



The Control of “Wandering Women:” The Legacy of Vagrancy Laws in the Contemporary Governance of Migrant Sex Work

Niina Vuolajärvi¹

Accepted: 20 September 2024
© The Author(s) 2025

Abstract

This paper traces the contemporary governance of migrant sex work to early vagrancy laws aimed at controlling poor mobile populations and people not engaging in ‘honest’ labor. The paper argues that these notions of dishonest labor are still visible in the contemporary crimmigration controls. It uses a legal analysis of the development of prostitution and immigration laws together with ethnographic research in the Nordic region as a case study to develop an argument on the bifurcated regulation of domestic and foreign sex work and its roots in the vagrancy laws. It makes the case that with the influx of migrants into the sex trade since the 1990s the governance of commercial sex has shifted from prostitution policies to immigration controls.

Introduction

My first encounter with Sorina was on a winter evening at a shopping street next to the Oslo railway station. At what I learned was her usual corner at a revolving door of an upscale bakery, she paced around the corner, smoking and delivering snappy comebacks to whoever engaged with her, the black fur lining on the hood of the bright red jacket matching the color of her long shiny hair. For the previous six years, Sorina had been supporting her two children and mother by traveling between Romania and several European countries and working a variety of precarious jobs including berry picking, washing cars, maintaining a cafeteria, and sex work. Sorina arrived in Oslo on her 23rd birthday via an overnight bus with 300 Euros in her pocket. She was coming from Amsterdam, where she had worked in sex clubs and heard that one could “make good money in Norway.” Sorina took a bed at a hostel dormitory, and the same day started working on the street. Within three days, she made enough money to rent a place for herself and continued working on the street.

Sorina like many other women I met in during my fieldwork among migrant sex workers in the Nordic region is part of the global mobile working class looking for better life opportunities. Their life stories were often structured and migratory projects motivated by precarity triggered by economic crises in the South and in the East: The fall of various socialist regimes;

✉ Niina Vuolajärvi
n.vuolajarvi@lse.ac.uk

¹ London School of Economics and Political Science, European Institute, London, UK

the Latin American and African debt crises; the Asian financial collapse of 1997–9; or the 2008 market crash that had increased precarity of African and Latin American immigrants settled years ago in the Southern European states.

The stories of Sorina and other traveling women like her echo their historical counterparts', the 'wandering women' of the 19th century who moved from the countryside to the new urban cities, and for whom the term was used as a synonym for prostitution (García 2016). These women were often controlled through vagrancy laws that gathered different forms of social condemnation under their control (Papadopoulos et al. 2008). While vagrancy laws were broadly aimed at controlling poor mobile populations uprooted by social upheavals and anyone who did not engage in 'honest' forms of work, the figure of the vagrant was gendered, with women vagrants controlled mostly as prostitutes (Svanström 2006).

Using the Nordic region as a case study, I trace the governance of contemporary migrant sex work to historical vagrancy laws. I demonstrate that even as the Nordic states, along with most European countries, have decriminalized the selling of sex, migrant sex work is controlled through immigration policies that use notions of 'dishonest labor' derived from vagrancy laws. Relying on ethnographic fieldwork among migrant sex workers in the Nordic region (Finland, Sweden, Norway) together with a legal analysis, I illustrate how these legal developments have resulted in a bifurcated regulation of domestic and foreign sex work where domestic sex work is regulated under prostitution laws and social policies, and foreign sex work under punitive immigration laws. I argue that with the influx of migrants into the sex trade since the 1990s, the regulation of sex work has shifted its modus operandi from prostitution to immigration policies.

Crimmigration refers to the blurring of boundaries between immigration and criminal law. As Juliet Stumpf (2013, p. 59) explains, the intertwinement of crime and immigration controls "tends to generate more severe outcomes, limit procedural protections, and encourage enforcement and adjudication processes that segregate non-citizens." Scholars situate the emergence of the crimmigration system in states' increased concerns over immigration and securitization of the 1980s. However, scholars have also traced the longer histories of crimmigration practices to the control of mobile and poor populations and their confinement in forced labor to create a disciplined working class (Anderson 2013; Melossi 2013; Papadopoulos et al. 2008). Theoretically this article joins these attempts to historicize crimmigration to policing practices of mobile and deviant populations preceding the 1980s (Finnane and Kaladelfos 2019; Marmo 2022; Rosenbloom 2016), and approaches examining the continuities between the historical control of poor and mobile people and current practices of immigration control (Anderson 2013; Papadopoulos et al. 2008). This paper contributes to these debates by focusing on the question of sex work and the control of mobile women. Hence, I connect the control of mobile and poor populations to that of the governance of gender, race and sexuality, aspects that have been less prevalent in the crimmigration debates. In what follows, I will argue that because of a lack of recognition of sex work as 'honorable,' sex workers occupy a liminal space within social and legal structures of the Nordic welfare states and, like their historical peers, are excluded from the sphere of legal citizenship.

Context: Governance of Sex Work in the Nordic Countries

Nordic countries have set themselves apart when it comes to the governance of sex work. When other countries in Western Europe turned to increased decriminalization or legalization of commercial sex in the 1980s and '90s, Sweden adopted a policy that aimed to

abolish prostitution by targeting the sex buyers. In 1999, Sweden criminalized buying of sex relying on radical feminist arguments of commercial sex as violence against women, claiming to shift prostitution policy focus from sex sellers to those who buy sex. The rationale behind this approach was that without male buyers there would be no 'demand' for the sex trade (Skilbrei and Holmström 2013). Finland criminalized buying of sex from trafficked persons and when there is a third party involved in 2006; and Norway fully criminalized buying of sex in 2009.

The emergence of this new policy coincided with the globalization of the sex industry in the 1990s. Nowadays in many countries, most people performing sexual labor are migrants. For example, across Europe, 60–90% of sex workers are migrants (TAMPEP 2009).¹ These developments in the field bring tensions to the feminist-humanitarian aura of this 'Nordic Model' and have resulted in a *bifurcated regulation* of domestic and foreign sex work where domestic sex work is regulated under prostitution laws and social policies, and foreign sex work under punitive immigration laws (Vuolajärvi 2019a). Here I argue that while the framing of the Nordic Model might be novel, the practices towards mobile sex workers which reinscribe notions of 'dishonest' labor in immigration law, are not.

Methodology and Data

This paper draws on a broader research project examining the rise of the Nordic Model and the intersections of migration and sex work in the Nordic region (Vuolajärvi 2021). The multi-sited ethnography of law and policy (Shore and Wright 2005) consists of 35 months of intensive fieldwork conducted from 2012–9 in Sweden, Norway and Finland in places where sex is sold—the street, clubs and the internet—and at social and health service providers. In addition to field observations and discussions, I conducted 129 semi-structured interviews with people in the sex trade and 81 with policymakers, social workers, activists and the police force. Most of the people I interacted with were migrating women, but I also talked with domestic sex workers. This paper mainly draws on policy document and legal analysis to trace the development of the current prostitution regulation stemming from the 19th-century vagrancy laws to the contemporary Aliens Act. My analysis focuses on Sweden which has been a model for the prostitution policy development in the region; Norway and Finland, both historically part of Sweden, also share a significant amount of the historical legal development.

Vagrants of Our Times: The Control of Labor, Mobilities and Sexuality

The contemporary migrating poor, or those Balibar calls "today's proletarians," (2004, p. 50) are the vagrants of our times. The criminalization of the movement of poor people has a long history dating to the formation of capitalist labor markets and the creation of the nation states (Papadopoulos et al. 2008), when industrialization uprooted people and created mobile surplus labor. The national authorities used vagrancy laws to both ensure the supply of labor in the new market economy increasingly based on wage labor and to control

¹ No more recent studies mapping the percentages of migrant in the sex trade exists. However, my fieldwork confirms approximately 70% of sex workers are migrants in the Nordic region.

people without means looking for work (Papadopoulos et al. 2008). The first vagrancy acts were established in the 16th century, with their high time being in the 18th and 19th century when vagrancy acts in Europe and North America collected different forms of social deviance under their control.

The Law Regarding the Treatment of Vagrants was passed in Sweden in 1885 (*Lag angående lösdrivares behandling*), preceding 1883's Vagrancy Statute (*Irtolaisasetus*) in the Grand Duchy of Finland (then part of the Russian empire); the Norwegian Vagrancy, Begging and Drunkenness Act followed in 1900 (*Lov om Løsgjænger, Betleri og Drukenskab*). These followed compulsory service written in the medieval local laws (*landskapslag*) that forced the penniless to work in service of the wealthier, in military or in public service; and 19th century laws that either criminalized unemployment from able bodied condemning them into penal servitude, or permitted their detention in workhouses (Dahl 2013; Nygård 1985; Ulvund 2015).

Simply being poor in the 18th and early 19th century did not necessarily carry a negative connotation, however, with beggars seen for example as part of the god given social order and begging as a way to earn living. It was not until the late 19th century that vagrants were labeled as 'parasites' and a problem for the social order (Dahl 2013; Nygård 1985; Ulvund 2012). Vagrancy laws connected poverty with deviance, possible criminality and a problem for the public order, as we can see, for example, in the Norwegian law that connects drunkenness and begging with vagrancy. This hardening of attitudes towards vagrants was due to increased number of beggars and vagrants in the late 19th century (Dahl 2013; Nygård 1985; Ulvund 2012).

Vagrancy laws, as with contemporary crimmigration controls, were "geared towards the exclusion of undesirable [...], from which immigration officials may 'cherry-pick' at their wish, depending on their objectives and resources" (Bowling and Westenra 2015, p. 14) and gave the police authority to control and contain marginalized populations. For example, the Swedish Law Regarding the Treatment of Vagrants (1885: 27, 1§) defined vagrancy purposefully vaguely to address hard to define qualities such as "characterlessness, laziness and unwillingness to work" (von Koch 1927, p. 6 cited in Edman 2008:135): A vagrant being one "who idly wanders around from one place to another without means for making a living" or "who fails to support oneself by honest means and [...] causes a threat to public security, order and morality." Notably, vagrancy law lacks the due process of criminal law and is rather an 'enabling act' (*fullmaktslag*), which delegates officials the power to take measures against anyone who is defined as a vagrant (SOU 1949:4). Risa Goluboff (2016) calls this law and enforcement regime that contained vague and broad laws giving the police relatively free hands to control poor and marginalized people the 'vagrancy regime.' The crimmigration control system often similarly relies on administrative practices to give officials the power to decide how to apply controls, denying individuals due legal process or the possibility of complaint (Stumpf 2013).

In addition to control of the labor force and mobilities, vagrancy laws were part of the governance of sexuality, race, and national space. In the context of industrialization where labor force was essential, Western nation-states considered a healthy and orderly population as a resource whereas urban and mobile poor were potentially a destabilizing force and a threat to the well-being of the nation (Mottier 2008). These eugenistic preoccupations with the quality of the population through the control of reproduction and morality were connected to prostitution. Scientists perceived prostitution as a result of moral and biological inferiority and conducted studies to understand what prostitution meant for the future of the 'European race' (Dolinsek and Hearne 2022). For example, 19th-century criminologist Cesare Lombroso argued that prostitution was a result of a more primitive human state that

resulted in biological inclination to criminality, unhinged sexuality and physical, mental and moral inferiority (Dolinsek and Hearne 2022). In general, social hygienists perceived prostitutes as racially inferior and danger to the biological and moral future of the nation. These views are reflected in the vagrancy acts, for example, the Swedish 1923 Proposal for the Treatment of Vagrancy states that some of the professional prostitutes "were, after all, also made up of de-generated individuals with inherited or acquired bad predispositions" (SOU 1923:2, p. 64). The control of mobile populations was therefore also connected to the control of nation, race and sexuality.

Unproductive Labor and Dreams of Freedom: Unpacking Notions of Labor

Mid-18th- and 19th-century scientists divided workers into formal productive labor and unproductive, deviant, or 'negative' work outside the conventional labor market. French nobleman Adolphe Granier de Cassagnac divided proletarians into "workers, beggars, thieves and the public women" in the 1830s (Rodriguez Garcia et al. 2017, p. 3). Only the first category were considered 'real' workers; in contrast, beggars were proletarians who could not or did not want to work, thieves were proletarians who did not want to work or beg, and prostitutes were proletarians that sold sex in lieu of wanting to work, beg or steal. Swedish vagrancy laws reflected these understandings of 'real work'; for example, the preparatory work for the 1885 Swedish vagrancy law, states that one should not confuse the unemployed with the vagrant, because they are "two completely different categories of people, those free from work but willing to do so and the lazy and disorderly" (SOU 1885:1, p. 24).

Feminist theorists have challenged a narrow conceptualization of work that excludes informal and reproductive labor (Dalla Costa 2008; Federici 2012). Recently, social theorists have developed terms such as informal and irregular work to designate the forms of labor that fall outside of the formal labor market and wage labor, or income-generating activities that lack general social approval. These conceptualizations have enabled the inclusion of reproductive activities and feminized forms of labor, such as domestic work within the world of labor, together with different off-the-book income-generating activities of urban poor. Following this recent shift, historians and social scientists have also shifted from frameworks of criminality and deviance to labor approach to prostitution (Rodriguez Garcia et al. 2017). In this paper, I follow this strand and situate sex work in the context of global labor history.

There are a lot of similarities in the conditions of contemporary working-class migrants and historical working poor. For women, work in the 18th and 19th centuries often meant domestic work that was usually paid by annual salary and meant living under the premises and control of their masters, or working at menial tasks in the hotel and restaurant business (Söderblom 1992). The only alternative to an unstable and toil-some labor market was to find a financially stable husband. In this context, vagrancy and engaging in different income-generating activities such as trading alcohol, laundering, selling sex, and petty crimes, even if risky and often marginalizing, could provide women autonomy that was not otherwise available. As Söderblom (1992, p. 219) states about early 20th-century prostitution in Sweden, lower-class women's engagement in prostitution was motivated by "dreams of freedom and financial independence" that provided "a contrast to the glum realities of the poorly paid and highly confining female

occupations; freedom from the daily drudgery, from the brooding employer, and freedom from the lifelong marital contracts [...] [with] men who by the sanction of tradition acted as masters over their wives."

Historically for most, selling sex was a means of subsistence for a limited time, not a lifelong career (Rodriguez Garcia et al. 2017). In a similar manner, the women I talked with portrayed sex work as a temporary strategy out of poverty and an alternative for jobs that are low paying, exploitative and lacked autonomy. Sorina, for example, told me that she tried to work in 'normal' jobs for a while, but as a migrant could only get work from a fellow migrant at a car wash where she was paid 800 Euros per month off the books even if she did full days. For migrants, sex work was often a temporary way to build their life, whether it was to finance their studies, renovate their homes or start a business in their home country, or to support and educate their children. Many of them were highly mobile and traveled between their country of residence where many of them had families to support and the Nordic region.

For many, the lack of opportunities they faced at home motivate their migration to sex work. Income differences between Eastern and Southern Europe and Nordic countries make cross-border sex work appealing. Migrants in the Nordic sex trade are mainly from the former Eastern European socialist countries, Thailand, Nigeria or Latin America. Very few are in the region illegally or undocumented; they travel either with a tourist visa or with the freedom granted by the EU Schengen Free movement area. The prices in the region are relatively high, from 70 to 350 Euros per hour for full-service sex work which means that with sex work one can reach income levels that are impossible without a higher education. Sex work is also available for migrants irrespective of their immigration status and language skills. Most EU citizens selling sex in the region come from former socialist countries in which unemployment rates are high, or where it is difficult to make ends meet given the average salary. For example, in Romania, the average take home salary was around 870 Euros a month in 2018, an amount that a skilled sex worker can make in couple of hours. Sorina explained her motivations:

I want what is best for my children. A normal life. Chocolate. Toys, Normal things. But if I do normal work in my home country, I cannot live a normal life. You understand? This is my life experience. In my home country, the system is corrupted. I could for example work in a bakery. The salary is 300 euros. How can I support two children with that? I am returning to Romania because I have two children. I am turning 28 soon. I own a house. I bought land and built it. I paid it with this work. I have also saved money. Not much, but enough so that I can open some business, so that I can live normal life in my home country.

Also, the economic crisis in Southern Europe pushes Latin Americans and Nigerians residing in Spain and Italy to look for new opportunities in the North. Mary, a Nigerian woman I met in Helsinki, had arrived in Spain as an asylum seeker in the early 2000s, and done sex work to pay off her migration debt—meeting the legal definition as a victim of trafficking. After paying her debt, she transitioned into regular work, but when the 2008 crisis hit, Mary started traveling to the Nordic countries to do sex work: "When I got to Spain, I worked in a factory, in a restaurant and so on. When there was a crisis, there was no jobs there, that's when I start doing this kind of job again. That's why we started traveling. That's why we're here." These examples demonstrate how women engaging in sex work are uprooted by similar social and economic upheavals as their 19th-century counterparts, and how dreams of better life and freedom guide their journeys.

From the Vagrancy Laws to the Contemporary Control of Mobile Populations

If it can be assumed that during the stay in Sweden or in some other Nordic country, one will not support oneself by **honest means** or engage in activities that require a work permit, without having such a permit.

The Swedish Aliens Act 2005:716, 8 kap. 3 §.

The Swedish Vagrancy Act of 1885 defines a vagrant in two ways. Firstly, a vagabond is a person who "idly wanders around from one place to another without means for his living" (1885: 27, 1§). Secondly, a stable vagrant is a person "even if able-bodied, fails to support oneself by *honest means* and who by living this way causes a threat to public security, order and morality" (1885: 27, 1§). The latter definition of vagrancy was applied to women who sold sex, as well as to beggars, petty criminals, public alcoholics, and homeless people (Svanström 2006).

The vagrancy controls were gendered, linking female vagrancy to prostitution and male vagrancy to begging (Svanström 2022). Prostitution-related activities accounted for the vast majority of women arrested or cited for vagrancy (Järvinen 1993; Svanström 2006; Ulvund 2015). Income earned through sex work was *not legitimate*, however. The 1923 Proposal for the Treatment of Vagrancy explicitly states that women who sell sex should be treated as vagrants irrespective of whether they could support themselves: "The class of vagabonds discussed so far must also include prostitutes, whose assets acquired through prostitution should not exempt them from the treatment referred to here" (SOU 1923: 2, p. 62).

The penalization of prostitution under the vagrancy laws was due to multiple assumptions. In the Swedish Proposal for the Treatment of Vagrancy from 1923 women who professionally sold sex were labeled as "work shy," disturbing "public order through drunkenness, noise and other outrageous behavior," "often guilty to other crimes," and "connected to professional criminals" (SOU 1923:2: 64). Still, the 1923 committee for the Proposal for the Treatment of Vagrancy, did not want to criminalize prostitution, because doing so would compromise engagement in other more honorable forms of income, further incentivizing prostitution. In which case, the corrective and rehabilitative effect of the vagrancy regulation with its warnings and forced labor would be lost along with the aim of reducing prostitution.

The connection between historical forms of vagrancy controls, racial and sexual politics and contemporary immigration controls becomes visible when we analyze the vagrancy regulation and its relation to the formation of the Swedish Aliens Act. Between 1860 and 1914, while Sweden practiced a liberal state trend allowing foreigners to enter and work in the Kingdom, local police authorities were authorized to keep out and deport foreign vagrants, beggars and criminals (Hammar 1964). The Office of Justice intentionally kept the deportation of foreign vagrants out of formal legal regulation because vagrancy's loose definition gave more leeway for the officials to deport whichever people they saw harmful to "the public safety, order and morality" (Hammar 1964, p. 66).

Vagrancy laws demonstrate how controlling sexuality and movement of people is intertwined with control of lower 'dangerous classes' and race. The only group labeled racially/ethnically in the vagrancy laws was the traveling Roma. The Swedish Proposal for the Treatment of Vagrancy from 1923 discusses the Roma at length, deeming them "unassimilable" because of their nomadic way of life. Because many of the Roma were Swedish subjects, their expulsion could not be "achieved in any other way than by

placing such strong restrictions on their freedom of movement that they find that it is to their own advantage to leave the country” (SOU 1923:2, p. 89).

The 1914 Deportation Act, the first immigration legislation in Sweden, coincided with the First World War, but its preparation had, however, been started earlier, in 1907 (Hammar 1964). The Act was motivated by political debates on the increased numbers of foreigners, racial arguments, and competition from foreign workers (SOU 1967:18). With the arrival of workers deemed unstoppable, the Act empowered the police to remove “undesirable foreigners” and reject their arrival. The definition of “undesirables” was almost identical to that of vagrants. The county board could deny entry or deport “gypsies as well as those who are vagrants or beggars” and those who “wander from one place and support oneself through music, showing of animals or other such job,” “those who engage in professional gambling, practice of fornication [otukt] or exploitation of another’s immoral [otukt] lifestyle,” or if they were a bootlegger or convicted of a crime (SFS 1914:196, §6). The sole group that was explicitly and totally forbidden from entering the country due to their ethnicity in the 1914 Act were the Roma of foreign origin (SFS 1914:196, §6).

The racial motivations come afore in the discussions preceding the passing of the Act. East European Jews fleeing pogroms were also portrayed as a threat to the Swedish racial purity and social order, depicted in public discussion as “culturally, racially and religiously different people,” “and “scum” whose “bad blood” threatened the Swedish “Aryan racial group” (Hammar 1964, pp. 59–60). Concerns of racial purity were also visible in the formulation of Sweden’s first Aliens Act of 1927, which stresses “the racial point of view: [...] The importance of our country’s population being of a uniquely homogenous, unmixed race can hardly be overstated” (SOU 1967:18, p. 47–48). Control of the population is directly connected with control of sexuality and reproduction, especially when immigration policies aim to prevent ‘racial mixing.’

The 1927 Alien’s Act, changed professional fornication (otukt) present in the 1914 Deportation Act into a person who “does not intend to support themselves by honest means” (Pro. 1927:198), a formulation that is still present in the current Alien’s Act. The “honest means” substituted the more narrow definitions of gambler, prostitute, pimp, bootlegger and criminal.

While the 1954 Aliens Act was formulated, the 1884 Vagrancy Act was still in force. The ground for expulsion based on not supporting oneself by “honest means” in the Aliens Act was derived from vagrancy legislation. According to the Aliens Act, the Swedish state could deny entry and deport so-called tramps as well as other groups considered “‘anti-social elements’ such as bootleggers, fraudsters, professional gamblers, pimps and prostitutes” (Government of Sweden 2011, p. 177).

With the welfare state’s increased focus on eliminating poverty and increasing sexual liberalism the Vagrancy Act was abolished in 1964 and replaced with a law on antisocial behavior, marking an end to the definition of prostitution as vagrancy. However, the notion of supporting oneself by “honest means” was transferred to the new law on antisocial behavior: An anti-social individual was anyone who does not “honestly [hederlig] support themselves and leads such an anti-social life that there is an obvious danger for public order and safety ” (Andra lagutskottetsutlåtande 50, 1964 1 §). Even if the law emphasizes care and corrective measures, it was still punitive in nature as it was “intended as a tool to fight crime” (Andra lagutskottetsutlåtande 50, 1964, p. 9). In other words, if the state could not protect the society from socially dangerous individuals through criminal, social or healthcare systems, antisocial law enabled containment of this ‘residual population’ in forced labor institutions.

The definition of an antisocial person was, similarly to that of vagrancy, vague covering "a variety of human behaviors" that are "according to common opinion [...] harmful to society" (Andra lagutskottetsutlåtande 50, 1964, p. 10). The law's preparatory text situates anti-social behavior "in the border area between criminal law and care law" and sets as its task to describe an "antisocial way of life, which, without being criminal, is so dangerous to society that coercive intervention should take place" (Andra lagutskottetsutlåtande 50, 1964, p. 23 & 16). The text excludes harmless beggars, the unemployed, alcoholics and mentally ill from this "residual population" as they "seek to support themselves in an honest way" (Andra lagutskottetsutlåtande 50, 1964, p. 17), but includes prostitutes—connecting them to criminality and anti-social lifestyle that poses a danger to public order and morality. The preparatory text also recommends that the law on antisocial behavior would be made "subsidiary in relation to the Aliens Act" to "allow anti-social aliens to be removed from the kingdom by rejection, banishment or expulsion" (Andra lagutskottetsutlåtande 50, 1964, p. 24).

The legislation on anti-social behavior was abolished in 1982 when the Social Service Act came into force (Svanström 2022). During the interwar period when Sweden erected its social welfare project of the People's Home, the figure of the prostitute transforms from a deviant criminal to a victim of unfortunate circumstances (Söderblom 1992). Even if prostitution was removed from criminal liability, however, there was a strong incentive to deter people from engaging in commercial sex. Sometimes these integrating and caring measures could be coercive and neglect women's "right to captain and control their own lives" (Söderblom 1992, p. 222). With the Social Service Act, national sex workers were included in the normalizing function of welfare measures and forced labor was no longer used as correction. However, the definition of prostitution as anti-sociality was transferred to the 1980s revision of the Alien's Act: "If a foreigner professionally prostitutes oneself" or "otherwise is not able to support oneself in honest means" they can be deported" (Government of Sweden 2011, p. 177).

As Swedish prostitution historian Yvonne Svanström (2006, p. 156) states concerning the legislation on anti-social behavior, "to be a citizen would be to honestly support oneself," to contribute to the collective project of the welfare state with productive labor. To this, we could add that *to be able to reside* in the country would be to support oneself 'honestly.' In general, we can see the importance of productive, 'honest' labor for the concept of citizenship in the vagrancy laws and the legislation that follows it until to the contemporary day where the Swedish state perceives selling sex as harmful for the society and the individual.

Contemporary Definitions of Vagrancy: Sex Work as Promotion of Crime

The ideas about dishonest labor and its threat to public order and morals are visible in current Swedish debates on migration and informal forms of labor. More specifically, two migrant worker groups have revived 19th century discussions on 'honest labor' in Sweden: Bulgarian and Romanian sex workers and street workers who gain their income by begging, selling flowers and magazines, and collecting and recycling bottles. Since the introduction of Romania and Bulgaria to the European Union in 2007, Romanians and Bulgarians have used the EU freedom of movement to establish their presence and seek income in the Nordic capitals.

The Nordic discourses on migrant sex workers and street workers carry similarities. Media has racialized and stigmatized Romanian and Bulgarian street workers as ‘Roma beggars’ (Himanen 2019). Many of the migrant street workers belong to the Roma minority but not all of them. There have been multiple efforts in Nordic countries to expulse and criminalize Bulgarian and Romanian street workers. Denmark and some communities in Norway have, for example, criminalized begging as an inducement to criminality rather than a solution to poverty. In Sweden and Finland, Romanian and Bulgarian street workers have shifted between victim-villain (or deserving and undeserving poor) categories, media and politicians have portrayed them both as victims of trafficking and poverty, and as criminals and unscrupulous people who use their children to raise sympathies while begging (Borevi 2023; Himanen 2019). Moreover, some politicians have claimed that begging is a phenomenon that does not *belong* to the Nordic region—echoing the arguments present in the debates against migrant sex work in the region (Borevi 2023). From the welfare state perspective, the figures of ‘migrant beggars and prostitutes’ represent forms of precarity from which the state needs to protect itself. Both discourses related to begging and sex work portray these phenomena as something foreign to Nordic cultures based on gender and social equality, but also reflect 19th century racialized discussions on ‘unassimilable’ and potentially dangerous itinerant groups.

In 2011 and 2013, the Swedish Parliamentary Ombudsman made two considerations for assessment as to what grounds EU citizens could be deported based on not supporting themselves by "honest means": one on begging and another one on sex work. In the first case, the Ombudsman, referring to the 1980 Aliens Act committee’s preparatory work on "honest means," decided against police deporting 26 Romanians based on begging and loitering, stating that the Aliens Act only applies to means of support that are "prohibited by the law" and that the police action was a severe infringement on individual rights (Government of Sweden 2011, p. 172). The 1980 committee had concluded that begging was no longer tantamount to crime because the Vagrancy Act was abolished in 1964. Therefore, according to the Ombudsman, street workers could no longer be deported or denied entry based on not supporting themselves by honest means.

In the 2013 consideration, the Ombudsman responded to a complaint where the Malmö police deported a Romanian woman who had been a victim of sex trafficking. In his decision, he referred to the 1980s Aliens Act’s preparatory committee’s justification for maintaining prostitution in the scope of the Aliens Act, which stated that even if the selling of sex was not a crime it was "undeniable that prostitution can give rise to crime or occur in connection to criminal activities" (Government of Sweden 1980, p.164) echoing antisocial legislation’s justifications. Referring also to the 1999 Sex Purchase Act, the Ombudsman acknowledged that the selling of sex is not currently criminalized in Swedish law and that lawmakers wanted to exclude ‘the weaker party’ from criminal liability, while also likening prostitution to criminality: “Prostitution cannot take place without a crime being committed and therefore as a phenomenon needs to be regarded as prohibited” (Government of Sweden 2013, p. 34). Deporting migrating sex workers is therefore “a concrete crime prevention measure” since a person who supports themselves by sex work is “promoting crime that the Swedish authorities strive to combat” (Government of Sweden 2013, p. 356). This decision means that the *only* category of people remaining in the Aliens Act from the old Vagrancy Act’s definition of ‘dishonest labor’ is people who sell sex reflecting the definitions of the antisocial act of prostitution as connected to criminality and an anti-social lifestyle that poses a danger to public order and morality.

Current Crimmigration Practices: The Volatile Boundary Between the Victim and the Criminal

The liminality of the categories of victim and criminal becomes visible in the Ombudsman’s consideration and the overall Nordic regulation of commercial sex, which specifically concerns the deportation of a *victim* of trafficking. In the statement, the Ombudsman makes the victim guilty of crimes for which she was the victim of (Svanström 2017). The tension and the volatile boundary between a victim and a criminal are apparent more broadly in discussions and governance of trafficking and sex work in Sweden and the Nordic region. For example, Swedish parliamentary debates in the 2000s have highlighted opposition to permanent residence permits for victims of trafficking (Svanström 2017), with politicians arguing that granting a permanent residence permit for trafficking victims could incentivize irregular migration. In Sweden, Norway and Finland, being a victim of trafficking does not itself grant a residence permit and access to state services and protection², which is conditional to cooperating with ongoing criminal investigation—when the investigation is concluded, or does not succeed, the victim is automatically repatriated.

The dichotomy between deserving and undeserving victims—or deserving victims and punishable criminals—becomes evident in the treatment by Swedish police. The Swedish police and social workers often justified deportations as a mix of ‘helping women’ and preventing crime. In Gothenburg, the immigration police actively use the Aliens Act to deport women they reach through escort websites by making appointments as clients. In 2017, police deported 70 women based on the *assumption* that they were selling sex, justifying the actions as an “opportunity to get the girls out of this situation” and “to disrupt” organized crime (Ekwing 2018).³

However, opportunities for finding alternative income, social support or housing are not offered for migrants who do not have a permanent residence permit. When talking with a senior female police officer who has worked for years with prostitution and trafficking prevention on a national level in Sweden, she stated that deportations are a way to get rid of women who do not see themselves as victims and do not want to cooperate with the police:

It happens from time to time that we deport women from Nigeria to Spain or Italy. Sometimes, we find out that they are in prostitution, they just tell the police to “go to hell, get the fuck out of here, I am going to work and earn my money” And then, well, they are third country nationals and can be deported.

If the women are willing to end prostitution and cooperate with the police, they become ‘protectable victims’ (for the time of the investigation). However, if they want to continue selling sex and tell the police “go to hell” they become part of the problem, a phenomena that is “not welcome” in Sweden, and they will be punished with deportation. This viewpoint is enforced by the Swedish police officer celebrity working with prostitution and trafficking in Sweden, Simon Häggström. In his book (Häggström 2016, p. 172),

² In Finland and Norway victims of trafficking can receive a permanent residence permit, however, it is not automatic. It requires a specific vulnerability and might need to be applied through the asylum process (Brunovskis 2016; Roth 2012).

³ Also, a police report mentions deportations of third-country nationals based on the assumption of selling of sex in the Stockholm area, but a senior female police officer told me in an interview that they do not collect statistics on this systematically (Polismyndigheten Nationella operativa avdelningen 2018, pp. 17 & 61). Therefore, it is hard to say how many people are deported annually in Sweden based on selling sex.

he justifies deportations by crime prevention and sending a message to people planning to come to sell sex in Sweden:

“You are not considered a criminal for selling sex, but the potential risk of being expelled can be seen as Sweden’s way of conveying the message that prostitution is unacceptable - even though the act of selling sex in itself is not considered [a] crime. [...] Sweden’s approach is very clear. This type of business is not welcome in our society.”

Often these punitive practices are racialized. In Sweden, Norway and Finland, the Nigerian sex workers I talked with often had multiple contacts with the police, being harassed during and outside their work, and being deported or not granted entrance at the border. Based on deportation statistics from 2012 and 2014, in Finland, although Russians outnumber Nigerians in the clubs and on the street scene, 70 percent of deportations based on suspicion of selling sex were Nigerians living in another EU country, as compared to 30 percent of Russians on a tourist visa who are ‘equally deportable’ third-country nationals (Vuolajärvi 2019b).

Struening (2020) argues that when the vagrancy laws were abolished, the police needed new tools of urban social control to target deviant populations such as homeless, prostitutes, drug and substance users. In the Nordic context the Alien’s Act has taken this role. The end of the vagrancy regime was important for due process and civil liberties: People could no longer be just rounded up by their status or appearance (Struening 2020). We can see how these principles disappear in the Swedish and Finnish Alien’s Act and a person can be deported or denied entry “if there are reasonable grounds to suspect” (Finnish Aliens Act 301/2004) or “if it can be assumed” that the person “will not support themselves by honest means” (Swedish Aliens Act 2005:17). A removal order is an administrative procedure that does not allow for a due process as people are not accused of crime.

Conclusion and Discussion

In this article, historical controls of poor mobile populations and the current practices of crimmigration in the Nordic region, are reviewed to trace the bifurcated regulation of migrant sex work. By focusing on sex work and women’s migration, I have examined the continuities in the control of sexuality, race and nation in the vagrancy and current crimmigration practices.

In this paper, I have demonstrated the continuity in the governance of ‘wandering women’ from vagrancy laws to contemporary sex work regulations. Even if not always perceived as criminals, migrant sex workers present precarious workers whose work is not recognized by the state. Most of the migrant sex workers met in fieldwork do not have citizenship or residency in the Nordic region. Therefore, they occupy a liminal space in relation to the Nordic welfare states’ social and legal structures. Sex workers are excluded from accessing residence and rights associated with it because their work is not considered ‘honest.’ In many countries, immigration laws replicate 19th-century understandings of ‘honest’ or respectable forms of work and have criminalized survival mechanisms such as begging and sex work. Whether these survival mechanisms are criminalized for citizens or not, foreigners face a double punishment for their crimes, because after completing their sentence, they are deported. Deportation is an extra punishment as they also lose their social connections established in the country and are often given an entry ban (Vuolajärvi

2023). Foreigners can also be deported for petty crimes, such as drug offenses or traffic violations, that for citizens would result in minor fines. The governance of migrant sex work is part of this broader criminalization of migration where criminal and immigration control regimes converge.

The bifurcated regulation of sex work through immigration and prostitution policies demonstrates how the welfare state is a nationalistic project directed towards the well-being of the national population (Keskinen et al. 2009). Non-citizens without permanent residence permit have restricted access to the welfare services and remain outside their normalizing function. In other words, foreigners who are perceived as deviant cannot be ‘integrated’ to ‘honest labor’ by social welfare measures in the same way as nationals. Instead, the state regulates non-citizens through racialized enforcements of immigration policies. From the state perspective, these foreigners form a threat to the social order. The differential inclusion of non-citizens creates two distinct categories of people to be treated either within the welfare system with social policy measures (nationals) or within the punitive framework (foreigners) of the Aliens Act.

It is notable that this bifurcated regulation is not limited to Nordic countries. For example, in the Netherlands, where sex work is legal, migrant sex workers are the only category of employees excluded from getting work permits (ICRSE 2005). New Zealand has decriminalized sex work, but migrants who engage in sex work may be deported or have visas cancelled. US immigration laws also impose double punishment for migrant sex workers enforcing denial of entry or permanent resident status, detention and/or deportation, even when criminal penalties for sex work are minimal (Dadhania 2018). Therefore, the findings of this study have significant implications for nuancing our understanding and continued research on current prostitution policies, prostitution policy models and overall governance of sex work and calls for further research on the development of this bifurcated regulation. Moreover, the findings and analysis of this paper highlight how unexamined immigration policies and the bifurcated regulation they create in the sex work is in both research and policy discussions.

Funding details This work was supported by the Kone Foundation; The Finnish Cultural Foundation and the Nordic Research Council for Criminology.

Open Access This article is licensed under a Creative Commons Attribution 4.0 International License, which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons licence, and indicate if changes were made. The images or other third party material in this article are included in the article’s Creative Commons licence, unless indicated otherwise in a credit line to the material. If material is not included in the article’s Creative Commons licence and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder. To view a copy of this licence, visit <http://creativecommons.org/licenses/by/4.0/>.

References

- Anderson, B. (2013). *Us and them? the dangerous politics of immigration control*. Oxford, United Kingdom ; New York: Oxford University Press.
- Balibar, É. (2004). *We, the people of Europe? reflections on transnational citizenship*. Princeton: Univ. Press.
- Borevi, K. (2023). Scandinavian Approaches to Begging as a Policy Problem and the Double Insider/Outsider Status of Marginalized Intra-EU Migrants Abstract. *Journal of Social Policy*, 52(2), 276–293. <https://doi.org/10.1017/S0047279421000556>

- Bowling, B., & Westenra, S. (2015). The 'Crimmigration Control System.' *British Society of Criminology Newsletter*, 77(15), 14–17.
- Brunovskis, A. (2016). Special rights within universal welfare: Assistance to trafficking victims in Norway. *Journal of Comparative Social Work*, 11(1).
- Coutin, S. B., & Fortin, V. (2015). Legal Ethnographies and Ethnographic Law. In *The handbook of law and society*. Chichester: Wiley-Blackwell.
- Dadhania, P. R. (2018). Deporting Undesirable Women. *UC Irvine Law Review*, 9(53), 47.
- Dahl, J. (2013). *Den late, den lösaktige och staten En studie av manliga och kvinnliga lösdrivare i Malmö under perioden år 1903 till år 1913*. Lunds universitet.
- Dalla Costa, G. F. F. (2008). *The Work of Love: Unpaid Housework, Poverty and Sexual Violence at the Dawn of the 21st Century*. Brooklyn, New York: Autonomedia.
- Dolinsek, S., & Hearne, S. (2022). Introduction: prostitution in twentieth century Europe. *European Review of History: Revue européenne d'histoire*, <https://doi.org/10.1080/13507486.2022.2029361>
- Edman, J. (2008). Lösdrivarlagen och den samhällsfarliga lättjan. In H. Swärd & Egerö (Eds.), *Villkorandets politik: Fattigdomens premisser och samhällets åtgärder - då och nu* (pp. 131–142). Malmö: Egalité.
- Ekwing, A. (2018, March 26). Omfattande sexhandel – 70 kvinnor avvisades förra året. *SVT Nyheter*. <https://www.svt.se/nyheter/lokalt/vast/omfattande-sexhandel-70-kvinnor-avvisades-forra-aret>. Accessed 23 February 2020
- Federici, S. (2012). *Revolution at point zero: housework, reproduction, and feminist struggle*. Oakland, CA: PM Press.
- Finnane, M., & Kaladelfos, A. (2019). Australia's Long History of Immigration, Policing and the Criminal Law. In P. Billings (Ed.), *Crimmigration in Australia*. https://doi.org/10.1007/978-981-13-9093-7_2
- García, M. R. (2016, May 20). Defining Commercial Sexualities, Past and Present. *The Routledge Research Companion to Geographies of Sex and Sexualities*. Routledge. <https://doi.org/10.4324/9781315613000-50>
- Goluboff, R. L. (2016). *Vagrant nation: police power, constitutional change, and the making of the 1960s*. New York, NY: Oxford University Press.
- Hägström, S. (2016). *Shadow's Law: the true story of a swedish detective inspector fighting prostitution*. Stockholm: Bullet Point.
- Hammar, T. (1964). *Sverige åt svenskarna: invandringspolitik, utlänningskontroll och asylrätt 1900-1932*. Stockholm Universitet, Stockholm.
- Himanen, M. (2019). "Living in fear" Bulgarian and Romanian street workers' experiences with aggressive public and private policing. In *Undoing homogeneity in the Nordic region: migration, difference and the politics of solidarity* (Keskinen et al., pp. 162–178). New York, NY: Routledge.
- ICRSE. (2005). *Sex Workers' Rights: Report of the European Conference on Sex Work, Human Rights, Labour and Migration*. <https://walnet.org/csis/groups/icrse/brussels-2005/SexWorkersRights.pdf>. Accessed 18 May 2020
- Järvinen, M. (1993). *Of vice and women: shades of prostitution*. Oslo: Scandinavian University Press.
- Keskinen, S., Tuori, S., Irni, S., & Mulinari, D. (Eds.). (2009). *Complying with colonialism: gender, race and ethnicity in the Nordic region*. Farnham, England: Ashgate.
- Marmo, M. (2022). Continuity and Durability of Violent Border Policies and Practices Directed at Undesirable Migrants in Britain and Australia: Some Reflections on the Past–present Continuum. *Immigrants & Minorities*, <https://doi.org/10.1080/02619288.2021.1984234>
- Melossi, D. (2013). People on the Move: From the Countryside to the Factory/Prison. In K. F. Aas & M. Bosworth (Eds.), *The Borders of Punishment: Migration, Citizenship, and Social Exclusion*. Oxford University Press, <https://doi.org/10.1093/acprof:oso/9780199669394.003.0016>
- Mottier, V. (2008). Eugenics, politics and the state: social democracy and the Swiss 'gardening state.' *Studies in History and Philosophy of Science Part C: Studies in History and Philosophy of Biological and Biomedical Sciences*, <https://doi.org/10.1016/j.shpsc.2008.03.010>
- Nygård, T. (1985). *Irtolaisuus ja sen kontrolli 1800-luvun alun Suomessa*. University of Jyväskylä, Jyväskylä.
- Papadopoulos, D., Stephenson, N., & Tsianos, V. (2008). *Escape Routes: Control and Subversion in the Twenty-First Century*. London: Pluto Press.
- Polismyndigheten Nationella operativa avdelningen. (2018). *Människohandel för sexuella och andra ändamål* (No. Lägesrapport 19).
- Rodriguez Garcia, M., Heerma van Voss, L., & Nederveen Meerkerk, E. van (Eds.). (2017). *Selling sex in the city: a global history of prostitution, 1600s-2000s*. Leiden ; Boston: Brill.
- Rosenbloom, R. E. (2016). Policing Sex, Policing Immigrants: What Crimmigration's Past Can Tell Us About Its Present and Its Future. <https://doi.org/10.15779/Z384272>

- Roth, V. (2012). *Defining human trafficking and identifying its victims: a study on the impact and future challenges of international, European and Finnish legal responses to prostitution-related trafficking in human beings*. Leiden: Martinus Nijhoff Publishers.
- Shore, C., & Wright, S. (2005). *Anthropology of policy: critical perspectives on governance and power*. London: Routledge.
- Skilbrei, M.-L., & Holmström, C. (2013). *Prostitution policy in the Nordic Region: ambiguous sympathies*. Farnham, Surrey: Ashgate.
- Söderblom, T. (1992). *Horan och batongen: prostitution och repression i folkhemmet*. Stockholm: Gidlunds Bokförlag.
- Struening, K. (2020). Rounding Up the Undesirables. *Social Justice*, 47(1-2 (159-160)), 39–62.
- Stumpf, J. P. (2013). The process is the punishment in crimmigration law. In K. F. Aas & M. Bosworth (Eds.), *The Borders of Punishment: Migration, Citizenship, and Social Exclusion* (pp. 58–75). OUP Oxford.
- Svanström, Y. (2006). Prostitution as Vagrancy: Sweden 1923–1964. *Journal of Scandinavian Studies in Criminology & Crime Prevention*, <https://doi.org/10.1080/14043850601025065>
- Svanström, Y. (2017). From Contested to Consensus: Swedish Politics on Prostitution and Trafficking. In E. Ward & G. Wylie (Eds.), *Feminism, prostitution and the state: the politics of neo-abolitionism* (pp. 29–45). London: Routledge.
- Svanström, Y. (2022). Prostitution as non-labour leading to forced labour. Vagrancy and Gender in Sweden and Stockholm, 1919–1939. *European Review of History*, <https://doi.org/10.1080/13507486.2021.2018406>
- TAMPEP. (2009). *Sex work in Europe. A mapping of the prostitution scene in 25 European countries*. TAMPEP International Foundation. <https://www.nswp.org/sites/nswp.org/files/TAMPEP%202009%20European%20Mapping%20Report.pdf>. Accessed 28 May 2020
- Ulvund, F. (2012). "A Deterrent to Vagabonds, Lazy Persons and Promiscuous Individuals": Control and Discretion in the Norwegian Workhouse System, 1845-1907. *Crime, Histoire & Sociétés / Crime, History & Societies*, <https://doi.org/10.4000/chs.1357>
- Ulvund, F. (2015). Penal Reforms, Penal Ideology, and Vagrants in Norway ca. 1900. *Bergen Journal of Criminal Law & Criminal Justice*, <https://doi.org/10.15845/bjclcj.v3i2.907>
- Vuolajärvi, N. (2019a). Governing in the Name of Caring—the Nordic Model of Prostitution and its Punitive Consequences for Migrants Who Sell Sex. *Sexuality Research and Social Policy*, <https://doi.org/10.1007/s13178-018-0338-9>
- Vuolajärvi, N. (2019b). Precarious intimacies – Europeanised border regime and migrant sex work. *Journal of Ethnic and Migration Studies*, <https://doi.org/10.1080/1369183X.2018.1430558>
- Vuolajärvi, N. (2023). The discipline of hope: abolishing the prison of immobility in post-Deportation narratives. *Journal of Ethnic and Migration Studies*, <https://doi.org/10.1080/1369183X.2023.2222916>
- Vuolajärvi, N. (2021). *Governing in the name of caring: migration, sex work and the "Nordic model."* Rutgers University - School of Graduate Studies.

Archival sources

Vagrancy:

- SFS 1846:14 Kunglig Maj:ts Nådiga Stadga, angående försvarslöse och till allmänt arbete förfallne personer.
- SFS 1853:36 Kunglig Maj:ts Nådiga kungörelse angående vissa ändringar uti och tillägg till Kunglig Maj:ts Nådiga Stadga angående försvarslöse och till allmänt arbete förfallne personer.
- SFS 1853:39 Kongl. Maj:ts Nådiga Förordning, angående Fattigvården i Riket; Gifwen Stockholms Slott den 13 juli 1853
- Government of Sweden (1883). SOU 1885:1 Förordning angående lösdrifveri.
- SFS 1885:27 Lag angående lösdrivares behandling.
- SFS 1913:102 Lag om behandling av alkoholister.
- Government of Sweden (1922). SOU 1923:2 Förslag till lag om lösdrivares behandling.
- Government of Sweden (1945). SOU 1949:4: Utredning med förslag om lösdrivarlagens upphävande.
- Government of Sweden. (1962). *Samhällsfarlig asocialitet SOU 1962:22*.

Alien's Act:

SFS 1914:196. 'Utvisningslagen.

Government of Sweden. (1927). *Prop. 1927:198 Med förslag till lag om utlännings rätt att här i riket vistas.*

Government of Sweden. (1937). *Prop. 1937:269 Med förslag till lag om utlännings rätt att här i riket vistas (utlänningslag).*

Government of Sweden. (1954). *Prop. 1954:41. Med förslag till utlänningslag.*

Government of Sweden. (1979). *SOU 1979: 64 Ny utlänningslag : Utlänningslagkommitténs betänkande.*

Government of Sweden. (2005). *Utlänningslag 2005:716.*

Government of Sweden (1980). *Regeringens proposition 1979/80:96 Med förslag till utlänningslag.*

Government of Sweden (2011). *Justitieombudsmännens ämbetsberättelse 2011/12:JO1.* Vällingby: Elanders.

Government of Sweden (2013). *Justitieombudsmännens Ämbetsberättelse 2013/14:JO1.* Vällingby: Elanders.

Publisher's Note Springer Nature remains neutral with regard to jurisdictional claims in published maps and institutional affiliations.