laws, in particular: (...) i) to combat the idea that working as a prostitute can be equated with doing a job.” The Council of Europe agreed on a Convention on Action against Trafficking in Human Beings<sup>19</sup> adopted by the Committee of Ministers on 3 May 2005, that distinguishes between trafficking and smuggling, but replicates the ambiguous formulation of the Palermo Protocol. President Bush gave his stamp of approval to the ‘solution’ of targeting clients of prostitutes against what he called “modern-day slavery,” and in December 2005 promulgated new provisions in the United States to “end demand for commercial sexual services.”<sup>20</sup>

### After the World Cup

Now that the World Cup is over, what has happened to the “40,000 trafficked women”? Just before the beginning of the games, the chief of Hamburg police, Detlef Ubben, declared to “Der Spiegel” that “Nothing indicates that the pimps have made particular preparations for the World Cup.” The spokesman for Cologne police, Burkhard Jahn, agreed, while the city of Nuremberg registered a 10% rise in the number of people legally practicing prostitution, and an increase was also observed in Munich.<sup>21</sup> It was also reported that “A Swedish agency and the International organization for migration have attributed these results to the prevention of

<sup>17</sup> In the 24th item of the resolution, the EU Parliament: “Welcomes the proposal in the Council of Europe Convention on Action against Trafficking in Human Beings to establish a monitoring mechanism (GRETA) in order to ensure effective implementation of the provisions thereof and emphasises the need for more intensive cooperation with the Council of Europe and other international organisations in the implementation of a strategy to combat sexual exploitation; notes that it includes the possibility of penalising clients.”

<sup>18</sup> 2 February 2006.

<sup>19</sup> CETS No.197.

<sup>20</sup> US, 2005. Incorporated into the Trafficking Victims Protection Reauthorization Act, TVPA.

<sup>21</sup> AFP, 10 June 2006, and AP, quoted by Libertad 2006.

the German police and of the activists against the trafficking in human beings.<sup>22</sup> Local campaigns were started by public institutions against forced prostitution such as the one financed by the Frauenreferat of the city of Frankfurt aimed at potential clients to raise awareness about the fact that they might encounter trafficked women in need of help, and provide information on how to recognize and help them and how to inform the police.<sup>23</sup> Police operations in Hessen, Baden-Württemberg, Rheinland-Pfalz, and Bayern found women working illegally without papers, but rarely victims of trafficking.<sup>24</sup>

### Why the Convergence?

In sum, moving the target from poverty in countries of origin to neo-regulation in prostitution policy is an easy smokescreen 'solution' to divert attention away from other policy possibilities, such as reconstructing a welfare state, helping to build it in non-Western countries, redistributing resources to women, fighting sexism, and enhancing sexual freedom for women. Proponents of prohibition of prostitution take advantage of a myth of a moral, paternalistic, and omnipotent government, reassuring its subordinates that the solution to all problems concerning prostitution is to be found in a simple act of negation (destined to be ineffective). Economic and social costs are never discussed.<sup>25</sup>

The French "Libertad," writing on the anarchic web review "En dehors", qualified the CATW campaign as a "*psychodrame collectif*" (collective psychodrama), where losers were women without permits, victims of political hysteria attempting to provide false solutions to problems impossible to tackle: migration and prostitution. However, this leaves unanswered the reasons for the convergence on propositions and policy measures<sup>26</sup> of the Right with the parliamentary and extraparliamentary Left, not to mention churches and other religious organizations.

<sup>22</sup> <http://permanent.nouvelobs.com/sport/20060704.FAP7116.html>.

<sup>23</sup> [www.stopppt-zwangsprostitution.de](http://www.stopppt-zwangsprostitution.de).

<sup>24</sup> Die Tageszeitung, Berlin: <http://www.taz.de/pt/2006/05/22/a0114.1/text> (22 May 2006).

<sup>25</sup> See Kotiswaran 2001, who analyzes the impact of Western prohibitions (within an abolitionist ideological framework) on Indian culture and society.

<sup>26</sup> Namely: outlawing prostitution by criminalizing the clients and equating smuggling and trafficking when aimed at prostitution.

I believe the reasons for the convergence of the Right (and the Center) on the neo-abolitionist program are, in part, the possibility to clamp down on illegal migration under the moral cover of defending from evil traffickers poor women and children. Outlawing prostitution (the most widespread policy in the US) extends the prohibitionist approach to moral issues of the use (or misuse, in the Right's eyes) of one's body, and expresses a religious position of the state in matters of sexuality – a small step towards the good old times of legal repression of all sex outside marriage.

The Left, on the other hand, is converging on the measures against clients because they resonate with the moralism of the old communist Left. Historical examples of this moralism are Lenin's answer to Kollontaj's advocacy of free love and Stalin's restoration of anti-sex laws, to name just a couple. The Soviet Union forbade prostitution, declaring it impossible in a communist country since it was believed to be based on the hypocrisy of the bourgeois society.

It seems that even the extraparliamentary (and parliamentary) Left has forgotten the policy of decriminalization by canceling all specific references to prostitution in the penal code, because all the crimes that can happen in a prostitution environment are already classified as such – violence, fraud, extortion. Feminist thinkers and prostitutes have asked for this radical change since the second wave of feminism.<sup>27</sup> But now even parts of the extraparliamentary Left target clients.

Let us take a closer look at the position within the anti-globalization movement converging on the CATW campaign by considering some important theoretical texts: Richard Poulin's introduction to *Prostitution, la mondialisation incarnée* (2005) and Julia O'Connell Davidson's *Prostitution, Power and Freedom* (1998).

### Leftist Theoretical Writings – Richard Poulin

*Prostitution, la mondialisation incarnée* was published in France in the series "Points de vue du Sud" with the cooperation of the Centre Tricontinental and Alternatives Sud, which has been important in the anti-globalization movement. Richard Poulin, sociologist in Ottawa, wrote its introduction, quoting international literature about the economic significance of the sex industry to argue against its normalization and legalization. He attributed

<sup>27</sup>) Tatafiore 1993, but even before: see Goldman 1910.

prostitution and trafficking to globalization.<sup>28</sup> To blame the legalization of prostitution on present day capitalist globalization is historically incorrect. What is new is the neo-regulation position is its moral neutrality – a moral neutrality that the prostitutes' movement and associations have long fought for.

It is particularly striking how Poulin combines "women and children," a rejection of second wave feminism's position that women do not share the same category with children, but are persons. This grouping together of women and children evokes the question of consent again: adult women are not able to give any consent to prostitution. In fact, Poulin always talks about "victims of the sex industry." One emotional argument is that between 80% and 90% of women who are prostitutes in Western countries have been sexually assaulted as girls,<sup>29</sup> and even if it were true would not lead to any further conclusion because choice must remain with the individual.

Poulin then quotes studies showing the incidence of rapes and other kinds of violence. Violence in prostitution is a problem, but should the answer be "let us (try to) abolish prostitution," or let us find ways to make this activity safer?" Some examples of alternative policies are: zoning of street prostitution with services, distribution of methadone or heroin, and general education of the public against the "whore stigma." What is striking about Poulin's position is that, beside pointing to globalization as the enemy, he offers no solution for the presumed victims.

### **Leftist Theoretical Writings – Julia O'Connell Davidson**

Another welding point between Left and Right are the earlier works of Julia O'Connell Davidson.<sup>30</sup> Her most comprehensive book on prostitution was published in 1998 in which she applies a Marxist analysis of wage work to prostitution. Marx himself wrote that "prostitution" is the general condition of the workers, and the parallel is not just anecdotic and

<sup>28</sup>) Blaming "globalization" for trafficking in human beings for the purpose of prostitution, can be found also in the writings of the economist Jagdish Bhagwati (Bhagwati 2005), labelled as the "first liberist in the world" as he himself relates. He considers this problem one of the very few in globalization process.

<sup>29</sup>) Poulin 2005, p. 16. Poulin quotes only a Canadian study affirming that 85% of the sample has been object of "sexual aggression" (without defining it) as children: Dufour 2005.

<sup>30</sup>) She has since distanced herself from neo-abolitionist positions. See O'Connell Davidson 2006.

polemical, but also confirmed by a deep analysis of the conditions of “selling” one’s manpower – or sex. Marx wrote: “Prostitution is only a peculiar expression of the general prostitution of the worker.”<sup>31</sup> O’Connell Davidson argues that in prostitution clients have temporary power over the sexual domain of prostitutes. She underlines the risk of justifying prostitution with material pressure, in this way accepting economic inequalities as a given. This is what happens within liberal discourse that evokes consent as moral justification without looking at the circumstances and the material pressures of the presumed “consent.” According to her, consent to prostitution, is not relevant at all in the context of globalized capitalism that has created a growing inequality in socio-economic relations between rich and poor countries, and between men and women.

From a Marxist perspective it is somehow as if communists asked the state to abolish wage work instead of giving their support to workers’ organizations to improve working conditions and wages. Or is there something in the disposal of one’s body in prostitution that can be considered different from other kind of work? This really depends on the social and/or individual vision of sex. But let us go further. According to *Prostitution, Power and Freedom* what amounts to the biggest injustice in sex commerce is the annihilation of the person who sells herself and is reduced to a sexual function. It is true, she admits, that this happens also in casual sexual relations, but in this case it is reciprocal and is not necessarily degrading. O’Connell Davidson firmly refuses to talk about “sex work,” and about “good” clients. She defines the earnings in prostitution as a reward for “social death” because (her words) one accepts not to be recognized as a person.

But, if we do not accept social stigmatization of the whore, we find that her analysis of the situation in prostitution is really the same as in wage labor: let us mentally substitute the two while reading her words:

All obligations are discharged through the simple act of payment in cash or kind. The corollary of this is that the prostitute is constructed as an object, not a subject, within the exchange. No matter how much control the prostitute exercises over the details of each exchange, the essence of the transaction is that the client pays the prostitute to be a person who is not a person.<sup>32</sup>

In other words, while all human qualities can become the object of exchange in the labor market, sexuality is the only quality that really constitutes the

<sup>31</sup>) Marx 1970, p. 25.

<sup>32</sup>) O’Connell Davidson 1998, pp. 133–134.

essence of a person, and cannot become the object of exchange. Why does sexual service differ from all other trades in which one is not considered a person by those that take advantage of one's work? Because, O'Connell Davidson argues, it is impossible for a woman to come back to the community once she has become a sexual object. This means accepting the stigmatization of the whore propagated by masculinist and religious positions.<sup>33</sup> The Right and the churches recognize this and thus agree.

Of course there is more. For example, we find neo-abolitionist activists talking not only against liberalism (here the churches and the Left agree), but also against individualism, which appeals both to the religious movement's sacrifice moral and to old socialist exaltation of the collective. Malka Marcovich, president of MAPP, deplored the French Senate's decriminalization of "pimping" (that is, in her words, of "aiding and abetting" prostitution), and the Netherlands decision to regulate the working conditions of "sex workers". She stressed that this approach is based on individualism, which hides the reality of modern exploitation.<sup>34</sup> In other words, key ideological statements in the neo-abolitionist position invoke the dignity of women. This position is that dignity cannot apply to somebody who works as a prostitute because the mission of woman is marriage and reproduction (or chastity and service of God) for Christians, and because the social judgment (forged by the church) is against it. The blind moralism and contempt for individual freedom is identical to the religious ideology that defends traditional marriage and chastity.

Another element that should be considered is the contrast of interests between the sexes in heterosexuality. Women want to pair off with men who do not cheat on them and who are not attracted by occasional sex with prostitutes, while men defend their sexual variety.

In neo-abolitionism there is a moral instance to end using and abusing women by clients, in favor of a more egalitarian model of relations between the sexes. The alliance between feminists and churches can be understood considering that the expressions of sexuality are dominated by men who use sex as a weapon against women (for example despising the prostitutes while using them). Thus, both groups – one that fights patriarchy and others that defend it – unite in attacking prostitution and "sexual exploitation." But here the alliance stops. While the feminists propose a different

<sup>33</sup>) Danna 2004a

<sup>34</sup>) Délégation du Sénat aux droits des femmes et à l'égalité des chances entre les hommes et les femmes, 20 June 2000.

vision of sexuality, respectful of women, the churches want a return to the sanctity of marriage and feminine chastity.

Horrendous facts have been used by neo-abolitionists as psychological terrorism, together with an ideology that has its roots in feminism but considers women incapable of choosing voluntarily the exchange of sex for money, to forge a very broad concept of trafficking. It is broad because it is restrictive for people who want to cross borders in search of a better life and to improve their situation. This, in turn, runs the risk of being applied to all forms of migration with the double-edged weapon of maintaining the immigrants in a legally inferior situation, creating the very same horrors that are later denounced as trafficking, mixing situations in which ‘traffickers’ abuse people (buying and selling women), with the agreements that are underwritten by both parties to mutual advantage (and perhaps economic exploitation of the migrant, but with no violence involved). Sometimes better is the enemy of good.

## References

- Agustín, Laura Maria 2005, *Trabajar en la industria del sexo, y otros tópicos migratorios*, San Sebastian: Gakoa Donostia.
- Barry, Kathleen 1995, *The Prostitution of Sexuality*, New York: New York University Press.
- Bhagwati, Jagdish 2005 [2004], *Elogio della globalizzazione*, Rome / Bari: Laterza [original ed.: *In Defence of Globalization*, Oxford: Oxford University Press].
- Danna, Daniela 2004a, *Che cos'è la prostituzione? Le quattro visioni del commercio del sesso*, Trieste: Asterios.
- Danna, Daniela 2004b, *Donne di mondo*, Milan: Eleuthera.
- Danna, Daniela (ed.) 2006, *Prostituzione e vita pubblica in quattro capitali europee*, Rome: Carocci.
- Doezema, Jo 2000, ‘Loose Women or Lost Women? The Re-emergence of the Myth of “White Slavery” in Contemporary Discourses of “Trafficking in Women”’, *Gender Issues*, 1: 23–50.
- Dufour, R. 2005, *Je vous salue... le point zéro de la prostitution*, Sainte-Foy: Multimondes.
- Farley, Melissa et al. 2003, ‘Prostitution and Trafficking in Nine Countries: An Update on Violence and Posttraumatic Stress Disorder’, in *Journal of Trauma Practice*, 2: 33–74 [see also *Prostitution, Trafficking and Traumatic Stress*, Binghamton: Haworth Press 2003].
- Farrior, Stephanie 1997, ‘The International Law on Trafficking in Women and Children for Prostitution: Making It Live up to Its Potential’, *Harvard Human Rights Journal*, 10: 213–256.
- Goldman, Emma 1910, ‘The Trafficking in Women’ (in the review *Mother Earth*), published in Italian in Goldman, E. 1976, *Anarchia, femminismo e altri saggi*, Milan: La Salamandra.

- Jeffreys, Sheila 1998, *The Idea of Prostitution*, Melbourne: Spinifex Press.
- Kempadoo, Kamala 2005, *Trafficking and Prostitution Reconsidered. New Perspectives on Migration, Sex Work and Human Rights*, Boulder, CO / London: Paradigm Publishers.
- Kligman, Gail and Stephanie Limoncelli 2005, 'Trafficking Women after Socialism: To, through, and from Eastern Europe', *Social Politics*, 12, 1: 118–140.
- Kotiswaran, Prabha 2001, *Preparing for Civil Disobedience: Indian Sex Workers and the Law*, Boston College Third World Law Journal (spring 2001), [http://www.bc.edu/bc\\_org/avp/law/lwsch/journals/bctwj/21\\_2/01\\_FMS.htm](http://www.bc.edu/bc_org/avp/law/lwsch/journals/bctwj/21_2/01_FMS.htm).
- Libertad 2006, *Une légende urbaine: les 40.000 prostituées d'Europe de l'Est importées en Allemagne pour la coupe du monde de football*, <http://endehors.org/news/11129.shtml> (accessed 20 August 2006).
- Londres, Albert 1932, *La tratta delle bianche*, Milan: Edizioni Mundus.
- Marx, Karl 1970 [1844], *Manoscritti economico-filosofici*, Turin: Einaudi.
- Mascellini, Francesca 2006, 'Prostituzione e campionati mondiali di calcio in Germania: interventi dal Vaticano', *Inform*, 116, 12 June 2006.
- O'Connell Davidson, Julia 1998, *Prostitution, Power and Freedom*, Cambridge: Polity Press.
- O'Connell Davidson, Julia 2006, 'Men, Middlemen, and Migrants. The Demand Side of "Sex Trafficking"', *Eurozine*, <http://www.eurozine.com/articles/2006-07-27-davidsonen.html> [also published in *Osteuropa* 6, 2006: 'Männer, Mittler, Migranten. Marktgesetze des "Menschenhandels"'].
- Outshoorn, Joyce 2005, 'The Political Debates on Prostitution and Trafficking of Women', *Social Politics*, 12, 1: 14–155.
- Pastore, Ferruccio, Pierpaolo Romani, and Giuseppe Sciortino 1999, *L'Italia nel sistema internazionale del traffico di persone. Risultanze investigative, ipotesi interpretative, strategie di risposta*, Cespi-Commissione per le politiche d'integrazione, Presidenza del Consiglio dei ministri, working paper no. 5, Rome.
- Poulin, Richard (ed.) 2005, *Prostitution, la mondialisation incarnée*, Paris: Centre Tricontinental et Editions Syllepse.
- Screpanti, Ernesto 2006, *Capitalismo. Forme e trasformazione*, Milan: Punto Rosso.
- Sweet, Matthew 2001, *Inventing the Victorians*, London: Faber and Faber.
- Tatafiore, Roberta 1993, 'Fare vuoto di norma intorno alla prostituzione', in *Democrazia e Diritto*, 2: 243–252.
- Unidad Tecnica Policia Judicial Guardia Civil 2006, Informe criminologico. Tráfico de seres humanos con fines de explotación sexual.
- US Department of State 2006, *Trafficking in Persons Report*, June 2006, Washington, DC.
- Waterfield, Bruno 2006, 'Trafficking in Dubious Horror Stories', <http://www.spiked-online.com/index.php?site/article/424/> (accessed 22 June 2006).
- Wijers, Marjan 1999, 'Keep Your Women Home: European Union Policies on Trafficking in Women and Strategies for Support', in M. G. Rossilli (ed.), *Gender Policies in the European Union*, London: Peter Lang.

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