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Institute for Contemporary Social and Political Studies





MOJCA PAJNIK

PROSTITUTION
AND HUMAN
TRAFFICKING:
GENDER, LABOR AND
MIGRATION ASPECTS

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INTRODUCTION

In social science research, public debates and the mass media, prostitution is usually presented as either an inherently violent act against women or an exclusively voluntary activity. On the other hand, trafficking in human beings is equated with the sexual exploitation and victimization of women, while other types of forced labor are excluded from debates. Rare polemics that consider both phenomena mainly reproduce “dualist non-thinking” that differentiates between the professional and the victim, the ideologems of voluntarism and force, activity and passivity.

During the 1960s, the 1970s, and particularly the 1980s, civil society movements and feminist theory re-opened the debate on prostitution after several decades of respite following the Second World War, reinforcing the view that prostitution was sexual violence against women, similar to rape, pornography and other types of sexual exploitation.¹ Advocacy for the abolition of prostitution² soon became the target of criticism since it favors a white woman’s experience on the one hand, and neglects the heritage of slavery and colonialism that define sexual violence on the other. Yet it is not only colonialism that defines sexual violence, but also capitalism, class divisions, racism, nationalisms and heterosexual norms. However, abolitionist perspectives do not take into account these aspects. The movements and initiatives for gender equality rejected the abolitionist argumentation on the grounds of, among other things, its unitary insistence on the conception of “women’s sexuality,” its disregard for the diversity of experiences, and objectification and passivization of women. The movements for self-organization of prostitutes that began to emerge during the early 1970s, not only in the US and Western Europe, but also in Latin America and Asia, radicalized the argument against abolitionism.³ Prostitution was defined as sex work, while women and men involved in prostitution were named sex workers. It also strengthened

¹ See Dworkin 1987, McKinnon 1993, Barry 1985.

² Abolitionism most frequently involves efforts towards the elimination of prostitution (Lat. *Abolitio*). In legal categories, when decriminalization of prostitution is debated as abolition, it has a different meaning; it denotes the abolition of the provisions in penal laws that treat prostitution as an offense. For more on this see Chapter Two.

³ Gall 2006.

the doctrine of voluntarism and self-determination in prostitution, emphasizing that abolition policies exacerbated the situation of sex workers instead of improving their social and economic status by recognizing the rights that arise from prostitution as a legitimate profession.

The definition of prostitution as violence or sex work, and of prostitutes as victims or sex workers, continues to be the principal point of departure in considerations of prostitution. Similarly polarized are polemics on human trafficking. Those supporting the abolition of prostitution define trafficking in human beings as violence and argue for the policies of victim protection and criminalization of perpetrators.⁴ Advocates of sex work, on the other hand, argue for the de-victimization of women involved in trafficking and draw attention to the need to eliminate class divisions, social inequalities, and ethnic and gender discriminations which sustain human trafficking, much more so than criminal groups.⁵

The term *sex work* gained currency during the 1970s, denoting commercial sex services, performances or products provided in exchange for material gains. Today, sex work is associated with the sex industry, which, according to some authors,⁶ also includes striptease, erotic dance, sex hot lines and even pornography. Others⁷ insist that these various forms should be treated separately, particularly so prostitution and pornography. One frequently voiced dilemma is whether the considerations of human trafficking should limit themselves solely to trafficking for sexual exploitation, or other types of forced labor should be included as well.⁸ While some⁹ urge for a limited approach, meaning concentrating on trafficking for the purpose of sexual exploitation only, others¹⁰ argue that human trafficking includes forced labor in other fields as well, such as agriculture and construction, or domestic work, and that

⁴ Jeffrey 2006, Hughes 2000.

⁵ Agustín 2005, Doezeema 2000, Kempadoo et al. 2005.

⁶ Weitzer 2000, 3.

⁷ Kuo 2002.

⁸ Kelly 2005, Freedman 2003.

⁹ Jeffrey 2006.

¹⁰ The ILO report *A Global Alliance Against Forced Labour* from 2005 (pp. 12–15) states that human trafficking for sexual exploitation accounts for 11 percent of all forms of forced labor. ILO defines trafficking in humans as one form of forced labor, where trafficking for sexual exploitation accounts for 43 percent of forced labor; in 98 percent of examples, this involves trafficking in women or children; trafficking for economic exploitation accounts for 32 percent of all cases. Accessible at http://www.ilo.org/dyn/declaris/DECLARATIONWEB.DOWNLOAD_BLOB?Var_DocumentID=5059 (accessed on August 24, 2007).

these types of coercion should be considered along with sexual exploitation rather than separately. As regards human trafficking, there are also disagreements on whether or not it should be treated together with human smuggling. There are some qualms¹¹ that by viewing human trafficking exclusively as a form of (socially and legally constructed) “illegal” migration we are at the risk of overlooking violence, abuse and discrimination, all of which define human trafficking as an exploitation practice that places people in master-slave relationships. At the same time, such limited discussions reproduce the image of human trafficking involving coercion as opposed to human smuggling involving a voluntary act. Countering these efforts are attempts at the de-victimization of trafficking victims, and warnings that smuggling may also involve violent acts. Likewise, smuggling, or mediation in “illegal” border crossing should be understood as a form of “assisted migration” in modern times, when legal migration options are limited.¹²

Discussing prostitution and human trafficking today means confronting dominant perceptions. In western societies striving to enhance economic efficiency, these either perpetuate the neo-capitalist idea of free choice, or take over the victimization argument which presumably makes obvious the need for “fight and prevention policies” in prostitution or human trafficking. This book problematizes the dominant representations and ideologization of these phenomena, trying to offer new avenues of thought and action. We start from the thesis that one-sided definitions of prostitution, either as the selling of a body identical to any other service provided for money¹³ or as a priori violence against women, are inappropriate. While one-sided definitions indeed draw attention to particular dimensions of prostitution, by not taking into account the diversity or the contrasting character of prostitution, they also help create the one-sided social construction of prostitution. In this book we argue beyond

¹¹ Kelly 2005, Freedman 2003.

¹² Kelly 2003, 140.

¹³ This is one of the explanations of prostitution that appeared with the medicalization of discourse on prostitution in the 19th century. It is present in social pathology, in Slovenia in the studies dating from the 1960s (Kobal and Bavcon 1969, 159), and in the early treatment of prostitution as sex work. It later became the target of feminist and gender studies criticism, according to which a prostitute does not sell herself in the literal sense of the word, does not receive money in exchange for servitude or slavery, nor sells her body or its parts. Such understandings are either metaphorical or value-laden, and viewed from the perspective of approaches that take gender differences into account, they are also inadequate, because they equate a woman as a personality, and her “moral value,” with sexuality (Kuo 2002, 42).

binary logic and take into account many realities of women and men involved in prostitution and human trafficking. We argue that a dualist understanding is inappropriate because, among other things, it excludes marginalized phenomena in prostitution, for example, male prostitution with women as clients, same-sex and transgender prostitution.¹⁴ Above all, it does not encompass the heterogeneity of experiences and, as the historical comparisons show, it does not introduce any novelty into the public arena.

In our analysis we regard prostitution as a form of work which may involve exploitation based on gender differences, or master-slave relations in the case of human trafficking. At the same time, we take into account the possibility that women and men in prostitution are not a priori victims of human trafficking and that a woman is not necessarily an object of sexual consumption. Starting from these premises, we study prostitution by thematizing its various aspects, including work, non-work, women's work and the sex industry. In so doing, we also identify relational links between prostitution and human trafficking.

In this book, gender is not absolutized, nor is sexual orientation presupposed. When thematizing gender we avoid essentialism, while concluding that both prostitution and human trafficking are characterized by unequal relationships and discrimination based on gender differences, and that they are also a consequence of hetero-normativism. Since throughout this text prostitution and human trafficking are considered with gender differences in mind, we mainly refer to female prostitutes or women in prostitution. When we want to refer to male prostitution, or homosexual and heterosexual prostitution, we use the appropriate gender attribute. This form is most frequently used in the chapter on sex work and self-organization of persons in prostitution.

Since we do not accept the one-sided definition of prostitution or human trafficking, this text is not preoccupied with the question of what is wrong about prostitution or how trafficking in human beings should be eliminated. By contrast, we are interested in the characteristics and heterogeneity of prostitution and human trafficking. At the same time, we seek links between the two phenomena and expose the contradictory traits of theoretical conceptualizations and practice. Accordingly, by us-

¹⁴ We use the term homosexual prostitution only when mentioning it next to heterosexual prostitution. In other cases, we use the term same-sex prostitution, which leaves room for the diversity of identity denotations and declarations. For similar reasons we use the term transgender prostitution rather than transsexual prostitution, except when we refer to an author that uses a different naming.

ing terms such as female or male prostitute, a person in prostitution, women in prostitution, women and men in prostitution, we avoid pre-determination inherent to identity politics that tend to freeze identities, in our case the identity of a prostitute, or, in the case of human trafficking, the “victim” identity. That such a choice of words makes sense is also proved by our empirical study of prostitution and human trafficking in Slovenia (expounded on later in the text) which showed that individuals involved in prostitution for the most part do not self-identify as prostitutes. The absence of such self-identification has various explanations; as the analysis of interviews showed, among the most important reasons are the social stigmatization of prostitutes and the perception of prostitution as a temporary activity.

In Chapter One we examine the historical circumstances that enabled the portraying of prostitution as a “natural social phenomenon.” We look into the regulatory policies and practices through various historical periods and environments, and the studies that provided the basis for such policies. We analyze the processes of proletarianization and domestication, which were gender-specific and made prostitution an arduous activity during the pre-industrial era. We look into the 18th and 19th century explanations of prostitution that referred to medical arguments and legal prohibitions explained by the need to protect society against deviant phenomena and ensure “safety and hygiene of citizens.” We are also interested in social projections of human trafficking, as well as the reasons for and consequences of setting apart prostitution from human trafficking. We devote special attention to the consideration of prostitution and human trafficking from the perspective of gender discrimination, labor society, and migration policies. We establish how the image of a naive victim of human trafficking was created and how it was set apart from the image of a professional and immoral prostitute.

Chapter Two looks into the paradigmatic characteristics of the perception of prostitution as violence or sex work. We analyze certain contemporary policies on prostitution, for example, the abolitionist mechanisms used in Sweden and penalizing clients. At the same time, we study the differences and similarities among the contemporary approaches to prohibition, de-criminalization and legalization of prostitution, and examine in more detail the sex work approach in the Netherlands and Germany. We devote special attention to self-organization within the area of prostitution, which bolstered the perception of prostitution as sex work and opened room for the discussions about same-sex and transgender prostitution.

In Chapter Three we look into the new approaches and, by establishing the similarities and differences between prostitution and human trafficking, illustrate the need to consider the two phenomena in relation to each other. We juxtapose “fight and prevention” policies with the policies promoting human rights, by which we place prostitution and human trafficking in the context of contemporary migrations. At the same time we discuss the demand for sex services, which is a novelty in Slovenia and a topic that had until recently been neglected elsewhere as well.

Chapter Four presents the findings of the empirical study on prostitution and human trafficking in Slovenia. The study was conducted by the Peace Institute in 2006 as part of the IOM international project *In-Depth Applied Research to Better Understand the Demand Side of Trafficking in Persons*.¹⁵ In this text, we also use the results of field work that was conducted in Slovenia after the conclusion of the project. This chapter places emphasis on narration: by relating personal stories we try to introduce new perspectives into the current discussion. In this way we create room for female and male prostitutes to introduce their stories into the environment dominated by the representations from which the protagonists, prostitutes themselves, are excluded. By publishing and analyzing the opinions and experiences of not only prostitutes, but also their clients, organizers of prostitution (pimps), policy makers and NGO representatives, this study is conceptualized as a narration of a story about prostitution.

In conducting this study, we were also interested in how “outside” observers who do not have direct experience with prostitution or human trafficking perceive the two phenomena. We employed a public opinion survey to find out what men in Slovenia thought about human trafficking and prostitution.¹⁶ According to the rare studies which examined the demand,¹⁷ the clients for sexual services are mainly men. Taking this into account, we conceptualized our study in such a way that it describes in detail the attitude of men towards prostitution. In focusing on male clients for sexual services and male respondents in our public opinion survey we do not wish to prejudice the readers that women do not buy

¹⁵ The study was conducted in Slovenia, Hungary, Poland, and Slovakia. For a comparison among the states see Bianchi et al. (2007).

¹⁶ The study was based on a random representative sample of 306 respondents. The computer aided phone survey conducted by CATI took place between June 16 and 19, 2006. A public opinion survey was also conducted in Hungary, where it included a smaller set of questions. For answers see Bianchi et al. 2007.

¹⁷ Kinsey 1948, Monto 2000, Anderson and O’Connell Davidson 2003.

sexual services, nor do we want to suggest that their opinions are less important. The commissioned study did not include the examination of female clients' attitude towards prostitution, but we hope this subject will be addressed in the future.¹⁸

The analysis of interviews and the results of the public opinion survey confirmed the doctrine of dualisms and revealed the fluidity and diversity of opinions and experiences that define prostitution. For example, one interviewee working in prostitution said that she supported the legalization of voluntary prostitution while at the same time she saw her own "voluntary" situation as a consequence of the lack of options; another one explained her voluntary choice as a personal desire for higher income. Some interviewees, for example, an NGO representative, offered the argument that may be interpreted as abolitionist (for example, the argument that prostitution is violence and the result of male domination), but at another point in conversation she supported the recognition of rights for sex workers. Prostitution is not only violence and exploitation, as it is not only work. Similarly, it is not only voluntary work, but not necessarily a forced activity either. We start from the thesis that dualist approaches that in the past crucially framed debates on prostitution, and continue to do so, reduce the space for alternative approaches, which should be thematized in the area where binary oppositions intersect.

The stories by women and men working in prostitution presented in this book elucidate the images of sexuality, identities, life experiences and aspirations in the capitalist system and consumer society. These narrations reveal manifold relations and perceptions of women in heterosexual prostitution and male transvestites. Sexual and identity issues, the perception of autonomy, voluntarism, a reflection on sexual and economic inequality, social patterns, the issue of violence and exploitation – all these topics define prostitution. The narration method¹⁹ used in our empirical study based on semi-structured interviews highlights the diversity of experiences, prostitutes' relations with clients and pimps, clients' motives, and the experience and opinions of non-governmental actors. These narrations define this topic beyond the dominant dualisms

¹⁸ In this book, the emphasis is on narrations and we present in detail a qualitative study.

¹⁹ We draw on Arendt (1958/1996), who describes thinking as a practice, as an act, which is not non-thinking of professionals but "thinking without a banister." She applies it herself, as Young-Bruehl (1977) concluded, by "narrating stories," through responsible thinking "with the world" that does not rely on traditions and standards (Ibid., 184, 188).

and point to alternative perceptions that could be used to support future activities and the policy-making process.

Our approach to the subject is therefore one in which prostitution and human trafficking are described through the narration of the stories that not only depict the situation of individuals in prostitution or clients' aspirations, but also delineate the wider social and cultural patterns, the economic structure of social organization, the working conditions and the realities of the sex industry. In this case, the participatory approach combines theory with life experiences and political practice. Prostitution as work, prostitution and violence, prostitution and the state, prostitution and the media, public opinion, human trafficking, sexuality management, the use of sexual services, the sex industry – these are the topics that define prostitution and human trafficking and only by studying how they interact can we challenge the ideologies of individualism or consumption, or the abolition and prohibition doctrines, or the glorified paradigm of sex work.

In considering prostitution and human trafficking, we rejected the predominant absolutist problematization of the phenomena, which also reflects our personal ambition to recognize the diversity and contrasts within prostitution. We hope that readers will keep in mind that this text is also an attempt to subvert the predominant framework that determines the understanding of prostitution and human trafficking.

I would like to express my gratitude to all of you who co-shaped this text and made valuable contributions to its content. My thanks go to all of you whom I've been meeting, with whom I've been discussing various issues and having fun during the past decade. I'd like to express my special thanks to all of you who were willing to share your stories but have to remain anonymous. My valuable collaborators in the planning and conducting of interviews were Urša Kavčič and Iztok Šori, with whom I reflected on the stories as they were told, resolved many issues during the interviews and on many occasions reflected on the interviews and the relations among individuals working in prostitution. I am grateful to Veronika Bajt, Marta Gregorčič, Majda Hrženjak, Roman Kuhar and Alenka Švab for their exhaustive comments, and to Aldo Milohnič for his comments and editing work. Thank you, Aleš, for your meticulous reading and much more.

SOCIETALIZATION OF PROSTITUTION

The observation that dominant rhetoric about prostitution is frequently banal is reflected in the explanations describing prostitution as a natural and social phenomenon, as the oldest trade that has always existed regardless of social circumstances, meaning that it is supposedly a universal phenomenon independent of space and time. Such a positioning of prostitution corresponds to the notion of a presumably natural (man's) need to satisfy sexual desire, but it fails to acknowledge social and cultural contexts that determine prostitution: the economic situation of a specific society, normative sexual practices, the relation between sexuality and identity, the meaning and structuralization of prostitution in a specific historical situation, legal norms, cultural patterns and values and so on. Prostitution touches upon the issues of regulation and marginalization of sexuality, exclusion policies, racism, sexism and nationalism, as well as labor market regulation. It also reflects migration practices, economic and social inequalities and class divisions. It is determined by various race-based social constructions of sexuality dating from the colonial era, for example in India,²⁰ by post-colonial practices, for example in Nigeria,²¹ and by various forms of "transnational prostitution," for example, sex tourism in Thailand.²²

When considering contemporary prostitution, it is not possible to bypass the 18th and the 19th century perspectives. It was the period of the most intense socialization of prostitution, when it was pressed into the social framework of the (un)acceptable.²³ During that period, prostitution was explained by referring to moral values. The history of the moral

²⁰ Pivar 1981.

²¹ Aghatise 2004.

²² Thorbeck and Pattanaik 2002.

²³ We use the term societalization (*Vergesellschaftung*) in the sense used by Habermas (1963/1972, 31–32, 54, 76) where it denotes the disappearance of the public, or its depoliticization by pressing the public action into the framework of social norming. Societalization takes places through the processes of socialization, psychologization and scientification, whereby the public is constituted as a "social body" and the responsibility for its restriction, or reinforcement, is attached to it. We also draw on Arendt (1958/1996, 43), who problematizes societalization as an exchange of action for conduct

perspective dates back to the 15th and 16th centuries, when prostitution policies sought to prevent venereal diseases, particularly syphilis and gonorrhoea, and when early organized opposition to prostitution emerged. At that time, moralizing about prostitution meant concluding that the world did not observe moral principles and complaining that it was a world that had become unhinged. It was also the time of an organized intervention into “perversion” and of argumentation pointing out the allegedly correct moral principles. Prostitution had been defined by moralist discourses until the early 20th century, with their implications still resonating in contemporary debates.

Our intention here is not to present a thorough historical overview of prostitution, although in addition to examining contemporary perspectives, we also look into the historical perception of prostitution. The perception varied through various historical periods and environments, although certain similarities did exist (note that human trafficking is not a notion with a long history but a contemporary phenomenon, although the practices of “buying and selling people” are anything but new). While not wanting to suggest that there is a direct link between the status of contemporary women in prostitution and that of women living in antiquity, we should nevertheless note that binary oppositions, for example, “independent sex worker” as opposed to “slave,” are not an invention of modern times.

The ancient Greeks made distinction between *dicteriades*, bought by a city-state to serve as public servants, and *hetariae*, or lady companions whose task was to satisfy “prominent men.” In ancient Greece, street prostitutes, along with women in general, children and foreigners, were considered a necessary element of *oikos* and were distinguished by a particular type of clothes they were obliged to wear. The first brothel (*dicterion*) was established by Solon in an attempt to gain upper hand over “public evil.” *Dicteriades* living in these brothels were slaves paid for their work in food and clothes, while their earnings were collected by the state. As to *hetariae*, their only role was to enable public life, to which they had no access. However, unlike *dicteriades*, whose only task was to satisfy sexual desires, *hetariae* also provided company; they were expected to dance, play instruments, befriend men and entertain them.

Historians frequently romanticize the role and status of *hetariae*, describing them as honored women, while not problematizing the fact that

(*Sich-Verhalten*) that a society expects from its members and for which it lays down the rules aimed at norming the individuals to become acceptable for society.

their role was strictly defined. They were not allowed to participate in public life; they did not take part in public activities and their children could never become fully-fledged citizens. This dual role, which is today reflected in the distinction made between a professional prostitute and a victim of human trafficking, was attributed to women involved in prostitution through all the periods of history. In India, the courtesans in the king's service were perceived differently from street prostitutes, and similarly, courtesans in France and Italy had higher status than street prostitutes. In Japan, the distinction was made between geishas and other prostitutes, so accordingly, some historical sources compare geishas to *hetairae*. The Chinese made similar distinctions, and in India, holy prostitutes, or slaves of God, *devadasis*, also had special status. By and large, in all environments the role of women in prostitution was defined narrowly and with an explicit stress on function.²⁴

The distinction between prostitutes and other women, and among various forms of prostitution, was also present in the Middle Ages, when *meterix publica* or *filles communes*, meaning public prostitutes or “women shared by all” were distinguished from “street prostitutes” (*cantonnières*), illegal prostitutes (*filles secretès*), and “light women” (*légères*).²⁵ Similarly, the term *meterix publica* or the derogatory *putana*, was used in medieval Istria, as is evident from the then town statutes.²⁶ Prostitution in medieval brothels was under the control of town authorities. In Trieste, a brothel was a desirable form of organization as opposed to street prostitution. Various sources referring to the 13th and 14th centuries also mention, in addition to brothels and street prostitution, other places where prostitution took place, including baths and private brothels which perpetu-

²⁴ For an overview of prostitution through history, including Greece, Rome, India, China, Japan, Africa and the Pacific, see Henriques (1968). For a factual presentation of historical perspective, see Ryley Scott (1969). Both works provide exhaustive descriptions of the meaning of prostitution in individual environments. However, these sources, much like many other works that look into prostitution in a historical perspective, lack the study of the situation of prostitutes themselves. These texts present prostitution as a “natural” phenomenon while not being sensitive to gender differences; prostitution is frequently explained by means of biologism. Some conclude, for example, that the situation of prostitutes in the Middle Ages was better than the situation of contemporary women in prostitution. One can also find absolute comparisons, with the status of *hetairae* in Greece or geishas in Japan emphasized as a model, while the functionalist naturalization of women in prostitution is not addressed. It is not possible, however, to say that the situation of *hetairae* was absolutely good, because such an explanation leaves out an important “detail,” namely that their function was to enable free involvement of public men in *polis* (to which *hetairae* did not have access).

²⁵ Rossiaud 1988.

²⁶ Kovačić 2003.

ated prohibited organized prostitution (including procuring).²⁷ Prostitution in brothels was under control; the organization of work and life in brothels was mandated, and prostitutes had to adhere to dress codes by which they were distinguished from other women. A brothel was socially acceptable, if only conditionally, and that primarily because of the economic benefits it provided, given that earnings from prostitution went to the municipal budget. The attribute “conditionally” is here necessary because from the time of Augustus to the time of Aquina, the dominant notion of prostitution had been that of an “inevitable social evil.” On the one hand, it was held that prostitutes performed socially necessary work, while on the other, the religious atmosphere encouraged the attempts to convert them and transform brothels into religious institutions.

PROLETARIANIZATION, DOMESTICATION AND GENDER INEQUALITY

During the pre-industrial era, many women migrated from rural areas to urban centers in search of work, hoping to take off the burden from the shoulders of their families and improve their personal economic status and that of their family; others were compelled to migrate for sheer survival. However, towns did not offer plentiful job opportunities, and younger and single women were especially disadvantaged in this respect. Many women took to prostitution in an attempt to improve their economic and social status, because many performed unpaid domestic work, worked as servants, nurses, housewives, or were confined to their place of work enduring slavery-like conditions.

The argument that work in prostitution involves a rational decision indeed invalidates a priori victimization and makes room for the thematization of women’s specific socially determined status, her aspirations and efforts towards improving her living conditions. In this argument, a woman is perceived as an actor rather than passivized as a victim, and the emancipatory trait of prostitution is pointed out as one possibility (which is also one of the interpretations found in contemporary debates on sex work). Viewed from this perspective, prostitution in the 19th century was a form of active citizenship rather than primarily an option for women living in poor conditions, and an emancipatory practice within society based on gender inequality (domestication of women’s work, un-

²⁷ Ibid. During this time, such places also existed in Slovenia, in Ljubljana, Maribor, Škofja Loka, Kamnik and Ptuj (Kovačič 2003).

dervaluing of women's work etc.). Yet the argument that presents prostitution as a voluntary choice also has a reverse side: instead of acknowledging the complex socio-economic circumstances and gender inequality that determine prostitution, it offers a simplified interpretation where prostitution is seen solely as a personal and voluntary choice.

Accordingly, work in prostitution in continental Europe of the 18th and 19th century, as well as in former Yugoslavia,²⁸ including Slovenia,²⁹ was not simply a rational decision, although one of the motives was presumably good earnings. The vulnerability arising from women's uncertain social and economic status led many of them to migrate to urban centers and confront the hardships awaiting them on the labor market. In most cases, prostitution was an occasional activity. Many women saw it as a temporary solution to resolve the financial crisis. For some, however, prostitution was a sole means of livelihood for a longer period of time, and they were excluded from the image of the working class because of the social stigma. Although the situation of prostitutes was comparable to that of poor women who did occasional work, mainly in urban households, the prostitutes of the 19th century constituted a distinct subculture, which, as it was believed then, had nothing to do with the uncertain economic position and exploitation of the working class.

In reality, the situation was precisely the opposite. Women working in prostitution migrated from villages to towns for the same reason as did women who were employed in the tertiary (service) sector working as servants, saleswomen, waitresses or dressmakers. In many cases, they moved to prostitution only after working for some time as washerwomen, cleaners, dressmakers, on farms or as street vendors. In many cases, prostitution was an alternative to backbreaking live-in domestic work. According to some studies, the number of women who did housework before moving to prostitution was quite large – in London, they accounted for 40 percent, and on the whole for more than 80 percent of women working in prostitution.³⁰ For example, at the beginning of the 20th century, of the 2000 prostitutes in New York, almost half were previously employed as housemaids.³¹ Estimates for Chile and Argentina are similar.³² In Vienna, at the end of the 19th century, most prostitutes

²⁸ Radulović 1986.

²⁹ Cvelfar 1994, 26.

³⁰ Walkowitz 1980, 15; Bartley 2000, 3, 4.

³¹ Ryley Scott 1969, 24.

³² Quay Hutchinson 1998.

were former maids, manual workers, waitresses and saleswomen.³³ The studies on prostitution in former Yugoslavia during the first two decades of the 20th century³⁴ also show that most prostitutes, according to some estimates even 80 percent of them, came from poor environments; many previously worked as servants, housekeepers, room maids, dressmakers or waitresses. Many Slovenian women who worked in Trieste (Italy) and Pula (Croatia) also came from the ranks of servants, waitresses, and workers.³⁵ The estimates for the years immediately following the Second World War and later periods are similar: for example, in 1964, of 100 registered prostitutes in Ljubljana, 75 were unskilled workers and housemaids.³⁶

Scholarly studies of the 19th century linked prostitution to the overcrowded labor market, scarcity of jobs and a large number of strenuous jobs, which for many were the only accessible ones. Consequently, given the figures above, the interpretation that a prostitute was a passive victim does not stand up to empirical verification; many women actively and courageously took their lives into their own hands, despite limited job opportunities and unfavorable predispositions and family circumstances that largely determined their life courses. Young women began to contribute to the family budget early in life; many were forced to leave school to take care of their younger siblings while their parents were at work. They had little leisure time and a limited choice of low-paid jobs. In such circumstances, some saw prostitution as an alternative to domestic work or proletarianization. While it may indeed have appeared as an emancipatory practice or an alternative to poverty, many women working in prostitution continued to be economically dependent and lived in miserable conditions, or they reverted to such conditions after abandoning prostitution.³⁷

Women working in prostitution were frequently exposed to violence and alcoholism, suffered from exhaustion and various diseases, or, last but not least, were exposed to police repression. The data show³⁸ that

³³ Cvelfar 1994, 29.

³⁴ Radulović 1986, 22–27.

³⁵ Leskošek 2002, 125.

³⁶ Kobal and Bavcon 1969, 162.

³⁷ According to some estimates (Kobal and Bavcon 1969, 170), as late as the 1960s more than half of prostitutes working in European countries earned less than factory workers; one third of them earned an equal sum, while only four percent of prostitutes earned more.

³⁸ Walkowitz 1980, Bartley 2000, Bavcon and Kobal 1969.

women working in prostitution mainly came from poor environments, lacked family support, or were single, homeless or orphans. Marriage was seen as ensuring protection from prostitution, or, as Ryley Scott says,³⁹ it was the only survival option for women who wanted to preserve their reputation. Despite all, in certain circumstances and during certain periods, women enjoyed a degree of autonomy. In continental Europe of the 18th and 19th century, prostitution was defined as an activity controlled by women. Many women organized business by themselves and lived together, which could have meant a greater degree of autonomous decision-making than was possible later when procurers took over.⁴⁰ Although in some cases prostitutes were able to determine the working conditions, timetables and rates, restrictions were inevitably in place. These were imposed by class divisions, norms and values which domesticated women and their work, or by myths glorifying woman's "purity" and creating an image from which prostitutes were excluded. Despite self-determination, the work of women involved in prostitution has always been less an enterprise or a new work practice, as it is frequently interpreted today, more an economic and social necessity. The advantages allegedly arising from prostitution over those associated with the work in the tertiary sector, were more often than not relative as well as temporary. The status of women working in prostitution was in fact comparable to that of women working as housemaids or servants, although such comparisons were hard to imagine at that time.

THE PRODUCTION OF A "SOCIAL EVIL"

By the mid 19th century, the development of social sciences and particularly the advancement of statistics, both also involving religious elements in interpretation, led to prostitution being interpreted as a "social evil."⁴¹ The earliest notes on prostitution are found in novels, journalistic

³⁹ Ryley Scott 1969, 24.

⁴⁰ Walkowitz 1980, 31. Austrian legislation on prostitution at the end of the 19th century, also valid in Slovenia at that time, envisaged only women as the owners of brothels, while the role of pimps was reserved for men. This was changed only within the Kingdom of Serbs, Croats and Slovenes with the law on labor and order introduced in 1921, which no longer distinguished between men and women with respect to mediation in prostitution (Vodopivec et al. 1990).

⁴¹ We should mention at this point the criticism of statistics as a method of societalization. As Arendt pointed out (1958/1996, 44, 45), for statistics individual acts or events only mean deviation or oscillation from the standards. During the 18th century, the governments did not address their citizens as only "people" but began to refer to them

articles, medical reports and police statistics. The evangelical reformers of that period emphasized the chastity of family life, on the grounds of the necessity of maintaining traditional puritan ideals, for example, the ideal of the purity of the sexual relationship of a married (heterosexual) couple. It was a common belief that sexual purity, the intimate world of a couple, provided safe haven protecting individuals from the competition governing the labor market and politics. The institution of a consecrated relationship glorified pure sexual relations; consequently, a prostitute, a “public” woman, was interpreted as a threat to the safe privacy of family life. The ideal of family, meaning family based on the patriarchal principles that generated domestication of women, was emphasized. The role of men was situated within the area of virtue, and it included his status of the moral authority and protector of the family. The 19th century revived the image of a patriarch, turning it into a nostalgic figure of early modernity, where *pater familias* appeared as a force of the family and a bond necessary for the production and reproduction not only of the family but also of society as a whole.

With the advancement of statistics as a method used in studying deviations with the aim of eliminating these and normalizing society, prostitutes were defined as a social evil that causes commotion and threatens the natural social order. The 19th century was a time of the hunt for anyone who supposedly undermined the values of virtuous family life. It was a time when society began to be explained as a collective of atomized individuals making up a whole and serving the function of social progress. There emerged a theory within social sciences that the sources of social problems were individuals themselves, their weaknesses and questionable ethics. Studies on prostitution were motivated by the ethical principles according to which prostitutes needed to be rescued from their subjection to morally questionable conduct which was believed to be inherent to their character. Professional discussions of prostitution dating from the 19th century soon began to neglect the social and economic contexts and treated prostitution as a form of subculture, or a debased social milieu characterized by alienated, anti-social, anti-religious and immoral values. Individual succumbing to these values was believed to be a motive for prostitution.

The early positivist studies on prostitution started from the definition that prostitution was a social deviation and described it as a “moral prob-

as “population” and to measure their health condition, natality and diseases rates. Statistics began to treat “human matters” as self-evidently calculable and, argues Arendt, by manipulating figures it introduced conformism, behaviorism and automatism.

lem,” “social evil,” or “social malady.” They emphasized medical treatment and took on, in the contexts of biological positivism, evolutionary determinist assumptions about the inferiority of prostitutes as a group.⁴² Despite the prevailing atmosphere of moralism and traditionalism, during the early decades of the 19th century there were certain attempts made at thematizing prostitution, while critically taking into account idealized social development and analyzing women’s economic position within society. Parent-Duchâtelet’s empirical study *De la prostitution dans la ville de Paris*, written in 1836, which indeed assumes positivist argumentation, pointed out that prostitution was mainly a transitory activity of young working class women. It is evident from the study that frequent motives for prostitution were poverty, unemployment, the lack of work and extremely low salaries, and that the situation of prostitutes reflected the situation of poor women in France during that period.

The first studies that examined prostitution in the context of the ideologies of social development and moralism, while emphasizing the social and economic aspects of prostitution, appeared in England. They differed from the later studies, which restricted themselves to statistical data (for example, on sexually transmitted diseases, in order to legitimize the repressive measures and strategies used in the fight against prostitution and immorality). The inclusion of economic and social aspects introduced new arguments into the discussion of prostitution, although the focus continued to be on the search for personal reasons for prostitution, for example, a deviant character or promiscuity. In the book *Magdalenism: An Inquiry into the Extent, Causes, and Consequences of Prostitution* (1840), William Tait examined prostitution in the context of growing unemployment, the lack and inaccessibility of well-paid jobs, and poor social circumstances that were a consequence of industrialization and urbanization. Although the argumentation based on economic reasons brought up important aspects of prostitution, these early studies often remained confined to the moralist framework. In other words, although they took note of the economic and social changes, certain character traits of individual women were still seen as the source of the “social evil,” so the women allegedly exhibiting these traits were presented as immoral deviants responsible for the decline of virtues, such as orderliness, subservience, and family stability.

During the second half of the 19th century, discussions of prostitution were revived, radicalizing the argument that prostitution was a social

⁴² Radulović 1986, 71–74.

evil. The studies became entirely depoliticized and no longer felt the responsibility to examine the subject in context as was the practice during the early decades of the 19th century. The critics of class society no longer participated in discussions, which became ever more medicalized; the prevailing conviction was that prostitution polluted healthy neighborhoods. Moralism outweighed social arguments, while discussions that would thematize the gender aspect were practically nonexistent.

Some authors, for example Greg in *Prostitution* (1850), or Acton in *Prostitution Considered in its Moral, Social and Sanitary Aspects in London and Other Large Cities* (1857), emphasized the sanitized image of the clean and healthy environments that needed to be protected. This image provided the basis for the need to regulate prostitution. Prostitution was considered a social disturbance and the depoliticized discussions propounded by social sciences laid the groundwork for subsequent repressive measures. These were wholly dedicated to controlling prostitution, but said nothing about the demand for it. Arguments focused on corroborating the need to eliminate social anomalies and restrain the phenomena that jeopardized social development and “dimmed the mind.” It was believed that prostitution dissolved morality and order, poisoned sons, threatened health, destroyed spiritual balance, degraded neighborhoods and that, by and large, it contaminated society as a whole.⁴³

Along with the radicalization of moralism between the 1860s and the 1880s, there appeared the argument that male sexuality was inherently different from female sexuality, particularly in the sense of its inevitability (in men). Such granting of a “sexual license” to men,⁴⁴ coupled with the simplified representation of prostitution as a voluntary enterprise enabling women to enjoy a greater level of economic independence and above-average social status, only increased gender differences and rationalized violence. While the functionalist argument saw prostitution as a social evil, the newly proposed distinction between male and female sexuality explained by the argument of nature turned prostitution into an “inevitable social evil,” whereby inevitability arose from, and was justified by, the specific character of male sexuality. This was the period in which individual countries began to adopt repressive policies aimed at checking prostitution. As De Vries⁴⁵ established in her analysis of the institutionalization of prostitution in the Netherlands during the late 19th

⁴³ Bartley 2000, 30–31.

⁴⁴ Walkovitz 1980, 44.

⁴⁵ De Vries 2001, 49.

and the early 20th century, state interventions involving, for example, police supervision and registration of prostitutes reinforced the image of a prostitute as a “public” woman; the registration designated prostitutes as “publicly tolerated women,” which is also Radulović’s⁴⁶ conclusion about the situation in former Yugoslavia. For example, in Ljubljana, the 1900 census defined a prostitute as a “public woman”; this designation was defined as the profession of a prostitute.⁴⁷

Advocates of reform who aimed at improving the situation of prostitutes refuted the argumentation that presented female sexuality as passive, and contrasted it with active and intractable male sexuality. They also rejected partially the doctrine that prostitution was inevitable, which was based on the understanding that man’s sexuality was insatiable and as such reinforced the image of a prostitute as a public woman. Although they turned upside down the biological doctrine, they still accepted the biological argument about man’s superiority, succumbing to the practice of moralizing and even contributing to it themselves. Accordingly, the texts dating from this period thematized women as feeble-minded, passive, even pathetic, and incapable of making moral judgments.⁴⁸

The notion of a woman as a feeble-minded being was characteristic of the Victorian and Edwardian periods of the 19th century. It was a designation that created a unique categorization of women. Professional prostitutes, women who for years earned a living from prostitution, were treated as feeble-minded and medicine greatly contributed to the medicalization of the categorization. However, similar to what we see today, there also existed the image of an independent, high-class and rational prostitute. Women catering to the upper classes, who were believed to be economically secure, were deemed rational, while women of lower economic status were regarded as feeble-minded. Women who worked in prostitution only occasionally formed an intermediate category; their feeble-mindedness was relative.

During the second half of the 19th century, the medical and law enforcement authorities became persuaded by statistics that Europe was swamped and threatened by sexual diseases. Given the lack of medical knowledge, the treatment of syphilis and gonorrhea was dominated by a repressive climate: the diseases were attributed to sinful practices and impure sexual relations. The moralist sexual commandments only fur-

⁴⁶ Radulović 1986, 176.

⁴⁷ Kavčič 1987, 156.

⁴⁸ Bartley 2000, 33.

ther strengthened the notion regarding the difference between pure and impure women. The common belief was that sexual diseases contaminated the female body and that a woman who once had such a disease could never be as pure as she had been before.

The doctrine of separation of pure and impure was reflected in European health systems with the construction of separate hospitals for patients with sexual diseases. For example, general hospitals in England rejected women patients with sexual diseases, but admitted male patients; they were treated along with the patients diagnosed as suffering from disturbances in development, patients with infectious diseases, and sick children marginalized as “improper children.” Once syphilis replaced leprosy as a sign of “horrendous social infection,” women in prostitution became “social lepers.”⁴⁹ Hospitals for sexual diseases provided not only medical treatment but also fulfilled a re-educational role; women were taught how to be respectful, obliging, how to maintain personal purity and decency. Patients in these specialist hospitals were subjected to the methods of social disciplining and the therapeutic regime that were grounded in class and sexual prejudices of Victorian culture.⁵⁰

The discussions that treated prostitution as a social deviation, which first emerged in England, influenced the study of prostitution elsewhere as well. Radulović, in his exhaustive study *Prostitucija u Jugoslaviji* (Prostitution in Yugoslavia),⁵¹ concluded that the first empirical studies in former Yugoslavia treated prostitution as a socio-pathological phenomenon. Among the influential texts mentioned in this study is *Belo rob-lje* (White Slaves, 1901) by Miljković, which placed emphasis on sexual diseases and the danger of their spreading, legitimizing in this way the repressive measures against prostitution and human trafficking. The positivist approach to prostitution is also characteristic of some other studies, whose authors were mainly physicians. These linked prostitution to sexual diseases, as is evident from their titles: *Prostitucija u Beogradu i obavezna predohrana protiv polnih bolesti* (Prostitution in Belgrade and Obligatory Protection Against Sexual Diseases, 1905) by Kujundžić, or *Javne ženske (prostitutke) u prošlosti, sadašnjosti i budućnosti i njihov uticaj na širenje veneričnih bolesti* (Public Women (Prostitutes) In the Past, Present, And Future and their Part in the Spreading of Venereal Diseases, 1909), by Savićević. Although the abolitionist-tainted view of prostitu-

⁴⁹ Walkowitz 1980, 59.

⁵⁰ Ibid., 65.

⁵¹ Radulović 1986.

tion as deviation was dominant, certain studies published in former Yugoslavia placed prostitution in an economic context. Radulović pointed out a book by Cvetkov, *Socijalni karakter prostitucije* (The Social Character of Prostitution), published in 1908, in which prostitution is treated as a consequence of women's unequal economic position, as a result of material inter-class relations and an inevitable outcome of capitalist production.⁵²

While the studies of prostitution dating from the early 19th century took into account the socio-economic context, later discourses were medicalized. By the mid-19th century, social argumentation had retreated in the face of the positivist medicalization of prostitution, psychologization and pathological explanations. These reproduced prostitution as a pathological, deviant individual peculiarity, which therefore had to be controlled and its social role regulated.

THE IDEOLOGEMS OF PROTECTION AND HYGIENE

The prevailing medicalization of discussions about prostitution led to the introduction of legal norms, which in England began with the adoption of the *Contagious Diseases Act* in the 1860s. The moralist atmosphere and uncertainty, coupled with the obsession with sexual issues, led to laws that made a distinction between genders. The initial title of the above-mentioned act was *The Contagious Diseases Women Act*. Obviously, state intervention, drawing on medical discourse, gave the legal basis to the distinction between the pure and the impure. This explicitly gender-specific designation reflected the double sexual morality of the time. The rules, among them the provision stipulating obligatory medical checks, were binding only for women. All over the world, such rules were adopted with the aim of preventing the spreading of the diseases among men and consequently obtaining a more favorable statistical picture.

In England and Ireland, the most vocal supporters of the law on contagious diseases were military authorities, so it was first applied within military bases and ports. Given the circumstances in which this law was created – it was promoted as a “protectionist act” – it could be interpreted as a defense law; it supplemented the existing national defense legislation. This context legitimized the necessity of making a distinction in the application of this law, not only in practice but also on the symbolic level: female sexuality had to be restrained, so that male sexuality could

⁵² Ibid., 20–23.

be safer. The reason was a potential threat to the nation: in this case, sexual diseases appeared as a threat that could render men incapable of performing military service.

Historical studies⁵³ recognize Florence Nightingale as the initiator of campaigns against the adoption of this act. The opponents of the law highlighted the absurdity of sanctions against women in prostitution, focused on the criticism of regulation policies that insisted on socio-hygienic arguments, and defied the compulsory medical checks for women. They also drew attention to the unacceptability of escalating police repression, the violation of rights, and expressed their disagreement with arbitrary resolutions requiring medical checks for women.

Initially, the law was applied selectively, but it soon turned out to be not solely a mechanism for restraining sexual diseases that marginalized women in prostitution, but also a mechanism for regulating the lives of all who were considered indecent, and of the lower classes. The police controlled not only prostitutes, but all poor women, including those who were accused of promiscuity. Early on, the police relied on information provided by the users of prostitution when implementing the neighborhood cleansing measures across England, but with the expansion of their powers in the 1860s and the 1870s, they could supervise local communities, bars, shops and even private apartments autonomously. The designers of the law collected statistical data and appeared before parliamentary commissions providing evidence about the increase in underage prostitution, in the number of brothels and sexual diseases. They promoted positive impacts of the law, citing improved public order, elimination of the threat to public health, clean streets, improved control in towns and re-educational achievements as evidence.

The 19th century legal regulation of prostitution, aimed at producing a more favorable statistical picture and restraining the spread of sexual diseases among men, which was introduced not only in England but also elsewhere, for example in the Netherlands,⁵⁴ had a decisive influence on then and subsequent policies relating to prostitution, in Europe and elsewhere in the world. In former Yugoslavia, during the late 19th century and early 20th century, prostitution was regulated by the penal code, which included provisions aimed at restraining the spread of sexually transmitted diseases. In Serbia, the law on the combating of venereal diseases and measures for the prevention of proliferation and spreading

⁵³ Walkowitz 1986, Bartley 2000, Levine 1994.

⁵⁴ De Vries 2001.

of venereal diseases and for the maintenance of morality were adopted in the second half of the 19th century. In Vojvodina and Dalmatia, prostitutes were issued special health books containing the notes on their health based on compulsory medical checks performed twice a week.⁵⁵ Similarly, the instructions on how to supervise prostitution in Ljubljana, dating from 1905, stipulated that in addition to being registered with the police, prostitutes had to undergo medical checks twice a week; the results were entered into their health books and prostitutes were not allowed to work without these books.⁵⁶ Spain of the 19th century had similar rules, with physicians obtaining broad powers from town authorities to supervise “social health.” The notes on the health condition of prostitutes were entered into the cards called *cartilla sanitaria*. In Chile, prostitutes had to pay a registration fee to the town authorities. They were obliged to undergo regular gynecological exams. If they fell sick, their license was revoked and they were sent to several-months long treatment.⁵⁷

Such regulating of prostitution is not a modern phenomenon. The Romans were the first to regulate prostitution by law, prescribing the registration of prostitutes. Once the name of a prostitute was entered into the register, it could not be removed even if she left the profession. Registered prostitutes had to wear special clothes and dye their hair a specific color so that they could be distinguished from other women. The registration provision also had implications for other, non-registered prostitutes, whom it marginalized in the legal sense and de facto turned into law-breakers. They carried on their profession, and the law compelled them to seek alternative ways: since they could not work in brothels, they retreated to private houses or resorted to street prostitution.

In the mid-19th century in Europe, the regulation of prostitution, police surveillance, medical supervision, and the authorization of a limited extent of prostitution, set apart women working in public houses from those working on the streets. Before they could begin to work in a public house, prostitutes had to register; the term “barrackization” denotes their confinement to public houses, in terms of work and life on the whole.

The estimates put the number of registered prostitutes in Paris at the end of the 19th century at 4000. A further several tens of thousands were involved in prostitution occasionally, and the police frequently perse-

⁵⁵ Radulović 1986, 171–176.

⁵⁶ Kavčič 1987, Vodopivec et al. 1990.

⁵⁷ Quay Hutchinson 1998, 134.

cuted them.⁵⁸ In Ljubljana, too, prostitutes were categorized into “public and hidden” ones. Despite regulation, many prostitutes decided not to register but to work secretly. In all larger European towns of that time, non-registered prostitutes outnumbered the registered ones by as much as tenfold.⁵⁹

The registration procedure placed a stigma on prostitutes. In France, they had to appear before the commission of the morality board (*Bureau de Moeurs*) for thorough questioning, and then before the sanitary commission (*Bureau Sanitaire*) for the examination of their health condition. The work permit was in the form of a card containing personal data, registration number and information on their health condition.⁶⁰ The registration carried a stigma with it, since removal from the register was possible only after the “woman irrefutably proved her decency.” Accordingly, Esther from Balzac’s *A Harlot High and Low* (*Splendeurs et misères des courtisanes*) concludes that the police is quick to put you on shameful lists, but when it comes to erasing your name, they dawdle over it as much as possible.

In Slovenia, on the initiative of the medical association, in 1896 the municipal authorities in Celje took over the regulation that was implemented in Graz based on the rules aimed at supervising prostitution (*Regulativ für Überwachung der Prostitution*). Similar to the practice elsewhere in Europe, the prostitutes’ names were entered into a register, if possible along with their photo. The provision on medical supervision (*Sanitare Überwachung*) stipulated medical checks twice a week. Prostitutes were required to have their health books always on them.⁶¹ The situation in Ljubljana was similar. The lives and work of prostitutes were superintended by the police department for the supervision of morality. After passing the obligatory medical check, which was sometimes enforced, and receiving a certificate containing a medical opinion, a woman’s name was entered into a register and she was issued a health book that included a photo and her physical description, to which were later added the results of medical checks. A woman had to show it to the security staff and her client if they so requested. Women who failed to produce the health book were imprisoned for two days; if she was found without the health book after being released from prison, she was expelled from

⁵⁸ Ryley Scott 1969, 67–68.

⁵⁹ Cvirn 1990, 51.

⁶⁰ Ryley Scott, 78–79, 129–130.

⁶¹ Cvirn 1990, 48–52.

the town or sentenced to forced labor. A prostitute was removed from the register when she died, or was expelled, or if she renounced prostitution, whereby she had to offer “credible proof” that she earned for her living in another way and that she did not have a criminal record.⁶²

Other restrictions were in place, too. Although a work permit allowed them to carry out their business in private apartments or brothels, these could not be located in the vicinity of schools, churches and town offices.⁶³ “Provocative behavior” in public places and “allusions or invitations to men” were prohibited. Prostitutes were not allowed to enter restaurants and coffeehouses, attend theater shows and concerts, or walk around the town after 11 p.m. Those women who were involved in prostitution in Ljubljana but were not registered had to leave the town after one year or they were expelled. They could return after six months, but they could work only for two additional months after which they were irrevocably dismissed.⁶⁴

The prohibitive legislation on sexual diseases created the framework for debates on prostitution for several decades to come, until the First World War and later. This was the period in which prostitution was medicalized and sometimes prohibited. These legislative measures excluded the gender perspective as well as the socio-economic aspect.

CONTRACTUAL RESTRICTIONS OF WORK AND SEXUALITY FOR WOMEN

Protective legislation introduced different rules for women and men, so it was part of what Carole Pateman⁶⁵ called sexual contract (for women). The allegedly protective mechanisms actually legitimized the marginalization of women’s work and the exclusion of women from labor. Women were excluded from certain kinds of paid work, which was explained by woman’s natural role within the family. During the Enlightenment, and, as the feminist critique emphasizes, as a consequence of western philosophy from the 17th to the 19th century, which produced the mechanism of social contract, the role of woman was defined outside this contract. To put it differently, the social contract was legitimized through the non-

⁶² Kavčič 1987, 157, 160.

⁶³ At the turn of the 20th century, there were two public houses in Zvonarska street, both opened around 1897. According to records, most prostitutes who worked there (Kavčič 1987, 156, 161, Cvelfar 1994, 29) were from Hungary, Croatia and Austria; only a few of them were Slovenes.

⁶⁴ Kavčič 1987, 157, 161; Cvelfar 1994, 30, 36; Vodopivec et al. 1990.

⁶⁵ Pateman 1988.

recognition of the right of women to sign such a contract. By excluding women from labor (but not from prostitution), protective legislation privileged the contractual role of men and legitimized man as a caretaker of the family. Work culture was expressly gender specific and brought the exclusion of women from certain types of work, but not from prostitution.

Although we do not seek to insist exclusively on the definition of prostitution as work, it seems appropriate to draw attention to the fact that in the 19th century prostitution was defined outside the work category, which was a result of the need to assert the honorable character of work as opposed to dishonorable prostitution. Prostitution was non-work, and women involved in prostitution were excluded from work culture. While women were also excluded from certain industrial sectors because of their alleged incapability to engage in contractual relations, women in prostitution were excluded from the dominant notion of (male) labor precisely because they entered contractual relations. To this apparent contradictoriness points the complementary character of mechanisms that determined the protective legislation of the time. The contractual relations within prostitution jeopardized the legitimacy of the culture of male labor; they represented a deviation from the definition of Victorian suitability, which protected contractual relations as a culture of male labor.⁶⁶

The protective law on contagious diseases prevented women working in prostitution from entering contractual relations and provided a boost for men to act even more arbitrarily: they could obtain information about prostitutes and report them to the police, which could prescribe restrictive measures, send women to re-educational institutions, force them to undergo medical checks and be hospitalized. This increased prostitutes' dependence on their male clients and their exposure to repressive policies, undermining their power to determine the working conditions. The exclusion of women in prostitution from labor maintained the culture of gender specific labor, while at the same time protecting labor as a moral and respectful activity. For the purpose of maintaining the purity of labor and contractual relations, female labor was designated as corruptive. The doctrine promoting appropriateness, respectful behavior and freedom of labor was maintained through imposing restrictions on women's access to certain jobs and through the moralist framing of prostitution.

⁶⁶ Levine 1994, 24.

FEMINIST PERSPECTIVES

These measures against prostitution, which served the function of the general socialization and norming of the poor class and the working class in general, were first challenged by an organized campaign for the abolition of the law on contagious diseases which began during the 1860s in England and lasted until the 1890s. A prominent place within this campaign was held by the LNA, *Ladies' National Association for the Repeal of the Contagious Diseases*, led by Josephine Butler. Their activities received acclaim not only in England but more widely as well, contributing to the articulation of the feminist perspective on prostitution.

The LNA activists revived the socio-economic arguments, this time placed in the wider context of emancipatory policies.⁶⁷ They drew attention to the inappropriateness of police interference and criticized the automatism of medical checks, which they rejected as an institutional rape while emphasizing its implications for prostitutes, particularly the difficulty of rehabilitation. They called attention to the institutionalization of social prejudices and the registration system that created the category of socially undesirable people and remained deaf to a critical reflection on the demand for prostitution. Among other things, the association pointed out the consequences of police intervention carried out in the drive for clean neighborhoods; the closing down of brothels made many women homeless.

The publication of police registers and compulsory medical checks in England that followed police raids represented a heavy burden for women involved in prostitution. Prostitutes gave accounts of the brutal behavior of physicians and of their feeling of degradation.⁶⁸ By enabling various forms of public chicanery, the implementation of the law on contagious diseases marginalized prostitution, while the activities of social purity groups during the late 19th century further worsened its already low status. These groups organized themselves for the purpose of implementing the law. They advocated the prohibition of street prostitution and the closing of brothels, and caused an even greater police repres-

⁶⁷ The association was actively engaged in a campaign against slavery. It worked towards better employment opportunities for women and improvement of education options, and proposed social and economic reforms (Walkowitz 1980, 125-127).

⁶⁸ Walkowitz 1980, 200-201.

sion, for example, by invoking the penal code that introduced stricter control of brothels.⁶⁹

Some feminist theorists argued that LNA's campaign was insufficiently radical and that it imposed the middle-class ethos with which many women involved in prostitution could not identify.⁷⁰ Indeed, LNA's criticism was circumscribed by the Victorian moral framework. For example, they made a distinction between the "real" professional prostitutes, whom they saw as immoral, and those who accidentally took the wrong course, were deluded into prostitution because of their inexperience and childish behavior, but in contrast to the first group, were not perverted by nature. Josephine Butler was accused of failing to challenge the moralist arguments and of not being willing to denounce the values that sustained women's family role although she advocated women's active engagement beyond the private sphere. In her view, it was women as wives and mothers who should have argued for the active participation of women in the public sphere. Within this context, Butler insisted that prostitution was the exploitation of innocent girls and women on the part of men. Women involved in prostitution were presented as the victims of male domination, male body and men's laws, and for Butler, prostitution continued to be "trade in vice."⁷¹

The presentation of women working in prostitution as the objects of man's lust, coupled with the medical and police tyranny, also had an opposite effect. While the LNA worked towards the improvement of the situation of women working in prostitution, they also promoted the image of a woman as a passive object that needed protection. It was precisely this argument that struck a chord with moralists, who contended that the only way to protect these naive women was by means of regulating "evil," whereby regulation once again implied restrictions on the life of women working in prostitution.⁷²

In former Yugoslavia, there were no social purity groups who fought against prostitution as was the case in England. During the period before the First World War and following it, the provincial authorities passed

⁶⁹ The anti-brothel movement contributed to the closure of brothels, first in Berlin (1846), then in London a few decades later (1886), then in Vienna and Budapest during the First World War, then in Russia, and finally, after the Second World War, in France (1946), India (1950), Japan (1956), Italy (1958) (Ryley Scott 1969), and in Yugoslavia (Radulović 1986).

⁷⁰ Walkowitz 1986, 137–147.

⁷¹ *Ibid.*

⁷² *Ibid.* 110, 117, 140.

laws that prohibited prostitution. The loudest critics of prostitution and advocates of its abolition were the organization *Ženski pokret* (Women's Movement), medical workers, physicians and dermatological and venereal associations. During the early 20th century, the *Ženski pokret* journal published calls to close down public houses⁷³ and introduce a stricter penal policy that would equally apply to prostitutes, pimps and clients.⁷⁴

In Slovenia, the debates initiated by certain activists during the early 20th century were much like those carried in England during the late 19th century. Various female authors dealing with this subject referred to the women working in prostitution as the “unhappiest class of our sisters.”⁷⁵ Various journals, for example *Slovenka*, *Ženski list* and *Rdeči prapor* drew attention to double morality, which manifested itself as supporting the persecution of prostitutes and limitations on their freedom and rights, on the one hand, while protecting the male clients on the other. Some articles brought up the issue of socio-economic circumstances, emphasizing poverty, obstacles to women's education and differences in upbringing as the main causes of prostitution. They were also critical of the regulation of prostitution that legalized gender inequality and gave the green light to “man's lust.” *Ženski svet* noted that the 1933 law on the fight against sexual diseases was the “most humiliating proof of women's slavery and inequality, and of double morals.”⁷⁶

THE SOCIAL PURITY GROUPS AND THE DOCTRINE OF INDIVIDUALISM

The regulation of prostitution reproduced the image of prostitutes as the undesired social class: the grim position of prostitutes only further deteriorated with the closing of brothels and the street cleaning campaigns organized by social purity groups towards the end of the 19th century and during the early 20th century. The place of brothels was filled in by procurers, mainly pimps, and prostitutes' economic dependence on them increased. Prostitution increasingly retreated underground and disappeared from sight. It did not vanish, but was rather carried out in circumstances that meant an even greater uncertainty for those involved in it. Many prostitutes who had to leave brothels after these were closed migrated among towns and villages where, lacking social pro-

⁷³ The brothel in Ljubljana was closed in 1919.

⁷⁴ Radulović 1986, 176–181.

⁷⁵ Leskošek 2002, 124.

⁷⁶ Ibid., 126.

tection, they faced homelessness. The doctrine promoting social purity hence brought a mixture of repression and protectionism: the greater control over prostitutes came along with the stricter measures aimed at improving morality.

Between 1910 and 1920, and with the emergence of procurers across Europe, the organization of prostitution largely fell into the hands of men.⁷⁷ That is not to say that the situation of women engaged in prostitution became worse automatically simply because men took over the organization, nor should the thesis that brothels managed by women automatically enabled the independence of prostitutes be generalized.⁷⁸ Nevertheless, as several studies confirmed,⁷⁹ it is true that with the closing of brothels men's interest in the organization of prostitution increased and that this was followed by an increase in violence and worsening working conditions, i.e. deterioration of the already uncertain social and economic position of prostitutes.

The changes within the area of prostitution during the periods before and following the First World War are most frequently interpreted as related to industrialization and the resulting greater job opportunities, and changes on the labor market, including more stable jobs, higher income and increased economic safety. These interpretations prevailed despite the high unemployment rate and poverty immediately following the First World War, when prostitution was believed to have been reduced. Consequently, the question of whether industrialization and mechanization actually contributed to the improvement of women's situation, particularly the situation of women from poor social classes, does not have an unequivocal answer. While job opportunities did improve for women during the early 20th century, this was also the period of the reassertion of the man's breadwinner role, or the family caretaker role. Even in this context, a prostitute as a protagonist earning her living stirred uneasiness in a culture in which man, as the breadwinner, traditionally determined family relations.

The better chances of earning a livelihood in the 20th century possibly contributed to young women living longer with their families and fewer

⁷⁷ Walkowitz 1986, 25, 31.

⁷⁸ Prostitutes' testimonies reveal that the circumstances in the brothel in Ljubljana were worse when it was managed by a woman than during the time when the manager was a man from Kamnik. He allegedly charged a higher rent but also allowed greater autonomy and let prostitutes keep the tips they received (Kavčič 1987, 160).

⁷⁹ For example, a study on the situation of prostitutes in certain towns in England, such as Plymouth and Southampton (Walkowitz 1980, 192–213).

leaving home at their early teens, as was the practice during the second half of the 19th century. However, this trend also had an opposite effect – antagonism towards prostitution escalated. Prostitutes were ever more publicly exposed and their situation evaluated against that of the women who lived in the safe and morally acceptable environment of family privacy. The rigid legislation that had castigated “unsuitable social behavior” ever since the 19th century brought further marginalization of prostitutes and made stricter the dividing line between pure and suitable women, on the one hand, and impure and debauched women, on the other.⁸⁰

Apart from ensuring a certain degree of economic and social security, better job opportunities also had as a consequence greater pressure on the poor social classes in general. Economic development and the doctrine of individualism turned individuals into subjects who were fully and objectively responsible for their own situation. The pressure on prostitutes grew in such a way that they were now attributed individual guilt. The poor and undesired social classes became responsible for failing to lead a life worthy of respect (which prostitution was not).

TRAFFICKING IN HUMAN BEINGS AS A MEDIA SCANDAL

Contemporary policies and debates on prostitution and human trafficking reproduce the 19th century approaches and patterns that defined both phenomena. As late as a hundred years ago or so, human trafficking was called “white slavery,” while prostitution, as shown above, was women’s immoral conduct. The term white slavery evolved from the French *traite de Blanches* and is related to the syntagm *traite des Noirs* which at the beginning of the 19th century was used to denote trafficking in slaves from Africa. During subsequent periods, phantasms involving white slaves were used to distinguish innocent and deceived women from those who were branded as bad because of their involvement in prostitution. This dichotomy has similarities with the modern distinction made between women seen as victims of human trafficking and immoral prostitutes.

While prostitution has been discussed ever since antiquity, in Europe the phenomenon of human trafficking was first articulated only during the 1870s, meaning a decade or so after the laws on prostitution had

⁸⁰ De Vries 2001, Levine 1994.

been passed and restrictive policies began to be applied with a vengeance. This period also saw the triumph of the social purity groups and the obsession with public health which was explained by the protection of national interest (protection of men during their military service). The debate on human trafficking had been conceptualized with the notions of prevention and elimination at its core. In England, the early debates on human trafficking described it as a cross-border activity, as trafficking in women and children who were transported from towns in England, particularly London, to brothels across Europe, with Antwerp, Brussels and Paris frequently mentioned as destinations; trafficking in the opposite direction was also mentioned.⁸¹

At that time, trafficking within the borders of individual European countries was not debated, since prostitution and human trafficking were both associated with migration, mainly rural-to-urban migration of the poor classes; in the case of prostitutes the destinations included coastal towns and ports, where the clients were mainly men serving in the military. A similar trend is noticeable even today. During the holiday season, prostitutes migrate to coastal towns or across the border; for example, many prostitutes working in Slovenia migrate to Italy and Spain.

In England, human trafficking first came to the public's notice in the form of a scandal. In 1885, the *Pall Mall Gazette* carried an article entitled "The Maiden Tribute to Modern Babylon,"⁸² later described as the most widely talked about tabloid story in 19th century England.⁸³ The article described in vivid detail the sale of virgin girls to licentious aristocrats for five pounds. The scandal provoked a surge of indignation and created an excellent opportunity for the social purity groups across Europe to express loudly their purist ideologems. As Scott correctly observed, the sensationalist press had frequently reported on what was popularly known as white-slave traffic evoking uncanny representations in the imagination of readers.⁸⁴ Accordingly, as soon as trafficking in humans found its place in the media, it was associated with the appeals

⁸¹ Bartley 2000, 86.

⁸² Available at <http://www.attackingthediabol.co.uk/pmg/tribute/index.php> (accessed on April 16, 2007).

⁸³ Walkowitz 1980, 246. The first case of human trafficking in Ljubljana, recorded at the beginning of the 19th century, was also extensively covered by the press in Slovenia, as well as the Vienna and Graz newspapers. It involved a female brothel owner who bought women for the work in prostitution in Pula with the help of the head of the Ljubljana police department (Vodopivec et al. 1990).

⁸⁴ Ryley Scott 1969, 158.

to radicalize repressive policies launched by moralist groups, repressive bodies and doctors' lobbies, but also the LNA. During that period of general indignation, there was no room left for the debate about the motives behind trafficking in humans, exploitation and violence. The early approaches to this problem very much resembled the contemporary "fight it" strategies. The initial response was to tighten the legal noose around the neck of traffickers, but it also had the opposite effect - rather than stopping human trafficking it made women and children even more vulnerable to trafficking.

The scandal provoked LNA's public protests and several widely renowned writings (e.g. the pamphlet by Alfred Dyer entitled *The European Slave Trade in English Girls* published in 1880), eventually leading to the establishment of the *Association for the Suppression of Traffic in Women and Girls*. The debates about the innocent girls who were sold across Europe and held in prison-like brothels took place in a repressive atmosphere created by stricter legislation and the establishment of national bodies for the prevention of human trafficking. Consequently, as soon as it caught the public's attention, human trafficking was interpreted as an international conspiracy and the work of sinister forces, meaning that the debate took place outside the context of responsibility; the phenomenon was displaced from society and attributed to external corruptive criminal forces and sexual immorality, similar to what happened decades earlier when debates on prostitution neglected the social and economic arguments and gender relations.⁸⁵

The LNA advocated protective policy, for example, raising the age of consent for a sexual relationship from 13 to 16. The measure was explained as a strategy for the fight against prostitution among the underage population which at that time was on the increase. Although introduced as a protective mechanism, it could also be interpreted as a prolongation of women's dependence and reinforcement of father's authority within the family. Outside the family, within the area of prostitution, this mechanism extended the right of the caretaker to control woman's sexuality.⁸⁶

Understandably, during the era dominated by the Rousseauian image of innocent childhood, many saw the taking away of women's right to decide as an opportunity for exploitation, not least because the supporters of this mechanism insisted that young women were inferior and imper-

⁸⁵ Bartley 2000, 83-89.

⁸⁶ Ibid., 85.

fect compared to white men of the middle class. That the legislation was gender-specific is also evident from the fact that it was applied to women exclusively. On the other hand, those who opposed the raising of the age of consent were not concerned about individuals working in prostitution, but their resistance was born out of the fear that the age limit could also be applied to young male users of prostitution. Neither was protective legislation itself concerned with the protection of women in prostitution, because women were considered to be responsible for corruption. In line with this reasoning, younger clients of prostitutes were seen as even more naive than white female slaves, and as seduced by corrupt women.⁸⁷

WHITE SLAVE-VICTIM, DIRTY PROSTITUTE-PROFESSIONAL

The humanitarian-moralist attitude of the LNA also led to some other measures, for example, the persecution of women suspected of socializing with known prostitutes, or mass deportations of young girls suspected of immoral behavior to re-educational institutions (e.g. Magdalene Asylums). Across Europe, a discourse was shaped that made a distinction between women involved in “evil” activities professionally, and naive victims deluded by traders and forced into slave relations. The demarcation line between prostitution and human trafficking was established by way of characterizing prostitution as an immoral activity while at the same time supporting the fight against human trafficking. This further marginalized women involved in prostitution, designating them as immoral persons as opposed to pure and naive victims of trafficking. Humanitarian activities accelerated the passing of protective legislation, which some authors⁸⁸ critically assessed as legislation producing the opposite effect. Protective legislation actually protected capitalism rather than women involved in prostitution or human trafficking. It strengthened the family as a motor of capitalist production and consumption; the male role of the custodian of the family was naturalized, as was the female role of the custodian of moral virtue.

The introduction of the white-slave concept into the debates about prostitution and trafficking in women introduced a new aspect of the perceived distinction between women involved in prostitution and

⁸⁷ Gorham 1978, 363, 365.

⁸⁸ Bartley 2000, 89.

“other” women. At that time, the portraying of a white slave and an underage prostitute as innocent and naive victims did not jeopardize the dominant representations of femininity, childhood or family life. The image of naivety was politically appropriate, while the recognition of women’s active search for opportunities in life could open undesirable questions regarding social status, poverty and gender inequality.

The complete purification of women created the circumstances that allowed sympathizing with the victims. The image of a woman in prostitution as an a priori victim removed the obstacles for the legitimization of abolitionist goals (noble rescuing of women and victims), whereby the innocence of victims was proved in various ways: by totalizing the slave experience, by emphasizing the young age and innocence of women, their whiteness or purity, their aversion towards prostitution, and last but not least, by the rhetoric that emphasized the impure goals of human traffickers.

The new concept also attached to women in prostitution a double stigma. Apart from insisting on a distinction between women in prostitution and other women, it also reinforced the notions about the immorality of prostitutes compared to innocent and pure women, with the latter seen as the victims of imaginary corruptive forces located outside society. The designation “prostitute” now had an even more pejorative ring to it. While a prostitute herself became entirely responsible for her situation, a white slave was a girl with a face, one of us, and a victim who had to be protected. The concept of white slavery arose from the specific interpretation of sexuality as a danger for society. It is related to discourses on prostitution, slavery and Otherness. A white slave is a construct of modern, fast-developing society that portrays a white slave as an innocent white woman, or one of “us.”⁸⁹

The emergence of the concept of white slave was a consequence of the protective policies implemented during the late 19th century and the early 20th century. However, the attitude to white slaves, i.e. the women involved in human trafficking, was dubious. While humanitarian motives and advocating for the need to protect and rescue the white slaves victimized these women, these same victims were persecuted if they arrived from a foreign country, for example, if they were trafficked to England from Belgium, France or the Netherlands. In line with the eugenic theories supported by the social purity groups, the white slaves of foreign origin were projected into the role of the promoters of evil in otherwise

⁸⁹ De Vries 2004, Zavratnik Zimic and Pajnik 2005.

non-contaminated societies.⁹⁰ A white slave was a pure and innocent victim and as long as she was seen as such, the attitude to her was humanitarian and protective. The attitude towards underage women who satisfied the sexual needs of male aristocrats was similar. By contrast, the attitude to prostitutes was quite different. She was believed to be involved in prostitution voluntarily, and her impure motives posed a threat to society. The projection of a white slave into a victim established a sharp demarcation line between the prostitute and the victim. A white slave as a victim served the function of maintaining morality, but if she were a foreigner this image was reversed and she was projected into the role of a prostitute, perceived much the same as any other local prostitute.

The 19th century approach to prostitution shows how the image of immoral women changed in the direction of the marginalization of women and the perception of prostitution as anomaly. This had a specific social function, that is, to reduce social anomalies in the wider sense of the word. The condemnation of women involved in prostitution, coupled with the policies aimed at establishing humanitarian and protective relations, was taking place in the atmosphere dominated by the functionalist, system-oriented reasoning of the 19th and the first half of the 20th century. In such an environment, a public manifestation of prostitution was undesirable; from the perspective of the system, it was a mechanism of social regulation that established public (social) order and public morality.⁹¹

Some compare these past policies that treated prostitutes as immoral women and white slaves as victims with modern campaigns that promote prohibition of human trafficking and protection of the victims.⁹² Both the past narrations about white slavery and contemporary discourses on the victims of human trafficking create and reinforce the images that imply the need to control sexual practices. In this way, those modern interpretations⁹³ that emphasize the victim aspect, which is by no means insignificant, fail to recognize the active role of individual women and so reproduce the dualist distinction between trafficking as an exclusively forced act, and prostitution as an exclusively voluntary act. This distinction, or “wrong debate,” neglects the fact that in reality the two phenomena overlap.⁹⁴

⁹⁰ Bartley 2000, 170.

⁹¹ Zavratnik Zimic and Pajnik 2005.

⁹² Doezema 2000.

⁹³ Doezema 2000, Sanghera 2005.

⁹⁴ Kelly 2003, 139–149.

White slavery, which is the 19th century concept, is today referred to as trafficking in women. The rhetoric practices and media images that refer to this phenomenon are much like those that reigned in the past – they thrive on sensationalism, moralizing, criminalization and victimization.⁹⁵ Violence and the exploitation of women are undoubtedly present in both prostitution and human trafficking and the issue should be considered with utmost responsibility. However, it should be pointed out that today many women know that the job they are offered is related to the sex industry.⁹⁶ What they do not know is what the circumstances in which they are expected to work are like. The question that is raised is to what extent the policies pursued by modern nation-states in their fight against human trafficking are based on the stereotypes about all women as naive victims. It seems that modern representation of this phenomenon, much like that in the 19th century, closes the door to the thematization of approaches that would be an alternative to sensation-alistic struggle. The 19th century innocent victim still figures in modern debates in exactly the same role, with her naivety, ignorance or incapability being similarly pointed out. All this is used to promote reductionist prevention policies, the protection of innocent victims and punishment of debauched prostitutes.

WHITE SLAVE-NON-VICTIM-FOREIGNER: TIGHTENING MIGRATION LAWS

The phenomenon of white slavery, or trafficking in human beings as it was renamed early on, particularly trafficking in women and children, introduced the issues of migration, border regimes and the concept of foreignness into the debates over prostitution. The victims of human trafficking and prostitutes coming from abroad, were stigmatized not only because prostitution had negative connotations, but also because they were “aliens.” Only white women were recognized as victims; the advocates of the campaigns against human trafficking were critical exclusively of trafficking in Anglo-Saxon white women. Trafficking in women in, say, Argentina, was not the topic, as was not the status of Argentinean women in England. They were exclusively interested in the status of white women in Europe, Latin America and the Middle East. Campaigners in the US were also concentrated on the status of women from western Eu-

⁹⁵ Pajnik 2008.

⁹⁶ Doezema 2000.

rope. The status of non-white female slaves was not problematized; there were no debates on the protection of “foreign women,” while non-white alien males were attributed the image of traffickers in humans.⁹⁷

During the early 20th century, there appeared the phantasms that trafficking in humans was in the hands of the Jewish community and that Jewish prostitution was on the increase; there circulated the rumors about young women from Russia, Poland and Romania which cut deeply into Victorian morality. These phantasms not only influenced the escalation of protective-repressive measures, but also shaped a repressive framework for the formulation of migration policies. The early 20th century saw not only the adoption of measures aimed against human trafficking and at regulating prostitution, but also of migration laws. These were formulated in the spirit of eugenics and its strategies for creating a healthy national population and for “purifying” the western European nations. They were conceptualized along with the repatriation measures whose goal was to restrain migration from Eastern Europe and Russia.⁹⁸

Another phenomenon characterizing the early 20th century along with the repressive migration laws was a growing number of national vigilance associations. They began to organize campaigns against human trafficking, which also touched on the issue of migration legislation. During that period, migration was regulated along with the fight against trafficking in humans; protective legislation was formulated as a response to the international criminal underground network which was supposedly the sole protagonist of human trafficking.

The national vigilance associations organized international meetings, and one of the results of one such meeting in Paris in 1902 was an international agreement on the prevention of trafficking in white slaves, ratified by many countries across the world (in Europe, Latin America and Africa). Based on this convention, the signatories established commissions that watched the developments at railway stations and in ports. Their goal was to obtain information on trafficking in humans, its paths and recruitment methods, while they also closely watched the labor markets. Further documents were adopted subsequently,⁹⁹ among these the

⁹⁷ A study on the print media coverage in Slovenia for the period 2003–2005, using the frame analysis method, showed that the pattern is repeated. The criminalization frame presents traffickers in human beings as “dark Balkan men” or “mafia groups from post-socialist countries” (Pajnik 2008).

⁹⁸ Bartley 2000, 170.

⁹⁹ For example, the International Convention for the Suppression of the White Slave Traffic (1910), International Convention for the Suppression of the Traffic in Women and

1949 UN Convention for the Suppression of Trafficking in Persons and the Exploitation of the Prostitution of Others, with which the strategies for the fight against human trafficking for the purpose of sexual exploitation were radicalized. Between the 1960s and the 1980s, the international community mainly remained silent on the issues of human trafficking, sexual slavery, sex tourism and forced labor, despite certain reports, as those dating from the 1960s, on the trafficking in women from France, Italy, Germany, Spain and Austria.¹⁰⁰ During the 1970s and the 1980s, this subject was addressed by feminist movements which raised the questions of equality, discrimination and human rights. The campaigns dating from the 1960s and addressing violence against women did not include the issue of human trafficking. It again found its way to the international agenda during the 1980s and the 1990s, thanks to feminist organizations and their campaigning against trafficking in women, child prostitution and sex tourism.¹⁰¹

When during the early 20th century the international community began to adopt provisions stipulating the fight against trafficking in humans, migration laws also found their way to the agenda. In 1905, England passed the law on foreigners aimed at restricting migration, particularly of Jews from Russia. The repatriation policies, whose main supporters were national vigilance associations, were implemented despite the fact that the lives of many migrants, for example, women from Russia and Romania, were threatened if they were returned to their home countries, and despite the fact that there existed a great likelihood that they would be again exploited for sexual purposes.¹⁰² The law on foreigners stipulated the expulsion from the country of “unsuitable and scandalous foreigners”; consequently, many prostitutes had to leave, including brothel owners. The restrictive character of the legislation was increased thorough the provision that enabled the arrest of a woman who was denounced on the basis of someone’s suspicion that she was underage. The short spell of time during which white slaves enjoyed assistance arising from

Children (1921), International Convention for the Suppression of the Traffic in Women of Full Age (1933).

¹⁰⁰ Bartley 2000.

¹⁰¹ CATW-*Coalition Against Trafficking in Women* was founded in 1988. It was the first NGO to formulate a program aimed at suppressing this phenomenon. For more see <http://www.catwinternational.org/> (accessed on August 22, 2007). The topic became a research interest during the late 1980s and the early 1990s. For recent research trends see Laczko and Gozdzik (2005).

¹⁰² Bartley 2000, 171.

humanitarian motives, for example, assistance in employment and in finding accommodation, came to an end in the early 20th century. In contrast to humanitarian mitigation, women who were involved in prostitution for a longer period of time were stigmatized, persecuted and, if they were foreigners, also deported. The early 20th century in England as well as elsewhere was the period of the decline of humanitarianism and of the steep increase in repression of prostitution.¹⁰³

¹⁰³ Ibid., 159.

CONTEMPORARY IMAGES OF PROSTITUTION

FOUR EXPLANATORY MODELS

During the second half of the 19th century and the early 20 century, the positivist sociology of deviant behavior, with criminology as its most developed part, viewed prostitution as a pathological phenomenon. It was considered a deviation and explained by biologically colored determinism, whereby the causes of prostitution were sought on the level of the individual. It legitimized punishment policies as the method of eliminating prostitution.¹⁰⁴ Between 1930 and 1960, psychoanalysis reinforced the study of prostitution on the individual level and concentrated on clinical studies of prostitutes' particular situations. Around the mid-20th century, the approach to prostitution was based on Durkheim's understanding of society as a moral phenomenon and on corrective measures. During this period, prostitution, seen as a deviant behavior, was studied primarily as part of social pathology, which reinforced its axiomatic evaluation. The social disorganization theories that succeeded social pathology and appeared in response to the processes of industrialization and urbanization, indeed acknowledged the social character of prostitution, but in demonstrating its dysfunctionality they continued to focus on the immorality of individuals. These theories, which rested on Parsons' functionalist conception of society as a system, explained prostitution as a structurally inevitable deviation.

During the later periods, the interaction theories critically assessed the positivist sociology of the Chicago School designating it as sociological relativism and reinforced the perspective that examined the social and economic aspects. As a result, prostitution was again placed into a wider context, next to other phenomena defined as deviant. During the 1960s, the Marxist approach gained a foothold. The Marxists revived socio-economic arguments and viewed prostitution as a consequence of unequal social relations and class society. The feminist movements and

¹⁰⁴ Radulović 1986, 70–73.

theories demystified liberal myths, which defined prostitution as a crime without a victim and prostitutes as sexually liberated women, and examined prostitution from the perspective of gender differences and gender discrimination.¹⁰⁵

Current debates on prostitution still focus on the explanation of differences between prostitutes and “other” women, by which they place women working in prostitution in the position of the “other” (the othering process). Given this context, the thematization of prostitution from the viewpoint where diverse arguments intersect becomes even more important. Phoenix¹⁰⁶ has established that contemporary debates on prostitution take four prevailing models as their frameworks: 1) pathology, 2) social dislocation and criminal subculture, 3) economic status and poverty, and 4) gender and violence. The main questions posed in the first model are: what leads a woman to become a prostitute? What does it mean to be a prostitute? What is inherently wrong with prostitutes so that they differ from other women? The answers tend to be that women in prostitution come from dysfunctional families, that their parents are uneducated and have low moral values, and that an inadequate psychological environment provided by the family makes a woman feeble-minded. According to these interpretations, women become involved in prostitution because of childhood traumas, psycho-pathological personal traits, psycho-neurotic needs, personal instability, and last but not least, because they cannot think of any other way to survive.

According to the second model, prostitution is a consequence of social segregation and exclusion of women from social relations and systems. Social determinism prevents prostitutes from joining normal social relations defined by the family and working environment. In this model, prostitution is presented as criminal subculture and as an opposite pole to normal social relations.

The third model makes a turn from the dominant thematizations of prostitution. The centerpieces of this model are the economic conditions and social environment offering women too few opportunities. Prostitution then appears as the only alternative, as a way to survive or to improve economic status. This model also emphasizes the question of the extent to which prostitution is a “choice,” i.e. the extent to which it is determined by social, economic or other social circumstances.

¹⁰⁵ Ibid., 78–137.

¹⁰⁶ Phoenix 1999.

The economic perspective has introduced into the discussion of prostitution a comparative analysis of the situation of prostitutes, on the one hand, and of women living in poor conditions or not having access to the labor market, on the other. This was a different approach from the one that explained prostitution as a pathological behavior and distinguished between prostitutes' and other women's experiences without thematizing the similarities. With this model, prostitution began to be thematized as a type of work, similar to other types of paid work. This was expected to contribute to the de-stigmatization of prostitution, but, as Phoenix points out, the failure to recognize differences in various practices of prostitution only additionally stigmatized women in prostitution and projected them onto capitalist society and its patterns of normed sexuality.

According to the last, fourth model, prostitution is a manifestation of patriarchal control over female sexuality and a consequence of male dominance and violence. This model adopts the dualist differentiation between prostitutes and "other" women and explains differences by listing the adverse effects of prostitution on the life of prostitutes. It assumes the victimization principle (a prostitute is a victim of violent relations and abuse), while neglecting the position of a prostitute as a non-victim or not-necessarily-a-victim.¹⁰⁷

PROSTITUTION AS VIOLENCE AND "ZERO TOLERANCE" MECHANISMS

According to abolitionist theories, prostitutes are the victims of violence, patriarchal practices and dominance. Stigma is inherent to prostitution, which is why prostitution is equated with violence. It is believed that clients and managers (or pimps) exploit prostitutes, sustaining in this way the sex industry, maintaining gender inequality, increasing violence and reinforcing prostitution as a patriarchal institution. Even today, the texts that examine prostitution in connection with violence and traumatic personal experience frequently assume abolitionist arguments dating from the 1960s.¹⁰⁸ The same argument can be found in interpretations that sexuality is a mechanism of patriarchal social organization, or that a sexual relationship is a dominance-subordination relationship, or that prostitution is a deviance or a mechanism for regulating the female

¹⁰⁷ Ibid., 35–69.

¹⁰⁸ Jeffreys 2006, Farley 2004, 2006, Aghatise 2004.

body.¹⁰⁹ Abolitionism argues for the abolition of the sex industry and pornography, and for the criminalization of human trafficking.

Various groups' manifestos, governmental documents and studies presuppose that 1) prostitution is an extreme example of male domination over and exploitation of women regardless of social circumstances; 2) violence is invariably part of prostitution and its essential component, or in other words, prostitution is a form of violence; 3) women in prostitution are victims and sex slaves who do not make free decisions; 4) decriminalization or legalization would normalize prostitution, vindicate exploitation and legitimize the passive role of the state. Weitzer¹¹⁰ claims that campaigns and studies that ostensibly confirm the harmful effect of prostitution are frequently ideological, methodologically and analytically biased, and that they do not allow for empirical verification. The presentation of anecdotes as facts, one-sided interpretations and biased sampling are some of the characteristics of these abolition-oriented campaigns, governmental documents and studies.

In contrast to these studies, Weitzer concludes that 1) prostitution does not necessarily involve violence; statistical data according to which 80 percent of women involved in prostitution have been raped are most often not verifiable; 2) women in prostitution do not necessarily perceive themselves as victims, but as sex workers; some reject the thesis that prostitution is based on exploitation, oppression and victimization, interpreting it as a generalization and reinforcement of stereotypes; 3) motives and behavioral patterns vary and not all clients or prostitution organizers are the perpetrators of violence; 4) prostitution could be organized in a manner that would improve living conditions for women in prostitution.¹¹¹

Advocates of the definition that prostitution and trafficking in humans is violence against women reject such interpretations, characterizing them as an attempt to minimize violence and as a neglect of gender discrimination and inequality.¹¹² According to the *Survivors of Prostitution and Trafficking Manifesto* issued by CATW–*Coalition Against Trafficking in Women* in 2005, prostitution is violence against women, sexual

¹⁰⁹ Barry 1985, Dworkin 1987.

¹¹⁰ Weitzer 2006.

¹¹¹ *Ibid.*, 34–35.

¹¹² Farley 2004, 2006, Jeffreys 2006, Hughes 2000. For an interesting clash between the views where prostitution and human trafficking are seen as violence and the views that take the sex work perspective, see *Prostitution and Trafficking: Opposing Viewpoints* (Gerdes 2006).

exploitation, a violation of human rights and one of the worst forms of women's inequality. Women do not choose freely to become involved in prostitution; they are driven to prostitution by poverty, sexual abuse, pimps and clients. Many women in prostitution have been abused, exploited, raped and killed, and in most cases the perpetrators have been pimps and clients. In their manifesto, the survivors of prostitution and trafficking¹¹³ wrote that prostitution is not sex work, and that sex trafficking is not migration for sex work. They advocate a more severe punishment of procurers and organizers of human trafficking, and argue for programs that would enable the rehabilitation of women previously involved in prostitution, for example, through financial assistance, job training, social security, residence permits and legal advocacy.

Prostitution is similarly defined within the abolitionist policies currently pursued by certain countries, for example, the USA, France or Sweden, and by some groups, for example, MAPP, *Mouvement pour l'abolition de la prostitution et de la pornographie*. In much the same vein, *Mouvement du Nid* responds to the objections that some women in prostitution do not see themselves as victims by arguing that they were deceived and that such statements are either a consequence of pressure exerted by prostitution organizers or of a psychological disturbance.¹¹⁴ Viewed from this perspective, a voluntary component is not possible within prostitution. The preventive measures advocated by these associations and implemented by some governments primarily focus on the prevention of prostitution, restriction of access to prostitution, criminalization of procuring and use of prostitution.

The critics of this approach emphasize that excessive focus on women as victims of male domination isolates prostitution from other cases of inequality, exploitation and position on the labor market. They point out that this creates an illusion that prostitution has a unique status within society. The argument that prostitution carries a stigma and prevents women from experiencing, experimenting and naming their own sexuality, denies, according to these critics, the proactive role of women in prostitution and in society as a whole. Those advocating for the rights of women in prostitution emphasize that the victim-rescuer perspective lacks individual voices, including the voices of not-necessarily-victims. The abolitionist approach is also criticized because its goal, more or less

¹¹³ The signatories come from Belgium, Denmark, Great Britain, Korea and the US. See <http://action.web.ca/home/catw/readingroom.shtml?x=82636> (accessed on August 27, 2007).

¹¹⁴ Mathieu 2004, 158.

direct, is the elimination of prostitution, so it contradicts efforts towards the improvement of prostitutes' working conditions and their social security. The abolitionists, on the other hand, see the solution to the issue of inadequate working conditions in the elimination of prostitution rather than in "making prostitution less unpleasant."¹¹⁵

The rhetoric employed by current prohibitionist policies much resembles that of the 18th and 19th century abolitionists. The regulatory mechanisms and rhetoric practices used by the Sarkozy government in France, and before it the Blair government in the UK, lend themselves to being compared to the social purity practices. Hubbard¹¹⁶ named the 1997 "zero-tolerance operation"¹¹⁷ in the UK that incriminated street prostitution the mechanism for "cleansing the metropolis." Spatial segregation and exclusion is part of a geopolitical strategy for the cleansing of urban centers, so-called "new urban policy," which is carried out in an atmosphere of moral panic characterized by the escalation of media texts and identification with the idea that national identity, general health and the values of the entire population are under threat.

In 2000 the British government adopted several documents on prostitution, clearly demonstrating its intention to reinforce zero-tolerance policy, which is justified not only by the argument of clean neighborhoods, but also by the persecution of so-called anti-social behavior. Something similar has been happening in France, where street prostitution is chased away in the name of the "peace and security of residents." Prostitution in Slovenia was decriminalized in 2003, but also prohibited in public places to eliminate the threat to public order.¹¹⁸ When amending the law on

¹¹⁵ Allwood 2004, 149.

¹¹⁶ Hubbard 2004, 1692.

¹¹⁷ Zero tolerance policies emerged as a reaction to the classical tradition of utilitarianism. Bentham (1789/1988) conceptualized these as the collective methods of social norming that would have better effects than individual punishment. The term denotes the policies aimed at the prevention of criminal activities. They are most frequently used to regulate prostitution, but also in preventing drug smuggling, street and school violence.

¹¹⁸ See the Act Amending the Offences Against Public Order and Peace Act (UL RS / Official Gazette of the Republic of Slovenia, no. 69/2003) and the Public Order and Peace Protection Act (UL RS / Official Gazette of the Republic of Slovenia, no. 70/2006). The first proposal to legalize prostitution in Slovenia was put forward in 1996. Until then, prostitution was treated as an offense in accordance with the law passed in 1974. However, owing to the unfavorable public opinion the proposal was not submitted to the National Assembly. A few years later, in 2001, a group of MPs with Roman Jakič as the lead signatory submitted the amendments to the law on offenses against public order and peace, proposing the decriminalization of prostitution, i.e. the removal of the article stipulating that involvement in prostitution was as an offense. Although work in prosti-

offenses against public order, a group of MPs filed a request for a referendum on the law. The two thousand signatories thought that decriminalization (regardless of the fact that prostitution in public places was prohibited) would “enable persons in prostitution to offer their services on the street, in the vicinity of schools and children playgrounds.” They also explained that such an amendment would lead to an increase in prostitution and possibly to an “uncontrolled spread of various diseases, particularly sexually transmitted diseases.”¹¹⁹

The zero-tolerance measures are not only part of the laws regulating prostitution, but also of the policies aimed at preventing human trafficking and of anti-migration laws. These legitimize police raids, as were those carried out in London over the past few years when many asylum seekers and migrants involved in prostitution were detained, exposed in sensationalistic media stories, and finally deported on the basis of the police records exclusively.¹²⁰

While legalization policies create dualism by distinguishing between forced and voluntary prostitution, zero-tolerance policies make a distinction between street prostitution and indoor prostitution. The strategies aimed at curbing street prostitution persecute visible patterns of prostitution while leaving aside other types. Usually, the results are said to be a successful elimination of street prostitution or neighborhood cleansing, but what is missing is a reflection on the impact these policies have on prostitutes themselves. It is believed¹²¹ that zero-tolerance policies have not reduced prostitution but just relocated it and placed the persons in prostitution in a more precarious and uncertain position while also making them more vulnerable to violence behind the closed doors.

Policies that interpret prostitution as a violent act in itself are arbitrary in that they only pay lip service to the improvement of the situation

tution has not been a criminal offense in Slovenia since 2003, prostitution is mentioned only in laws concerned with prevention policies, meaning that legislation still defines prostitution as an activity that threatens public order. Prostitution is also regulated by the Penal Code, according to which the activity of pimps and mediation of prostitution are criminal offenses (Articles 185 and 186). Clients in prostitution are not the subject of Slovenian legislation.

¹¹⁹ The residents of Ljubljana filed similar protests against public houses during the early 20th century. They were disturbed by “shouting, screaming, whistling, smashing, raging and disturbance of night calm so many times and to such an extent that residents find it impossible to have a rest;” they were also upset by “more polluted streets” (Cvelfar 1994, 25).

¹²⁰ Adams 2003, 135–137.

¹²¹ Hubbard 2004, 1696.

of prostitutes. This said, we should point out that we do not deny the necessity of devoting close attention to violence in prostitution with all due responsibility. However, these policies usually strive for the elimination of prostitution as an act of violence, while the mechanisms for fighting prostitution have precisely the opposite effect because they marginalize persons in prostitution. The relocation of prostitution from the field of the visible to indoor environments means that prostitution has moved from the city centers to the outskirts, including to less accessible areas. Forced into secrecy, prostitution adapts by changing the organizational methods, which increases exploitation and the inequality of relations, while communication becomes more difficult and the position of prostitutes in negotiating working conditions more unfavorable.

PUNISHING CLIENTS: THE EXAMPLE OF SWEDEN

Abolition policies frequently place emphasis on rescue and rehabilitation mechanisms. In addition, the mobilization of (neo)abolitionism brings in the type of legislative changes that support more repressive measures against prostitution and other activities (e.g. migration and pornography). One such example is the Swedish law on the purchase of sex services (*Sexköpslag*), passed in 1999, which criminalizes the consumption of prostitution. The law incriminates the buyers of sex, penalizing such offences with up to six months in prison and obligatory inclusion in a rehabilitation program.¹²² The lawmakers expected that the threat of penalty would keep people away from prostitution and that the resulting lack of clients would compel prostitutes to abandon their business and join the rehabilitation programs. The initiatives for this type of regulation emerged during the early 1990s in the wake of the assessments that prostitution, pornography and trafficking in women and children were on the increase. The basis for the passing of such a law was created during the 1970s and the 1980s, when Sweden adopted a restrictive policy on the prevention of drug use. Moreover, this was the period when the image of Sweden as a model welfare state began to erode as a result of the rising unemployment rate and lower social security.¹²³

¹²² Since the early 1990s, the use of sexual services has been criminalized in China, where prostitutes and their clients are penalized based on the provisions strictly prohibiting prostitution and demand for it and on the criteria for the punishment and rehabilitation of persons in prostitution. The document also criminalizes the supply and the demand for prostitution (Pochagina 2005, 124–125).

¹²³ Gould 2002, 208, 210.

A radically new feature of Swedish policy is that it focuses on clients rather than on prostitutes. For the first time in history, clients became the target of state intervention and their “guilt” and responsibility highlighted. Despite this generally important shift and the placement of prostitution in the wider social context of practices and norms (the law broke away with previous policies that viewed prostitution as almost exclusively a personal circumstance), the fact that the new approach involved a repressive rather than a preventive measure provoked ambivalent responses.

Advocates for abolition across Europe received the law with approval, seeing it as a step forward leading to the end of prostitution. On the other hand, the critics are becoming ever louder, drawing attention to the fact that prostitution will not vanish because of this law but will only be relocated and will adopt new organizational forms.¹²⁴ Critics further problematize the repressive nature of this law and its implied goal, that is, the elimination of prostitution in the absolute sense. However, the analysis of governmental documents and media texts published at the time when the law was adopted shows that professedly the law is, at least in principle, more concerned with gender equality than with the elimination of prostitution. Another paradigmatic feature is that these debates do not take into account homosexual prostitution, which has naturalized gender equality as equality between a woman-prostitute and a man-client.¹²⁵

Although the law is allegedly concerned with the protection of prostitutes and gender equality, the *International Prostitutes Collective*¹²⁶ has drawn attention to the problem involved in the approach that criminalizes clients – it neglects the position of persons involved in prostitution. The warning has come in the wake of the conclusion that the position of prostitutes only deteriorated with the criminalization of clients.¹²⁷ Early evaluations have shown that street prostitution, which in 1999 fell somewhat, again rose after 2002, reaching the pre-law level.¹²⁸ Other con-

¹²⁴ Kulick 2003.

¹²⁵ Ibid.

¹²⁶ See <http://www.allwomenscount.net/EWC%20Sex%20Workers/SexWorkIndex.htm> (accessed on February 12, 2007).

¹²⁷ The effects of criminalization in China were similar (Pochagina 2005, 127).

¹²⁸ The estimates about the decline in street prostitution frequently stated by the supporters of repressive measures do not take into account that the decline does not necessarily mean that prostitution in general has been reduced. It is more likely that prostitution adopted new organizational methods, which do not improve but can even worsen the situation of prostitutes. Such estimates can therefore function as support mechanisms

sequences of this law include an increase in online advertisements for prostitution, increased migration of women to other countries (meaning that they have not abandoned prostitution) and relocation of prostitution to more discreet parts away from the prying eyes of the police. It has also been assessed that since the adoption of the law, the number of migrants involved in prostitution in Sweden has increased, with most women coming from the Baltic countries. NGOs and social workers claim that many of them now work in more difficult conditions, in private apartments and at the outskirts of large cities. According to the police sources, criminalization did not reduce the number of criminal offenses related to trafficking in humans. The implications of criminalization are also felt in this area, since NGOs and the police now receive less information from clients than in the past, before the use of prostitution became criminalized.¹²⁹

Another consequence of this law was deportation of women who worked in prostitution and did not have Swedish citizenship or a work permit. The interviews with prostitutes featured in the media showed that drug users working in prostitution who are unable to compensate for the loss of income caused by less work have found themselves in an even worse psycho-social crisis.¹³⁰ According to the police, the number of reported instances of abuse on the part of pimps and traffickers is also smaller, since clients, now the lawbreakers themselves, do not cooperate with the police. On the other hand, the pressure on prostitutes increased because they are now pressed to appear as witnesses in court proceedings against their clients. Social workers have concluded that the lower prices compel women to take more clients, and more different clients on top of that, which makes them more vulnerable.¹³¹

Nevertheless, the lawmakers and many social groups continue to point out the positive effect of the law in two ways, as Kulick explains:¹³² first, by saying that the message communicated through this law is so strong that it outweighs the negative impacts. Second, their answer to the objections that other types of prostitution have appeared as a result is that this does not mean that working conditions are now worse or exploitation greater,

for the creation and reinforcement of the public order doctrine (public morality doctrine), rather than as the mechanisms for the achievement of equality of genders.

¹²⁹ Gould 2002, Kulick 2003.

¹³⁰ Kulick 2003.

¹³¹ Ibid.

¹³² Ibid.

and that “invisible” does not also mean invisible for the police. Both arguments can be interpreted as proof that the main goal of the law has not been to regulate the position of persons in prostitution.

SEX WORK

The advocates for the rights of women and men in prostitution, some trends in feminism, various organizations of female and male prostitutes and trade unions strive to achieve that prostitution is treated as sex work and prostitutes as sex workers.¹³³ The labor aspect is also present in the debates that consider prostitution in the context of human rights, demanding the recognition of the rights arising from labor legislation for female and male prostitutes.

The need to legitimize prostitution is also emphasized by those interpreting prostitution as active sexuality. In this perspective, prostitution is a practice that subverts cultural patterns and limited interpretations of sexuality; it introduces initiative into sexuality, gives a feeling of control over one’s own body and empowers women to defy exploitation.¹³⁴ As part of advocacy for sex work, prostitution is seen as an emancipatory or empowerment practice.¹³⁵ Prostitutes so become active agents or sex workers, who actively enter into unequal social relations, subvert sexual norms, determine the conditions of sex transactions and payment terms. This perspective introduces into the discussions on prostitution the aspect of intimate sexuality and the economic argument expressed as a demand for social and health protection for individuals in prostitution. The advocates for sex work reject the notion that prostitution involves the violation of rights and that it is violence in itself. They strive for the destigmatization of prostitution and argue that when condemning exploitation and poor working conditions one should not condemn prostitution as such but the circumstances in which it occurs. Violence and poor working conditions are therefore not inherent to this phenomenon, but are a consequence of the restrictive measures and stigmatization that is generated by a modern variant of 18th and 19th century moralism.

The need to ensure social rights for prostitutes began to be emphasized in the 1980s. The initiative came from feminist movements and some LGBT organizations, which began to defend publicly sex work and

¹³³ Alexander 1998, Nagle 1997, Doezeema 2000, Kuo 2002.

¹³⁴ O’Neill 2001.

¹³⁵ Blume 2006.

draw attention to the marginalized forms of prostitution, that is, same-sex and transgender prostitution;¹³⁶ at about the same time, juvenile prostitution and prostitution among drug users came into focus. The movements striving for the legitimization of sex work not only sparked debates on the social and economic conditions of individuals in prostitution but also made room for debates on non-heterosexual forms of prostitution. The greatest number of contemporary studies supporting the definition of prostitution as sex work still examine only the form of prostitution in which sex providers are women and their clients are men. However, there has also been an increase recently in the number of micro-level studies, for example, a study on male sex workers in northern Europe, a study on the situation of male prostitutes in Denmark, on the organization of same-sex prostitution among men in Stockholm, on the situation of Albanian male prostitutes in northern Europe and so on.¹³⁷ To this list we could add a study of destigmatization strategies among gay sex workers in Canada, on the use of health services by male sex workers in Argentina, on practices of trans-sexual prostitution, i.e. an ethnographic study on the everyday life of transsexuals and prostitutes in Amsterdam.¹³⁸

During the 1980s, which saw the surge of civil society movements, various understandings of prostitution emerged as part of advocacy for sex work. Prostitution was thematized, on the one hand, as an emancipatory practice, while on the other, there appeared a range of arguments that viewed hetero-sexual prostitution as a necessity, as a form of livelihood for a certain part of the population, or as violence against women and a form of social exclusion. Abolitionist approaches were criticized as stigmatizing persons working in prostitution and jeopardizing their health. This contributed to a shift from the demands to abolish prostitution to the demands to ensure social and health protection for persons in prostitution.

The regulation of prostitution in the Netherlands, where it is regarded as work (more on this later in the text), and discussions on sex work in

¹³⁶ Owing to marginalization, difficult access for researchers, anonymity and also the smaller interest on the part of researchers, the share of male prostitutes whose clients are women, and the share of same-sex and transgender prostitution is more difficult to assess than the share of prostitution where a prostitute is a woman and her client is a man. The estimate for the Netherlands for the year 1998 was that the proportion of male prostitutes in heterosexual relations is 5 percent, and that is also the percentage of transgender and same-sex prostitution (Outshoorn 2004, 166).

¹³⁷ ENMP 2004.

¹³⁸ Gregory 2005.

general suggest that prostitution is comparable with other types of work. O'Connell Davidson¹³⁹ emphasizes that prostitution is not accepted as a social activity that produces added value and maintains the production system, although in this respect it is not different from other activities. Discussions on prostitution ignore the added value involved in sex work, so consequently there is no social interest, or the interest of the employers or clients to negotiate working conditions. This undermines the prospects for collective action, as well as practical working conditions for prostitutes. The recognition of prostitution as a socially undesirable activity places the individuals involved in prostitution in an unequal position compared to that of workers in other areas with respect to state policies. The discussions on sex work problematize the issues of labor regulation, determination of working conditions and the like, and the fact that the added value of sex work is not recognized. It is pointed that the benefactor of such a situation is the state, because it reaps huge profits while maintaining costs low: it does not pay for the costs of labor force reproduction, while its profit comes either from taxes, in countries where prostitution is regulated by law, or from other forms of tax-free capital (prostitution in tourist centers, casinos etc.). In the case of prostitution, the state regulates the relations between capital and labor differently than in other sectors, because it has no vested interest in regulating the status of prostitutes. This creates an asymmetry making prostitution more economically dependent compared to other activities, which weakens the negotiating position of individuals involved in prostitution. Even when prostitution is regulated as a form of work, it does not have the status of a commercial enterprise, but continues to be an activity under control.¹⁴⁰

Other types of work that are similarly excluded from reproductive labor include unpaid family work, paid domestic work and other precarious types of work, for example, work on the black market. Similar to prostitution, and despite regulation, domestic work is socially perceived as non-work, and as a private rather than public activity which does not produce the socially recognized added value. The abuse patterns are also comparable: the prostitute-client relation and the domestic worker-employer relation are established in an environment where the sexual-emotional work and domestic work respectively are undervalued and

¹³⁹ O'Connell Davidson 1998.

¹⁴⁰ *Ibid.*, 193–194.

regarded as non-work or not-real work.¹⁴¹ The regulation of the payment system for domestic work has therefore duly found its place on the agenda of various prostitutes' associations, for example the *English Collective of Prostitutes*, which express solidarity with women working in non-commercial sectors (e.g. unpaid family work or paid domestic work).

Over the past years, sex worker organizations across the world issued several manifestos, for example the *Sex Workers in Europe Manifesto* published in 2005,¹⁴² drawing attention to inequality policies and discrimination against sex workers as a consequence of the non-recognition of sex work. The manifesto defines sex work as one of the services offered in modern society and points out the necessity of its decriminalization, i.e. the decriminalization of the sex industry (sex workers, their partners, clients and managers). Acknowledging the fact that the demand for labor in modern society is to a large degree satisfied by migrants, the manifesto also appeals to governments to recognize the rights of migrants, including: 1) the right to non-discrimination, which is accompanied by the demand that anti-discrimination legislation should explicitly stipulate the protection of sex workers; 2) the right to the body, i.e. the recognition of sex work as consensual sex, whereby the manifesto distinguishes sex work from non-sex work, i.e. sexual violence or slavery; 3) the right to be heard and participate in public debates and policy-making; 4) the right to associate and gather, and 5) the right to mobility and presence in public spaces regardless of borders.

The manifesto rejects the abolitionist equation of sex work with violence, which is, viewed from this perspective, a victimization strategy that denies autonomy and differences. It defines sex work as a commercial activity and demands the end to legislation that incriminates and stigmatizes sex work; it demands a broader social and particularly media destigmatization, decriminalization and destigmatization of sex workers' partners and children, and asserts the right of sex workers to privacy. The manifesto denies that violence and crime are the defining characteristics of sex work, emphasizing that the instances of violence must be condemned and sanctioned. Coercion, abuse and exploitation are present within the sex industry as they are within any other area of work, but they are not the defining traits of sex workers or the sex industry. The signatories also demand the regulation of working conditions

¹⁴¹ For more on invisible work see Hrženjak (2007).

¹⁴² It was drawn up and signed by 120 sex workers from 26 countries at the conference on sex work, human rights, labor and migration (October 2005, Brussels).

and social and health protection for sex workers. Minimum wage should be defined, the right to annual leave, unemployment benefits and pension recognized. Sex workers should pay taxes, but the taxation schemes should not be used as a means of registering sex workers or for the purpose of stigmatizing them.¹⁴³

Some critics of the advocacy for sex work¹⁴⁴ point out the unacceptability of minimalization of exploitation in prostitution and human trafficking. According to these critics, the comparisons of exploitation in prostitution and trafficking with the precarious situation of migrants is unacceptable, since the likening of different circumstances minimizes violent experiences. The contrary argument¹⁴⁵ is that legal paternalism, moralism and humanitarianism should be rejected, as these exclude the voices of prostitutes and minimize the importance of advocacy for sex work as an “extreme minority position.” Viewed from this perspective, the opponents of advocacy for sex work appear as the promoters of victimization that increases discrimination on the grounds of gender, ethnicity or class.

To sum up, while some hold that exploitation and violence are inherent to prostitution, others emphasize that prostitution is sex work, meaning legitimate work that involves a legitimate choice or a personal circumstance created by a society which has nothing to offer to certain groups. The sex work paradigm undoubtedly contributes to the improvement of the situation of certain sex workers. It problematizes the unequal position of prostitution compared to other types of work and brings to the public’s attention hidden types of prostitution such as same-sex and transgender prostitution. At the same time, it seems that neither of these approaches offers a sufficiently radical reflection on labor society, social inequality and gender discrimination. This raises the questions of the relation of prostitution to human trafficking, of exploitation that is present in both areas, and of personal choice, i.e. to what extent an involvement in prostitution or a decision to migrate for prostitution is a personal decision (to work in prostitution or to migrate in search for work). Furthermore, none of these standpoints challenge the implications of the doctrine of

¹⁴³ The manifesto is available at http://www.sexworkeurope.org/site/index.php?option=com_content&task=view&id=24&Itemid=54 (accessed on August 23, 2007). See also *Sex Worker’s Declaration of Independence*, adopted in the US in 2005 (Blume 2006, 89) and *Sex Workers’ Manifesto*, adopted in Kolkatta in 1997, available at <http://www.bay-swan.org/manifest.html> (accessed on August 23, 2007).

¹⁴⁴ Jeffreys 2006.

¹⁴⁵ Kuo 2002.

individual decision-making (or its absence thereof), or how much room it leaves (or does not leave) for the thematization of circumstances that can explain these “choices,” i.e. life experience, and economic status. Given these dilemmas, it seems rational to study sex work from a viewpoint at which various perspectives intersect, meaning those that strive to achieve legitimacy for prostitution with a view to improving the position of sex workers while considering prostitution along with other forms of precarious work.

PROHIBITION, DECRIMINALIZATION AND LEGALIZATION

Dualisms are also present in debates on the legal framing of prostitution where prohibition is the opposite pole to decriminalization and legalization. In legal contexts, abolition is sometimes used as a synonym for decriminalization, to denote decriminalization of prostitution in the sense of the abolition of laws stipulating that prostitution is an offense. The applications vary from society to society, but the context is similar everywhere: the idea is to decriminalize prostitution when it involves a voluntary relation between a person in prostitution and a client, or a contractual relation between a prostitute and a provider. Decriminalization does not imply the elimination of supervision nor does it oppose the regulation of prostitution. It includes the possibility of regulating the working conditions of prostitutes, for instance, through provisions pertaining to health protection or by stipulating social security and working hours. In Slovenia, for example, the article in the law on public order which stipulated that prostitution was an offense was abolished, but on the other hand, decriminalization also brought a regulation that defined the framework of morality – “indecent behavior,” meaning “offering sex services in public places” is penalized.¹⁴⁶

Decriminalization means the application of contractual relations which define prostitution as a voluntary contractual activity. The idea is that the state has no business interfering with such an arrangement. The criticism of this approach is frequently rejected on the grounds of being outdated, and is primarily seen as moralization and a threat to free will

¹⁴⁶ Article 7 (3) of the Protection of Public Order And Peace Act stipulates as follows: “A person having sexual intercourse in a public place, revealing sex organs or offering sex services in an aggressive manner and upsetting others in this way, or causing disturbance or shock among people, will be fined from 50,000 to 100,000 tolaras” (UL RS / Official Gazette of the Republic of Slovenia, no. 70/2006).

of those who enter into contracts of their own will. The idea involved here is that non-forced prostitution is a private business. The concept of voluntary choice individualizes prostitution and it gained recognition as a social mechanism that shifts the resolution of contradictions within structural relations to the individual level.¹⁴⁷ The concept of free will, where prostitution can be defined as an emancipatory act, ascribes individual acts exclusively to the individual, but does not eliminate the stigma attached to prostitution. Although it indeed recognizes the autonomy of a subject, it may interpret prostitution as an exclusively individual matter without taking into account, for instance, the economic position of a prostitute, social relations that discriminate on the grounds of gender, and without interfering with the normative image of acceptable sexuality.

The voluntary element in prostitution should be neither denied nor absolutized. Many women in prostitution, prostitutes' collectives and their unions point out that in everyday life prostitution may be a voluntary choice. However, relativization that uses the argument of a voluntary act may be motivated by the wish to shake off the responsibility, primarily on the part of the state, for social circumstances that lead to prostitution. In addition, it may carry with it the stigmatization of prostitutes, diminish the implication of violence in prostitution and neglect the existence of gender inequality.

Quite significant in this connection is the criticism of dualisms, which explains one's consent to become involved in prostitution, or the voluntary element in prostitution, as only an antipode of physical force. The theory of social contract, which is based on the normative image of individuals as the designers of their own fate, leaves out the situations in which one may be forced into prostitution not by physical threat but because of, for example, the urge to survive. A voluntary and autonomous decision to engage in prostitution may also be a conflictual relation with actual autonomy, when owing to certain circumstances an activity is the only option or, for example, an option better than poverty. Prostitution can therefore be a "voluntary decision" in the given circumstances, which, apart from epitomizing the autonomy of decision, primarily epitomizes the structural social relations which limit women's options in the labor market.¹⁴⁸

¹⁴⁷ In presenting the criticism of certain concepts of liberalism, e.g. free choice and individual decision, we draw on Habermas (1998).

¹⁴⁸ Zatz 1997, 286–287.

Another aspect of the social regulation of prostitution is legalization, which introduces state control over prostitutes and prostitution. It is frequently heard that legalization of prostitution means free and uncontrolled prostitution and relaxation of rules. However, legalization has had precisely the opposite effect: it brought regulation and supervision of prostitutes. It is related to taxation and licensing, and as a form of control over prostitution it determines the working conditions as well as spaces where prostitution is allowed to take place.

In European countries, legalization began between the two world wars and it escalated after the Second World War, when control over prostitution was established based on condition-based licenses issued to brothels, meaning in effect that women were registered as prostitutes with local authorities and the police. Registration, as the first level of control, soon led to greater control including restrictions on movement. One frequent consequence of legalization was the prohibition of independent, escort and street prostitution. The movement of women in prostitution was restricted to brothels and strictly supervised outside licensed residences. Apart from marginalizing other forms of prostitution, licensed prostitution increased women's dependence on brothel owners, which made their working conditions even more difficult. The critics of legalization point out that this approach, which prevailed in Europe, the US, Japan and Asia as a whole during the decades before the Second World War and following it, increased the proportion of forced prostitution, aggravated the working conditions (14-hour workday every day, poor or no health protection, a large number of clients per day), and eventually also increased trafficking in human beings.¹⁴⁹

Similarly, prohibition policies, i.e. the adoption of repressive legislation on prostitution and trafficking in human beings, made the situation of persons in prostitution only worse. Prohibition politics pertaining to the area of migration also affects prostitutes. Critics¹⁵⁰ argue that the legalization of prostitution does not reduce the number of persons in prostitution either, while the registration associated with it attaches to prostitutes a lasting stigma and thus forestalls their employment outside prostitution. Furthermore, legalization does not result in the abolition of illegal forms of prostitution, nor has it been proven that it reduces them. On the contrary, by marginalizing the phenomenon even more, it increases the chance of exploitation.

¹⁴⁹ Ryley Scott 1969.

¹⁵⁰ Outshoorn 2004.

Debates on the social and legal regulation of prostitution do not encompass the intersections of differences and various statuses that determine the living conditions and work options of individuals in prostitution. The status of a prostitute is determined by gender, class, age, national and ethnic hierarchies. Prostitution does not produce a homogeneous social group, but rather complex relations that point to the relations within society as a whole. A person involved in prostitution who works autonomously and is economically less dependent, or relatively independent, is in principle less vulnerable to violence and intimidation than a woman who is physically forced into sex work. The adults working in street prostitution have more options when negotiating relations with the client, than children, drug users or prostitutes who are under strict control of their pimps.

Relations within prostitution are defined in the area where personal and social circumstances intersect, whereby social circumstances are gender specific, based on class divisions and ethnically exclusive. Nevertheless, when thematizing the differences between the status of a migrant woman in prostitution without a social network, who does not speak the language and whose life and work are controlled by her manager, and a woman who determines her timetable and selects clients independently, it should be pointed out that the difference between their situations is not absolute. A woman who works independently may also become involved in the trafficking process under certain circumstances. The opposite situation is perhaps less likely, although not impossible, and that because of a double stigma attached to migrant prostitutes.

When speaking about decriminalization, it should be emphasized that it cannot have the same effect on all individuals in prostitution; the interests of prostitutes, their situation and work are very different. For example, decriminalization accompanied by the prohibition of prostitution in public spaces may have a positive effect on the situation of those prostitutes who organize their work on their own or who work in brothels, but the resulting persecution of street prostitutes may aggravate the situation of, for example, drug users in prostitution. In this context it should be pointed out that the strategies for fighting trafficking in people, for example, the “voluntary” return programs (frequently taking the form of deportation), and repressive migration measures promoted by policy makers as protective legislation, in fact do not protect individuals in prostitution or human trafficking. On the contrary, they create the situation that makes individuals in prostitution even more vulnerable. It affects not only their life options, but also their chances of survival, especially where trafficking in human beings is involved.

LEGALIZATION POLITICS: THE EXAMPLES OF THE NETHERLANDS AND GERMANY

In the Netherlands, the legitimization of sex work based on the principles described above began in 2000, when the exchange of sex service for money was legalized as a form of work. This brought to an end the law that had been valid for 90 years, under which organization of prostitution in brothels was prohibited (voluntary prostitution of an adult person was not considered an offense under the penal code). In other words, these changes in the Dutch penal code legalized voluntary prostitution and its organization and increased the penalties for the exploitation of involuntary prostitution. In contrast to abolitionism, which sees prostitution as coercion exclusively, voluntary prostitution, according to this approach, should become socially acceptable. The idea was to provoke social legitimization of prostitution and the recognition of prostitution as sex work by way of regulation, which was expected to improve the living and working conditions of individuals in prostitution.¹⁵¹

As a consequence of the engagement of social movements for gender equality and feminist groups, but also due to the responsiveness of national policy makers, as early as the 1970s prostitution in the Netherlands was no longer seen exclusively as an activity subject to male domination. During the 1990s, this led to a “realistic approach freed from moralizing,” which limited the state’s intervention to the instances of forced prostitution.¹⁵² During the 1990s, regulation focused on ensuring social rights for women and men voluntarily involved in prostitution, and on labor legislation that imposed on individuals in prostitution and their employers the obligation to respect labor laws that apply to all professions (social and health protection, safety at work, registration and payment of taxes). Compared to other forms of regulation, the variant chosen by the Netherlands imposes a greater responsibility on the state, reducing the possibility that responsibility will be arbitrarily shifted to external forces, for example the mafia or “dirty capital.” One of the consequences of this shift of prostitution to the area of the visible is the creation of room for debates on the rights of individuals in prostitution and their self-organization.

During the years immediately following the adoption of new legislation, it was primarily the advantages of legalization that were emphasized, including social rights, the right to health protection, better coordina-

¹⁵¹ Outshoorn 2004.

¹⁵² *Ibid.*, 168, 171.

tion of services, harmonized policies and better self-organization among prostitutes. Recently, criticism of such regulation can also be heard. For example, it is said that the compulsory ID card attaches a stigma to a prostitute and interferes with her intimate sphere.¹⁵³ It is a lasting stigma that reduces the chance that a prostitute will ever opt for another type of work, or even precludes their chances of finding another job. It is assumed that unregistered prostitution will increase, because not all individuals in prostitution want to pay taxes. According to some estimates, greater demand will cause an increase in unregistered prostitution, and migrants will be particularly affected.¹⁵⁴ The two-track policy on prostitution means that EU citizens are issued licenses to work as prostitutes while control over migrants working in prostitution is greater, which, in turn, increases the number of deportations. Greater supervision over brothels leads to brothels refusing to employ migrants, so women without papers are pushed into an even more precarious situation.¹⁵⁵

According to the amended law, the town authorities issue licenses to brothels that meet certain conditions, for example, the suitability of their location within the town, hygiene standards, safety, management policy and the like. Whether or not the conditions are met is established by the police, meaning that the municipal authorities exert control over prostitution through the police. One reservation in connection with this is that prostitution has not gained the status of a legitimate activity through legalization, meaning that stigma has not been reduced. Control also stigmatizes individuals in prostitution, for example, by registering them as if they were in the possession of a particular brothel.¹⁵⁶ In this light, the “Dutch tolerance” appears to be exclusively tied to the establishment of law and order. This is also confirmed by the fact that street prostitution has not been entirely decriminalized, that it is segregated and that this is explained by the necessity to guarantee the safety of residents. The official policy of tolerance is constituted on pragmatic principles and indifference. Some interpret it¹⁵⁷ as the legalization of the NIMBY policy (*not in my back yard*), meaning that as long as it does not disturb residents, prostitution can be practiced in places set aside for that purpose.

¹⁵³ Ibid., 172–173.

¹⁵⁴ Ibid.

¹⁵⁵ Freedman 2003, 133.

¹⁵⁶ Visser 2004, 46.

¹⁵⁷ Van Doorninck 2002, 194.

The politics of control determines where prostitution can take place and who can become involved in prostitution. The latter provokes the criticism of legalization and raises the question of whether it is truly the rights of prostitutes that are prioritized, or what is involved is a defensive policy of restricting their work. Legalization also raises the question of self-image and personal identification. Many individuals in prostitution do not self-identify as prostitutes, nor do they want to identify with sex workers. In fact, legalization does not interfere with the traditionally unequal relations between the brothel owners and individuals in prostitution, so critics argue that legalization should devote more attention to labor relations. Although it seems that self-organization and association within unions have increased with legalization, some warn that no automatism is at work here; legalization in itself does not entail self-organization.¹⁵⁸

Changes in the direction of legalization were also introduced in Germany. Similar to the Dutch law, the German law on prostitution passed in 2002 regulates voluntary prostitution. Responses to the changes in legislation were ambivalent. According to the latest assessments, the law is an important shift from the interpretation of prostitution as a threat to traditional values, to considerations about how to improve the social status of women and men in prostitution. This seems to be an important conclusion, particularly at the time when conservative political forces strive to re-institute prostitution as an activity that “is an insult to social ethics.”

However, in the opinion of critics, the law has failed to introduce the expected changes into the everyday life of prostitutes. The status of women in prostitution has not improved essentially with this law, and prostitution has not become recognized or regulated work. Research studies¹⁵⁹ show that the law has not succeeded in motivating individuals in prostitution to register their work; most of them do not self-identify as prostitutes, do not want to see prostitution registered as a profession, and want to remain anonymous. It is assessed¹⁶⁰ that most persons in prostitution perceive their work as temporary, as a possibility to realize specific personal plans, and that they do not want to see prostitution regulated, because it is socially stigmatized so regulation stigmatizes themselves as well and imposes upon them tax payment.

¹⁵⁸ Visser 2004, 45.

¹⁵⁹ Kontos et al. 2006, 7–8.

¹⁶⁰ Ibid.

The attitude towards prostitution as a legitimate type of work remains ambivalent. While it is claimed that the law contributed to prostitution being treated in a new, different way, the actual shift towards the social legitimization of prostitution seems to require a longer time. One question that is not unimportant is whether social legitimization, assuming that the relations within prostitution remain unchanged, would also mean legitimization of gender inequality. According to Hydra,¹⁶¹ a prostitutes' organization, it would be hard to argue that the social and economic position of prostitutes has improved. Hydra reports that, as a rule, employment centers reject the application for financial assistance by self-employed persons who want to register prostitution as a business. Critics maintain that had the law been applied consistently, such centers would be obliged to approve financial assistance to self-employed prostitutes to an extent comparable to approved assistance in other areas of work. Some think that employment centers should provide education for self-employed persons in prostitution, as they do for other professions, while others are critical of this view and maintain that such policy would turn employment centers into the stimulators and mediators of prostitution through which brothel owners would then recruit persons for their business.¹⁶²

Hydra emphasizes that, in order to achieve a higher level of destigmatization, prostitution should be treated by documents and legislation concerned with social policies, and that prostitution should be exempt from restrictive policies. For example, local authorities in the UK, the Netherlands and Germany prohibit prostitution in certain city districts, as part of the strategies that oppose the legalization of prostitution and are aimed at cleansing cities. There are certain examples in Germany that reveal repressive administrative measures on the local and regional levels aimed at persecuting migrants involved in prostitution. Legalization hence resulted in an express deterioration of the status of migrants working in prostitution,¹⁶³ who cannot register their business because of their illegal status.¹⁶⁴ The legalization of prostitution, aimed at destigmatizing prostitution, therefore turned out to be an efficient anti-migration mechanism, which marginalizes migrants working in prostitution

¹⁶¹ See <http://www.hydra-ev.org/> (accessed on August 28, 2007).

¹⁶² Ibid.

¹⁶³ It is estimated that half of approximately 400,000 prostitutes in Germany are female migrants (Kontos et al. 2006).

¹⁶⁴ Ibid., 8.

and enables their deportation through the implementation of the clean-streets strategy.

SELF-ORGANIZATION AND TRADE UNIONS

The debates that treated prostitution as sex work intensified during the 1980s, which was the period when the first forms of self-organization and prostitutes' collectives began to take shape. These debates drew primarily on the arguments proposed by early liberal feminism and later Marxist feminism, and were framed as an antipode to the interpretations of prostitution as de facto sex slavery, coercion likened to rape, and the patriarchal subjection of women.

Sex work began to be established through the arguments that the sale of sex services is a form of livelihood. The term "service" replaced the once common "favor," and the commercial service discourse replaced the image of prostitutes' "servitude." It was argued that sex work was not a consequence of exclusively economic or psychological pressures or limitations, but also of a situation into which an individual had been forced because of the limited options imposed by social forces. The belief that sex work was a rational decision and that its elimination would mean the negation of autonomy, or the impossibility of self-sustenance, also gained ground. This was the period when sex workers began to formulate their demands for the recognition of sex work as a profession and struggle for the rights arising from labor laws, such as wages and social protection. They strove for the concretization of the rights, the elimination of victimization and social exclusion, while emphasizing that sex work was not the sale of the body but "the sale of a sex service," even if it was intimately related to the body.

The beginning of the movement for the rights of prostitutes is believed to be the establishment of the COYOTE association, the *Call Off Your Old Tired Ethics* in 1973 in the US. Its branches in Amsterdam, the *International Committee for Prostitutes' Rights* (ICPR) and in Uruguay, *Asociación de meretrices profesionales del Uruguay* (AMEPU), were established in 1982. During the 1970s and the 1980s, such organizations, established mainly by former prostitutes, strove for the destigmatization of prostitution, education on prostitution, health protection and negotiations with employers. They defended the thesis that in the cases of prostitution, sex orientation and abortion, individuals have the right to decide autonomously about their own body and sexuality. They emphasized that the majority of problems within prostitution were related to prohibition

and stigmatization, and that not all women are compelled to engage in prostitution because of the economic or social pressure, but for some the decision to engage in prostitution is a free choice. These organizations strove for decriminalization, which would encourage the establishment of female and male prostitutes' organizations.¹⁶⁵

In Europe, the most conspicuous manifestation of the movement for the rights of prostitutes was that in France in 1974, when prostitutes in Paris organized a protest against the passivity of the police and courts. The prostitutes in Lyon occupied the church in protest against the police, which failed to make sufficient effort to find and arrest the murderers of prostitutes and protect those prostitutes who kept on working. The outcome of these protests was the establishment of the French collective of prostitutes, which organized a number of political actions aimed at improving the situation of prostitutes. Elsewhere in Europe, groups fighting for the rights of prostitutes appeared later, during the 1980s and the early 1990s, for instance, in Italy, Switzerland, Norway and in the Netherlands.

In Australia, the beginnings of organizations supporting the rights of prostitutes were related to the campaigns against the harassment on the part of the police, corruption and criminalization of prostitution that took place during the late 1970s and the early 1980s. The *Australian Prostitutes' Collective* was established in 1983. Its members strove for the decriminalization of prostitution, self-regulation, the improvement of health care and safer sexual practices. Similarly, the *Scarlet Alliance*, the association of Australian sex workers established in the late 1990s, strove for regulation in the areas of health and safety, for the recognition of the right to reject a client and for putting an end to ungrounded dismissals from work. In Canada, similar organizations appeared towards the end of the 1970s and during the early 1980s. Among the most prominent were *Better End All Vicious Erotic Repression* (BEAVER), *Canadian Organization for the Rights of Prostitutes* (CORP) and *Association for the Safety of Prostitutes* (ASP).

Over the past decade, many female and male prostitutes, dancers, striptease artists, and sex-phone workers began to organize within trade unions. Today, self-organized groups, which in the past operated as individual pressure groups, frequently link with trade unions, primarily in order to initiate a debate on the economic rights of workers in prostitution and to legitimize prostitution as a business. As a result, many

¹⁶⁵ Gallin 2003, Gall 2006.

organizations began to drop individual advocacy and concentrated on collective actions within the frameworks of the trade union movement.

Trade unions explain their linking with prostitutes by arguing that prostitution is a profession just like any other and that prostitutes deserve equal treatment and equal rights as other workers. They devote attention to prostitutes' complaints related to non-payment, excessively long working hours, forced sex with brothel owners and demands for unprotected sex. For example, the Australian unions are engaged in the representation of prostitutes in courts, striving to achieve that prostitution is regarded as a profession in court proceedings.

Some prostitutes voice their apprehensions that membership in trade unions will publicly identify them as prostitutes. There are also uncertainties related to income, since payment of taxes would reduce their income by as much as 20 to 30 percent. As regards the advantages gained through the membership in trade unions, they emphasize a better position in relation to night club owners and a greater autonomy in negotiating working conditions. The positive results of union negotiations in Australia include legislative changes, improved work conditions as regards health and safety of prostitutes, the recognition of sick leave, and regular payment by hourly rate regardless of the number of clients.

De Rode Draad (DRD) is a renowned organization established in 1984 in the Netherlands. During the early stages of its operation, similar to many other comparable organizations elsewhere, it strove for the recognition of prostitution as a legitimate profession, for legislative changes, better working conditions and guaranteed social rights. The first attempts, during the 1990s, to establish links with the *Federation of Netherland Vakwerk* (FNV), the largest trade union in the country, were unsuccessful, because the union adhered to the rule that it did not take in members if the employer-employee relations were not clearly defined; at that time, most prostitutes were self-employed. The DRD had to face the dilemma of whether to legitimize the work contract within prostitution, as that would have necessarily revealed the identity of those prostitutes who wanted to remain anonymous. The debate on the cooperation between the DRD and FNV was revived after the brothels were legalized in 2000, when the union of sex workers, *Vakwerk De Rode Draad* (VRDR), was formed as part of the FNV. FNV has mediated in conflicts between prostitutes and brothel owners, has been actively engaged in both the cases where a prostitute had an employment contract or was self-employed, and it supported the prostitutes' political campaigns. The issue of anonymity was resolved in such a way that the VRDR became a kind

of FNV's branch office. Prostitutes could register with it without having to fill in the official form entering their personal data.

Today it is assessed that the prostitutes' union movement in the Netherlands (and on the global scale) has been relatively weak, given that it did not succeed in mobilizing the majority of 25,000 to 50,000 prostitutes; only around a thousand prostitutes are members of the union. The main reasons for the low membership despite legislative changes and presumably reduced stigmatization is believed to be the fear of losing anonymity and a lower income because of tax payment.

In Germany, self-organizing within prostitution began during the early 1980s, although on micro-levels rather than on the national level. The Hydra organization based in Berlin is among the most renowned. It implements consultation programs relating to legislation, finances, and health, organizes seminars and offers spaces for prostitutes to meet. Despite the relatively high number of prostitutes in Germany (some estimates put it at 400,000), until 2002, i.e. until the adoption of the law that legalized prostitute status, trade unions had not expressed an interest in cooperation.

After the adoption of the law, the Ver.di trade union (*Vereinigte Dienstleistungsgewerkschaft*) formulated and proposed a standardized work contract which, among other things, contained the demand for the right to paid vacation, sick leave, health care and minimal wage. Despite the new law and new work contract, only around 12 percent of prostitutes supported the law and decided to join the Ver.di. The reasons for such a low response were similar to those identified elsewhere, that is, stigmatization and discrimination, the loss of flexibility owing to standardized working hours stipulated by a work contract, and a lower income because of taxes. Many prostitutes pointed out that they were involved in prostitution only temporarily, and that one reason for refusing to register was the fact that prostitution meant an additional income for them on which they did not want to pay tax. The reasons for a low proportion of registered prostitutes should also be sought in the proportion of migrant workers in prostitution. According to some estimates, half of prostitutes in Germany come from outside the country; many cannot register because their status in Germany is not legal and because they do not have work and residence permits.

The linking of collectives and trade unions is not restricted to Europe. In Argentina, for example, the largest organization, *Asociacion de las Mujeres Meretrices de Argentina*, primarily concentrates on providing information about health, HIV, social and economic rights. Soon after

its establishment in 2002, it became a section/branch of the workers' union *Central de los Trabajadores Argentinos*. Similar linking patterns are present in Thailand, India and so on. In Slovenia, it is not possible to speak about self-organizing. Female and male prostitutes remain outside the field of the visible and do not participate in debates on prostitution.

A revision of the scarce literature on this subject,¹⁶⁶ reports and web pages shows that there exist many organizations, societies and associations related to prostitution in one way or another. A common denominator of these organizations is that, although starting from different platforms, they all work towards the guaranteeing of rights and protection of individuals in prostitution¹⁶⁷ (with the exception of a night club owners' organization, which places emphasis on income, or organizations which define prostitution as violence). Based on these sources, we formulated a typology of organizations and associations (Table 1).¹⁶⁸ In compiling the list of organizations, we had two objectives in mind: we have included those organizations that are quoted or referenced most frequently in the literature and we have not restricted ourselves to European organizations, but also included those based elsewhere across the world. The list below may be comprehensive, but it is by no means definitive.

¹⁶⁶ Gall 2006, Gallin 2003.

¹⁶⁷ While self-organizing is present in prostitution, it is not present in human trafficking, where NGO work is the most widespread form, meaning centers that offer assistance to the victims of human trafficking.

¹⁶⁸ I express my thanks to Urša Kavčič for her assistance in surveying the sources.

Table 1: Self-organization within prostitution

	Form of (self) organization	Organizations and associations
1.	Self-organizations of sex workers, who are the founders and leaders of these organizations.	Sex Workers Alliance Vancouver Prostitutes Information Centre Amsterdam Sex Workers Organization India Collective of Sex Workers and Supporters Taiwan, Hydra, Berlin
2.	Non-profit organizations that implement projects aimed at the protection of and assistance to persons involved in prostitution. As a rule, the founders of these organizations are not individuals involved in prostitution, although in some cases they are involved in program implementation.	Outreach Organization for Male and Female Sex Workers in East and West Flandres Prostitute Counseling Centre, Finland Sex Worker Outreach Columbia Helping Individual Prostitutes Survive, USA
3.	Organizations established by sympathizers/supporters of sex workers.	Coalition to Decriminalize Adult Prostitution, Canada De Rode Draad, Amsterdam
4.	Organizations and unions bringing together or aimed at individuals working in particular areas of the sex industry, for instance, dancers or striptease artists.	Exotic Dancers Alliance, Canada Canadian Association of Burlesque Entertainers, Striptease Artists of Australia Incorporated
5.	Organizations bringing together or aimed at men involved in prostitution, gays and trans-gender persons.	European Network Male Prostitution, Amsterdam, HOOK Online, by, for and about Men in the Sex Industry, USA The National Transgender Advocacy Coalition, USA
6.	Organizations and associations of people related to prostitution, for example, night club owners or clients (most of them are based in the Netherlands).	Brothel Association Nevada Organization of Window Brothels Owners, Amsterdam Excellent Groep–Association of Owners of the More Luxurious Sexclubs, the Netherlands Foundation for Clients of Prostitutes, the Netherlands
7.	Institutes and organizations dedicated to studying sex work and the status of sex workers.	Prostitution Advocacy and Sex Study, Thailand The Sex Advocacy and Research, Canada Institute for Prostitution Issues, Amsterdam Dutch Institute for Sexual Research
8.	Organizations fighting against trafficking in human beings and advocating the rights of sex workers.	MAIZ Austria La Strada Anti Slavery International, Great Britain GAATW–Global Alliance Against Trafficking in Women STV–Foundation Against Trafficking in Women
9.	Organizations fighting against human trafficking and rejecting every kind of prostitution and pornography.	Amnesty for Women, Germany CATW–Coalition Against Trafficking in Women, PolarisProject, USA
10.	Online sources maintained by sex workers, covering various areas ranging from health, to legislation, to concrete events related to sex work.	Commercial Sex Information Centre, The Canadian Guild for Erotic Labour
11.	Individual activist online sources maintained by (former) prostitutes.	Carol Leigh Annie Sprinkle Sexpert
12.	Online sources fighting against prostitution and defining it as violence; some are motivated by religious reasons.	Prostitution Research and Education (Melissa Farley) Traditional Values



NEW POLITICS

DISTINGUISHING (OR NOT) BETWEEN PROSTITUTION AND TRAFFICKING IN HUMAN BEINGS

A large part of the literature examines human trafficking in conjunction with the issues of violence and sexual abuse of women and children. Although the significance of this approach is not to be underestimated, it nevertheless leaves out the wider perspective in which human trafficking is recognized as involving not only violence and criminal abuse of the victims, but other aspects as well. Here we have in mind primarily the issues of migration and border crossing, displacement and mobility, and the demand of certain economic sectors for a specific workforce. Until recently, researchers, NGOs and policy makers focused primarily on the labor supply and conditions in the “countries of origin,” while leaving aside the actual demand for particular services. The focal point of most research studies was the promotion of the fight against human trafficking (the anti-trafficking paradigm), and through it the rehabilitation of victims and persecution of criminal groups and other individuals involved in trafficking. Only recently have there appeared research studies¹⁶⁹ that put this phenomenon into a wider context and examine its relation to prostitution.

Contemporary campaigns against human trafficking differ among themselves in their ideological interpretations of prostitution. The main difference concerns the question of whether or not one can choose prostitution as a profession. Some argue that every form of prostitution and consequently human trafficking inevitably involves a violation of human rights. The most fervent champion of this view is the association against trafficking in women, which, by analogy with abolitionism, defines prostitution as a form of sexual exploitation.¹⁷⁰ To be more precise, it considers prostitution a violation of women’s human rights and the main

¹⁶⁹ Gerdes 2006, Kempadoo et al. 2005.

¹⁷⁰ Rape, incest and genital mutilation belongs in the same group.

reason for the “subordination of women as a group”;¹⁷¹ human trafficking is interpreted similarly, as violence against women perpetrated by organized criminal groups.

The view that every form of prostitution, and consequently human trafficking, is inevitably abuse, is countered by many movements fighting for the rights of prostitutes (e.g., Global Alliance Against Trafficking in Women, GAATW), which strive for the decriminalization of a segment that could be defined as “voluntary prostitution.” The main goal of these organizations is decriminalization of all forms of adult prostitution which a person chooses “guided by his/her own judgment,” i.e. “voluntarily.” This trend created the opportunity to treat prostitutes and victims of human trafficking as active subjects. Critics dispute the stark dividing line set in this way between voluntary and involuntary prostitution,¹⁷² because it is possible to identify involuntary factors within voluntary prostitution, such as the lack of options or a survival crisis. This points to the need to reconsider the issue starting from the point where prostitution and human trafficking intersect.

Some research studies¹⁷³ began to problematize the common basis of prostitution and human trafficking. By defining it as exploitation, the phenomenon is defined too narrowly, since it takes into account only its supply side. Although this approach highlights the fact that many persons involved in the global sex industry are subject to violence and that their rights are violated, some are still critical of the campaigns that focus on the prevention of prostitution and human trafficking, maintaining that they bring into the spotlight the issues of crime, punishment and control over migration, while neglecting the issue of social protection. Viewed from this perspective, human trafficking cannot be interpreted as only a criminal act, but, among other things, as trafficking in the labor force to satisfy the demand. Both issues should be examined from the perspective of the everyday life of women and men who are involved in various activities in the transnational world.

The perspective that focuses on the victims of trafficking was also criticized on the grounds that women should be interpreted as go-getters, or active individuals in private and public life, who cross country borders and overcome the limitations imposed by national systems to join the global economic system. This approach does not deny that human traf-

¹⁷¹ CATW 1993.

¹⁷² Sanghera 2005.

¹⁷³ Kempadoo et al. 2005, Agustín 2006.

ficking includes instances of abuse, but its attention moves away from a passive victim and concentrates on the subjectivity of women involved in the sex industry processes.

Trafficking in humans includes several aspects: prostitution, the intimacy of sexual relations, human rights, slavery, labor, globalization, migrations and safety. This manifold nature allows various actors (e.g. national governments, NGOs, inter-governmental organizations, feminist groups, groups fighting against slavery, and last but not least, researchers) to approach the issue from many perspectives. One component of human trafficking that is part of almost every one of its definitions is slavery. However, not all persons who are in some kind of slavery relations are necessarily the victims of sexual trafficking. Today human trafficking does not mean only trafficking for sexual exploitation, but involves also other kinds of labor; apart from semi-skilled and unskilled labor, it also involves domestic labor and work in the tertiary sector, but these segments do not receive sufficient attention.

Some research studies propose that human trafficking should not be equated with prostitution although it should not be entirely separated from it either. By equating it one risks overlooking violence and abuse, generalizing and normalizing them as acceptable working conditions. This would mean that other aspects of trafficking, i.e. trafficking in humans for the purpose of other kinds of (forced) labor, would remain overlooked, and consequently, trafficking for prostitution would become the sole focus of groups fighting against human trafficking.

The separation of the two phenomena and a failure to identify the link between them could, on the other hand, create a perception that human trafficking involves an involuntary act while prostitution involves exclusively a voluntary act. On the other hand, when considering human trafficking, the axiom of voluntarism may be exploited to justify violence if the distinction between a voluntary decision to work in prostitution and sexual exploitation in human trafficking is blurred. The fact that an individual accepted to work in prostitution for one reason or another does not automatically mean that she agreed to live and work under unbearable circumstances. This important difference disappears when the consent, which is conditioned by social circumstances, is generalized as a personal experience.

Furthermore, it is also important to remember that certain instances of human trafficking cannot be invariably placed within the conventionally and legally accepted categories of forced and voluntary migration, or legal and "illegal" migration. To define human trafficking properly,

one should first identify the conduct and consequences to be discussed, their interrelation and relation to other similar contemporary phenomena.

PREDETERMINEDNESS OF “FIGHT AND PREVENTION” STRATEGIES

Although they invoke human rights, contemporary policies concerned with human trafficking, much like those dealing with prostitution, are mainly relying on “fighting against” and “prevention” strategies. Legislation and governmental programs are the domain of security bodies, while social mechanisms and health and security protection mechanisms in the wider socio-economic sense of the word are marginalized. A look at the approach employed by various countries shows that their common denominators are regulatory and supervision policies aimed at prevention.

The majority of national legislations and international directives addresses prostitution and human trafficking by way of penal codes and laws whose implementation is the responsibility of interior ministries. Accordingly, prostitution is the subject of a law on the police and a law on public policy and security (Slovenia), or a law on internal security (*loi pour la sécurité intérieure* in France), or a law on sexual offense (*Sexual Offences Bill* in Great Britain). The policies aimed at preventing human trafficking are determined by the UN convention on the prevention of human trafficking. On the level of nation-states, the regulation of human trafficking, and similarly prostitution, is predetermined by a repressive framework, including the penal code and laws on asylum, foreigners and the like. The socio-economic aspects of regulation are more or less left to counseling bodies or are the subject of governmental strategies and action plans that do not envisage the implementation of concrete mechanisms. As regards preventive measures and education, the problem is that their implementation is left to NGOs, while governmental services refuse to assume their share of responsibility. A closer look at the legislation and governmental strategies in the area of migration (including prostitution and human trafficking) pursued by various EU countries¹⁷⁴ reveals the absence of mitigating mechanisms that could improve the situation and life options of individuals in prostitution. In many cases,

¹⁷⁴ See the findings of FeMiPol, Integration of Female Immigrants in Labour Market and Society: Policy Assessment and Policy Recommendations, 2006–2008 at <http://www.femipol.uni-frankfurt.de/> (accessed on February 12, 2007).

repressive measures aimed at protecting individuals in prostitution by preventing abuse in the human trafficking process have an effect that is quite the opposite to the one desired; prevention politics increase the marginalization of prostitutes and individuals involved in the trafficking process.

In practice, migration, prostitution and human trafficking policies continue to be “state-protecting” policies rather than policies working towards the improvement of life options, which is professedly their goal. Proof is the witness protection program in legal proceedings for human trafficking. The vast majority of EU countries, including Slovenia, with Italy being one of the rare exceptions, conditions the protection of trafficking victims upon their acting as a witness in legal proceedings. The protection program is tied to legal proceedings and a residence permit is issued only for the duration of the proceedings.¹⁷⁵ If these policies were aimed at securing better living conditions for trafficking victims, residence permits would not be issued only for the period during which the state benefits from these individuals. Socially oriented and responsible policies involving reintegration programs and residence permits for persons who experienced human trafficking would not predicate state interventionism on the benefit arising from witness programs. Furthermore, many individuals refuse to appear as witnesses because of the threats to their lives.

Current politics leave reintegration programs to volunteers and NGOs (despite the notorious lack of resources for the implementation of these programs). This, too, points to the fact that the main concern here is the “protection” of nation-states and that the determination of who will be granted survival options is selective. An exception in this respect is Italy, where residence permits issued as part of the victim protection program are not tied to participation in legal proceedings or the manner of entering the country, although some claim that judicial practice is just the opposite.¹⁷⁶

¹⁷⁵ In Slovenia, this was regulated by the Act Amending the Aliens Act. Article 38a states: “The police will allow a victim of human trafficking who resides in Slovenia illegally, at his/her request or in its official capacity, to prolong his/her stay for three months during which time he/she can bring a decision to appear as a witness in the legal proceedings involving trafficking in human beings. The stay may be prolonged for the period of up to three months for well-founded reasons” (UL RS / Official Gazette of the Republic of Slovenia, no. 93/2005).

¹⁷⁶ According to some estimates, despite legal provisions that the safety of a victim of human trafficking should be a priority, 80 percent of permits are issued only if the victim appears as a witness in legal proceedings. Only 20 percent of residence permits are

HUMAN RIGHTS AND NATION-STATES

The issue of human rights has become relevant in discussions about prostitution and human trafficking relatively late. Consequently, a shift from interpreting violence against women as a personal matter to interpreting it as a violation of human rights also came late. Viewed from the perspective of human rights, it is possible to recognize two different approaches: some argue that prostitution as such is a violation of human rights and can be compared to slavery. This approach arises from the early studies on human trafficking which condemned and stigmatized prostitution, denied prostitutes access to public debates and denied sex work. However, viewed from the standpoint of individuals in prostitution who consider themselves sex workers, it is de-legitimization of sex work that constitutes a violation of human rights, rather than sex work as such. De-legitimization excludes sex workers from social and economic rights and increases their exposure to abuse, itself a consequence of the stigmatization of sex work and the refusal to recognize it. For individuals who strive to escape from prostitution, the violation of human rights arises from social forces that pushed them to prostitution (social exclusion, poor economic status or coercion).

The consideration of human rights in relation to prostitution and human trafficking shifts the focus to women and men who, although exploited, are not necessarily victims. Once the human rights aspect was brought into the discussion on prostitution and human trafficking, these individuals obtained the opportunity to speak, actively participate in the process and make decisions.

issued to individuals who join some reintegration program of their own will, meaning without the intervention of a court (Freedman 2003, 127). This can also be explained by the rules governing the practical implementation of the law. A temporary residence permit may be obtained in two ways: through a judicial channel (*percorso giudiziario*), when a victim reports a criminal offense, or through a social channel (*percorso sociale*), when a victim turns to a social service or an NGO. In the first case, safe residence is provided by the police, while in the other it is provided by a social service or an NGO, which then submits a request for a residence permit on behalf of a victim (Article 18, dealing with the social security of a victim of human trafficking, the law on migration no. 40, passed in 1998). Thanks to the witness protection programs in Italy, women who experienced human trafficking have become more willing to participate in legal proceedings, and reintegration programs have been enhanced. However, repressive policies have not been eliminated: in order to "prevent moral degradation of social life," the police frequently deport individuals who do not want to assist the police (Orfano 2005, 116–117; Agasite 2004, 1140–1141).

The analysis of interviews¹⁷⁷ showed that many people involved in the sex industry know, or are aware, that prostitution will be part of their work. Obviously, many relations are possible among people involved in the sex industry; the situation in which managers exploit prostitutes is just one form of these relations. The introduction of the human rights aspect led to an obvious turn. It made possible a shift from debates concentrating exclusively on persecution towards a wider perspective that includes social rights, health protection, prostitutes' wishes and motives.

Despite referring to human rights, national and international policies are still primarily oriented towards the prevention of human trafficking and restrictions on migrations. Legal mechanisms are excessively concerned with the prevention or curbing of organized trans-border crime, while neglecting the rights of vulnerable and economically weak individuals.¹⁷⁸ At the same time, the fact is that various protocols, declarations, national programs, and the international community's efforts to prevent abuse in the sex industry, did little to improve the everyday life or protect the human rights of workers in the sex industry.¹⁷⁹ We are witness to the "paradox of human rights," a discrepancy between national "fight and prevent" policies aimed at the protection of the state, its borders and sovereignty (against migrants, prostitutes and traffickers), and national policies securing and protecting the human rights of those who "threaten" nation-states.¹⁸⁰

In formulating their policies on human trafficking, various countries take into account the provision of the 2000 Palermo Protocol¹⁸¹ on the Prevention, Suppression and Punishing of Human Trafficking, Particularly of Women and Children, supplementing the UN Convention Against

¹⁷⁷ Agustin 2005, 2006.

¹⁷⁸ Campani 2004.

¹⁷⁹ O'Connell Davidson 2006, 6, Kempadoo; 2005, xii-xiv.

¹⁸⁰ Pajnik 2007, 857-858.

¹⁸¹ "Trafficking in persons" shall mean the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability 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 the 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 (Article 3a).

Transnational Organized Crime.¹⁸² Critics¹⁸³ of this protocol argue that it is problematic in terms of human rights, because it links the use of force, deception and exploitation to the migration process exclusively. It criminalizes the organizers but says nothing about the wider structural relations. It does not require that the states should respect the rights of all migrants, but only of those who were exploited in the migration process. The protocol focuses on the criminalization of organizers rather than the ensuring of rights. Another meaningful detail is that the protocol does not supplement a convention on the protection of human rights, but the convention on the prevention of organized international crime.

TRAFFICKING IN HUMAN BEINGS AND PRODUCTION OF "ILLEGAL" MIGRATIONS

Although the majority of contemporary international conventions, protocols and agreements refer to the protection of human rights, it is "illegal" migrations and organized crime that are still the imperatives for governmental as well as non-governmental campaigns against human trafficking. Under the growing pressure of restrictive migration policies, human trafficking is also increasingly becoming an "illegal" migration phenomenon. The attention has been shifting from the socio-economic situation of migrants, their chances (or absence thereof) to find work and legalize their residence, to the issue of "illegal" migrations. "Illegal" entry into a country and unregistered residence are criminalized, while migrants' experiences (not considered active citizen practices) are not receiving any serious attention. Anti-trafficking policies create a situation in which the state becomes a victim of human trafficking and of migrants who cross its borders and individuals who assist them.

In the process of human trafficking, when it involves trans-border operations, victims frequently cross borders without documents. Regard-

¹⁸² The Council of Europe Convention on Action against Trafficking in Human Beings adopted in 2005 has recently gained increased importance. The UN Protocol is oriented towards prevention policies and suppression of trafficking. The Council of Europe Convention adopts the definition of human trafficking from the Palermo Protocol, but it explains in more detail the human rights perspective and emphasizes the principle of non-discrimination and gender equality. It is also more explicit in parts addressing trafficking in children and provides a more precise definition of human trafficking. The latter comprises not only trafficking for sexual exploitation but also includes other forms of forced labor, forced marriages, servitude etc. The Slovene translation is available at www.coe.si/sl/dokumenti_in_publikacije/konvencije/197/ (accessed on August 3, 2007) or see Čurin (2006, 167-184).

¹⁸³ O'Connell Davidson 2006, 9-10.

less of whether or not their migration has been forced, they are primarily treated as “illegal” migrants, which is in harmony with international and national legal measures.¹⁸⁴ Furthermore, stricter visa policies and supervision inside the country, more consistent control over mixed marriages, the criminalization of those who assist in the “illegal” crossing of the border, and deportations are also frequent. National legislations and international concession provisions pertaining to human trafficking and “illegal” migrations create a dividing line between voluntary and involuntary migrations and concentrate on the criminalization of prohibited border crossing. While the restrictive nature and selectiveness of migration policies increase, research studies¹⁸⁵ have shown that it is precisely the lack of options for legal border crossing and legal residence that are among the most important reasons behind women’s decision to opt for an uncertain journey and eventually find themselves in a precarious situation that may expose them to abuse. Policies should therefore be more creative and oriented more towards right protection and less towards punishment.¹⁸⁶

The research studies done so far have not paid sufficient attention to the links between human trafficking and migration policies relying on border control mechanisms. The issue of human trafficking retreated from migration studies and became a subject of criminology. Contemporary migration trends are prevented by border regimes, so people who embark on these journeys seek solutions beyond legal frameworks. Or, viewed from another angle, by engaging in transnational networking, they propose changes (e.g. the instances of transnational families, multi-citizenship, migration as an everyday practice, transnational migrations). However, the situation of individuals involved in human trafficking will step into the foreground only when considerations of the factors that influence human trafficking move towards a wider perspective and devote attention to new frontier policies based on the visa systems supported by IT verification. If the debate on human trafficking is excessively concerned with crime, there is a risk of making a hasty conclusion that the main reason for human trafficking is the excessive permeabil-

¹⁸⁴ Since 2004, Article 387 of the Slovenian Penal Code, in line with the Palermo Protocol, explicitly stipulates that trafficking in human beings is a criminal offense. The elements of an act of trafficking are also subjects of Article 185, dealing with the exploitation of prostitution, Article 186 dealing with mediation in prostitution, and Article 311 dealing with the unlawful crossing of the state border or state territory.

¹⁸⁵ Wijers 2000, Kempadoo et al. 2005.

¹⁸⁶ Anderson and O’Connell Davidson 2003, 43.

ity of national frontiers and that this calls for stricter border control.¹⁸⁷ The result of such a perception inevitably leads to the conclusion that a country may cope with human trafficking only by limiting the mobility across borders.

Such an approach lacks the ability to reflect on the consequences of stricter border control. It increases vulnerability of migrants, because they are forced to seek new paths. These are, as a rule, more dangerous, so migrants are more exposed to risk. Apart from that, this approach misses the recognition that making the border crossing harder, or preventing it, does not necessarily prevent human trafficking; traffickers will find new routes and become even less visible. The logic on which are based measures that close down the borders is simple and banal: if people cannot cross borders, human trafficking will cease to exist. Or, if less people cross borders, there will be fewer victims. The experience of border regimes in various parts of the world suggest that in reality the situation is precisely the opposite: stricter border control and restrictions on border crossing do not prevent human trafficking but even promote it (such examples are the difficulties faced by those who want to enter the UK, or cross the US-Mexico border, Albania-Italy sea border etc.)

In discussing prostitution and human trafficking it is necessary to take into account the complex reality of individuals who, in order to survive or improve their own and their family living conditions, are ready to leave their homes and seek jobs elsewhere, beyond their country, including in the sex industry. When studying the patterns of contemporary migrations, which are ever more gender-structured, it will be necessary to devote more attention to the economic factors. The collapses of national economies and political systems place people in uncertain circumstances, frequently causing personal crisis. In such situations, many women become responsible for the family budget although they do not have access to jobs and do not have the option of migrating legally.¹⁸⁸ Better chances of obtaining a job abroad force women to seek jobs on the informal and unorganized labor markets, including in the sex industry.

The migration of women and women's work, regardless of whether or not it is voluntary, has become a mechanism of economic growth and a source of low cost profit for the states and industries of both Eastern and Western Europe. Being in need of work, women accept low-paid jobs that

¹⁸⁷ Pajnik 2008.

¹⁸⁸ Wijers 1998, 71.

do not require qualifications. Kempadoo¹⁸⁹ argues that it is migration legislation and control over the labor force flows that ensure, among others, the inexhaustible supply of flexible and cheap female labor force. In this context, contemporary legal frameworks may be reproached that, by putting migrants under constant threat of deportation, they do not provide even basic safety and protection for them. Selective granting of documents has also been criticized, as has been the categorization of people and the precedence of these categories when assessing the respect for human rights.

Research studies have identified two approaches to human trafficking, the repressive and enabling approach. The defining characteristics of the former are restrictive migration policies, more consistent and more efficient legal proceedings and higher penalties. In practice, this is manifested as restrictions on freedom of movement for women, or as the engagement of women as witnesses in legal proceedings but without providing suitable protection for them once the proceedings are concluded.¹⁹⁰ The enabling approach, on the other hand, uses strategies that more empower women. These approaches are based on the belief that successful strategies that lead to an effective change necessarily require the participation of those affected by restrictions, that is, women migrants. The main principles promoted by the advocates for this approach, or its more frequent application, are that women and men must have greater control over their own lives and that this needs to be ensured by way of structural mechanisms. Among these are non-discriminatory policies,¹⁹¹ and, let us add here, more radical changes to existing work- and gender-structured social relations.

DEMAND

Given that human trafficking intertwines with the social, economic and political aspects, the questions of who can be considered a victim of human trafficking for the purpose of sexual exploitation, what a voluntary provision of sex services means and what the term “offering” implies have more than one answer. Various representatives of national politics strive to achieve that in public discussions human trafficking and migration are treated as two separate phenomena, and also to set apart

¹⁸⁹ Kempadoo 2005, xv.

¹⁹⁰ Wijers 1998, 77–78.

¹⁹¹ Wijers 2000, 227.

completely human trafficking from prostitution. When discussing working conditions in the case of forced labor and slavery, distinguishing by categorizing the persons involved is taken for granted. The differences based on whether forced labor involves illegal migrants, trafficked people or victims of human trafficking are important primarily for those who give priority to border control and fight against organized criminal networks. For those who are concerned with the life situations of women in prostitution and migrant workers, or their position on the labor market and the like, this kind of distinction is anything but obvious, and it only represents a method used to justify differentiation policies.

Viewed from this perspective, it is the policies designed to control and restrict migrations that actually create markets for human trafficking and smuggling. In this way, they do not protect but rather enable the existence of “illegal” migrants and victims of human trafficking and smuggling, who constitute a cheap and unprotected labor force. They are exploited in various ways and in various sectors and environments, for instance, households, factories, agriculture, construction and the sex industry. The individuals and companies working in these profit-oriented sectors exert control over victims of human trafficking, exploit and re-sell women. Their motives and interests in this type of labor force are diverse, and include the demand for cheap and humble workforce and consumers’ demand for cheap goods and services.

Recently, the sex industry has seen a quick expansion and diversification. The dividing line between commercial sex and other sex-related consumer practices, for instance, tourism or gambling, is increasingly blurred. The question that arises is whether this expansion and diversification of the market is the driving force behind human trafficking. Some researchers¹⁹² hold that there is not necessarily a link between consumer demand and any kind of job within the sex industry. Theoretically it is possible that the demand for commercial sex services is satisfied by both free and independent workers and dependent workers in slavery-like arrangements. More importantly, it is also possible that along with the fast development of the stigmatized and criminalized sex market, female and male prostitutes will be more abused.

In this context, an increase in the demand can be considered one of the factors that encourages forced labor within the sex industry. Another factor that should be emphasized here is that the availability of a desired service is not a client’s sole concern, but they also take into considera-

¹⁹² Anderson and O’Connell Davidson 2003, 20–23.

tion the personal characteristics of a prostitute and make decisions on the basis of her personal circumstances and stereotypes regarding age, nationality and looks. This is a factor that makes more likely a link between demand and human trafficking involving forced labor in the sex industry than in other sectors.

CREATING DEMAND

According to some research studies, clients are mainly men. Their naming varies, sometimes they are referred to as consumers, sometimes as clients or customers. Research studies mainly seek to establish the age at which people first use a sex service from a prostitute and the circumstances that lead to such a decision, their social status, the frequency of use, the types of sex services they seek and their motives. The conclusions are mainly based on cultural stereotypes, unreliable data, and indirect testimonies, while qualitative research studies are rare.

According to one of the first studies in this area conducted in the USA,¹⁹³ 69 percent of men seek a sex service from a prostitute at least once in a lifetime. More recent studies dating from the 1990s give lower figures: 16 to 18 percent of men and 2 percent of women seek a prostitute at least once in a lifetime, while 0.6 percent of men regularly use their services.¹⁹⁴ In Europe this percentage ranges from 7 percent (in the UK) to 39 percent (in Spain).¹⁹⁵ In Asia, the percentage is higher: 37 percent of men in Japan and 73 percent in Thailand (because of sex tourism).¹⁹⁶

Research¹⁹⁷ shows that motives for using sex services vary. In the US, the users cited the allure of forbidden fruit, a desire for diversity of sexual experience which cannot be achieved with their partner for various reasons, a limited emotional involvement and a desire for a large number of sexual partners. These motives were particularly emphasized by frequent users of sex services, and less by one-time users. A research study on prostitution in China¹⁹⁸ categorized users into seven groups: a) younger men without sexual experience; b) single men; c) users who cite sexual life with their partner as a reason; d) disabled people and some

¹⁹³ Kinsey 1948.

¹⁹⁴ Monto 2000.

¹⁹⁵ Hughes 2005, 6.

¹⁹⁶ Anderson and O'Connell Davidson 2002.

¹⁹⁷ Monto 2000.

¹⁹⁸ Pochagina 2005, 118.

older men; e) migrants; f) men who seek a relief from psychological tensions free of worry about emotional attachment; g) married men.

It seems that motivation is also largely dependent on the social background and education. It has been established¹⁹⁹ that men with secondary education are attracted by the idea of forbidden sex as such, while men with lower education are motivated primarily by difficulties they have in establishing conventional partner relations. Married men are more likely to seek commercial sex services to pursue sexual practices which they cannot engage in with their partners, while unmarried men tend to do it to avoid a “conventional relationship,” or because they have difficulties in maintaining such a relationship.

Data on the frequency of the use of sex services differ. Some indicators suggest that the group of regular users of sex services create the large proportion of the demand in the commercial sex industry.²⁰⁰ A Norwegian study has shown that 10 percent of men purchased sex service three times, somewhat more than 50 percent did it 20 to 50 times, while slightly more than 22 percent purchased sex services more than 50 times.²⁰¹ Some researchers divide male consumers into occasional and regular consumers. The former are familiar with pertinent legislation and are more approving of legal restrictions. They attach more importance to potential public condemnation of prostitution use. The latter are more likely to humiliate a prostitute or behave violently. At the same time, they ignore legal restrictions and continue to engage in their practices regardless of legal consequences.²⁰²

The studies concentrating on the sexual behavior of male users examine the reasons for seeking payable sex services, the motives and desires, and collect data on the age of users and frequency of use. Symptomatically, they leave aside those aspects that do not pertain to male users exclusively, but also prostitutes. In line with this, one will not find discussions on women’s attitude towards men who use prostitution. They do not thematize women’s demand for sex service, same-sex or trans-gender prostitution. The studies on the demand for sex services are too often limited to the examination of male consumers’ behavior, while economic and legal aspects of the sex industry are left out, as are gender relations and the governmental response through policies.

¹⁹⁹ Monto 2000.

²⁰⁰ Hughes 2004.

²⁰¹ Hoigard and Finstad 1986.

²⁰² Mansson 2004.

The placement of the demand for sex services in the field of the economy calls for the consideration of profit makers, for example, human trafficking organizations, pimps, and brothel owners. The organizers of prostitution are not a homogeneous group. Their motives and backgrounds are different, and include the drive for profit arising from cheap labor force, low education, few job opportunities, and taking over of social practices that arise from the discriminatory beliefs regarding gender, nationality or sexuality. There are also cases where recruiting, transport and exploitation of victims of human trafficking is carried out by individuals who themselves used to be the victims of human trafficking.²⁰³

Some studies²⁰⁴ point out that countries, national governments and multi-lateral corporations should assume greater responsibility for the consequences of promoting the ideology of economic progress. For example, the states collect taxes from prostitution and co-shape the demand by formulating the legal framework. Governments and state officials largely co-shape and reproduce the discourses and politics of human trafficking and prostitution: the status of a migrant working in prostitution is subject to national migration and employment policies. The work permit ties her to the employer, by which her legal status becomes dependent on the employment relations. The livelihood of migrants frequently depends on prostitution, while the employer has the freedom to choose whether or not to pay for their work and whether or not to restrict their personal freedom by preventing them from working in prostitution independently or from seeking another employer.²⁰⁵

COLONIZATION AND NATIONALIZATION OF PROSTITUTES

Rare reports examining the demand for prostitution claim that the majority of clients are men, which, however, does not mean that there are no women clients. One reason for this is the social construction of male identity in relation to the desire to buy sex, and expectations that generate such a construct. Some researchers²⁰⁶ claim that the demand for prostitutes is the greatest when clients have an impression that their “masculinity” is threatened, or in situations when the reputation and the

²⁰³ Kelly 2005.

²⁰⁴ Kempadoo 2005, xiv.

²⁰⁵ Anderson and O’Connell Davidson 2002.

²⁰⁶ Mansson 2004, Anderson and O’Connell Davidson 2002.

image of “masculinity” suddenly gain importance, for example, during armed conflicts. Another possible explanation for the greater number of male clients arises from gender-based discrimination and its denial, or to put it differently, the justifications to the effect that the greater social discrimination against women the more important it is for men to stay aloof from it, which they do by emphasizing their status through sexual practices.²⁰⁷

Regardless of the theoretical framework into which we place the demand for prostitutes’ services, it is necessary to be aware that these analyses cannot establish directly a link between the demand for sex services and human trafficking. The demand can be satisfied by either “voluntary” prostitutes or by sexual victims of various forms of human trafficking.

The pilot study on the demand in Denmark, India, Italy, Japan, Thailand and Sweden²⁰⁸ showed that certain groups of clients, for example, seamen, drivers, and tourists, tend to opt for the cheapest sex services. This is best reflected within so-called sex tourism involving clients from richer countries. For example, it is known that certain places in north-eastern Russia cater for the sexual demands of tourists from Finland and Sweden, and a similar situation has been observed on the Czech side of the Czech-Germany border, where the clients are Germans.

Research shows²⁰⁹ that the price of sex service is an important factor in the demand for prostitution and that low prices can increase the demand. Low prices are most frequently linked with the exploitative prostitute-pimp relationship. However, these conclusions should not be generalized, because a greater demand for cheap sex services can also be satisfied by independent sex workers not involved in exploitative relations. To return to the above-mentioned observation, the demand for cheap services can nevertheless increase the demand for vulnerable migrant labor force, who are frequently stigmatized as foreigners and especially exposed to violence. The study of the demand for vulnerable sex workers offering cheap services has not clearly demonstrated whether or not the demand directly influences human trafficking. The opposite situation may as well be true, i.e. that the supply of cheap services boosts the demand. The said research²¹⁰ also mentions the demand for cheap

²⁰⁷ Ibid.

²⁰⁸ Anderson and O’Connell Davidson 2002, 30.

²⁰⁹ Mansson 2004, Anderson and O’Connell Davidson 2002.

²¹⁰ Anderson and O’Connell Davidson 2002.

sex services offered by migrants. Prostitution among migrants is partly dependent, according to this research, on the fact that women coming from abroad are more vulnerable on the sex and labor markets and can find work only with difficulty. Another possibility is that female migrants are more accessible on the sex market and that providers advertise their services as the cheapest ones. The study also showed that clients perceive gender relations, ethnicity and sexuality by sexualizing the “other” person (a migrant) while de-sexualizing a “white woman.” In this context it is possible to recognize the links among the ideologies of masculinity, racism and nationalism, through which the clients give sense to certain kinds of sexual violence and exploitation practices involving the “other.”

There are some well known examples from the colonial era and the times of armed conflicts when sexual exploitation, including rape and prostitution of “colonized” or “enemy” women, was a common practice.²¹¹ Nevertheless, much like in the case mentioned above, it is not possible to assert that human trafficking is a necessary consequence of the demand based on racism and nationalist discourses. The practice indeed shows that female migrants working in prostitution can find themselves in a situation that enables exploitation, yet it should be stressed again that not all female migrants get involved in the process of human trafficking with a view to finding a job within the sex industry and that not all of them are the victims of exploitation. The demand for sex workers of a certain nationality as a fascination with the “foreign” still remains one factor that makes female migrants especially exposed to exploitation, although by no means the only one.

²¹¹ Corrin 2005, 552.



PROSTITUTION IN SLOVENIA THROUGH STORYTELLING

We have already mentioned that the dominant perception of prostitution and human trafficking, based on the dualisms such as prostitute/victim, abolitionism/advocacy for the rights of sex workers, or prohibition/regulation, calls for alternative ways of considering prostitution to avoid the binary approach. The empirical study of prostitution in Slovenia presented in this chapter exposes the need to transcend the binary approach and take into account the many realities of prostitution and human trafficking. The analysis of interviews confirmed the doctrinaire character of dualisms and exposed the fluidity and diversity of opinions and experiences, not only of women and men in prostitution but also of their clients, NGO activists and policy makers.²¹²

In this chapter we present the findings of the study which examined prostitution and human trafficking from various aspects: gender, life options, migration, work, and, last but not least, organization and demand. The last mentioned aspect is particularly important since with this study we aimed to initiate a discussion about clients who use sex services, which is a rarely examined feature. Our aim was to emphasize the demand and thematize it along with the life practices and experiences of female and male prostitutes. We were interested in the views and

²¹² We should also mention some studies on prostitution published in Slovenia so far. The first publications date back to the 1960s; Kobal and Bavcon's study published in 1969 involved a socio-pathological approach to prostitution. During the subsequent decades, publications on prostitution were quite rare. The subject was revived in the 1990s, while the first research studies on human trafficking were conducted only after 2000. The scholarly texts in Slovenia are mainly criminal and legal studies on prostitution and human trafficking (Kanduč 1998, Petrovec 2000, Peršak 2003, Oberstar 2003). The interior ministry published several texts dealing with prostitution from the legal standpoint and in connection with supervision (Tratnik Volasko 1996), and on the implementation of international legal documents relating to the fight against human trafficking (Čurin 2006). For more on the argument in favor of social work within prostitution, which should be based on the normalization concept, see Zaviršek (1993). See also a recent study on prostitution by Popov (2008). For more on the relation of prostitution to human trafficking as it is present in current policies, see Hrženjak (2008). Some texts dealt with human trafficking from the standpoint of human rights (Zavratnik Zimic et al. 2003, Zavratnik Zimic and Pajnik 2005) and some analyzed media coverage of prostitution and human trafficking (Pajnik 2003, 2008).

experiences of people working in prostitution and their clients. With a view to encompassing the complexity of relations, we also sought to hear the opinions of prostitution procurers, policy makers and NGO representatives. Although NGO representatives have only indirect experience of prostitution, we included them in the study because they co-shape the representation of prostitution, not only through public debates and policy making processes, but also through direct contacts with persons involved in prostitution and human trafficking. The opinions of policy makers who create social and legal norms framing these phenomena are equally meaningful.

We collected and analyzed data using the qualitative method based on semi-structured interviews. The study comprises the analysis of narrative, theme-oriented interviews that covered the following topics: reasons for the involvement in prostitution and experience of prostitution, clients' motivation and practices, relationships within prostitution and human trafficking and their conflictual nature, the spread of prostitution, the realities of various forms of prostitution, legal norms framing prostitution and the outlook. The questionnaire we used for this purpose was adapted to individual groups of respondents.

The field work in Slovenia and the majority of interviews were conducted in 2006,²¹³ and continued into the first few months of 2007, when we established contacts with several more respondents through personal acquaintances. As we guaranteed the anonymity of respondents, the names of prostitutes, their clients and pimps have been changed.²¹⁴ The experts, NGO representatives and policy makers interviewed for this study are present in public life and the majority of them made public statements concerning prostitution and/or human trafficking, so our quotation of their statements does not represent a betrayal of confidence. However, to ensure anonymity and protection, we excluded from this text the parts that directly pointed to a specific person working in prostitution on the basis of which such a person could be identified.

Interviewee groups:

- a) Individuals working in prostitution (n = 6)

²¹³ The interviews lasted from an hour and a half to four hours.

²¹⁴ The pseudonyms of women in prostitution whose stories are presented below are: Jana, Manja, Ina, Manuela, Sara. Julija is the pseudonym of a transvestite working in prostitution. Mito and Vinko are the pseudonyms of the two prostitution procurers we interviewed. Tomo, Sebastian, Ivan, Zoran and Jože are clients who shared with us their experiences, and Mare is the administrator of an internet forum.

Various methods were employed to establish contacts with these individuals. We placed an ad in the *Salomonov oglasnik* paper (a classified ads paper) inviting prostitutes and clients to participate in the study.²¹⁵ We also called numbers advertised in *Salomonov oglasnik* and *Vroči vikend*. The response was not satisfactory; many refused the invitation to participate despite our guarantees that anonymity would be protected. Some were ready to participate by phone, and in such cases we held an in-depth phone interview. We also established contacts through web pages and forums, but most contacts were established through personal acquaintances.

b) Clients (n = 6)

The snowball method proved the most efficient also when establishing contacts with clients. We established contacts with several clients through the ad, web pages and forums dedicated to the users of prostitutes' sex services.

c) Procurers/managers (n = 2)

We interviewed one night club owner with whom we came in touch through a personal contact. One reason that makes it difficult to establish contacts with prostitution organizers is that in Slovenia procuring is a criminal offense, so they avoid exposure. The second interviewee was a person who organizes prostitution in private apartments.

d) Administrator of e-forum (n = 1)

We followed online discussions on prostitution during our research study. To obtain additional information, we interviewed the administrator of a forum intended for male clients. There are several forums of this kind in Slovenia and most operate in a manner similar to that employed by some well-known international forums such as *World sex guide*. Forums provide a variety of information, for example, men's personal experiences with prostitutes, information on places where prostitution takes place, prostitutes' phone numbers (or other information leading to them). Users exchange experiences, photos, short video clips, and comment on various topics, for example, legal proceedings against prostitution procurers, etc.

e) Experts, NGO members and officials whose work involves the issues of prostitution and/or human trafficking (n = 6)

We interviewed several officials and non-governmental actors concerned with the measures against human trafficking and issues of pros-

²¹⁵ We presented the research study and inserted an invitation for an interview. The advertisement appeared in the section "personal contacts," subsections "she-he", and "he-she." It was published each Thursday from May 18 to June 2006, i.e. seven times in all.

titution: Sandi Čurin, the National Coordinator for the Fight against Trafficking in Human Beings in the Republic of Slovenia, Evita Leskovšek of the Health Protection Institute, the leader of an NGO dedicated to raising awareness, providing counseling services and assistance to drug users, Tomaž Peršolja, a representative of the criminal investigation police department, Jurij Popov, a journalist and the author of *Prostitucija: priročnik za prostitute/ke, stranke in moraliste/ke* (*Prostitution: A Handbook for Prostitutes, Clients and Moralists*) (2008), and representatives of two NGOs, Katjuša Kodele Kos, the chairperson of Ključ, Center for the Fight against Trafficking in Human Beings, and Katja Celin of the organization Slovene Philanthropy.²¹⁶

Most women who participated in our study come from Slovenia and work in the country. One of them migrates to Slovenia from a neighboring country several times a week. A transvestite we talked to comes from Slovenia but currently works in prostitution in Austria. Although we also discuss certain elements of human trafficking, our interviews did not include victims of human trafficking or persons having experience with it because we sought to maintain a focus on specific content.

The group of clients interviewed includes only men, who according to some estimates²¹⁷ account for the vast majority (95 percent) of sex services users. In most cases the relationship is between a female prostitute and a male client; the proportions of heterosexual prostitution in which sex providers are men and of same-sex prostitution for the most part taken together do not exceed 5 percent. Since our study was limited in terms of content and timeframe, we could not hold interviews with women, lesbians or couples who buy sex, although the field experience confirms that demand among this population also exists. Although we focused on the male buyers of sex, this does not mean that there is no demand for prostitution among women, nor do we want to suggest that female clients' opinions are less relevant. We hope that their views and opinions will be examined in more detail by some other research study in the future.²¹⁸ Similarly, men prevail in the prostitution organizers group,

²¹⁶ When quoting the statements by these participants we use only their initials.

²¹⁷ O'Connell Davidson 1998, 181; Jeffreys 2003.

²¹⁸ When analyzing the studies that deal with practices employed by female clients in prostitution (in Thailand, Jamaica, Barbados, the Caribbean and the Dominican Republic), Jeffreys (2003) concludes that the differences among practices employed by women and those employed by men arise from the social positioning of men and women with regard to the class, power relations and meanings and contexts of behavior. The author distinguishes "male tourism for prostitution" from "sexual relationships of female tourists" (Ibid., 236). By contrast, Sanchez Taylor (2006, 56) concludes that a shift from

although several participants confirmed that women, too, are involved in the organization of prostitution.

To demonstrate that there are gaps in the understanding of prostitution that have not yet been explained, not to mention studied in any detail, we invite the readers to consider the following scenario. It is the common belief, which is also supported by contemporary research and statistical data, that prostitutes are mainly women, and that they are consequently much more vulnerable to abuse in the process of human trafficking. Men, on the other hand, are more frequent buyers of sex, and are more often than women the perpetrators of violence or exploitation. The gap in this perception becomes obvious as soon as we reverse the question: what can we say about female users of sex services and women who exploit other women within the sex industry? The gap is even greater if we add to this same-sex and transgender prostitution, which is overlooked by professional circles, if not even denied or dismissed as marginal. But this does not exhaust the range of various forms of prostitution, practices and abuses that are still to be researched, including prostitution related to illegal drug use and prostitution in prisons. Research studies done so far have entirely overlooked, for example, prostitution and instances of human trafficking in asylum homes and centers for foreigners. Therefore, the data presented below should not be generalized but read with the context of this research in mind: the intention of this study is to provide an insight into the segment where prostitution and human trafficking intersect and relate to the demand for sex services. Our intention is to contextualize the dilemmas that determine the perception of prostitution and human trafficking and to highlight the experiences of female and male prostitutes.

ON REASONS FOR PROSTITUTION

Women working in prostitution who participated in our research are 25 to 35 years old. Some are employed but work in prostitution because their livelihood depends on this additional income. Others are students for whom prostitution means an additional income enabling them to lead a more comfortable life. They greatly differ by their educational level. Some have completed secondary education, one is married and employed with a university degree; some live with partners, others are

the essentialist understanding of sexuality enables a comparison of “male sexual tourism” and “sexual tourism of women,” whereby sexual relationships of female tourists do not appear much different from those practiced by men.

single. The clients with whom we talked stated that they buy sex from younger and older women, up to 55. One of them thought that most of the women he met were over 30, and that selling sex was their only job; most of them were neither students nor employed. The variety of information provided in these interviews suggests that users assess prostitution exclusively on the basis of personal experience. For example, another client said that most of the women he met were younger, aged 20 to 25, and that they were students temporarily working as prostitutes to pay for rent and studies.

The prevailing view among all respondent groups was that prostitutes differed by their educational level: some are students, others have completed secondary school or university studies, some are employed, and some are in well-paid jobs. However, some among them have less education, and some respondents described such women as “professionals” – for them prostitution has been the only source of income for several years. Several respondents said that many women and also some men offer sex services in exchange for drugs. We could also hear the opinion that some women working in prostitution had difficult family situations, in most cases plagued by poverty and alcohol abuse.²¹⁹

The respondents assess that many women who migrated to Slovenia and work in prostitution have a high level of education. Many have children and partners, and they seek work in the sex industry because they want a “different, better life.” The reason given for leaving a country of birth is most frequently the socio-economic status. The economic reason is mentioned as a general reason, regardless of whether the woman in question works in her country of birth or in another country to which she migrated.

²¹⁹ The estimates on the extent of prostitution in Slovenia vary greatly. According to the police data, which has also been confirmed by our interviewee (TP) and quoted by a group of MPs in support of the demand for the decriminalization of prostitution in 2001, there are approximately 1400 female prostitutes in Slovenia; there is no data on the number of male prostitutes. Unofficial estimates put the number of female prostitutes at 3000 or more. The estimates on the proportion of migrant women in prostitution also vary. According to the police records (there are no other institutions in Slovenia apart from the police that maintain these statistics), they account for up to 50 percent of all prostitutes, and this percentage includes some daily migrants who return to Austria or Croatia on a daily basis. Let us add that in the past statistical data on prostitution was exploited to limit prostitution and disseminate the medicalized discourse on prostitution that criminalized prostitutes. Even today the publication of statistical data has a similar effect. The analysis of the media coverage of prostitution during the period 2001–2002 showed that the majority of media manipulated the statistical data, which in most cases were not comparable, and that this playing with numbers had the effect of a moral panic (Pajnik 2003, 154–155).

Women's desire or need to improve their economic situation should be interpreted within the wider context of living conditions and options. The majority of interviewees are convinced that the main reason for working in prostitution is the money. Some think that it is money they need for survival, or to support their family, or to pay for their own or children's schooling. Others believe that the main reason is a desire to be financially independent, for example, financially independent from a partner. Some women working in prostitution asserted that their main reason was the money, while others added that they would not work in prostitution if they had another option.

The reason was my social circumstances. I had no job and was in debt. That's how it began. (Manja)

The reason is actually the money. One friend did it and it worked very well, she could afford anything she wanted, holidays, dress, cosmetics and a new car. While I depended on my parents and on what I got through the student jobs service. Where I come from, work through the student job service is paid much less than in Ljubljana. I worked as a secretary in a company where I earned 350 tolar per hour.²²⁰ What can I afford with that money? (Jana)

At that time I was twenty one. And I did it for the extra income, I did it in addition to my studies, meaning writing, journalism. Indeed, I knew all the while that it was temporary. I knew that one day I'd use my brains to earn money. I somehow bet all on my body, but I knew that I was not the type of woman to do it all my life, or prolong it indefinitely. And it was very simple to end with it. No traumas. I got an additional translation job by chance and it smoothly substituted that income. Well, there were some crises later, you know how it is when you are a student and look for a job. You take all sorts of things. (Sara)

I earn around 500 euros, plus or minus a few hundreds [...] I'd say it's good money. If I compare the amount of time with work. You definitely earn better money than in some employment, in an office or as a clerk. The effective working time, in terms of money, is optimal. The advantage is that you earn a lot of money in a short time. That's the advantage [...] Pocket money is good, for studies, and I spend little time, with other sorts of job I'd work many more hours, every day, to earn that money. But in this job, I spend here two days, or a day and a half a week. (Ina)

The earnings depend on what you offer and how long you work. I, for example, use this money to pay the rent for the apartment which I share with other girls, and the rent for the apartment where I live. Once a month I go shopping in Italy, I pay exams occasionally, although I mainly get money for that from my parents, and I have enough money to get me through the month. I'm fine like this. And I also intend to complete the university studies and work in my profession. (Manuela)

²²⁰ One euro was worth 239 tolar.

Money is one of the frequently emphasized reasons for working in prostitution, although this should not be interpreted unequivocally. One of the respondents was convinced that money is a good reason, particularly if one takes into account the time invested and compares this job as a whole with low paid or physically strenuous jobs. At the same time, she said that she would definitely not work in prostitution had she had another option. Two other respondents and a night club owner were of similar opinions.

The money is the real reason. I wouldn't do this if I had a well paid job. If I had my degree and a well paid job, I wouldn't do this. This is a temporary job for me, I do it while I study, until I get a degree. It is transitory, until, as I said, I find a real job. If I had it, I'd never ... And I don't want it in the long-term run. I don't aim for it. [...] I hide this from my boyfriend. I have a serious relationship. (Ina)

I'm fine for the time being, I resolved these issues for myself, what sex for money is and what emotions are, and I don't have a problem. But I'll stop soon. A few more months to go. (Manja)

Many of them find it hard to do it. But despite that, they then get those, say, hundred euros. It's probably hard to go with a client. If she has a drink, it's a bit easier. Some don't have problems, most of them don't. But, you know what, you don't have a real choice. (Vinko)

Some respondents thought that women primarily work in prostitution to survive, and this thesis was confirmed by some prostitutes; some of them said that working in prostitution was a quick fix, until they found a better work opportunity, while for others it was a way to earn money for the costs of living. Some thought that a certain number of women opted for prostitution to be able to afford "a comfortable life," meaning to obtain money for "goodies," as one respondent put it. This respondent also stressed that she gained sexual experience through prostitution. The statements below are examples of rationalization and legitimization of prostitution as sex work.

I thought it was fun. Of all of us who were there, I was the least burdened. Of course I had a partner throughout that time, who knew nothing about it. He somehow thought, well, she is capable, she writes, can live off that; he too earned some money then. I found it really funny and I'm lucky that I'm not traumatized over it. On the contrary. I accumulated quite a lot there. Given that I met, I don't know how many, probably more than five hundred men. So you somehow get to learn what the manuals cannot tell you. No, no, it's not about length or shape. In the first place it's about how a man's body responds to me, my movements. I was probably different in this respect from other girls; probably, I can't be sure about it. I intuitively explained to myself that what I was doing was not problematic. I never regretted it, never. I was sure of myself, sure that I



did it well. In this way you gain some self-confidence and I only benefited from it. I used it many times with my partners. My suggestions were mainly met with approval. In a way I wish every woman could have such an experience, but she must be very healthy and very collected. (Sara)

I thought it was fun, I really thought it was fun. When I started I was 21, that is the age when you still can sell yourself, once you're over 25 your chances are slim. I played various roles, as a transvestite, as a man I offered both, so that I could have more clients and I could play both roles, actively and passively ... [...] I found it fun, I was also taken as a woman, as a female prostitute, and the money was only extra, well, I could pay the debts [laughing]; for instance, I had a car crash and what could I do but cough up that money and that was it. Actually, I was paid handsomely at the place where I worked. (Julija)

There were also opinions that some women do not actually need money but work in prostitution for the sake of "adventure," but those same respondents then proceeded to say that most of them opt for prostitution for economic reasons, adding that exceptions were extremely rare. One client cited the following reasons: "financial crisis, a wish for quick profit, in many cases coercion, and only rarely sober judgment and free decision" (Tomo). Or, as another client put it:

I'd say that to most of them [sexual intercourse] does not mean anything or to put it differently, it is a burden. A burden for which she charges. That's the real state of affairs. But for some, I'd say, it's a pleasant experience. Some actually say so. And if they can earn something through sex, then all the better. (Zoran)

Sara put it as follows:

In the first place I wanted to please them. At times I found it difficult to do some things, say, I wasn't in the mood, but most of the time I was a good girl. Most of the time a good girl. That has to do with earnings. There was no real affection. Perhaps I liked someone better than someone else, but affection ... If there was something like it, it was acted out, not real. Perhaps some were more interesting, because they were more intelligent. (Sara)

Apart from the need or desire to improve economic and social status, other reasons mentioned were the lack of life options and job opportunities, and gender relationships. That the money as a reason may conceal the lack of other types of opportunity was also established by one client.

In fact it's a burden, it's a burden for women, a trauma. I talked about it with a woman who stopped working, and I contact her now and then, she, too, called me once. Just like that, for a chat. She said that it was a burden for her and that she could not see any future in it. Actually, there is a financial advantage, financially it is ok, but all else is not





ok. She is now an entrepreneur competing for work. She doesn't earn that much, but in fact she is better off. (Zoran)

Some respondents coming from governmental and non-governmental sectors compare the issue of gender in relation to prostitution with the historical and culturally determined practices of women's subordination. In this context they pointed out that the motive for working in the sex industry is determined by social relations that produce social and economic differences. They further explain prostitution by using the argument of gender-based consumer practices, the burden of family work, unequal status of women on the labor market, and last but not least, the unequal payment system and large social differences. As one of the respondents who worked as a prostitute pointed out, there is also the reversal of gender roles involved, or, in intimate relations, the "dominance" of female sexuality.

The main reason [for prostitution] is the abuse of women's placement in a certain context of gender relations. There should be a greater emphasis on gender equality, in the sense of greater employment of women in certain sectors. A greater emphasis should be placed on equal opportunities, labor division within the family and in raising children [...] Women should have more opportunities for self-realization, their status should be regulated, for example, the status of single mothers, they should be given rights, and domestic work should be promoted as employment [...] We should ensure stimulation for women to become integrated in some other forms of social activity. (KC)

The organization of society determines gender relations, to what extent a society is patriarchal, whether it allows equality, gender equality, equal rights. The more a society is patriarchal, the more taken for granted it is that a man can buy a woman in exchange for her service. And even more than that, that he can sell her. The next issue is social differences and polarization between the rich and the poor within a country. This means that some, regardless of gender, are forced to offer their bodies to survive. Some point out that an integral solution to the problem would be precisely the elimination of social differences between the developed and the undeveloped parts of the world. (SČ)

Women want to be financially independent. They don't want it [prostitution] as a profession. Women earn less than men, although they have the same education and jobs. I think that many are dependent on their partners, boyfriends or husbands, but they don't want that; they want to be independent and this is a way to earn more. (Ina)

It's Marx. It's a slave-master exchange. That's how I experienced it. The constantly changing master and slave roles. The slave was actually the master all the while and the things again come full circle. Because it's about some kind of male supremacy. Or not about supremacy ... What it is about is simply that you have an opportunity to learn a lot about men. About the way they think, the way they perceive women. It is how I saw, and I still see, the relation between a man and a woman. Perhaps sometimes it was



about supremacy. In the sense, I have control over you, I over him, you simply cannot do anything and I'm the one who controls the game. (Sara)

VOLUNTARY VS. FORCED PROSTITUTION

We have already mentioned that current research studies on prostitution and human trafficking continue to offer ambivalent definitions of the links between the two phenomena. Most texts place emphasis on either prostitution or human trafficking, leading the readers to conclude that the connection between the two is a rather new feature, so a look into one phenomenon through the lenses of the other has not yet found its way into professional literature. Theoretical efforts, public discussions (in most cases provoked by legislative changes), and policy-making processes mainly concentrate on one of the two phenomena, so inevitably, the links between them remain overlooked. Moreover, it produces a perception that prostitution is an exclusive practice separate from human trafficking, which leaves no room for similar practices situated in the area where the two phenomena intersect.

Our respondents sometimes made a distinction between prostitution and human trafficking, and sometimes tried to view them together, but they also invariably tried to establish what possible consequences would arise from considering the two phenomena separately. It seems that the more common approach is to establish a clear dividing line, although some answers suggest attempts at recognizing practices that cross this line. Undoubtedly, the characteristic features of both phenomena must be clearly stressed, for example, exploitation and slavery in human trafficking, but they should not be generalized or completely set apart from the situation of individuals working in prostitution.²²¹ For example, if we ascribe exploitation to human trafficking only, then it is easier to overlook the potential master-slave relations in prostitution between a pimp and a prostitute. When discussing prostitution it is also necessary to take into account the experiences and stories of women and men actually working in prostitution. The statements below clearly demonstrate that respondents recognize differences between human trafficking and prostitution and attempt to put into words that which links both phenomena. For example, they view prostitution as an activity for which a woman opts of her own will, although in so doing they do not brush aside the significance of “free choice,” for example, a possibility that free choice is determined by the lack of other opportunities.

²²¹ Pajnik 2008.

Some women say, I like it and I'll do it. It is a question what is beneath what they say. Perhaps she's used to it, because that's what she's been doing since the age of twelve. There are many reasons, many different factors. In many cases it is certainly so that even if prostitution seems to be voluntary, it is still coercion for her, from the psychological aspect, because she is compelled to do that and cannot find another job, because it is the only thing she can do. I'd say that women rarely choose to do precisely that because they like it. I think it is very rare. Even in such cases there are other reasons and factors. [...] I'd say that a woman does not make a decision in the sense, well it's cool, I'd like to be a tour guide, or it's cool, I'll be a prostitute. (KC)

Some respondents expressed a belief that only a small proportion of women choose prostitution for other than economic reasons, although the opinions vary. One respondent put the percentage of voluntary prostitution in Slovenia at around 30 percent. Others estimated that only a small percentage of women, by no means more than a few percent, work in prostitution for other than economic reasons. Some linked prostitution to poor social or economic circumstances, or, as one prostitute put it, women sometimes wish very much for financial independence. In the opinion of our respondents, other reasons for prostitution were alcohol abuse, violence in the family and low level of education. These are believed to be the reasons that restrict women's choices.

An opposite attitude to prostitution could also be identified. Some think that it is fun, and their conduct is a consequence of the full rationalization of their situation. For example, one respondent said: "I like to do it. In a few months I'll move to the coast, there is a lot of fun there and the earnings are good." (Manuela) Regardless of this, women in prostitution are frequently under various pressures (exerted by providers or clients), which is why many see prostitution as a temporary job; they are active for some time, then retreat, and perhaps return to it after some time.

The differences between voluntary and forced prostitution are blurred. What does it mean for someone to be a prostitute and to say: that is my decision. What were her motives? Insufficient attention is devoted to this. Our understanding runs along the lines, well, she is a prostitute, that's her decision, that's what she wanted, but in reality we never give a thought to the underlying reasons, her economic situation, family environment [...] Too often it is assumed that it was their free decision, in the sense, you wanted it and now you have it. This generates the attitude to the effect, if you want to pull out of prostitution, do it and find some other job. (KC)

The majority of prostitutes we interviewed made a clear dividing line between forced and voluntary prostitution. Force is mainly associated with physical force or violence.

In my case it is voluntary, and I'm glad that I can work like this, that it is not illegal and there is no coercion. No force, nobody telling me I must do it. I do it voluntarily and I'm glad that I can work like this, two or three days a week, which is not too long. (Ina)

This respondent understands coercion as not necessarily coming from a pimp. Her answer alerts us to the obscuring of borders between forced and voluntary prostitution: the respondent explains that prostitution is her own choice, but that she is willing to work as a prostitute two days a week at the most. Another indicator that points to the intertwining of coercion and voluntary factors is a frequently expressed assurance on the part of prostitutes that they would not be in prostitution had they had an opportunity to find another job. Most of the women with whom we talked understand their conduct as being voluntary – most of them clearly distanced themselves from forced prostitution. In their opinion, in Slovenia it is only women coming from abroad who find themselves in the shackles of forced prostitution.²²²

I think that human trafficking occurs only with foreign women, it doesn't happen to Slovenian women. Foreign women are naive and they believe that they can make a lot of money fast. (Jana)

I find it [human trafficking] utterly horrible, the dirtiest thing. Women live in unbearable conditions, they have no jobs, no prospects, they come from faraway poor villages and it is understandable that they are driven by the wish to earn money. Here, well, not only here, everywhere, there are people who will know how to take advantage of it, of their gullibility. (Manja)

For night bar owners, the difference between forced and voluntary prostitution is analogous to the black-and-white distinction. In their opinion, prostitutes “always have an option.” While on the one hand this argument acknowledges the active role of a prostitute in deciding her own future,²²³ one should not overlook that this statement can also be read as a defense of their role of prostitution managers, in this case involving organized prostitution in night bars. The statement below by a prostitution manager demonstrates how the free choice of a prostitute may be rationalized and simplified.

The door of a night bar is open. Every girl has a mobile phone. There is full freedom. It's different in apartments. [...] She mainly knows what's going on. She also has infor-

²²² According to Ključ's estimates (the interview with KKK) it is not only migrants in Slovenia who are forced into prostitution, but also some local women.

²²³ See Agustín 2006.

mation on what is offered, if she wants it, fine, if she doesn't, fine again [...] They were also brought to me as waitresses, or cooks, and there were small problems. But I said to her, look here girl, you can leave. You can leave or stay. But if you stay, these are the terms. They had a choice and most of them stayed. (Vinko)

Similarly, the clients we interviewed only rarely spoke about human trafficking, or to put it differently, they rarely recognized the possibility of a prostitute being exploited. Many of them said that they did not know of any case of exploitation, or, as someone mentioned, he heard about it but did not give it much thought, if any. A night bar owner admitted that he did not do anything when he met a woman who was involved in an exploitative relation, adding that she would have probably fled if she wanted to get rid of exploitation. It is possible to identify in his answer the reduction of prostitution to individual circumstances, based on the assumption that the solution is simply to stop working in prostitution, or to flee in the case of human trafficking. An NGO representative, however, had a radically different opinion on this issue (see further below). In her view, prostitution is mainly an involuntary activity and manipulation.

I myself have an experience of it. I didn't meddle with it, it occurred abroad. She was listless, a bit blue, so I assumed that she got it [was beaten]. You know what, the biggest problem is that girls sometimes moan, moan to guests, clients, in order to get out as much as possible [...] It's hard to establish the truth. If she is under constraint, it can be established partially, but not one-hundred percent for sure. But if she is really forced and if she really wants to get rid of it, I think that she has many options. Even if she is intimidated, or whatever. It is possible in most cases at least. You have to take risks, survive, that is; but some surrender to fate. Depending on the character. (Vinko)

My personal viewpoint is that voluntary prostitution as such does not exist. Since I became interested in this phenomenon, I met only one nymphomaniac prostitute, who opted for it because she really enjoys it and can make money besides. When you talk to them you conclude that the reason is financial independence, and that what is involved is, how can I put it, it's manipulation, pure manipulation, and they are the victims of manipulation. Just now we have one lady there for counseling, and she says that her husband manipulated her entirely, in the sense, let's do it, only for a limited period of time, we'll earn money to buy an apartment, and now he won't let her out of it. She has a dilemma, because she agreed to it, so now she reproaches herself that she is a prostitute, that she was born a prostitute. We have arrived at that through our conversations, that she has been manipulated and that it is not possible to speak about emotions in her relationship with her husband, her partner, because there are no emotions. Because of financial independence, because of constraint, through manipulation, or because of sheer gullibility. That's how it happens and then they stay. Most of them stay, most do not escape. (KKK)

Despite this conviction that prostitution involves manipulation, this non-governmental organization also has a different experience. For example, one woman asserted that she was voluntarily involved in prostitution and that she did not want and did not need help. Such testimonies challenge the established images and call for new considerations of the situation of female and male individuals working in prostitution.

Sometimes prostitutes call us. She calls and says, I'm a prostitute and I'm proud of it, and then she talks. What do you want, what kind of help? No, I don't need help. I'd just like to tell you ... They teach us. They are our teachers. You cannot understand that without going deeper into it. She is not necessarily abused, it may be something completely different. (KKK)

PROSTITUTION INSIDE A COUNTRY AND OUTSIDE IT

The analysis of interviews showed that sexual services can be bought practically anywhere in the country. There are some estimates that concentration is greater in bigger towns, where the demand is probably greater because of the larger population. The demand is somewhat smaller in rural areas, but services are available everywhere across the country. (TP)

The majority of respondents confirmed that prostitution was most widespread in bigger towns, with Ljubljana heading the list, followed by Maribor and Celje. Other smaller towns were also mentioned frequently, for example Slovenska Bistrica and spa centers, including Rogaška Slatina and Dobrna. Our respondents believe that prostitution is also related to tourism and that it is potentially present in all tourist centers, including in ski centers. It is widespread in coastal towns, particularly in Koper according to some estimates, but hotel room prostitution is also found in Piran, Izola and Portorož. Nova Gorica, bungalows located near Otočec, Novo Mesto, Krško and Brežice were also mentioned. The night bar owner told us that he personally met ten women working in Kranj, and five drug users who work in prostitution in Trieste. He also mentioned homeless women and drug users working in prostitution in Ljubljana.

Our respondents believe that local men seek sex services primarily in Slovenia and only rarely travel abroad. It is also believed that many clients in the coastal region and Nova Gorica are Italians. One of the respondents categorized their practices as a form of sex tourism, which is a practice also pursued by clients from Slovenia, for example, when they travel to Thailand.

In the Štajerska region (Styria), as one respondent said, sex services are bought by Austrian clients. Some thought that men from Slovenia seek sex services in Austria and Germany. A woman working in prostitution said that prostitution users who do not travel abroad usually buy sex services outside their place of residence: “People from Štajerska go to Ljubljana, and those from Ljubljana to Maribor. So they do not raise suspicion at home.” (Manja)

Slovenian tourism here in Austria has increased a lot, quite a lot. For example, I know many people from the gay world, many gay people from Kranj, Ljubljana, Gorenjska. Men from Štajerska, from Maribor, come here. Most of them are married and fathers, fed up with the local scene, it's like that on the gay scene, you appear twice and you're not interesting any more. (Julija)

The respondents also mentioned that many female students who work in prostitution in Slovenia travel abroad to sell their services, for example to Croatia. They estimate that during summer months female students frequently migrate to Italy and Spain. Prostitutes also move around the country. During the summer months, most of them leave Ljubljana and move to the coast. One respondent told us that during the summer months earnings in the coastal region are as much as three times higher than in other parts of Slovenia. Another respondent mentioned other kinds of migration, for example, one organized by bar owners who call it “women exchange,” in which prostitutes move from bar to bar.

The main destinations during summer migrations are Spain and Italy, but also Germany, Switzerland, Lebanon and Cyprus, with prostitutes entering these countries on a tourist visa. Clients, too, seek sex services outside the country: there were mentions of prostitution in Amsterdam, Cuba, Thailand, Bulgaria and Romania.

After I spent ten days in Bulgaria I was exhausted and left. It was too much, so I went to Croatia, to Lošinj via Zagreb. [...] Now I'm set for Romania, but I'm afraid that in the end it will turn out the same as in Bulgaria. It is wild there, too, as it is everywhere where there are tourist centers and mass tourism. (Sebastian)

Some respondents confirmed that men buy sex services when on business trips to Russia. One respondent (EL) explained that men go to Russia because the prices of sex services there are lower than in Slovenia. She said that migration for the purpose of prostitution increased with the introduction of budget airlines; during the time when a budget airline operated between Ljubljana and Berlin, the number of men who engaged in same-sex prostitution increased. Prostitution is also linked with student holiday packages, for example, budget New Year tours in East-

ern Europe. Some women in their middle years or early old years also opt for prostitution abroad.

PROSTITUTION IN NIGHT BARS AND APARTMENTS

Our research showed that there exist several forms of prostitution in Slovenia.²²⁴ Several respondents spoke about “bar prostitution,” that is, prostitution taking place in night bars. The respondents made a distinction between this kind of prostitution and that taking place in apartments, dubbed “apartment prostitution.” According to official data, as our respondent TP informed us, there are up to 70 night bars in Slovenia offering prostitution. This number has remained more or less steady over the past few years. Some maintain that most women working in bar prostitution are foreigners from Russia, Ukraine, Belarus, Romania, Hungary, the Balkans and the South American states. Ina, who came to Slovenia from Austria, said that her impression was that women working in bars were mainly foreigners, most of them Russians.

Many women working in prostitution are issued visas based on the official letter of invitation required for the “third country” citizens. In many cases, they also enter Slovenia on a work permit. Some of them are aware that they will work in prostitution, while others learn about it and working conditions only when they arrive in the country of migration. The night bar owner stated that women working for him often invite others, their acquaintances or relatives. “When they go home for holiday, I say to them, try to find a girl for me.” (Vinko)

Although most of our respondents thought that bars recruit mainly foreigners, this should not be generalized, especially not because patterns change continually. As a matter of fact, some claim just the opposite, for example, that most women who migrate to Slovenia work in private apartments where they are especially vulnerable to violence.

I think that the situation of foreign women is worse than it was years ago, when many worked in night bars and were somehow visible. According to our information, many more of them now work in apartments, to which you have no access. They are said to be voluntary prostitutes, but in reality these are foreigners captured in apartments and truly isolated. In night bars, you’re isolated but still in contact with the outside world; you have more opportunities to make a contact, but in apartments you have no contacts at all. (KKK)

²²⁴ See Šori (2005, 63–70), who lists the following forms of prostitution in Slovenia: street prostitution, prostitution in apartments, prostitution in night bars, in massage parlors, hotel prostitution, brothels, agency offering, and prostitution as part of escort services.

Generally, the respondents described prostitution taking place in apartments as another form of prostitution, involving, as they said, local women, that is, women from Slovenia. Many of them thought that local women in prostitution had lower education than women coming from abroad, but this assessment should not be generalized. Some women to whom we talked were university graduates, and several respondents also stated that many prostitutes working in private apartments were students, including student mothers.

Prostitution that takes place in private apartments, either own or rented, is assessed as a “more hidden form of prostitution.” Such apartments can be found in different locations, in urban centers as well as rural regions. The working conditions vary, and some apartments are shared by a group of prostitutes, while in others only one prostitute works. The night bar owner told us that he knew of the cases where up to five, ten or even fifteen prostitutes worked in one apartment. This was also confirmed by another respondent who told us that once he was a client in an apartment shared by eight prostitutes.

Sex services are also offered by women involved in the fashion industry. Some female students travel to Italy, for example, to Milan, over the weekend, where they work in prostitution to afford some extras, clothes, accessories. (EL) Another form of prostitution is that based on daily migration, dubbed “daily prostitution.” For example, there are women from Croatia who travel to Slovenia on a daily basis; they arrive in the morning and return home at night. It is estimated that only few women practicing self-organized prostitution are involved in this form of prostitution, perhaps one to two percent at the most. One respondent told us that she travels to Slovenia from Austria two or three times a week and that her manager makes all arrangements regarding the apartment where she works.

I come for a day or two, depending on the circumstances. Twice a month, perhaps three times, depending on time, on how it goes ... and when I come, the apartment is empty. I come here one day and return at night the following day. (Ina)

Not one of the clients with whom we talked bought sex services in night bars. Some are deterred by the high prices for drinks. One client said that prostitution in bars was on the “border of legality,” so he avoided it. One prostitute thought that night bar visitors were primarily foreigners and men who come in groups. The former are mainly not familiar with other options, while the latter go to night bars primarily because

of the striptease, with some later deciding to buy sex. One interviewee observed that night bars reveal the most brutal side of prostitution.

Actually I don't go to night bars. Even when ... I went there once with my pals and it was rubbish. There ... you know, that is prostitution. It's mainly like that, in bars, I don't know, I'm not attracted and I'm not interested. In the past I went out, rarely, with a pal or in an all-male group, and then someone would say let's go there. And we went, and it was dull. You know how it is, like, all these Russian women, and I don't know what [...] What it is in reality, is prostitution presented in a more merciless way. Because that's why you go there [for prostitution], at least that's how I understand it. But in apartments you can really create a feeling, you know, that it's ... I don't know, I find it more personal going to an apartment, especially when some relationship has already been established. (Zoran)

The analysis showed that the clients, women working in prostitution and providers clearly distinguish among various forms of prostitution, attempting in this way to legitimize their own situation or practices. For example, women working in apartments assert that they would never work in night clubs. In their opinion, women working in night clubs are mainly foreigners, and prostitution that takes place there is very likely forced prostitution. A respondent who organizes prostitution in private apartments holds a similar opinion. In his view, the elements of forced prostitution can be found in night clubs, although the representatives of non-governmental organizations have observed an increase in forced prostitution that takes place in apartments. For example, one respondent pointed out as follows: "Not all prostitution in night clubs is necessarily forced, and not all prostitution in apartments is necessarily voluntary." (JP)

FROM ESCORT PROSTITUTION TO PROSTITUTION FOR DRUGS

Apart from prostitution taking place in night clubs and apartments, the clients we interviewed also mentioned so-called "mobile prostitution," associated with the ads for telephone numbers in various newspapers and journals. It is often difficult to establish who has placed an ad. Sometimes several women offer their services through the same phone number. Sometimes, but not always, the person who answers the phone is a prostitute herself. In our experience, calls are also answered by prostitution organizers. On several occasions, a manager informed us that a specific woman did not want to meet us, or that was what he decided on her behalf.

The expression “mobile prostitution” also illustrates the communication practices of persons working in prostitution, including pimps. Several respondents have stated that the majority of women working independently come by their clients via a mobile phone – they are involved in so-called mobile prostitution. The expression “mobile prostitution” can also be found in media texts, usually as an attempt at distinguishing between “self-confident Slovenian students” working in prostitution, and “foreign, naive and poor prostitutes.”²²⁵

Several respondents mentioned that prostitution also takes place in massage parlours: “we have information from clients who call and say that they had ‘the full monty massage.’” (EL) One respondent explained that “erotic massage” was his first sex experience with a prostitute.

The respondents also mentioned so-called escort prostitution. The escort prostitutes primarily offer services to more prosperous businessmen and certain companies.

Some hotels keep ladies' phone numbers, mobile phone numbers; they are students, but there are also married women, from higher classes, who offer escorting services to businessmen, or people on a business or study trip, but mainly business trip. It involves dinner, sex services, company during the weekend, and it's mainly not related to direct payment. It is known that such services involve, for example gifts, fur coats, expensive rings, jewelry. (EL)

The respondents also talked about so-called hotel prostitution. It is usually arranged during a meeting in a hotel bar or through the reception staff. Several respondents mentioned prostitution for drugs.

I haven't yet worked in that way, but I heard about it. A friend explained to me that it exists, and that the rate starts at one hundred euros if a woman goes to the client's room. It certainly exists in Austria. (Ina)

Prostitution is also related to drug addiction, heroin, where one engages in prostitution for drugs. It has the lowest social position and is also the cheapest. To some extent it occurs among the drug dealers themselves, or they sell themselves for money or directly for heroin or drugs. (EL)

It is estimated that prostitution for drugs occurs frequently and that many men engage in it. The responses we got from clients and managers point to their prejudices against this form of prostitution, which they associate with poor working conditions and also “poor sex services.”

Several respondents thought that male prostitution was rather invisible. Quite a few respondents thought that it was a very marginal, or even

²²⁵ Pajnik 2003.



nonexistent, phenomenon. Male prostitution is, in addition to prostitution for drugs and same-sex prostitution, one of the marginalized forms of prostitution. In the opinion of our respondents, the main reason is that male prostitutes are difficult to access, particularly so those who are engaged in same-sex prostitution, and that stigma and exposure are even worse than in heterosexual prostitution. Consequently, homosexual prostitution is more than heterosexual prostitution a matter of imagination and stereotypes.

Male prostitutes have a dual and very negative role. Prostitutes stigmatize them and don't want to have anything to do with them. On the one hand, there are gigolos who have women clients, but the majority serve male clients. Some define them as homosexuals, but homosexuals firmly reject them. Some self-identify as heterosexuals, others as homosexuals, and still others as bisexuals. Bisexuals are so heavily stigmatized that they are even more invisible than women. It is very difficult to get in touch with them. (JP)

There is little male prostitution in Klagenfurt, it is secluded behind the walls. You have to have some knowledge, how and where to look for it. Several men, so-called men, are transvestites, there are five or six of them, they appear here at Bahnhofstrasse every night. And Klagenfurt is too small for the gay scene. Not everyone can hope to make money in this way. Some boys ask at the end for a gift or something like that, but that's not it, that's not like what I had in Lienz, when I worked for an escort company, where you have your program, so you come as a transvestite, or as S&M, whatever he, the client, chooses. (Julija)

It is estimated that homosexual prostitution is mainly, but not exclusively, practiced by younger men; one respondent mentioned homosexual prostitution involving men from Albania. This subject frequently provokes homophobic reactions.

Here [in Austria] it's more cool, much more cool than in Slovenia. At home in Slovenia, people are very much homophobic. For example, I noticed it at the parties, how affected, how very affected was their behavior towards me [...] You know, I have that sense, the sixth sense, an eye for it, whatever you call it, I have eyes in the back of my head and I tell you, I can just feel these looks cutting through me, for every smile I know precisely where it belongs, and so on, if someone is sincere or not. [...] I started to socialize, to show up as a transvestite, to appear among what are considered to be normal people, so that it is a bit more balanced. So that people begin to think, but it hasn't ... I mean, well, it has to some extent, but I think that those who accepted me before also accept me now, and those who have not will never accept me. (Julija)

Several respondents mentioned juvenile prostitution; attention should be drawn to the exploitation of young people with special needs. One respondent said that children attending a school providing courses adapted for children with special needs are sold to clients in Italy for the



purpose of prostitution, and that the dealings also involves taxi drivers. (KKK) Our respondents also thought that not all kinds of prostitution found elsewhere around the world are present in Slovenia, for example, child prostitution. Very little is known about it, actually it is not clear whether or not it exists in Slovenia. (KKK)

Similar holds true for prostitution in prisons, which is mainly invisible and practically not discussed. It is also believed that there is no street prostitution in Slovenia, although some respondents speculated that this type of prostitution does exist, for example, in car parks. Some non-governmental organizations noted prostitution in asylum homes, which is primarily related to human trafficking.

INTIMACY IN PROSTITUTION

It is not unimportant how the persons offering sex services see themselves, i.e. whether or not they see themselves as prostitutes. Many respondents asserted that women working in prostitution did not see themselves as prostitutes. Prostitution involves a series of practices that have negative connotations, so people involved in prostitution call these by various names; for example, few pimps would call themselves so. One of them said that he did not see himself as a pimp but as a manager. Identification appears to involve a comparison of relations established within prostitution with relations that define any other kind of work, and an attempt to legitimize prostitution as a kind of enterprise. The women who sell sex services only rarely used the term prostitution in our interviews, and similarly, they did not see themselves as prostitutes. Some used the expression “offering services.”

No, I don't like to use it, because I see it as a service [...] I think it is a service like any other service, for example, going to a hairdresser, beautician, masseur. As a nurse, a doctor, or a dentist. It's a service and that's how I understand these things. (Ina)

It was a favor, not a service. Sounds nice, doesn't it? You equip your vocabulary arsenal with what is already established and you usually do not add anything. I wouldn't have a problem if it were called a service. But it was called a favor. Or, say, “how much does it cost?,” “how much do I give you?,” “here it is,” “I left it on the table,” “here you are.” Whatever. Perhaps the most common is “how much is it?,” “how much is this favor?”. (Sara)

In the opinion of some respondents, the avoidance of the terms prostitution and prostitute is less a self-defense strategy or denial, and more a method of establishing a positive attitude towards the work they perform, because, after all, their self-image is less affected if non-stigma-

tized expressions are used. This should not be generalized, since it is also possible to come across women and men who have no qualms about sexuality and about relating it to prostitution. Some respondents mentioned that women usually avoid the term “client” and prefer to say “I have an appointment.”

The word prostitution actually remains unuttered among women. I never heard any woman saying “I’m a prostitute” or “I am in prostitution.” “I work,” that’s what they say, “I work,” or “I have a client.” [...] I think that in the end everyone knows. These girls do not have illusions that they are not prostitutes. Although as for me, this expression, somehow I never accepted it, it has a pejorative ring to it. (Zoran)

Our respondents stated that a range of sex services may be bought in Slovenia. Many talked about “classical” or “standard sex services.” In their view, this group comprises vaginal intercourse, oral or anal sex, which is charged extra. They also mentioned prostitution that involves masochistic practices, fetish prostitution, or, as one respondent said: “All that is on offer around the world is on offer here, too.” (JP) The following is how one interviewee who claimed that she offered exclusively massage and that “it never involved sex,” described intimacy:

With some clients you had to talk, explain what you were doing, how, say that you enjoyed what you were doing. Some expected me simply to fantasize, to include some third, imaginary woman; to some you had to say that you liked them and that you thought about them when they were away. And sure, I was naked while doing it. Most of the time. And I didn’t mind any pose/position. I met every wish, I allowed everything visual, but nothing else. There were two reasons. The first is of an ethical nature, probably because throughout that time I was emotionally attached to someone. So it seemed to me ... I didn’t feel that I was cheating when doing other things, but I’d feel like cheating if someone else had access into me. The other reason was that I was afraid of it, that it could be fine, and it seemed to me that I could enjoy it only with some of them. Because you can bring your body to many different things with anyone. I was afraid that I could enjoy it with some of them, while I should enjoy it with someone else. (Sara)

BETWEEN PROSTITUTION PROCUREMENT AND SELF-ORGANIZATION

In prostitution, the working conditions are determined by the manner in which prostitution is organized, the number of clients, sexual practices and payment terms. The women who work in apartments said that they have five, eight or ten clients a day. While some respondents emphasized the independence and self-confidence of prostitutes, others thought that these women were exposed to psychological pressure which manifested

itself as nervous breakdowns, alcohol and drug abuse and even suicide attempts.

Self-isolation is a phenomenon very characteristic of this group; it is a typical psychological effect. They have a feeling that it is written all over their face [that they are prostitutes]. Let's say that aggressiveness and rude expressions are typical of prostitutes. These are the substitutes, self-defense mechanisms. In many cases, vulgarities, alcohol, drugs are involved. These substances are used either because they make things happen, but even more often, over time, they use it to be able to endure. They resort to them when they begin to lose their self-image. An experienced prostitute who was in it for long years told me that every prostitute who is in business for more than five years has an average of four suicide attempts in her lifetime. (JP)

A respondent working in prostitution said that she did not have a regular working rhythm; on some days she had fewer clients, on others more, or, as Julija said, breaks are necessary.

You go through different periods; sometimes there is a lot of work, and then nothing again. It is stupid when there is nothing because time passes and you have to be there. But it's still better than physically strenuous work, eight hours a day, from morning to night. It's much better like that, you have time in between and then you have a client for half an hour. (Ina)

Pauses, pauses are necessary, if you don't have them it's the end of it. Because, in one week, if one has, say, ten clients in one week, you are fed up with it [...] and you say; stop, now I need sex for myself, so you take a two-week break and then start up again. (Julija)

Prostitutes are frequently linked with brokers who regulate their work in one way or another. They mentioned various kinds of brokers, including pimps or traditional pimps or "organizers." If the organizer of a business is a woman, she is called a madam. The answers by our respondents as well as field observations suggest that both men and women act as prostitution organizers. The night bar owner stated that a common belief that prostitution organizers were primarily men was erroneous. Many women are organizers of prostitution. In some cases, several people act as brokers (meaning someone who takes care of the business), for example a man and a woman, or a bigger network. The prevailing opinion was that there were few women who worked without a broker or who did not cooperate with other prostitutes. Precise data on various forms of prostitution is not available, or rather, the data is quite unreliable so it is possible to say that these are rather estimates. Some think that independent women who organize their work by themselves are in a minority. The representative of the investigation commission estimated



that one-fourth to one-third of prostitutes worked independently. (TP)
The night bar owner legitimized his role by saying that only 10 percent of women worked independently.

Ninety percent of prostitution is covered by pimps. At least ninety percent. Very few girls work alone. Such is the system. I wouldn't like to leak it. It's not anything special anyway. There are also coordinators, for example, one woman who coordinates. You make an arrangement with her, she takes you to the door; she doesn't reveal the location immediately. (Vinko)

There is at least one group in Ljubljana, I think it's led by a woman. And it's not like she is a madam, she actually handles apartments and location changes. For safety reasons among other things. They have ten apartments in Ljubljana, and they take turns there and change locations. It's like this – my knowledge is second-hand – they pay, I think, 10,000 tolar per day. The price includes rent, cleaning, bed linen and towel washing. I don't know much about pimps, but I think they are present, especially in connection with women who come from abroad. I think that pimps are involved in these cases. Otherwise I have a feeling, from my own experience, that those working at the location which I visit work independently. (Zoran)

A women working in prostitution and an organizer described their relation as follows:

A client calls the agency, the number advertised in a newspaper. He is then given directions. They explain to him where it is and how much it costs. And he [the broker] is responsible for the apartment and everything. I'm just there and do my work. (Ina)

I pay for the apartment, food, condoms, the towels that need to be washed, then logistics, ads, transport and safety, so that she doesn't get hurt and that she isn't under psychological pressure. That costs [...] I'm always nearby. Sometimes a man is aggressive or drunk and I'm quick to spot it, I detect it when we speak by phone and I block him so that he cannot reach her. (Mito)

The respondents interpreted the broker's work as taking care of prostitutes' and clients' safety. Some respondents though that many brokers do not do much work in practice, but women who actually work alone still give them part of their earnings. Arrangements vary. Some give procurers half of the sum they earn, others give more, even up to 80 percent, still others give less, say, forty percent.

The ratio was 60:40. Usually the pimp came every day. He had an assistant who took care of the logistics, meaning the supply of towels, laundry, linen, replacements, lights, drinks, all that. He took care that the lights worked, that the fridge worked and so on. We had a book, an accounting book, where it was entered. We were paid weekly. The pimp came every day to collect money. We had a cash box, a portable one, which was locked and hidden in a small compartment. He came during the day and collected



the money. Every woman kept her own records. You do it regularly at any rate. You say, well, today I've earned 400 marks, that means another 400 by Friday would be ok, then I can go and spend it, or whatever. The pimps didn't give rewards. I was a bit upset because of that. That's to say, if I were successful over a week, I never got a tip from the pimp. The clients did give us the tips and we could pocket that money. That's the only money we could pocket. Of course I thought, fuck, I do everything, he gets 40 and I get 60. I once said it, partly as a joke: how come? I was really bad at maths in school, but it's not ok. "Well, dear Sara, that's how it is." (Sara)

Women working independently estimate that the relationship between a pimp and a prostitute is as a rule an exploiter-exploited relationship. They mentioned pressure exerted by pimps, particularly when a woman does not work. Some women give a certain sum of money to the pimp simply not to be under permanent pressure. One of the interviewees said that she gave half of her earnings to the procurer who made arrangements with the clients on her behalf. The following is her description of her experience of organizers, the agency and the pimps.

The agency gives you a certain percent, and it depends on the client whether you get something extra. Usually, a "makro" [pimp] waits somewhere outside and asks if there was any tip, and if there was, he takes it off your payment, so the person who works in this business has to be cunning in a way. For example, you say to the client: if you want to give me something, please send it to this address. Or you make an arrangement for the next meeting to avoid the escort [agency] and instead meet at his place. It's cheaper, easier and you get it faster. But you cannot do this with every single "makro," because he'd then start to wonder where your clients have disappeared. (Julija)

Despite the common belief that the majority of prostitutes are linked with pimps, some respondents thought that many women worked independently. Two respondents believed that working through pimps used to be a practice years ago, but today a growing number of women decide to work independently.

I come from the countryside and I came to Ljubljana to study. We have a rented apartment which we use only for that purpose. That's the easiest way for me, because I don't need to invent pretexts for my parents, why I go to Ljubljana every day and what I do there. I can't imagine myself working in my home place; everybody knows everybody there, everybody knows everything about everybody else. There are three of us who rented the apartment and we know each other well. We're all students. It's easier to get an apartment that way, you say that you've come to Ljubljana to study and nothing is suspicious. The apartment is in a large block where neighbors don't know one another [...] I think that most girls organize things by themselves, two or three share the same rented apartment. Or, for example, one is the apartment owner, she organizes the business, and now and then provides services for her clients. Others give a percent from their earnings, say, for the rent. I heard that some hire bodyguards, in case a client is violent. (Jana)

By contrast, some think that certain women prefer organized prostitution, explaining it by the assumption that organized prostitution has the feel of a temporary activity, more so than self-organized prostitution.

It seemed to me that self-organization would have interfered too much with my life. I thought about it, imagined it and made calculations. I concluded that it would've interfered so intensely with my life that I wouldn't be able to live as I was used to. On the other hand, I feared in a way that if I opted for some alternative, it would be so attractive that I wouldn't be able to stop. And then you know that it's the end of your private life. I was smart enough to say, this is how much I can earn and I can't afford to do anything else. Because I come from a traditional family, well, traditional, OK. Plus permissive education. I wanted to live like my friends do, like all students, only that I was able to afford more. (Sara)

CLIENTS

There are no official empirical data on the number of clients²²⁶ in Slovenia. Some indicators, however, point to the extension of the use of prostitution: the majority of respondents described prostitution as a "good business." Another indicator is an internet forum intended for clients of prostitution; in August 2006, there were 3600 registered users. This figure comprises men that participate in this forum only, but it is not the only one. Many do not use online information but rely on other sources, for example, ads in newspapers, or they visit night bars. The administrator of the forum estimates that the number of clients in Slovenia exceeds 10,000. (Mare)

Even our small sample reveals the diversity of the population seeking sex services. The clients with whom we talked were 29 to 55 years old. Some are university graduates, some secondary school graduates. Two respondents were married with children, two were single, and one divorced with children. All were employed with different incomes; some were urban dwellers, others lived in the countryside.

During our study we did not meet any female user of sex services. One respondent mentioned: "I think I had two female users. But female users are few and far between." (Julija) One respondent said that among the clients interested in the erotic massage there were also women who made inquiries on behalf of their partners: "They'd phone in and say that they wanted to surprise him, can we come, can you come to our place." (Sara) Furthermore, our sample did not include any client of same-sex

²²⁶ When referring to individuals who buy sex services, our respondents mainly used the terms client and user of prostitution.

or trans-gender prostitution. Couples are also found among the clients of sex services; one such couple with whom we established contact initially agreed to participate in our research but later changed their mind despite guaranteed anonymity. Sara mentioned that couples frequently made inquiries, showed interest, but used their services only rarely. According to one night bar owner, there are also some women frequenting night bars – some come to watch striptease, others inquire about homosexual prostitution.

One respondent categorized the clients into two groups: the first group, according to him, comprises single men, both younger and older, “who cannot find a woman,” while the other group comprises married men who have sex with prostitutes to “upgrade their sex life.” (Sebastian) One respondent said that her clients were of various ages, but most were between 30 and 50. She speculated that some were married, others were single, and that they had different levels of education (a similar picture arises from our sample). Another respondent said that most of her clients were around 40, including married businessmen with children who had a lot of money, and they used her services several times a month.

They differ very much among themselves, they are of different ages, most of them are between 35 and 40, in my opinion. We don't talk much about these things, but occasionally they answer the phone and it's their wives or children calling. Or you can see that someone has a high position, you can conclude that on the basis of phone calls. Sometimes they are willing to chat a bit more, but I don't ask. (Manuela)

One respondent talked about “new yuppies,” “who have money, masturbate in a way and think that they can buy everything, including women. Even the women themselves say that these new businessmen are their worst clients.” (JP) Then there are the users of sex services, according to one male respondents, who are “curious” and are not regular clients. They engage with prostitutes only a few times or just once. Our respondents further thought that some engage with prostitutes because they seek the experience of fetishism, but they do not want to try it at home with their partner. “Asocial clients” are those incapable of establishing a normal relationship or those who end the relationship before the first sexual intercourse. People with a disability are also among the clients.

My clients range from government officials, to owners of government companies, to architects, television presenters, journalists, editors. Sometimes they come in groups. Two or three of them. [...] Some guys acted like victims. “My wife doesn't touch me, we've been married for ten years, she cannot stand it.” [...] Another type are playboys who would say: “Look, I'm here with you, you're cool, but I have another appointment

at another parlor at ten, with another girl.” In such a case you have to respond: “Wow, cool. You’re really impressive. Don’t forget to come here again. We’ll try something new.” There were many inexperienced men. Very many. Once a father bought his son an erotic massage session for his eighteenth birthday. [...] There were also some handicapped people. One was my regular client. I’m sure he spent on me all the money he saved. He used to come every Friday at 11, by bus, because he could not drive. (Sara)

One respondent said that young men hired prostitutes for parties. She also mentioned that there were clients who bought sex services simply because they could afford them – “it’s a form of pure consumerism.” Some speculated that certain men sought prostitutes in order to help them. There are also older men who seek female company for conversation purposes only. (KKK)

We had a call from a young man of 19; he said that he went to a birthday party and that the one who organized the party also arranged the girls who were prostitutes. A group of young men, who see it as fun and do not give it a second thought, all they have in mind is sex. Meaning that they enter that scene just like that, incidentally. Then you have men who actually know what they are getting into, and understand that as a give-and-take option, in the sense, I pay to you and I want a certain service in exchange. The same as when you take clothes to the dry cleaners and pay for cleaning. Then there are additional two groups and I can categorize them based on our experience. The first is the social type of man, that is, a man of the mother Theresa type, who goes to places where he can meet prostitutes with an intention to help. When we ask him if he had sex with her, it always turns out that he did; then he established closer contacts, in the sense of friendship and offered to help her. That is, say, the social type. But we also met older gentlemen who go there for conversation and through it actually take care of their own spiritual health. We don’t ask them if they had sex or not, because it doesn’t matter at all, but they always say that they pay for the conversation. It is still the relationship of the type “I pay and go there to have a talk.” When asked why they go there to have a talk, why they don’t go for a talk somewhere else, they say that others do not take them seriously. (KKK)

The information obtained through interviews enables us to conclude that clients’ practices greatly differ among themselves, as do their motives. One respondent said that he went to a prostitute only to talk to her. A man, 55, who lives alone on a farm, said that he regularly bought *Salomonov oglasnik* and that he knew all advertised phone numbers. He was “afraid of diseases,” so he preferred to talk with women on the phone or to visit them in an attempt to establish contacts. (Jože)

A night bar owner stated that clients included married and single men; some came to the bar alone, others in a company. Several respondents said that most clients strove to hide their practices primarily because “they wanted to leave an impression that they were men with normal family life.”

Several users of prostitution stated that they had their first sexual experience with a prostitute many years ago, then they stopped using their services for many years but eventually came back. Others have been regular clients for years, even ten to twenty. The younger clients, between 30 and 35 years of age, told us that they had been buying sex services for the past five to ten years. Some do it regularly, several times a month, or several times a year. With others, the frequency depends on their mood or money. One respondent said that certain clients came every week and that some of them became dependent on her over time.

Both men and women said that they preferred to meet people whom they already knew. Prostitutes said that they knew what to expect from regular clients. They know them and their habits well, and apart from that it is also safer sometimes. One client was of the opinion that women, too, preferred to have regular clients.

Clients go back to the person in whose company they feel well and who does not leave the impression that she is in a hurry. Their attitude to prostitution and prostitutes indeed varies, but what is common to all of them is the absence of a reflection on the position, wishes and needs of the prostitutes. In other words, they are excessively focused on their own needs. The majority emphasized that women offered sex services for money. Some, particularly those looking for something “more than just sex,” hope to establish a relationship that will involve more than just the physical pleasure. The analysis showed that those men looking for “something more” also hope that the prostitute fancies them in the same way they fancy her. Married clients and clients with children usually do not think that a sexual relation has any special significance for a prostitute, although they do not exclude that possibility. They usually give more straightforward answers, for example: “In principle, she satisfies yours needs and not the other way round,” or “Sex doesn’t mean for her anything apart from money.” (Ivan)

PARTNERSHIP AS A BURDEN, THE IDEALIZATION OF PAID SEXUALITY

Many clients sought the reasons for their using of sex services outside themselves. For example, some complained that they were not satisfied with their partner and sought reasons for resorting to prostitution in them. Several respondents told us that it was a way to “complement their sex life,” or to experiment. One reason frequently cited was “experiencing something new.”

Our female respondents confirmed that “curiosity” was one of the more frequent reasons leading men to use sex services. In many cases, clients are encouraged by their friends or acquaintances who describe sex with a prostitute as a unique experience with “no obligations” attached. What they find important is that they “get what they get, that they get precisely what they want and when they want it. They come, pay and go. That’s how it is.” (Manuela) One female respondent thought that some bought sex services in order to be able to boast to others or they were coping with their own complexes.

You are not macho if you don't try it. That's how it is today, you're not macho if you don't have at least another [woman] beside you, or if you cannot boast that you've been with a prostitute. Some come for relaxation, or to boost their ego. There are also some who have a complex and come here to cure it. Or, they don't have enough time for a serious relationship and they find it easier to pay for sex. Really, believe me, the reasons are different, there is no one reason only. (Manja)

Many are married or have had a relationship for a long time. They don't have enough sex or want a change, an adventure, want to experience something new, want something immediately without having to spend a whole night trying to seduce someone, in a disco or some such place, and then ... no, they want it now. (Ina)

They use sex services because, for example, they cannot get everything they want at home, everything they dream about, or it is easier for them to come and pay than to have a serious relationship. But there are also some who cannot establish contacts with women, although they have the need, so they come here. All sorts of things. (Jana)

One client reasoned similarly. He compared his meetings with prostitutes with the search for a partner, which he found burdensome. Another one related how the partnership became a burden for him.

If you have an appointment with a woman, you have to take her out, have to go through many things. Here, you come, do it and go on. You're free and can go and have a beer, a joint, can jog, whatever. You don't have to go around and banter, and it is a question if you can get something in a disco. And that lowering of yourself, badgering women loaded and all that; I think it's a real drag. I don't like badgering women [...] You know what the women are like here [the interviewer was a male, M.P.], they are not straightforward. I call her twice and she says that she doesn't have time, and the third time she again comes up with something. Then you call me. And she never calls back. (Sebastian)

When I divorced I left behind everything, the house, everything on earth, and I had a heap of problems. If I dared go there before, to these girls, I think I'd still be happily married, and I'd also have my house. [laughter] When you're in a partnership you have to clear things up, make agreements, explain, there has to be a dialogue. But there comes a situation when that fails, when a dialogue is simply not possible. You're not in

a mood for it or not mature enough at certain moments, well, you can afford to be like that. You cannot think all the time about having to clear up something, re-establish the relationship. At times it isn't possible, no chance, you have no strength, no will. And when a relationship starts to collapse, what happens? You don't talk at home, you're not polite, you're rude, you'd like to have sex, won't have sex ... So gradually you find another woman, say, a lover. There are a lot of problems related to a lover. And what does she offer you? Sex, conversation, perhaps a personal relationship which you don't have at home. You can get the same feeling with rare, selected, girls in prostitution. Yes, you can. And I believe that sometimes it is not pretended. And then you arrive home, to your partner with whom you had a quarrel or are not on speaking terms. You come home satisfied to some extent, so it's easier to talk and establish a contact. Sometimes it is because you have a guilty conscience. (Zoran)

The prevailing opinion among the respondents was that the main motives for using prostitution were dissatisfaction and disappointment with one's sex life. Some mentioned curiosity, a dysfunctional family situation, even psychological disturbances. Some clients, as one respondent said, are addicted to sex and want to have an extreme sex experience. The attraction of risk and the "conviction that sex with a prostitute is different" were also mentioned. These reasons, cited by the respondents who romanticized a relationship with a prostitute, are different from those cited by other respondents. They do not describe sex with a prostitute as an adventure, but as a "habit." One respondent said that he "feels adrenaline" before he goes to a prostitute. However, half an hour or an hour later, when he leaves her, he does not feel "anything special," and adds that "sex [for money] is never so satisfying as when emotions are involved." (Ivan) Similarly, another respondent told us that it is quite different when you are with a girlfriend who is close to you. "If you have a girlfriend who is close to you it is better. It's true. It's a bit different. Because here [in prostitution] there are no emotions, nothing besides. Definitely not." (Sebastian)

WOMEN AS "NURSES," PROSTITUTES AS SOCIAL WORKERS

The majority of clients said that the main reason for using sex services was their "disappointment in the relationship with their partner." A similar conclusion can be drawn from the analysis of answers given over the phone in the public opinion survey. Both point to the conclusion that the opinions and practices of female clients should also be examined. This would provide us with new information on the reasons that drive people to pay for a sex service, and more importantly, the issue of prostitution would be illuminated from another angle thanks to new contextualiza-

tion. It is not impossible that the selection of respondents based on some other criteria would give a completely different picture. It is not necessary that in such a changed context the alleged disinterest on the part of women (partners), would be interpreted as the main reason that push men towards prostitution. Therefore, prostitution should also be treated as a subject that points to the inequality of gender relations. A night bar owner mentioned a man who came to the bar accompanied by his partner who paid for the sex service for him. She had two “options”: to let her husband become involved in a relationship with a lover, where emotions are not excluded, or to buy for her husband a sex service. She “decided” on the second option. Several respondents said that they knew couples who had bought sex services.

It seems appropriate to mention at this point that in the opinion of some, women in prostitution actually do the social work. As one respondent described it, women talk to clients, listen to their wishes.

You always offer a whiskey, or a cognac, and you sit down asking “Hi, how are you?” If I knew him, I asked about the past week. If you’re intelligent, you remember what your client said the last time he was there, about a project, if it was successful, if it went though or not. So you are a friend and a woman who offers a sexual pleasure. (Sara)

There are many clients who only want to talk. Perhaps not when they come for the first or the second time, but then they talk more than do anything else. Then you become a shrink, you know, they talk about what she does at home, what she doesn’t want, about the problems because she got alienated. Why? Why? But it is quite normal, if you’ve been married for thirty years, it cannot be like it used to be on the first day, when you spot someone and then you do that and only that for two months. (Julija)

Prostitutes also do the work that is usually associated with marriage counseling, or, as one respondent described (once again without reflecting on the life of prostitutes), they do “socially useful work.”

When I need something, when I have a toothache, I go to the dentist. We are still not used to going to a shrink, but gradually we’ll get used to it, it’s usual in the west. In my opinion these girls do socially useful work. You have a feeling that they treat you as a human being. (Zoran)

He has specific difficulties and says that they listen to him and that the services which are dedicated to it seem nonsensical. For example, he has a problem because he cannot approach sexually his wife who is sixty, so he first wants to prove it with her, that he is still capable, and then all these marriage traumas come to light. Therefore this lady who offers sex services eventually turns out to be a marriage counselor. [...] Older men frequently return to a woman whom they know and with whom they



have a relationship that goes beyond a purely physical contact. These relationships could be described as ones in which women actually do socially needed work and act as social workers. At first glance, many go to prostitutes to have sex, but in fact they go there to talk because they are lonely. (KKK)

Below is one respondent's description of his relationships with prostitutes, which in his words are not exclusively sexual but also involve conversation. What is important for him is that a woman remembers his name and their last conversation.

For me, the feeling that you don't just pay, come and go is important. I don't go, I mean, it's not what it is about. You have a good feeling as a client, too. I don't have illusions that I'm something special. You're a client, but in the meanwhile you actually forget that you're a client. You become a partner in a conversation, in caressing, too, although the background story is always the same: has this been pretended, has that been pretended. With some you really have a feeling that they feel good in your company. But in the background there is still – and you feel good because of that – that worm of doubt, is this true or is this a play. I cannot speak in numbers because I haven't been with a hundred of them, I've been with, I don't know, twenty. I'm at the stage where we talk, I don't know, with three of them, or four, and I return to them. Here I speak about confidence. Because with others, you go once and then don't come back because you're not attracted.

Usually, the first impression tells you if there will be some talk, don't know, some closer contact. To speak about emotions would be an illusion. But it can be a different relationship, not sex only. The circle narrows to a few girls, and when you come there, you sit down, talk. It's also a good feeling when you see that she remembers what we talked about the last time I was there, and she carries on the story, talks about what happened in the meantime. In such cases you really have a feeling that you're not there as a client only, but that you've come for a chat; then the foreplay, and sex, that's ok. At times you feel like you'd like to stay overnight. [...] With some of them you get a feeling that you're welcome, you get a pleasant human closeness and sex, too. You at least have a feeling that you've not ruined her day. Perhaps you've even made it better. It's probably an illusion, false expectations, but eventually, at times you really have a feeling that she actually enjoys it. And then, when you call and she says "hi" and says your name. That means that she's saved your phone number, and that means something, that you're not just a client. Actually, we are again at the dentist. You also talk to a dentist if the queue is not too long. (Zoran)

SOCIAL SECURITY, HEALTH AND A CONSIDERATION ABOUT LEGALIZATION

The representatives of NGOs and employees of the public sector, the clients and respondents who work in prostitution themselves agree



that Slovenian legislation should be adapted to actual circumstances; it should be oriented towards the improvement of the position of individuals in prostitution and take into account their opinions. Our respondents were unanimous that legislation should secure a higher level of social and health protection for individuals in prostitution; it should acknowledge those who “decide” to work in prostitution and are not forced.

In my opinion, if someone agrees and wants to do that, if two people make an arrangement, then nobody should interfere. Not the authorities, nor the police, nor an act of God – if it is an agreement between two persons. If it is a result of negotiations and something independent, responsible, it would be nonsensical or stupid if someone interfered. If it is forced, then what is important is that you can turn to somebody for help. Help is needed, but not in general, when two people agree. (Ina)

The majority of respondents would support a type of regulation that would place emphasis on the high level of social and health security for people in prostitution. In Slovenia, this area had not been regulated before prostitution was decriminalized in 2003, and it continues to be unregulated. Legislation does not stipulate the security or protection of prostitutes, for example, medical checks are not regulated. Similarly, it is possible to conclude that official politics is not interested in contributing to the improvement of the everyday life of prostitutes, which also points to the lack of NGO programs. Some NGO representatives emphasized that this reduced prostitutes’ social and health security and the level of guaranteed rights. At the same time it reduces the options for women in prostitution to turn to NGOs or other institutions pursuing suitable programs. Our respondent, Manja, who works in prostitution, supported free medical checks, while Julija stressed assistance programs.

A client needs to be clean and neat, but you cannot always check his health condition. I visit the doctor regularly, once a month. These are the days which I need for myself and I don’t work on these days. I have connections so I don’t pay for the check, otherwise you have to pay. I think that the state should provide free medical checks. (Manja)

There should be programs such as those in Austria. For example, an organization that provides medical help and where anyone can make an appointment, have test or undergo checks. I’m a member, I pay the fee, have a card which enables you to have regular checks. (Julija)

The two prostitution organizers we interviewed also stressed the need for the regulation of health protection. One mentioned that bar owners frequently organize health checks, usually group checks. A free medical check option would mean greater autonomy and independence from organizers. One respondent also mentioned the importance of anonymity.

Health protection is very important. As owners, we take care of certain things by ourselves. Not all of us, but we do take care that now and then some checks are taken. If a girl has the awareness, she will go for a medical check on her own. But the problem is that there is no data confidentiality. You take an AIDS test and there is no secret. Everybody knows about it immediately. (Vinko)

Our respondents said that they use protection regularly, but some added that they knew of cases of unprotected sex. They explained that women in prostitution opt for unprotected sex because it is paid more. They also related unprotected sex with lower-quality sex services offered by street prostitutes, or drug users involved in forced prostitution.

I'd rather give up a bonus and stay with protected sex. But it depends on the girl. Sometimes she'd do it with a condom, another time without it. It's similar with clients. I'd say that half of them want to have a condom, half want it without a condom. Some ask if it is possible without a condom. I always say that with me it's not possible, simply because it is too dangerous. (Ina)

I never do it without a condom, never. I also don't do anal sex and I choose my clients. I don't accept everybody, sometimes I reject a client on the phone. (Manja)

The majority of clients we interviewed say that they are protected, but they also mentioned that sex services without protection could be bought. Below are the descriptions of some personal experiences.

I never negotiated about whether or not to use a condom, because the use of it is included in the service. There are also prostitutes who do it without a condom, but I'd not use their services even if I had the protection. (Tomo)

In principle I stick to certain norms, but prostitution looks safe to me. It is also in her interest to protect herself. I've had a clinical test, when panic broke out and there were many media alerts. Yes, I had unprotected sex several times. We were both younger and I concluded that she didn't have sex without a condom with anyone. Although I know that in principle it is not good, by all means. They, too, are mainly cautious, not all but most of them, yes. (Sebastian)

The majority of women in prostitution with whom we talked expressed qualms about the issue of legalization. They stressed the importance of anonymity and expressed their fear that legalization could mean a loss of it. Or they emphasized the temporary character of their work and did not have a stance on legal regulation.

You never know who your client is. It can be someone you know by chance, your doctor or a neighbor. If you work abroad this cannot happen. I, for example, would never work in a place where I live. I'd be too worried. I place a lot of importance on anonymity. I wouldn't be able to do it if anonymity were not guaranteed. (Ina)

To be quite honest, I don't care about legislation. It is okay with me the way it is now; here I talk from the perspective of someone who is only temporarily in this business and doesn't want to stay in it for long. (Janja)

For me, anonymity is very important. In addition, I knew that it was going to end. But there are also women who don't care. In principle, I support legalization, if protection and health security were organized. My reservation is that it could destroy the life of some. There should be some safety valve there. Who will be allowed to do that, and perhaps some preliminary talks with social workers. (Sara)

The analysis showed that our interviewees who had been in prostitution for a longer time were slightly more approving of legalization and drew a clear dividing line between voluntary and forced prostitution. It is possible to infer from the interviews that when they express general support for legalization, what they primarily have in mind is greater social security. However, our respondents have also expressed fear that legalization would mean the loss of anonymity. They also emphasized the need for greater health protection, non-exploitation on the part of pimps, and de-stigmatization of prostitution.

Our respondents who are clients of prostitution generally supported legalization as a means of regulating prostitution, and they also recognized the importance of anonymity for prostitutes. They were of the opinion that the disclosure resulting from legalization would be unacceptable for many. Some expressed doubts that in such a small country as Slovenia, where people know each other, legalization would contribute to the self-organization of prostitutes. Both the prostitutes and the clients were of the opinion that prostitution was overly stigmatized and that the circumstances in Slovenia do not allow disclosure or the active public engagement of prostitutes.

If it were legalized, then it would be everywhere. Although it is already everywhere in reality. Wherever it is legalized, there is even more of it. There's a lot of it in Germany or in the Netherlands, many scandals. It is logical, there are more people there compared to the two million population of Slovenia. So I don't know, I can't say anything smart about this. [...] I mean, I doubt that any woman in Slovenia would dare sit in a shop-window. That wouldn't pass. I'd say that she'd rather work illegally. That wouldn't be something common as it is in the Netherlands or in Germany, saying "now I go for this work." In principle I support the legalization of all such things, including drugs. Repression is silly. After all, everyone has the right to do whatever he wants if he doesn't endanger others. But nobody will go public because of legalization, we are too few. I think that no one here will expose themselves. Even gays do not dare say it loud, because they fear that they'd be lynched. (Sebastian)

I think that some would even be ready to register, pay taxes and go public. These girls do socially useful work, but most people don't think so or they don't want to admit it.

Social security, years of employment, these things should be regulated somehow. There should be some way to do it. It's not necessary that it is her profession, although prostitution has been listed in the classification of professions for many years. I think these issues could be resolved in some other way, so that their business card does not read "a prostitute." (Zoran)

Our legislation is inadequate. They wanted to reduce organized prostitution by decriminalizing it, but women themselves are inadequately acquainted and informed about it. Legalization is needed. I'd legalize it, draw up a law that would protect prostitutes from organized crime, and from the users of their services. I'd regulate health checks and introduce taxes. (Tomo)

I can't see why it shouldn't be legalized. If she is in it, why shouldn't she register her own trade; medical checks should be ensured. As in other professions, this should be regulated in all countries. (Jože)

If prostitution were legalized, all of them would need to be registered. Including all foreign women, so it'd be clear that they do it here, in night bars. And they should have normal working conditions. The law should definitely be changed. It is a fact that it exists, and most of them in Parliament and elsewhere turn a blind eye to it. That is bad for girls, for the state and for the clients, for all in fact. (Mare)

Our respondents who organize prostitution in apartments and bars were most unambiguous and without reservations in expressing their support for legalization.

One advantage of legalization would be that we would have brothels located in places where no problems would be caused for neighbors, schools and kindergartens. Taxes and contributions would be paid. It would be clear who is who. (Mito)

If this were legally regulated, legal, the police would have greater control over it. Instead of exploiting it to reinforce the police state. If they had a work permit and medical checks every month, supervision would be better. Without it she wouldn't be able to work. I think that prostitution in private apartments would decrease. If the issue is legalized and conditioned by medical checks, more than three fourths would stop selling sex. Because of personal data; they wouldn't want to register. I know many examples. If she had to have a card with her name on it, she wouldn't do it. God forbid anyone learns about it. (Vinko)

The respondents argued that the state should increase social and health protection of prostitutes. It should enable free medical checks through new programs, and the policies adopted should guarantee anonymity for those individuals in prostitution who do not want to be exposed. The stories presented above reveal the multifold character of various forms of regulation and it seems appropriate to emphasize that the stories of women involved in forced prostitution would reveal further aspects of the legal regulation of the sex industry.

OPINIONS ON TRAFFICKING IN HUMAN BEINGS

The majority of interviewees distinguished between voluntary and forced prostitution, particularly so the persons involved in prostitution, their clients and pimps, who all pointed out that voluntary prostitution among adults should not be penalized, in contrast to forced prostitution and human trafficking, which they related to exploitation and slavery-like relations. The respondents condemned human trafficking, but their interpretations of it varied. Some emphasized that it was enslavement, exploitation and a violation of human rights associated with high profits for brokers. Others talked about a broader socio-economic context, migration and border policies, and the position of victims of human trafficking.

The NGO representatives and interviewees who did field work assessed that human trafficking in Slovenia was frequently related to sexual exploitation. Some argued that it is also possible to talk about human trafficking when a case involves exploitation in other fields of work, in the tertiary sector. They pointed out that among those involved in human trafficking there were women, men and children from Slovenia as well as foreigners. A representative from the Ključ organization drew attention to the fact that human trafficking is not exclusively a cross-border activity, but that it also takes place inside Slovenia.

Most of respondents emphasized the need to implement policies for the prevention of human trafficking, and they also emphasized the importance of preventive measures, for example, media campaigns and public debates. One respondent (JP) emphasized the importance of the individual approach to avoid stereotyping, for example, that human trafficking involves only women coming from abroad.

It is possible to identify certain inconsistencies and controversies as regards national policies, for example stricter border control and criminalization on the one hand, and social policies such as health care, on the other. Several respondents who identified these controversies emphasized, for example, that on the one hand, the state intensified punishment policies, but on the other it adopted laws and policies with social orientation. Some thought that the state should work towards preventive programs rather than restrictive policies. In this way it would be possible to transcend the current situation in which restrictive standards and moralizing based on the law on public order and penal code have prevailed.

Our study also showed that when speaking about human trafficking and forced prostitution, the respondents generally support restrictive

measures. They consider human trafficking and forced prostitution completely “unacceptable” and ascribe the responsibility for both to criminal groups. Some condemn exclusively organized crime and individual interests, which is also a conviction that prevailed in the policy adoption process. It is possible to identify the criminal-victim dichotomy underlying this approach, whereby the respondents support the criminalization of traffickers and the protection of victims.

None of our respondents had an experience with human trafficking. Most of our female respondents who work in prostitution were of the opinion that human trafficking mainly involves “foreign women,” although the data collected by NGOs point to a different conclusion; human trafficking can take place inside one country and across its borders, and may include individuals who work in prostitution independently. Our respondents related human trafficking to violence and force, but this does not necessarily define all forms of prostitution. They made a distinction between their own situation and that of others involved in forced prostitution, including in cases where prostitution is the primary or the only means of livelihood.

Apart from NGO representatives, one client also identified a wider context that defines both processes.

Once I came across a girl who said “excuse me” as soon as I came in and then she brought in a baby from another room. She said that she had to feed it. She was young and if she had another option, she wouldn't do it. The problem is not so much that they force them, but that they could do something else. Someone should help these girls. They may be forced, someone forces them, but I haven't come across such an example. But in this case you can see what is behind it, you chat a little with her, give her the money and leave. In fact you know that such a girl needs help, she'd need financial assistance, an encouragement to do something, some qualification. She needs help with finding a job. And whose worry is it? Nobody's. It's too demanding. (Zoran)

When we asked clients about human trafficking, several stated that they did not consider it or they did not think about it. They emphasized that the majority of prostitutes they met were not forced to work in prostitution. At the same time, most of them stated that they would have difficulties identifying a victim of human trafficking. One respondent thought that in such a case, if he recognized a case of human trafficking, he would “file anonymous charges with the police” (Ivan), while other users of prostitution and the administrator of the forum expressed doubts that they would be able to identify a case of human trafficking.

I don't know, perhaps she would be in a worse mood. I don't know. It would be hard to recognize it. It does not necessarily mean that she has bruises all over, because that is not in the interest of a pimp. But I think that what I have, that these girls are not forced. And if I knew that a woman had been tormented, I wouldn't go there any more. (Sebastian)

I think I'd recognize that. I mean, by intuition. That is elusive, but in reality, when you come to a room, when you see the woman, when you see the room ... I mean, I don't know, but in the 30 percent of cases I'd guess, and in 70 percent of cases I'd might be wrong. In fact it is hard to pinpoint. (Zoran)

If one goes several times to a girl who is a victim of human trafficking and gets to know her more personally, talk with her, she'd tell about her dissatisfaction or that she is exploited. What is needed is trust. When you are there for the first time, it's difficult. You cannot expect that you come there for the first time and ask her how she is and that she will tell you everything when she sees you for the first time. Perhaps her bosses instructed her that she must not talk about it, that she must not talk about her dissatisfaction, perhaps she is being tested. (Mare)

The narration of stories about prostitution and human trafficking in Slovenia confirmed our initial hypothesis that the reality of both phenomena is characterized by the conduct of different actors and their relations, and the relation of prostitution to labor society, normative sexuality and legal regulation. The stories revealed the diversity of prostitution, the specific character of certain forms of prostitution and the diversity of experience and perception. They also emphasized the individual perception of intimate relationships and revealed the opinions on their embeddedness in national politics, legal restrictions and the practices of social stigmatization. The stories showed that prostitution is characterized by gender inequality and that women in prostitution perceive it as a temporary activity that enable them to earn an income and livelihood. At the same time, it became obvious that for some women, prostitution as a temporary activity meant gaining sexual experience. All of this highlights the multifold nature of prostitution and human trafficking, which was also our primary intention in relating these individual stories.



REARTICULATION: BEYOND THE CURRENT PARADIGMS

In the era of the expansion of profit-oriented societies, interpretations that prostitution and human trafficking are businesses that involve the transaction of capital and its accumulation are ever more frequent. The thematization of prostitution as a free enterprise, as a “voluntary and free” choice of an individual is presented as a new alternative to the stereotypes about prostitution and sexuality in general.

The paradigm of prostitution as work defies the approach that prostitution is a threat to public order. In the context of the neo-liberal paradigm it is offered as an option for the de-stigmatization of sex work. Viewed from the perspective of the work paradigm, the idiom of prostitution as work effectively challenges the stigmatization of sex work and the presentation in which it appears as non-work, i.e. the rejection of its social functionality and “social value.” It also challenges the refusal to recognize that, much like any other kind of work, work in the sex industry has its “social function,” which is to produce added value. Apart from being in the function of capital accumulation and the reproduction of profit-based society, it is also in the function of sexuality regulation and the maintenance of the paradigm of public order or of “pure society.” The rhetoric of prostitution as work places sex work, understood as invisible social work, in the field of the visible.

In this text we have shown the negative implications, historical as well as contemporary, of the presentation of prostitution as being the domain of weak and immoral individuals who contaminate “pure” neighborhoods and pose a threat to social security and values. The problem involved in the attempts to transcend moralist implications, despite their principally normative and disruptive potential, is primarily that these attempts were invariably placed inside the paradigm of work. This contributed significantly to the breaking down of discriminatory notions of prostitution as a favor, (non)work done by women (prostitution as the “offering of a favor”), but the consideration of work itself and labor society were missing. Viewed from this perspective, the legitimization of sex work can be assessed differently, as another one in a series of strategies for the encouragement of the expansion of “free enterprise” in contemporary labor society.

The transformation of prostitution from invisible female (non)work into sex work is a trend within contemporary neo-liberal labor society which is based on the principles of hyper-consumption. In the case of prostitution and human trafficking, this means the legitimization of capital accumulation within the fast-growing international sex industry. Based on this we can put forward the thesis that advocacy for sex work, along with the demand for legalization, which are not necessarily one and the same thing, appears as one of the strategies for the reproduction of those social relations that encourage the free flow of international financial transactions, while not saying anything about human relationships.

The legitimization of sex work and the treatment of prostitutes as sex workers can improve in the short term the position of a certain minority of people in prostitution and the situation of their partners, children and relatives. Those who are prepared to register and pay taxes can obtain health and social security, and they could also be granted residence rights and inheritance rights. It is certainly an important shift, although progressive social movements have been articulating the demand that these rights should be recognized regardless of status and outside the work category as well. The legitimization of sex work along with the recognition of certain rights (which in itself is not a guarantee that these will be implemented in practice), brings with it the stigmatized label "prostitute." The experience of Germany and the Netherlands shows that the demand for the recognition of prostitution as a "personal circumstance" frequently deters prostitutes from supporting the idea of sex work. Only some decide to register, since registration entails the loss of anonymity, which for many is a precondition for involvement in the sex industry.

It is possible to speculate that short-term improvements in the position of some individuals are the first step towards the de-stigmatization of prostitution and its recognition as a legitimate kind of work sometime in the future. Even if we thematize the paradigm of sex work as a relevant intervention into the stigmatization of prostitution, or as a contribution to its de-stigmatization and treatment outside purification ideologems, it would be difficult to defend the thesis that such interventions have actual disruptive potential. The paradigm of sex work can appear as a politically correct mechanism, as a mechanism of recognition, or as a descriptive mechanism, but it does not intervene into the transformation of the very organizational structure of prostitution, work or gender relations.

The weakness of this paradigm lies primarily in the fact that it does not introduce any novelty into the public sphere, such that would have the potential for radicalizing practices. Viewed from this perspective, the

paradigm of sex work remains naturalized within the dominant neo-liberal guidelines for social development. It lacks the emancipatory potential that would introduce into the public sphere, for example, a change in work relations. This paradigm lacks such a potential, because it takes over the current relations and becomes mired in the legalist demand for the recognition of social bonuses. As already mentioned, these may have a positive impact in the short term, which is not insignificant, but in the long term they should be (also) thematized as that which represents the other side of the same social mechanisms, meaning those that support the free flow of international capital and hyper consumption. Its disruptive value appears to be weak when viewed in this context, despite its contribution to the everyday life of prostitutes.

Viewed from the perspective of social real-politics, the advocacy for prostitution as the right to work is interesting as an alternative to stereotyping. Let us add that that it is also an alternative to victimization. The discourses on human trafficking, violence, force and exploitation became the focus of discussions on sex work. While human trafficking reinforced the discussions and policies in the area concerned with the elimination of violence in relation to prostitution, it also established the dividing line between prostitution as a voluntary activity and human trafficking as a forced activity. One of the consequences of the separation of the two phenomena is that persons working in the sex industry are treated as a priori victims.

The paradigm of sex works breaks up with a priori victimization, because it implies an activity and action on the part of an individual who is not necessarily or inevitably a victim. But the opposite conclusion is also valid: the paradigm of sex work suggests that prostitution is a voluntary activity, that it is a matter of individual choice and that in reality it is not dependent on structural relations. However, this approach overlooks the link between the two phenomena, for example, when force is involved in presumably voluntary prostitution, and active decision-making of individuals who migrate knowing that they will be working in the sex industry, but who can also become the victims of human trafficking.

When we speak about sex work, or prostitution as work, it is necessary to mention a discrepancy between the regulatory mechanisms that recognize prostitution as a profession (implying permanency, for example, and specification in the register of professions), and the temporary aspirations of prostitutes. Many prostitutes assert that they are in prostitution only temporarily. All respondents with whom we talked said that prostitution was a temporary activity for them and that they

intended to engage in another activity (or had already done so); they particularly emphasized their studies, search for a profession and relationships with their partners. One respondent said that she found organized prostitution suitable because independent prostitution would imply a steady business. Other respondents emphasized that non-regulated prostitution suited them not only because they did not want to stay long in prostitution, but also because of the income. In this context, registration could mean legalization of prostitution organization and management. Consequently, with the legal regulation the role of prostitution organizer would be shifted to the state, which would also be the receiver of the percentage of their earnings that now goes to individual organizers. This thesis has passed the empirical test, but not also the test conducted within the paradigm of sex work. In this paradigm, prostitution appears as any other kind of work, meaning that taxes have to be paid as with any kind of work.

The narrations presented above reveal that prostitution is not “solely” work, or that it is a specific kind of work strongly characterized by gender relations. Prostitution is frequently left to stigmatization and moral disqualification, or purist imagination. At the same time, many people in prostitution have stressed the importance of its temporary nature. Some of our respondents thought that the temporariness of prostitution was related to youth more than in other professions. A female respondent, 33 years old, and a male respondent 35 years old, said that at their age they would not have any chance if they had to live exclusively off prostitution, because clients were primarily interested in young prostitutes. Many think that the temporary character of prostitution is related to the wish to stop dealing with prostitution after several years for health and psychological reasons. Several interviewees stated that it is difficult to endure in prostitution for more than a few years. This tells us that peculiarities do exist, and that they should also be recognized when we speak about prostitution as work “only.”

The regulation of prostitution as work does not necessarily mean that all dilemmas would be solved. This is also confirmed by the data coming from the countries which legalized prostitution and where the trends show that the percent of registered prostitution is extremely low, while non-registered forms of prostitution are on the increase. If it is true that regulation through legalization brings a certain degree of social security for prostitutes (here it seems appropriate to consider whether the regulation of sex work is really the most suitable manner for the recognition of social rights and whether a redefinition of the recognition of

rights tied to the employment contract would be needed), the opposite is also true, namely that it also creates extremely precarious situations within prostitution. The studies have shown that in the cases of legalization, which, for example, was not followed by social de-stigmatization, the number of street prostitutes and migrants in prostitution increased rather than decreased as it was expected. There are examples showing that regulation did not bring a reduction of the demand for prostitution, but greater precariousness and greater risk of violence and exploitation.

Analogies with domestic work are not rare. Similar to prostitution, household work is socially naturalized as non-work and mainly women's work. The studies of domestic work (some organizations of prostitutes have made efforts towards the legalization of prostitution and domestic work as work) as a profession show that this is not so simple: for many, domestic work is a side-income and the legitimization would introduce taxes imposed on this precarious sector characterized by low income. If domestic work were legitimized as work, it would, the same as in the case of prostitution, enable individuals to have their social and economic status regulated. A similar question is raised in this context, too: what kind of solution is the systematization of job position?

The problem is that the systemization of a new profession does not presuppose deeper structural changes, those that would challenge the current arrangement where the social rights or the rights arising from labor law are tied to the employment status. The same question arises in relation to domestic work: to what extent would job systematization increase rather than reduce exploitation on the labor market. Similar to what would happen in prostitution, the systematization of domestic work would not mean that non-systemized domestic work would decrease. An opposite effect is even possible, meaning that non-systemized work would increase and would be done under worse working conditions because of the sanctions in the case of violations.

New theoretization of prostitution and human trafficking should be sought in the area where binary positioning (voluntary/forced prostitution, work/non-work, legalization/prohibition) intersect. More importantly, the current social relations should be reconsidered with a large measure of activism and radicalism. The legitimization of new policies pertaining to prostitution remains inside the established social paradigms. A novelty with a disruptive potential that would introduce new aspects requires action and the activation of reasoning that would go beyond the mechanisms that only reproduce the established social system.



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