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Rights for the Ladies of the Night: Race, Gender, and Prostitution in Sarkozy's Domestic Security Bill

Danielle Vermazen

On November 6, 2002 hundreds of prostitutes protested outside the French Senate, chanting the slogans on their banners: "You sleep with us! You vote against us! Sarko, Free the hookers!"¹ This demonstration was in response to their Minister of the Interior, current president, Nicolas Sarkozy's Domestic Security Bill. This bill placed new limitations on prostitutes and furthered the criminalization of their actions even though the exchange of sex for money is legal in France.²

Beginning in the 1940s, French policy has moved away from its historically regulationist policy towards a rigid abolitionist prostitution policy. Regulationism is a system in which prostitution is restricted but allowed. It may be limited by zoning or registration laws.³ Regulationist systems are currently in use in Denmark and the Netherlands. France had a regulationist system up until 1946. Abolitionism is a system that prohibits all regulation and recognizes the prostitute's right to choose the work she does. In the

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abolitionist system, prostitution itself is legal while activities surrounding prostitution, such as pimping and the coercion of women into prostitution are illegal.⁴ Abolitionism is the system currently in place in France and is endorsed by the United Nations. Prohibitionism is a system which outlaws prostitution.⁵ This system is currently in place in the United States.

The American presence in France at the end of World War II was the catalyst for the shift to abolitionist policy. This began in August 1944 with the American liberation of Paris. American armies publicly condemned the moral depravity and public health risks that legal brothels posed to their troops, while privately allowing their soldiers to frequent these establishments.⁶

Since signing of the 1949 UN Convention on the Suppression of Traffic in Persons in 1960, France has continually tried to define its prostitution policy to conform to external pressures. Most recently, this has been seen in Sarkozy's Domestic Security Bill (2003). The Domestic Security Bill shifted the war on prostitution to focus on prosecuting prostitutes instead of third party beneficiaries and property owners who aid prostitutes by supplying workspace.⁷ This is achieved by criminalizing "passive solicitation." The elasticity of France's 2003 legislation allows for arrests based on

⁴ Ibid, 118.

⁵ Ibid.

⁶ Mary Louise Roberts, "The Silver Foxhole: The GIs and Prostitution in Paris, 1944-1945," *French Historical Studies* Vol. 33, No. 1 (Winter 2010), 99-128.

⁷ Gill Allwood and Khursheed Wadia, *Gender and Policy in France* (New York, NY: Palgrave Macmillan, 2009), 113.

racialized and gendered profiling. As France continues to conform to international policy trends, French universalism cannot be preserved while their current laws regarding prostitution act as a vehicle for racialized exclusion. In French political theory, universalism advocates for equality by “making one’s social, religious, ethnic and other origins irrelevant in the public sphere; it is as an abstract individual that one becomes a French citizen.”⁸ Due to the borders in the European Union (EU) becoming more fluid with the increase of EU member states, France’s justification for conforming to international law is valid. However, the 2003 Domestic Security Bill allows for women to be determined suspects based on whether or not they fit into the physical markers of French national identity. This sort of profiling is currently commonplace in France, where an estimated fifty percent of prostitutes are not French born.⁹ It reinforces the idea that assimilation into the French national identity is impossible for people who appear foreign.

Many historians have researched the connection between French prostitution and the changing legality due to foreign influences. Mary Louise Roberts discusses French prostitution policy and the presence of foreign armies in “The Silver Foxhole: The GIs and Prostitution in Paris, 1944- 1945,” and “The Price of Discretion: Prostitution, Venereal Disease, and the American Military in France 1944-1946.”¹⁰ Both works

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analyze the impact of German and American troops on the changing legality of activities surrounding prostitution in France. They also analyze how foreign pressure eroded the original French policies of regulationism that were in place before and during World War II. Roberts contextualizes the French establishment of a legacy of adopting foreign law in their own battle against prostitution. However, Roberts' critiques focus solely on prostitution policy before the 1950s and thus they lack reference to contemporary contexts.

Gill Allwood's and Khursheed Wadia's *Gender and Policy in France* examines how women's issues and legislation interact in France, specifically from the 1990s to the present.¹¹ Allwood focuses on how prostitution was transformed into a law and order issue with the Domestic Security Bill of 2003 and how France has passed legislation to reflect the trend of abolitionist policy in neighboring countries. Defining prostitution as a law and order issue is problematic because the selling of sex for money is legal in France. In a globalized economy, this is an important angle to reference because human trafficking occurs in international crime networks which make legislation limited to a single nation ineffective if neighboring nations do not participate in similar policies. Allwood also mentions the difference between "traditional" and "foreign" prostitutes in regards to how the legislation is implemented and who ends up arrested. Her argument frames the Domestic Security Bill as legislation which disadvantages all prostitutes regardless of citizenship status.

Review Vol. 115, No. 4 (October 2010), 1002-1030.

¹¹ Allwood and Wadia.

Last, Miram Ticktin's "Sexual Violence as the Language of Border Control: Where French Feminist and Anti-Immigrant Rhetoric Meet" examines how French laws related to the banning of the headscarf and prostitution are framed as efforts to protect women but deny them agency and limit their autonomy in the French nation.¹² It is assumed that women of immigrant origin can only be coerced into prostitution and thus the state acts as a parental figure, "saving" the victims who have no agency of their own. Ticktin concludes that difference in France is more easily deported rather than assimilated into the French nation.

This paper argues that the Nazi occupation of France and the American liberation were the beginning of French prostitution policy conforming to foreign standards, a legacy which continues to today. The relaxation of borders in the EU has been used by Sarkozy and the French government as a justification for France's attempts to increase domestic security through a variety of legislation which target immigrants and those who do not fit neatly into what is representative of French national identity. France's current prostitution policy is posed as part of the plan to achieve greater domestic security, particularly by "saving" the foreign born women who are assumed to be coerced into the profession. The government's current narrative on prostitution is both gendered and racialized and ignores women's agency and the ideal of

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universalism on which French national identity is founded.

Until 1946, France was marked by over a century of regulationist prostitution policy. Policy did not remain stagnant during these years but the use of *maisons closes* (state registered brothels) and a registry of prostitutes was a consistent element of French policy. Surveillance began in 1778 when women were registered with the vice squad.¹³ The registration system spread when Napoleon linked it to medical exams.¹⁴ Overall, the registration system was a response to the growing number of prostitutes traveling with Napoleon's army camps.

The regulationist system remained unaltered until World War II. Regulation continued in the war years but came under new authority during the Nazi occupation of France. The already existing system of regulation was absorbed by the Germans. However, unlike the original French system, prostitution under the Nazi occupation was supervised by military authority. All known prostitutes were forced to join the system so their health could be monitored. This was reinforced by the mandatory incarceration of any prostitute found guilty of contaminating a German soldier.¹⁵

In 1944, the system of regulation changed due to an enormous influx of customers: the American GIs. The regulationist system the Germans left behind was already deteriorating following the Germans' departure. Many of the pimps and madams whose businesses had flourished during the Nazi occupation were

¹³ Allwood and Wadia, *Gender and Policy*, 105

¹⁴ Scibelli, "Empowering Prostitutes," 146.

¹⁵ *Ibid.*

now accused of having collaborated with the Germans to obtain black market goods.¹⁶ This distrust manifested itself in many ways such as publicly shaving the heads of women who were believed to have slept with Germans during the Occupation.¹⁷ Whether they had or not, the mere accusation of collaboration severely damaged the reputation of *maisons closes* and the regulationist system as a whole.

From the onset of the ensuing occupation of France by American troops, the United States remained determined to reject the French system of regulation to maintain a visage of morality for the sake of the American public. It was American policy not to allow prostitution in their army camps abroad. This was established in 1941 when the U.S. Congress passed the May Act to prohibit prostitution near American army camps.¹⁸ Yet this act proved nearly impossible to enforce when troops were fighting in foreign lands where prostitution was established and, in many cases, accepted. The same held true in France. However, the French situation emerged as unique because France was both technically a wartime ally but also an occupied territory, thus confusing the lines of who had the power to implement public policy, in this case prostitution policy. Publicly condemning the regulationist system gave the American military the moral reputation they desired but they paid the price with the health of their troops. Venereal disease was

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the largest non-combat medical problem suffered by GIs.¹⁹

By refusing to facilitate army specific brothels, the American army changed the sex work industry in France. Registered state brothels still existed but they were largely inaccessible to American troops. Women moved their work onto the streets where they worked alone and had no network of protection. Registration and brothels gave women police contacts and the safety of working with other women. Suddenly there was no need to register and even less need to receive medical services. To further complicate matters, many of the prostitutes were not Parisians and thus had no friends or family to turn to while working in Paris. Arrest records during the American occupation indicate that only 19% of prostitutes working on the streets of Paris were born in Paris. Many had emigrated from rural French towns, Belgium, Poland, Germany or French colonies.²⁰ As the number of Americans grew in France, more women immigrated to towns surrounding American army camps and Paris in the hopes of earning money for survival in the difficult postwar years. Lower class women and especially immigrant women had few employment options because the war had decimated Europe's economy.

The shift from brothels to the street resulted in a dramatic increase in American soldiers' venereal-disease infection rates. In February 1945, an army survey reported that an estimated "44 percent of GIs contracted venereal diseases from 'casual street meetings,' as opposed to five percent who contract them in

¹⁹ Ibid.

²⁰ Roberts, "The Silver Foxhole," 109.

brothels.”²¹ It was obvious that the lack of medical regulation resulted in greater rates of infection, but the American anti-regulationist stance persisted. American forces blamed the French for the problem of contagion but gave them no power to address the issue.

The rise in venereal disease rates inspired American condemnation and was used as an excuse for the American army to assert its right to dictate policy for the French civilian population.²² In places of large army occupations such as the port of Le Havre, municipal authorities were exhausting their annual budgets due to the cost of hospitalizing all the infected prostitutes. One official reported that it cost 8.5 million francs to run the local clinics in Le Havre during the American occupation.²³ None of these prostitutes were registered because American forces refused to allow official army brothels to be established. As a result, these women received little medical care, and infected women could not be tracked since they were not registered.

Without brothels, prostitutes in Le Havre were forced to conduct their business on the streets. This exposed the gritty realities of the prostitution business to many French citizens. The visibility of prostitution during the American occupation is a metaphor for the public humiliation France was suffering while trying to gain their own autonomy from their liberators. Paris, and France as a whole, was recognized by the Americans not for its culture but for its sex industry, the

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rules of which were easily ignored and quickly overturned by the American liberators of France.

As American forces finally began withdrawal in 1946, the damage done to the regulationist system was irreparable. Prostitutes had become used to a system without registration and saw no reason to revert back to the old system. There was widespread public disapproval of prostitution because it had moved onto the streets instead of being contained in brothels. Furthermore, the French sought to publicly condemn the prostitute who had become a symbol of collaboration (with the Germans) and a loss of French autonomy (with the Americans). France felt a loss of autonomy because during the American occupation, the French government had no control over implementing their prostitution policy in the areas surround American army camps. On April 20, 1946, The "Loi Marthe Richard" officially closed the 1,500 state recognized brothels in France. Article 1 stated that "all *maisons de tolerance* are forbidden throughout the national territory."²⁴ The law represented the French state officially taking a stand against prostitution but it by no means eliminated the sex industry. The act of prostitution remained legal but all surrounding activities were criminalized. Instead, it further marginalized already disadvantaged women. Prostitutes had to move all their business onto the street where they usually worked alone and thus were more susceptible to violence. In response to the law, Articles 334 and 335 of the Penal Code were changed so that soliciting and procuring now resulted in a heavy fine. Other changes included the following: men could be punished for

²⁴ Corbin, *Women for Hire*, 348.

protecting or helping women to prostitute themselves, receiving income from a prostitute, living with a prostitute while being unable to account for money of his own and for “running or managing an establishment of prostitution or who habitually tolerate the presence of one or several prostitutes.”²⁵ The bill was passed with little debate because it was framed as legislation which would aid in national defense because prostitutes were associated with the memory of collaboration. The registration file on prostitutes also remained although now it was defined as register of information used to “combat venereal diseases and public immorality.”²⁶

In July of 1960, France ratified the 1949 United Nations Convention for the Suppression of The Traffic in Persons and of The Exploitation of The Prostitution of Others. It marked the final step in France’s abandonment of its regulationist past and ushered in the trend of French prostitution policy conforming to the policy of the world community. At the time of ratification, France was the last remaining regulationist system in Western Europe. French prostitution policy was now defined as abolitionist. The move to abandon the regulationist system led to the destruction of all remaining prostitution registration documents, which had been kept between 1946 and 1960 for the purpose of police information. As keeping this register implied the continued use of registration information, it was not until 1960, when these registration documents were destroyed, that France could be considered abolitionist. Ratification of the Convention led French

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authorities to transition former surveillance forces into social service providers which were meant to reeducate and assist in prostitutes' "rehabilitation." The rhetoric of the Convention stipulated that the greatest service the state could provide to prostitutes were the tools to reenter the workforce with a reputable occupation. The Convention also denied that women possessed any agency in their choice of prostitution as a profession. Procuring was illegal even if the prostitute gave consent to the procurer. Though the Convention attempted to remain gender neutral with the title "Traffic in Persons" in Article 20 the convention calls for the "supervision of employment agencies in order to present persons seeking employment, in particular women and children, from being exposed to the dangers of prostitution."²⁷ Language such as this highlights then gendered nature of the Convention. Women, like children, needed special supervision and protection, an idea that is contradictory to a France rooted in universalism. However, the language kept with the logic of French political culture and regulation, both which reflected that women needed special consideration and supervision in the law. The treatment of women in the Convention is perhaps unsurprising when one considers that French women were only granted the right to vote after World War II.²⁸

The ratification of the Convention gave an overwhelmingly male police force the power to arbitrarily punish prostitution as they saw fit. The majority of

²⁷ General Assembly resolution 317 (IV) of 2 December 1949, UN Convention for the Suppression of the Traffic in Person and of the Exploitation of the Prostitution of Others.

²⁸ Allwood and Wadia, *Gender and Policy*, 63.

prostitutes were arrested on technical offenses such as “solicitation” and “conduct likely to debauch.”²⁹ The severity of the enforcement of arresting procurers and prostitutes varied from city to city.³⁰ In Paris, nearly two hundred prostitutes would be bused to Saint-Lazare every night, but now, instead of forced medical exams, they would receive access to social services.³¹ Prostitutes were caught in an unusual bind because their occupation was legal but many of their activities were illegal under Article 6 of the French Civil Code. This code stated, “Laws involving public order and good morals cannot be derogated from by private matters.”³²

Prostitution reappeared on the national political agenda in 1994 when the Penal Code underwent major reform.³³ Harsher penalties for large-scale pimping and international trafficking by organized crime groups were instated while increased protection of male clients and individual pimps was granted.³⁴ These reforms assumed gender-neutral language derived from the tradition of republican universalism “where all individuals are defined in terms of formal equality before the law.”³⁵ Republican universalism and individualism has remained an important factor in policy

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formation since the Declaration of the Rights of Man and Citizen (1789). By emphasizing “human sameness” an essential essence of man could be extracted which would provide the foundation for thinking about political equality regardless of factors such as birth, wealth, occupation and property which led to the political inequality before the French Revolution and resulted in the Declaration of Rights of Man and Citizen to ensure equality in the future.³⁶ This foundation makes it difficult to draft gender-specific language into law and policy. The language of gender-neutrality in universalism recurrently hides the gender-bias implicit in these laws. In the case of prostitution, the gender-neutral language in policy distracts from the gender bias expressed by “portraying women prostitutes as sexual objects, minors or victims, or by failing to focus on male clients as criminals.”³⁷

This contradiction in policy and language can be likened to the 1949 UN Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others. The Convention also assumed a gender-neutral approach, following in the same perspective of universalism, but contradicted the language with a policy that suggested that women, like children, needed special protection because as women they were naturally in a vulnerable state. In 1991, Socialist Deputy Minister of Justice, Michel Sapin affirmed that little had changed in forty years when he stated, “Women’s particular situation is taken into

³⁶ Joan Wallach Scott, *Only Paradoxes to Offer: French Feminists and the Rights of Man* (Cambridge: Harvard University Press, 1996), 5.

³⁷ Mazur, “Prostitutes Movements,” 137.

consideration in cases where, for objective reasons it is necessary to do so... Vulnerability which comes from the state of pregnancy is obviously unique to women.”³⁸

The idea of an “abstract individual” was seemingly constructed to create a unifying set of characteristics shared by all people in order to delineate the human components necessary for a person to be considered a rights bearing citizen. According to French political theory, equality can only be accomplished by making one’s personal identifiers, such as social, religious, ethnic, gender and other origins irrelevant in the public sphere.³⁹ Women are thus excluded from access into the category of abstract individual as women because of their various “particular situations” which deny them gender-neutrality under the law. The irreducible differences of biological sex prohibit any hope of achieving the “sameness” necessary to fit into the category of French citizen.⁴⁰ No matter how neutral the language, biological determinism placed women into a separate category in the minds of policy makers and this is reflected in policy formation. Prostitution policy has perpetuated this legacy by continuing to punish the sellers of sex through incarceration, policy harassment, heavy fines, and heavy taxes, while men, the consumers, remain untouched by the criminalization of prostitution. Such a system ignores the fact that the only reason female prostitutes can sell their services is because male clients continue to act as customers.

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Ultimately, the Penal Code reforms of 1994 kept their gender-bias approach although they did take into account the proposal made by the Ministry of the Rights of Women in the 1980s which called for a definition of pimping that would “prevent the police from arresting the companions of prostitutes.”⁴¹ This was one of the issues that prostitutes’ rights groups had continually raised because the arresting of men they lived with was seen as an invasion of privacy. The new Penal Code also eliminated the small fine incurred by woman accused of passive soliciting. These laws allowed for gender norming of the female-male, prostitute-client relationship because arrests focused solely on jailing female prostitutes.

Various forms of compromise and cooperation between policy makers and women’s rights groups were characteristic of the prostitution debates in the early 1990s. A decade later, such compromise had become almost impossible due to the polarization of public debate on prostitution. The polarizing of the debate resulted from a growing awareness of the problem of prostitution in France. First, the presence of East European and African prostitutes was a visible indicator to the public that immigration for the purpose of prostitution was occurring in France.⁴² Second, international groups and Europe as whole were increasing their focus on ways to combat transnational trafficking and particularly child prostitution and child pornography in connection with organized crime. Third, a general increase in immigration to France

⁴¹ Mazur, “Prostitutes Movements,” 139.

⁴² *Ibid*, 107.

made the movement of people for the purpose of labor an important issue in French politics.

Following the elections of a right-wing president and parliamentary majority, a political climate of law and order influenced public policy in 2002.⁴³ Nicolas Sarkozy's Domestic Security Bill was put to a vote in October 2002 and after success in both houses of Parliament, it was enacted in March 2003. The bill was presented as a measure to combat insecurity in the public domain. Behaviors that needed to be combated were "soliciting, exploitation of begging, aggressive begging, occupying someone else's land [squatting], and assembling in the entrance or the stairwell of blocks of flats [loitering]."⁴⁴ Critics of this legislation accused Sarkozy of further stigmatizing the most excluded members of society: prostitutes and beggars.⁴⁵

Sarkozy's bill addressed prostitution in three parts. Article 18 criminalized *racolage passif* (passive soliciting) and prohibited clients from purchasing services from a "particularly vulnerable person."⁴⁶ The law allows for police to arrest, fine and jail any woman "whose dress or attitude gives the impression that she is soliciting money for sex."⁴⁷ Jail sentences could be up to two months and fines up to 3,750 euros, about 5,176 US dollars. Article 28 allowed for the government to revoke a visitor's permit from any foreigner accused of soliciting.⁴⁸ Article 29 allowed for a for-

eigner convicted of soliciting to remain in France under the condition that the prostitute revealed the name of her pimp, brought charges against him or testified against him. Only if her pimp was convicted could she remain in the country permanently.⁴⁹

All three of the articles dealing with prostitution have a gender and race component. Article 18 can be arbitrarily enforced by any police officer based on what characteristics they use to label someone a prostitute. The first characteristic is gender. The outward appearance of simply being a woman acted as a qualifier for arrest since criminalization of prostitution has always focused on penalizing female prostitutes. The second characteristic is race or ethnicity. Sarkozy made foreign prostitutes the specific target of this law when he stated in the French Senate, "It seems wise to escort girls who do not speak our language and who have just arrived in our country back to their country of origin in order to release them from the grasp of their pimps. It is a humanitarian duty!"⁵⁰ Sarkozy's statement referred to all female immigrants as "girls" rather than acknowledging that consenting adults participate in the business of prostitution. His argument was rooted in a paternalistic view and thus framed women as fragile and in need of protection by the state. His anti-immigration agenda was explicitly stated when he suggested that the best measure to protect immigrant women was simply to deport them. He also mentioned their inability to speak French, a characteristic that had been used in the past to depict the "otherness" of individuals who did not fit into the

⁴⁹ Ibid.

⁵⁰ Ticktin, "Sexual Violence," 868.

French national identity and thus could not be considered rights-bearing citizens. Sarkozy's measures to protect immigrant women framed them as a homogeneous group and did not consider the fact that women possessed varying degrees of agency. Furthermore, abolitionist measures such as Sarkozy's simply decrease the visibility of prostitution, causing prostitutes to take their business further underground where they have less protection. The law worked directly against its objective of protecting women.

In response to the Domestic Security Bill, prostitutes took to the streets with signs, chanting slogans: "You sleep with us! You vote against us! Six months in prison for a smile! Gigolo Sarkozy, you're giving the fascists a hard on!" and "Sarko, free the hookers. We're legal. Leave us alone!"⁵¹ Foreign prostitutes were notably underrepresented in the protests because they were afraid of being identified as illegals and deported. His efforts to "protect women" resulted in a police state environment where officers had the freedom to increase identity checks of foreign women they believed were prostitutes. The aim of protecting women was a way to vaguely conceal Sarkozy's anti-immigration politics.

The Domestic Security Bill must be viewed in light of a larger movement in French policy to specifically target immigrants and others deemed as outsiders. The most obvious example of this is the 2004 ban on "ostentatious signs of religious affiliation in public schools—the focus of which is the *hijab*, or

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headscarf.”⁵² Like the banning of the *hijab*, Article 18, Article 28 and Article 29 of the Domestic Security Bill signal out immigrant women based on their appearance. These articles allow for ethnic and racial profiling by police officers who suspect women of prostitution. Their ethnicity becomes an irreducible difference which denies them equal protection under French policy.

Sarkozy’s focus on “saving” foreign women “facing degrading encounters night after night” also ignored the poor conditions of the ethnically French prostitute, who were also forced to move their business into more hidden environments to avoid fines and incarceration. Even though Sarkozy depicted French prostitutes as unproblematic to public order, his bill worsened their conditions and decreased their police protection.⁵³ *Liberation*, a leftist French newspaper, quoted a prostitute who said, “Before when we saw a police car, we felt reassured. The clients knew that we had good relations with them. Now, as soon as we see the officers, we hide. The clients have understood that we are no longer protected, and they do what they want.”⁵⁴ Following the 2003 bill, data collected by police, prostitute support groups and journalists reports indicated that with no police protection, clients had become more violent.⁵⁵

Because ethnically French prostitutes are also being jailed and fined, they have blamed foreign prostitutes for the increased restrictions on their work.

⁵² Ticktin, “Sexual Violence,” 869.

⁵³ Allwood and Wadia, *Gender and Policy*, 117.

⁵⁴ Blandine Grosjean, “Des filles de Joie Bien a la peine,” *Liberation* (June 3, 2003) Paris.

⁵⁵ Allwood and Wadia, *Gender and Policy*, 123.

Animosity between French prostitutes and foreign prostitutes has increased. Claude Boucher, a spokesperson for *Bus des Femmes*, a prostitutes' advocacy group, stated in a 2002 interview that "traditional prostitutes and these slaves are completely different. Traditional prostitutes did not come into prostitution because it was their dream job, but that doesn't make them victims. If they have made this difficult choice, it is in order to escape the indignity of poverty."⁵⁶ This statement demonstrates how marginalized foreign prostitutes have become under the Domestic Security Bill because they are unable to ally with ethnically French prostitutes. It also showed how *Bus de Femmes*, an organization which advocates granting prostitutes agency to choose their own work, viewed foreign prostitutes simply as slaves. Boucher's comments ignore the fact that foreign prostitutes enter prostitution for the same reasons as French prostitutes, to avoid the indignity of poverty.

It was not until 2003 that the French government, led by then Minister of the Interior Sarkozy, chose to focus policy on prostitutes rather than the business of prostitution. In the name of national security, Sarkozy's Domestic Security Bill criminalized passive solicitation and therefore allowed for police to arbitrarily identify who was suspect of this offense. This shift reflected attitudes towards gender, race and immigration. Its passing is significant because it reveals how immigration and French national identity interact in the modern context.

Sarkozy's Domestic Security Bill highlights the ongoing problem of incorporating foreigners into

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French national identity. Sarkozy made clear on the Senate floor that his bill was designed to “save” the foreign “girls” who were forced into prostitution rather than target French prostitutes. Thus he acknowledged that police officers should be able to tell, based on appearance alone, which women were citizens and which women were foreigners. His assertion ignored the fact that racial and ethnic profiling would undoubtedly result in the arrest of women who appeared foreign but were in fact French citizens. This speaks considerably to the role appearance still plays in constructing the criteria of French national identity. Though French universalism calls for leaving behind one’s personal identifiers and being a French citizen before all else, the visual markers of French national identity do not leave behind these factors.

The notion of paternalism implicit in Sarkozy’s objective of saving foreign women implied that foreign women have no agency. Unlike French women, his rhetoric claimed that foreign women cannot make the choice to enter prostitution. Instead of granting them freedom, the Domestic Security Bill categorized foreign women as a group which inherently has no autonomy over their own bodies. Additionally, the focus on foreign women suggests that the condition of French prostitutes need not be considered. It allows for a prostitution policy that forced all prostitutes, including French, to move their business further into the periphery of society thus rendering them illegitimate even though the exchange of sex for money is legal France. Focusing on the need to save foreign prostitutes allows the French government to ignore calls to improve the conditions of prostitutes who are citizens. Until all women are recognized as autonomous individuals

regardless of race, ethnicity and citizenship, France will struggle to incorporate women into the category of active citizen. Therefore the aims of liberal political theory and French universalism are obstructed by legislation such as the Domestic Security Bill of 2003.

Danielle Vermazen is a senior History major with a minor in Women's & Gender Studies. In the spring, Danielle was awarded first place of the McPhee Prize, an award given to the student with the best presentation at the annual Capstone Conference hosted by the History Department. After graduation, she plans on continuing her work in autism education.