

# France is pursuing a new ‘abolitionism’ focused on removing prostitution from society without criminalising victims of the sex trade

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*European prostitution policies have traditionally ranged from acceptance and regulation, to outright abolition. **Emily St.Denny** writes on the evolution of French prostitution policy, noting that while France has articulated an abolitionist stance since the end of the Second World War, conceptions of what ‘abolition’ entails have varied significantly. She identifies a ‘neo-abolitionism’ that is now coming to shape French policies, focused on the eradication of prostitution from society without re-victimising individuals who provide sexual services.*



Since it signed the 1949 United Nations Treaty on the “Elimination of the Traffic in Persons and of the Exploitation of the Prostitution of Others” in 1960, the French state has adopted an abolitionist stance when dealing with the issue of prostitution. At its core, the French abolitionist regime is centred on concerns about the wellbeing of the “victims” of prostitution. Nevertheless, in the half century it has reigned over French prostitution policy, this foundational abolitionist principle of “victim” welfare has had to coexist with an increasingly ambiguous conception of what, exactly, abolitionism is. This has led to a significant variation in policies aimed at prostitution over the last five decades. Alone, these reforms have not threatened the established abolitionist regime. Together, though, they nevertheless amount to a cumulative transformation of what French abolitionism stands for, culminating in the recent call for the *de facto* prohibition of prostitution through the criminalisation of the purchase of sexual services (CPSS) based on the 1998 pioneering Swedish law. Fundamentally, then, the current trajectory of French prostitution policy is indicative of a strategic (re)framing process whereby traditional understandings of abolitionism as the abolition of the regulation of prostitution are being overtaken by neo-abolitionist efforts to eradicate the phenomenon of prostitution itself.

The contemporary structure of French prostitution policy is predicated on fundamental beliefs about the nature of prostitution and the appropriate means of dealing with it. Having oscillated between prohibition and regulation – still frequently referred to as the “French model” – since the Middle Ages, France began to abolish the state regulation of prostitution after the Second World War. In the first instance, brothels were closed in 1946, though women in prostitution were still registered and medically monitored. Then, in 1960, the country finished the transition with the signature of the 1949 United Nations Treaty on the “Elimination of the Traffic in Persons and of the Exploitation of the Prostitution of Others” thereby removing any remaining registries and regulations, and committing itself to two policy imperatives: the criminalisation of the exploitation of prostitution (procuring), and the provision of social support to individuals in prostitution, conceptualised as “victims”.



Credit: Jean-Alexis Aufauvre (CC BY 2.0)

However, while traditional abolitionism is founded on twin policy pillars, it is essentially an abstract ideal-type which, in reality, is articulated differently across space and time. In France, the ambiguous understanding of the ultimate aims of abolitionism as either the traditional abolitionist aspiration of removing the regulation of prostitution, or the

neo-abolitionist objective to eradicate the phenomenon of prostitution, has allowed the prostitution policy regime to foster broad variety. Indeed, in the last three decades alone, policies premised on the tacit tolerance of prostitution between consenting adults have given way to some that all but outlaw street-based prostitution by targeting solicitation and, most recently, to a political demand for the *de facto* prohibition of prostitution through the criminalisation of clients.

Despite emphasising different conceptions of the policy problem, promoting different objectives and involving different policy instruments, these policies have nonetheless all been housed under the banner of abolitionism. This is because, regardless of their actual abolitionist credentials, each policy was successfully framed as compatible with the two core abolitionist pillars during the policy debate leading up to their adoption. In this sense, as discrete reforms, these policies did not present a frontal assault on the abolitionist regime, having instead been sequentially “fitted” into the dominant policy regime. Nevertheless, their cumulative influence over time has led to a discernible revision of French prostitution policy orientation and of the meaning of abolitionism itself. This evolution could intuitively be considered the normal progression of abolitionism, since abolitionists have always sought the eradication of prostitution by means of first removing its official state recognition and support. Still, rather than being a function of natural policy drift, this progression is indicative of strategic efforts by policy entrepreneurs to usher in a new conception of abolitionism and, with it, a new repertoire of policy measures aimed at eradicating this phenomenon.

Indeed, by unpacking the current French prostitution policy debate, we can see neo-abolitionist actors focusing on three strategic axes. The first was the symbolic reaffirmation of France’s abolitionist position through a unanimous vote in the National Assembly on December 6<sup>th</sup> 2011. This vote served to loudly and unequivocally restate the National Assembly’s commitment to the eradication of prostitution, thereby moving beyond the conception of abolitionism as the mere removal of state regulation. The second is the effort to repeal the anti-soliciting measures drawn up by Nicolas Sarkozy (then Minister of the Interior) in 2002 as part of the [2003 Domestic Security Bill](#), and which arguably targeted the “victims” of prostitution rather than pimps or clients. In this case, an amendment to abolish the offence of ‘passive soliciting’ – that is to say adopting an attitude or posture, even passive, with the aim inciting another to debauchery – was voted by the Senate on May 28<sup>th</sup> 2013 and is now up for consideration by the National Assembly. The third strategic effort is centered on the proposal to criminalise the purchase of sexual services and, in this way, outlaw prostitution without re-victimising individuals providing sexual services.

The effort to redefine contemporary French prostitution policy and to move beyond traditional abolitionism has benefitted from the Socialist party’s (PS) victory in the 2011 presidential, and subsequent legislative, elections. Indeed, the partisan shift has not only given advocates of neo-abolitionism, most of whom hail from the left, privileged access to the policy agenda, but has also legitimised and strengthened the neo-abolitionist project by creating institutional instances favorable to it – not least of all by promoting Najat Vallaud-Belkacem to Minister of Women’s Rights whereupon [she declared](#): “My objective, like that of the PS, is to see prostitution disappear.”

As yet, it is unsure whether or not the current neo-abolitionist effort in France will be crowned with the accomplishment of instituting a *de facto* ban on prostitution. A bill aimed at reforming the current policy framework to this end has been promised for autumn 2013. In the meantime the debate over how best to approach prostitution in 21<sup>st</sup> century France is far from over. Nevertheless, in light of the growing international interest in the “Swedish model” of client criminalisation, what is certain is that the domestic struggle over abolitionism we are currently witnessing in France fits into a broader context of renewed international deliberation over an enduringly problematic social phenomenon with increasingly transnational ramifications.

*For a more detailed discussion of the issues covered in this article, see: [St.Denny, Emily \(2013\) “A single problem with a single answer: The institutional sources of framing in contemporary French prostitution policy debates \(2002-2012\)”](#). Paper presented at the Political Studies Association Conference, Cardiff, 25th-27th March.*

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*Note: This article gives the views of the author, and not the position of EUROPP – European Politics and Policy, nor of the London School of Economics.*

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## About the author

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Emily St.Denny is a PhD candidate at the University of Stirling. Her thesis investigates the role of ideas in shaping the trajectory of contemporary French prostitution policies. Emily also has research interests and experience in theoretical approaches to public policy and political economy, ideational approaches to political science, and comparative qualitative methods in political science. She holds an MSc in Global Crime, Justice and Security from the University of Edinburgh and a BA (Hons) in Journalism and Politics from the University of Stirling.



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